

Article L: Definitions

Sec. 13-2-110 Definitions.

- (a) Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the same meaning as they have at common law and to give this Chapter its most reasonable application. Words used in the present tense include the future. Words used in the singular number include the plural and words in the plural number include the singular. The word "may" is permissive. The word "shall" is mandatory and not discretionary. All distances, unless otherwise specified, shall be measured horizontally.
- (1) **A Zones.** Those areas shown on a municipality's "Official Floodplain Zoning Map" which would be inundated by the "regional flood" as defined herein. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.
 - (2) **Accessory Structure or Use.** A detached subordinate structure or a use which is clearly incidental to, and customarily found with, the principal structure or use to which it is related and which is located on the same lot as that of the principal structure or use.
 - (3) **Board of Appeals/Adjustment.** The body established under Chapter 62.23, Wis. Stats., for cities or villages and designated "board of appeals," or as established under Chapter 59.99, Wis. Stats., for counties and designated "board of adjustment."
 - (4) **Boathouse.** As defined in Sec. 30.121(1), Wis. Stats., means a permanent structure used for the storage of watercraft and associated materials and includes all such structures which are totally enclosed, have roofs or walls or any combination of structural parts.
 - (5) **Bulkhead Line.** A geographic line along a reach of navigable body of water that has been adopted by a municipal ordinance and approved by the Department of Natural Resources pursuant to Sec. 30.11, Wis. Stats., and which allows limited filling between this bulkhead line and the original ordinary high-water mark, except where such filling is prohibited by the floodway provisions of this Chapter.
 - (6) **Certificate of Compliance.** A certification by the Zoning Administrator stating that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this Chapter.
 - (7) **Channel.** A natural or artificial watercourse with definite bed and banks to confine and conduct the normal flow of water.
 - (8) **Conditional Use.** A use which is permitted by the Chapter provided that certain conditions specified in the Chapter are met and that a permit is granted by the Board of Appeals or, where designated, the planning or zoning agency.
 - (9) **Department.** The Wisconsin Department of Natural Resources.

- (10) **Development.** Any new use, change of use and any change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; any placement of mobile homes; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of buildings or structures; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of earthen materials, public or private sewage disposal systems or water supply facilities.
- (11) **Drainage System.** One (1) or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.
- (12) **Dryland Access.** A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.
- (13) **Encroachment.** Any fill, structure, building, use or development in the floodway.
- (14) **Environmental Control Facility.** Any facility, temporary or permanent, which is reasonably expected to abate, reduce or aid in the prevention, measurement, control or monitoring of noise, air or water pollutants, solid waste and thermal pollution, radiation or other pollutants, including facilities installed principally to supplement or to replace existing property or equipment not meeting or allegedly not meeting acceptable pollution control standards or which are to be supplemented or replaced by other pollution control facilities.
- (15) **Existing Mobile Home Park or Mobile Home Subdivision.** A parcel (or contiguous parcels) or land divided into two (2) or more mobile home lots for rent or sale for which the construction of facilities for servicing the lots (including, as a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this Chapter.
- (16) **Federal Emergency Management Agency (FEMA).** The federal agency that administers the National Flood Insurance Program. This agency was previously known as the Federal Insurance Administration (FIA) or the Department of Housing and Urban Development (HUD).
- (17) **Fixed Houseboat.** As defined in Sec. 30.121(1), Wis. Stats., means a structure not actually used for navigation which extends beyond the ordinary highwater mark of a navigable waterway and is retained in place either by cables to the shoreline or by anchors or spudpoles attached to the bed of the waterway.
- (18) **Flood or Flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas caused by:
 - a. The overflow or rise of inland waters;
 - b. The rapid accumulation or runoff of surface waters from any source;
 - c. The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; and

- d. The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.
- (19) **Flood Frequency.** The probability of a flood occurrence. A flood frequency is generally determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percent (%) chance of occurring in any given year.
- (20) **Flood Fringe.** That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood, and generally associated with standing water rather than flowing water.
- (21) **Flood Hazard Boundary Map.** A map prepared by FEMA, designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A Zones and do not contain floodway lines or regional flood elevations. These maps form the basis for both the regulatory and insurance aspects of the National Flood Insurance program.
- (22) **Flood Insurance Study.** A technical engineering examination, evaluation and determination of the municipal flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and regional flood elevations and may provide floodway lines. The flood hazard areas are designated as unnumbered and numbered A-Zones. Flood insurance study maps form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.
- (23) **Floodplain.** That land which has been or may be hereafter covered by flood water during the regional flood. The floodplain includes the floodway and the flood fringe and general floodplain areas.
- (24) **Floodplain Island.** A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.
- (25) **Floodplain Management.** The full range of public policy and action for insuring wise use of floodplains. It includes everything from the collection and dissemination of flood data to the acquisition of floodplain lands and the enactment and administration of codes, ordinances and statutes for land use in the floodplain.
- (26) **Flood Profile.** A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.
- (27) **Floodproofing.** Any combination of structural and nonstructural additions, changes or adjustments which reduce or eliminate flood damage to unimproved real estate, water and sanitary facilities, structures and their contents.
- (28) **Flood Protection Elevation.** An elevation two (2) feet of freeboard above the water surface profile associated with the regional flood. (Also see: Freeboard.)
- (29) **Flood Storage.** Those floodplain areas where storage of floodwaters has been taken into account in reducing the regional flood discharge.

- (30) **Floodway.** The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
- (31) **Floodway Encroachment Lines.** Represent the limits of obstruction to flood flows. These lines are designated on both sides of, and generally parallel to, the channel of a river or stream. They are established by assuming that the area landward (outside of the encroachment lines) will ultimately be developed in such a way that it will not convey flood flows, but the development will not cause an increase to regional flood elevations upstream. It is assumed that any development riverward of these lines will cause an obstruction and will require a detailed analysis to determine its effect on the regional flood elevations upstream.
- (32) **Freeboard.** Represents a factor of safety usually expressed in terms of a certain amount of feet above a calculated flood level. Freeboard compensates for the many unknown factors that contribute to flood heights greater than the height calculated. These unknown factors include, but are not limited to, ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of urbanization on the hydrology of the watershed, loss of flood storage areas due to development and the sedimentation of a river or stream bed.
- (33) **Hearing Notice.** Publication or posting meeting the requirements of Ch. 985, Wis. Stats., Class 1 notice is the minimum required for appeals: Published once at least one (1) week (seven days) before the hearing. Class 2 notice is the minimum required for all zoning ordinances and amendments including map amendments, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.
- (34) **High Flood Damage Potential.** Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.
- (35) **Human Habitation.** A human residence or dwelling.
- (36) **Increase in Regional Flood Height.** A calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, resulting comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.
- (37) **Land Use.** Any nonstructural use made of unimproved or improved real estate. (Also see Development.)
- (38) **Mobile Home or Manufactured Home.** A structure transportable in one (1) or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. For the purpose of this Chapter, it does not include recreational vehicles or travel trailers.
- (39) **Municipality or Municipal.** The City governmental units enacting, administering and enforcing this floodplain zoning Chapter.

- (40) **Navigable Waters.** Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. The Wisconsin Supreme Court has declared navigable bodies of water with a bed differentiated from adjacent uplands and with levels or flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. [*Muench v. Public Service Commission*, 261 Wis. 492 (1952), and *DeGayner and Co., Inc. v. Department of Natural Resources*, 70 Wis. 2d 936 (1975).]
- (41) **NGVD or National Geodetic Vertical Datum.** Elevations referenced to mean sea level datum, 1929 adjustment.
- (42) **Nonconforming Structure.** An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this Chapter for the area of floodplain which it occupies. (For example, an existing residential structure in the flood fringe district is a conforming use. However, if the first floor is lower than the flood protection elevation, the structure is nonconforming.)
- (43) **Nonconforming Use.** A nonconforming use is an existing lawful use or accessory use of a structure, building which is not in conformity with the provisions of this Chapter for the area of the floodplain which it occupies. (Such as a residence in the floodway.)
- (44) **Obstruction to Flow.** Any development which physically blocks the conveyance of floodwaters such that this development by itself or in conjunction with any future similar development will cause an increase in regional flood height.
- (45) **Official Floodplain Zoning Map.** That map, adopted and made part of this Chapter, which has been approved by the Department of Natural Resources and FEMA.
- (46) **Open Space Use.** Those uses having a relatively low flood damage potential and not involving structures.
- (47) **Ordinary High-Water Mark.** The point on the bank or shore up to which the presence and action or surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.
- (48) **Person.** An individual, or group of individuals, corporation, partnership, association, municipality or state agency.
- (49) **Planning Agency.** The municipal planning commission, agency, committee or a board of public land commissioners of the municipality's governing body created under Sec. 62.23(1), Wis. Stats., which acts on matters pertaining to planning and zoning.
- (50) **Private Sewage System.** A sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. This term also means an alternative sewage system approved by the

- Department of Industry, Labor and Human Relations including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one (1) structure or a system located on a different parcel than the structure.
- (51) **Public Utilities.** Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.
- (52) **Regional Flood.** A flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics. The flood frequency of the regional flood is once in every one hundred (100) years. This means that, in any given year, there is a one percent (1%) chance that the regional flood may occur or be exceeded. During a typical thirty (30) year mortgage period, the regional flood has a twenty-six percent (26%) chance of occurrence. The regional flood is based upon a statistical analysis of stream flow records available for the watershed or an analysis of rainfall and runoff characteristics in the general watershed region, or both. FEMA uses the terms "base flood" which means the regional flood.
- (53) **Shorelands.** Lands within the following distances from the ordinary highwater mark of navigable waters; one thousand (1,000) feet from a lake, pond or flowage; and three hundred (300) feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.
- (54) **Shoreland-Wetland District.** The zoning district, created in this Chapter, comprised of shorelands that are designated as wetlands on the wetlands inventory maps which have been adopted and made a part of this Chapter.
- (55) **Storage Capacity of a Floodplain.** The volume of space above an area of floodplain land that can be occupied by flood water of a given stage at a given time, regardless of whether the water is moving.
- (56) **Structure.** Any man-made object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, which includes, but is not limited to, such objects as roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.
- (57) **Substantial Improvements.** Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the present equalized assessed value of the structure either before the improvement or repair is started or if the structure has been damaged, and is being restored, before the damage occurred. The term does not, however, include either:
- a. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or
 - b. Any alteration of a structure or site documented as deserving preservation by a Wisconsin State Historical Society or listed on the National Register of Historic Places. Ordinary maintenance repairs are not considered structural repairs, modifications or additions; such ordinary maintenance repairs include internal and

external painting, decorating, paneling and the replacement of doors, windows and other nonstructural components. (For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structures.)

- (58) **Unnecessary Hardship.** Those circumstances which are special conditions affecting a particular property, which are not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the Chapter.
- (59) **Variance.** An authorization granted by the Board of Appeals to construct, alter or use a building or structure in a manner that deviates from the dimensional standards of this Chapter. A variance may not permit a use of property which is otherwise prohibited by the Chapter or allow construction not protected to the flood protection elevation.
- (60) **Water Surface Profile.** A graphic representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.
- (61) **Watershed.** The entire region or area contributing runoff or surface water to a particular watercourse or body of water.
- (62) **Water Surface Profile.** A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.
- (63) **Well.** An excavation opening in the ground made by digging, boring, drilling, driving or other methods for the purpose of obtaining groundwater regardless of its intended use.
- (64) **Wetland Alteration.** Any construction filling, flooding, draining, dredging, ditching, tiling, excavating, temporary water level stabilization measures or dike and dam construction in a wetland area.
- (65) **Wetlands.** Those areas where water is at, near or above the land surface long enough to support aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

Title 13 ▶ Chapter 3

Shoreland Zoning – Annexed Territory

See Attached 05-04

- 13-3-1** Purpose
- 13-3-2** Subject Territory
- 13-3-3** Provisions of Chapter 19, Chippewa County Zoning Code
Adopted by Reference

Sec. 13-3-1 Purpose.

This Chapter shall implement Chippewa County Shoreland Zoning to the territory annexed to the City and described in Section 13-3-2 below, in accordance with the requirements of Sec. 59.692(7)(a)1., Wis. Stats.

[**Note:** Pursuant to Sec. 59.692(7)(a)1., Wis. Stats., the City having annexed territory from the Town of Woodmohr, adjoining the shoreline of Lake Como, which annexation was ratified by the Common Council in Ordinance #02-04, adopted November 14, 2002, the City is required to implement a shoreland zoning ordinance in said territory whose standards are at least as restrictive as the County Shoreland Zoning Ordinance. Insofar as Chapter 16 of the Chippewa County Zoning Code, "Shoreland Zoning Ordinance for Chippewa County, Wisconsin", includes regulations other than those governing shorelands as that term is defined in Sec. 59.692(1)(b), Wis. Stats., it is the intent of the City of Bloomer to implement only those provisions of said county ordinance which regulate shorelands from a zoning perspective.]

Sec. 13-3-2 Subject Territory.

This Chapter shall apply to the territory annexed to the City in Ordinance 02-04, adopted by the Common Council on November 14, 2002.

Sec. 13-3-3 Provisions of Chapter 16, Chippewa County Zoning Code Adopted By Reference.

- (a) **Implementation.** To implement Shoreland Zoning in the territory described in Section 13-3-2 above, the provisions of Chapter 16 of the Chippewa County Zoning Code identified in Subsection (b) below are adopted.

- (b) **Chippewa County Shoreland Zoning Provisions Adopted By Reference.** Each of the following sections or designated portions thereof of the Chippewa County Shoreland Zoning Ordinance are adopted by reference and shall be treated as part of this Chapter:
- (1) Sec. 16.02 Findings of Fact.
 - (2) Sec. 16.03 Purpose.
 - (3) Sec. 16.05:
 - a. (1)(a);
 - b. (1)(b), sentences 1 and 2;
 - c. (1)(c);
 - d. (1)(d);
 - e. (2)(a);
 - f. (2)(d);
 - g. (2)(g);
 - h. (3), except for the reference at sentence 1 to the "subdivision of lots" and sentence 2 in its entirety;
 - i. (4);
 - j. (5);
 - k. (6);
 - l. (7);
 - (4) Sec. 16.07 Dimensions of Building Lots.
 - (5) Sec. 16.08 Setbacks from Water.
 - (6) Sec. 16.10 Removal of Shore Cover.
 - (7) Sec. 16.11 Filling, Grading, Lagooning, Dredging, Ditching and Excavating.
 - (8) Sec. 16.13 Nonconforming Uses and Structures.
 - (9) Sec. 16.14 Administrative Provisions (1), (2), (3)(a) and (c), (4) and (5).
 - (10) Sec. 16.16 Enforcement and Penalties.
 - (11) Sec. 16.17 Definitions.
- (c) **Substitution of Terms.** Where in the provisions of Chapter 16, Chippewa County Zoning Code, adopted under Subsection (b) above, the following terms are used, they shall be substituted as indicated herein:
- (1) "Board of Adjustment" shall mean the "Board of Appeals".
 - (2) "County Zoning Agency" shall mean the "Common Council".
- (d) **Overlay District.** This Chapter shall constitute a Special Overlay Zoning District to be applied in conjunction with such ordinary zoning and redistricting as are adopted for the subject territory by the Common Council, as amended from time to time. For purposes of implementation, the more strict of the two regulations shall be applied.
- (e) **Amendments Not Incorporated.** This Chapter incorporates those provisions of Chapter 16, Chippewa County Zoning Code, identified above, as were in existence as of the date of adoption of this Chapter. It is the express intent of the City not to incorporate by reference any future amendments to or substitute amendments to said Chapter 16 of the

Chippewa County Zoning Code hereinafter adopted by the Chippewa County Board of Supervisors.

- (f) **County Ordinance On File.** The City Clerk-Treasurer shall maintain a complete copy of Chapter 16 of the Chippewa County Zoning Code on file in his/her office at all times for public inspection and copying.

DRAFT

ORDINANCE 05-04

**-To Adopt Title 13, Chapter 3 of the Code of Ordinances;
Shoreland Zoning, Annexed Territory-**

**THE COMMON COUNCIL OF THE CITY OF BLOOMER DOES HEREBY ORDAIN AS
FOLLOWS:**

Section One: Purpose

Pursuant to §59.692(7)(a)1., Wis. Stats., the City having annexed territory from the Town of Woodmohr, adjoining the shoreline of Lake Como, which annexation was ratified by the Common Council in Ordinance # 02-04, adopted on Nov 14, 2002, the City is required to implement a shoreland zoning ordinance in said territory whose standards are at least as restrictive as the County Shoreland Zoning Ordinance. Insofar as Ch. 16 of the Chippewa County Zoning Code, "Shoreland Zoning Ordinance for Chippewa County, Wisconsin" includes regulations other than those governing shorelands as that term is defined at §59.692(1)(b), Wis. Stats., it is the intent of the City of Bloomer to implement only those provisions of said county ordinance which regulate shorelands from a zoning perspective.

Section Two: That Chapter 3 of Title 13 of the Code of Ordinances of the City of Bloomer be adopted to read:

Chapter 3 Shoreland Zoning-Annexed Territory

§ 13-3-1 Purpose.

This ordinance shall implement Chippewa County Shoreland Zoning to the territory annexed to the City and described in §13-3-2, below, in accord with the requirements of §59.692(7)(a)1., Wis. Stats.

§ 13-3-2 Subject Territory.

This ordinance shall apply to the territory annexed to the City in Ordinance # 02-04, adopted by the Common Council on Nov 14, 2002.

§ 13-3-3 Provisions of Ch. 16, Chippewa County Zoning Code Adopted by Reference.

(a) To implement Shoreland Zoning in the territory described at §13-3-2, above, the provisions of Ch. 16 of the Chippewa County Zoning Code identified at (b), below, are adopted.

(b) Chippewa County Shoreland Zoning Provisions Adopted by Reference. Each of the following sections or designated portions thereof of the Chippewa County Shoreland Zoning Ordinance are adopted by reference and shall be treated as part of this Ordinance:

§ 16.02 Findings of Fact

§ 16.03 Purpose

§ 16.05

(1)(a)

(1)(b), sentences 1 and 2.

(1)(c)

(1)(d)

(2)(a)

(2)(d)

(2)(g)

(3), except for the reference at sentence 1 to “the subdivision of lots” and sentence 2 in its entirety.

(4)

(5)

(6)

(7)

§ 16.07 Dimensions of Building Lots

§ 16.08 Setbacks from Water

§ 16.10 Removal of Shore Cover

§ 16.11 Filling, Grading, Lagooning, Dredging, Ditching and Excavating

§ 16.13 Nonconforming Uses and Structures

§ 16.14 Administrative Provisions (1), (2), (3)(a) and (c), (4) and (5)

§ 16.16 Enforcement and Penalties

§ 16.17 Definitions

(c) Where in the provisions of Ch. 16, Chippewa County Zoning Code, adopted under (b), above, the following terms are used, they shall be substituted as indicated herein:

(1) “Board of Adjustment” shall mean “Board of Appeals”

(2) “County Zoning Agency” shall mean the “Common Council”

(d) This ordinance shall constitute a Special Overlay Zoning District to be applied in conjunction with such ordinary zoning and districting as are adopted for the subject territory by the Common Council, as amended from time to time. For purposes of implementation, the more strict of the two regulations shall be applied.

(e) This ordinance incorporates those provisions of Ch. 16, Chippewa County Zoning Code, identified above, as were in existence as of the date of adoption of this ordinance. It is the express intent of the City not to incorporate by reference any future amendments to or substitute amendments to said Ch. 16 of the Chippewa County Zoning Code hereinafter adopted by the Chippewa County Board of Supervisors.

(f) The City Clerk shall maintain a complete copy of Ch. 16 of the Chippewa County Zoning Code on file in his or her office at all times for public inspection and copying.

Section Three: That § 13-1-260 be amended by adding to it paragraph (7)

(7) Power of Board in Shoreland Zoning Cases Under Chapter 3. To exercise the powers under Ch. 3 with respect to territory of the City governed by provisions of the Chippewa County Shoreland Zoning Code.

Section Four: Effective Date. This Ordinance shall take effect upon its adoption and publication as required by law.

Section Five: That Sections One, Four and Five need not be codified.

Dated this 9th day of February, 2005.

CITY OF BLOOMER

By: Randy Summerfield
Randy Summerfield, Mayor

By: Sue A Stoik
Sue Stoik, City Clerk

Chippewa County Shoreland Zoning Ordinance – Chapter 16

- | | |
|--|--|
| 16.01 Title | 16.10 Removal of Shore cover |
| 16.02 Finding of Facts | 16.11 Filling, Grading Lagooning, Dredging and
Excavating |
| 16.03 Purpose | 16.12 Shoreland-Wetland District |
| 16.04 Statutory Authorization | 16.13 Non-Conforming Uses and Structures |
| 16.05 General Provisions | 16.14 Administrative Provisions |
| 16.06 Land Division Review and Sanitary
Regulations | 16.15 Changes and Amendments |
| 16.07 Dimensions of Building Sites | 16.16 Enforcement and Penalties |
| 16.08 Setbacks from Water | 16.17 Definitions |
| 16.09 Setbacks from Highway | 16.18 Effective Date |

16.01 TITLE. SHORELAND ZONING ORDINANCE FOR CHIPPEWA COUNTY, WISCONSIN

16.02 FINDING OF FACT. Uncontrolled use of the shorelands and pollution of the navigable waters of Chippewa County would adversely affect the public health, safety, convenience, and general welfare and impair the tax base. The legislature of Wisconsin has delegated responsibility to the counties to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; and to preserve shore cover and natural beauty. This responsibility is hereby recognized by Chippewa County, Wisconsin.

16.03 PURPOSE. For the purpose of promoting the public health, safety, convenience and welfare, this ordinance has been established to:

(1). FURTHER THE MAINTENANCE OF SAFE AND HEALTHFUL CONDITIONS AND PREVENT AND CONTROL WATER POLLUTION THROUGH:

- (a). Limiting structures to those areas where soil and geological conditions will provide a safe foundation.
- (b). Establishing minimum lot sizes to provide adequate area for private sewage disposal facilities.
- (c). Controlling filling and grading to prevent serious soil erosion problems.

(2). PROTECT SPAWNING GROUNDS, FISH AND AQUATIC LIFE THROUGH:

- (a). Preserving wetlands and other fish and aquatic habitat.
- (b). Regulating pollution sources.
- (c). Controlling shoreline alterations, dredging and lagooning.

(3). CONTROL BUILDING SITES, PLACEMENT OF STRUCTURES AND LAND USES THROUGH:

- (a). Separating conflicting land uses.
- (b). Prohibiting certain uses detrimental to the shoreland area.
- (c). Setting minimum lot sizes and widths.
- (d). Regulating side yards and building setbacks from waterways.

(4). PRESERVE SHORE COVER AND NATURAL BEAUTY THROUGH:

- (a). Restricting the removal of natural shoreland cover.
- (b). Controlling shoreline encroachment by structures to maintain the natural beauty and allow riparian property owners reasonable enjoyment of their property.
- (c). Controlling shoreland excavation and other earth moving activities.
- (d). Regulating the use and placement of boathouses and other structures.

16.04 STATUTORY AUTHORIZATION. This ordinance is adopted pursuant to the authorization in ss. 59.97, 59.971, 59.99, 87.30 & 144.26, Wis. Stats.

16.05 GENERAL PROVISIONS.

(1). AREAS TO BE REGULATED. Areas regulated by this ordinance shall include all the lands (referred to herein as shorelands) in the unincorporated areas of Chippewa County, which are:

Chippewa County Shoreland Zoning Ordinance – Chapter 16

- (a). Within 1,000 feet of the ordinary high-water mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages in Chippewa County shall be presumed to be navigable if they are listed in the Wisconsin Department of Natural Resources publication "Surface Water Resources of Chippewa County" or are shown on the United States Geological Survey quadrangle maps or other zoning base maps.
 - (b). Within three hundred (300) feet of the ordinary high-water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams in Chippewa County shall be presumed to be navigable if they are designated as continuous waterways or intermittent waterways on United States Geological Survey quadrangle maps. Flood hazard boundary maps, flood insurance rate maps, flood boundary-floodway maps, county soil survey maps or other existing county floodplain zoning maps shall be used to delineate floodplain areas. In applying the Chippewa County Soil Survey, the following soil types would be assumed to be indicative of wetlands:
 - (1). All poorly drained organic soils mapped as histosols or having an organic surface horizon: Barronett silt loam variant; Rib Mucky silt loam; Beseman muck; Seelyeville muck, Markey muck; and Greenwood peat.
 - (2). All poorly drained soils mapped as Typic Glossoboralfs: Vesper silt loam; Elm Lake loamy sand; Auburndale silt loam; Cable silt loam; Marshfield silt loam; Minocqua silt loam; Warman silt loam; Lows loam, Barronett silt loam and all somewhat poorly drained soils mapped as udifluvents and fluvaquents (Orion silt loam; Fordum loam).
 - (c). Determinations of navigability and ordinary high-water mark location shall initially be made by the Zoning Administrator. When questions arise, the zoning administrator shall contact the appropriate district office of the Department for a final determination of navigability or ordinary high-water mark.
 - (d). Under s. 144.26(2)(d), Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated there under, this shoreland zoning ordinance does not apply to lands adjacent to farm drainage ditches if:
 - (1). Such lands are not adjacent to a natural navigable stream or river;
 - (2). Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and
 - (3). Such lands are maintained in nonstructural agricultural use.
- (2). SHORELAND ZONING MAPS. The maps designated below are hereby adopted and made a part of this ordinance. They are on file in the office of the Zoning Administrator for Chippewa County.
- (a). 7.5 minute United States Geological Survey Quadrangle Maps.
 - (b). Final Wisconsin Wetland Inventory Maps dated 9/21/82 and mylar overlays for Chippewa County.
 - (c). USDA Wetland Inventory Maps for Chippewa County (April, 1989).
 - (d). Zoning Maps of Chippewa County.
 - (e). Flood Insurance Rate Maps dated April 17, 1981.
 - (f). Chippewa County Soils Survey.
 - (g). Chippewa River & Duncan Creek Floodplain Maps & Profiles, (U.S. Army Corps of Engineers) dated September 1970.
- (3). COMPLIANCE. The use of any land or water, the size, shape and placement of lots, the use, size, type and location of structures on lots, the installation and maintenance of water supply and waste disposal facilities, the filling, grading, lagooning, dredging of any lands, the cutting of shoreland vegetation, the subdivision of

lots, shall be in full compliance with the terms of this ordinance and other applicable local, state or federal regulations. (However, see section 16.13 for standards applicable to nonconforming uses.) Buildings, signs, other structures, and any new development, shall require a permit unless otherwise expressly excluded by a provision of this ordinance. Property owners, builders and contractors are responsible for compliance with the terms of this ordinance.

- (4). MUNICIPALITIES AND STATE AGENCIES REGULATED. Unless specifically exempted by law, all cities, villages, towns and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply when s. 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when s. 30.12(4)(a), Wis. Stats., applies.
- (5). ABROGATION AND GREATER RESTRICTIONS. The provisions of this ordinance supersede all the provisions of any county zoning ordinance adopted under s. 59.97, Wis. Stats., which relate to shorelands. However, where an ordinance adopted under a statute other than s. 59.97, Wis. Stats., is more restrictive than this ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
 - (a). This ordinance shall not require approval or be subject to disapproval by any town or town board.
 - (b). If an existing town ordinance relating to shorelands is more restrictive than this ordinance or any amendments thereto, the town ordinance continues in all respects to the extent of the greater restrictions but not otherwise.
 - (c). This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.
- (6). INTERPRETATION. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the county and shall not be deemed a limitation or repeal of any other powers granted by Wisconsin Statutes. Where a provision of this ordinance is required by a standard found in ch. NR 115, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of ch. NR 115 standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.
- (7). SEVERABILITY. If any portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

16.06 LAND DIVISION REVIEW AND SANITARY REGULATIONS.

- (1). LAND DIVISION REVIEW. The county shall review, pursuant to Chapter 18, Chippewa County Subdivision and Platting Ordinance, and s. 236.45, Wis. Stats., all land divisions in shoreland areas which create parcels or building sites. In such review, the following factors shall be considered:
 - (a). Hazards to the health, safety or welfare of future residents.
 - (b). Proper relationship to adjoining areas.
 - (c). Public access to navigable waters, as required by law.
 - (d). Adequate storm drainage facilities.
 - (e). Conformity to state law and administrative code provisions.
- (2). LIMITED REZONING TO ACHIEVE REDUCED LOT SIZES AND SETBACKS.
 - (a). PURPOSE. In such instances where an individual lot or small tract of land has unique characteristics, such as unique terrain, which would result in unnecessary hardship as defined in section 16.17(2)(t), if

the owner were required to comply with one or more of the requirements for minimum lot sizes, width and setback, the board of adjustment may grant a variance. In other instances where larger areas are involved, the appropriate method for seeking a relaxation of the same minimum standards is by rezoning to establish a Planned Residential Unit Development overlay. The Planned Residential Unit Development is intended to permit smaller lots and setbacks where the physical layout of the lots is so arranged (often by setting them back farther from navigable water) as to better assure the control of pollution and preservation of ground cover than would be expected if the lots were developed with the normal lot sizes and setbacks and without special conditions placed upon the Planned Residential Unit Development at the time of its approval. A condition of all Planned Residential Unit Development is the preservation of certain open space, preferably on the shoreland, in perpetuity.

(b). REQUIREMENTS FOR PLANNED RESIDENTIAL UNIT DEVELOPMENT. The county board may at its discretion, upon its own motion or up petition, approve a Planned Residential Unit Development either by approving first an overlay district and then a plat or by approving only a plat for the specific planned residential project upon finding, after a public hearing, that all of the following facts exist:

- (1). Area. The area proposed for the Planned Residential Unit Development is at least 40 acres in size.
- (2). Pollution Control. The location and nature of the septic systems which will serve the homesites individually or collectively will assure that effluent from the septic systems will not reach the ground or surface waters in a condition which would contribute to health hazards, taste, odor, turbidity, fertility or impair the aesthetic character of navigable waters.
- (3). Preservation of Ground Cover. The location of homesites and the dedication of part of the land for use by the public or residents of the Planned Residential Unit Development will preserve the ground cover of the shoreland and scenic beauty of the navigable water, prevent erosion, and other pertinent factors. Land not used for lots and streets shall be dedicated in perpetuity to remain in open space. This may be accomplished by conveyance in common to each of the owners of lots in the development or to a corporation formed by them, or by dedication to the county, town or municipality. Lands dedicated to the public must be accepted by action of the governing body of the accepting units of government. If the land is to be conveyed to owners of lots in the development, a homeowner's association or similar legally constituted body shall be created to maintain the open space land. Any restriction placed on platted land by covenant, grant of easement or any other manner which was required by a public body or which names a public body as grantee, promisee or beneficiary, shall vest in the public body the right to enforce the restriction at law or in equity against anyone who has or acquires an interest in the land subject to the restriction.
- (4). Density. The number of platted homesites shall not exceed those, which would have been possible if the same land were platted in accordance with the minimum lot sizes, setbacks and widths provided by the applicable provisions of the zoning ordinance. This figure shall be determined by dividing the total area of the subdivision, excluding streets, by the minimum lot sizes required by section 4.0 of this ordinance.
- (5). Lots Sizes, Widths, Setbacks, and Tree-cutting. The lot sizes, widths, and setbacks shall not be less than those provided for in current status ch. H85, Wis. Adm. Code, and shall not be so small as to cause pollution or erosion along streets or other public ways and waterways or so small as to substantially depreciate the property values in the immediate neighborhood. Shore cover provisions in section 16.10 shall apply except that maximum width of a lake frontage opening shall be 100 feet.

(c). PROCEDURE FOR ESTABLISHING A PLANNED RESIDENTIAL UNIT DEVELOPMENT DISTRICT. The procedure for establishing limited rezoning in the form of a Planned Residential Development district shall be as follows:

- (1). Petition. A petition setting forth all of the facts required in s. 16.06(2)(b) shall be submitted to the County Clerk with sufficient copies to provide for distribution by the Clerk as

- (2). Review and Hearing. The petition shall be submitted to the county zoning agency established as required by s. 59.97(3)(d), Wis. Stats., which shall hold a public hearing and report to the county board as required by law. Copies of the petition and notice of the hearing shall also be sent to the appropriate district office of the Department as described in s. 16.15(2) of this ordinance. The county zoning agency's report to the county board shall reflect the recommendations of any federal, state or local agency with which the county zoning agency consults. If a petition seeks approval of a Planned Residential Unit Development plat without first seeking the granting of an overlay district, a hearing shall be held on such plat as in any regular amendment to the zoning ordinance. If, however, a hearing is first held on the overlay for a Planned Residential Unit Development district, a second public hearing need not be held in connection with the approval of a subsequent plat or plats which comply with the overlay district as approved.
 - (3). Findings and Conditions of Approval. The county board shall make written findings as to the compliance or noncompliance of the proposed overlay district with each of the applicable requirements set forth in section 16.06(2)(b). If the petition is granted in whole or part, the county board shall attach such written conditions to the approval as are required by and consistent with section 16.06(2)(b). The conditions of approval shall in all cases establish the specific restrictions applicable with regard to minimum lot sizes, width, setbacks and the location of septic systems and the preservation of ground cover and open space.
 - (4). Planning Studies. A landowner or petitioner may at his own expense develop the facts required to establish compliance with the provisions of s. 16.06(2)(b) or may be required to contribute funds to the county to defray all or part of the cost of such studies being undertaken by the county or any agency or person with whom the county contracts for such work.
- (3). **SANITARY REGULATIONS.** The county has adopted sanitary regulations for the protection of health and the preservation and enhancement of water quality.
- (a). Where public water supply systems are not available, private well construction shall be required to conform to ch. NR 112, Wis. Adm. Code, and by a private water systems ordinance adopted by the county under the authority granted to the county by ss. 59.067 and 162.07, Wis. Stats., and ch. NR 145, Wis. Adm. Code.
 - (b). Where a public sewage collection and treatment system is not available, design and construction of private sewage disposal systems shall be governed by a private sewage system ordinance adopted by the county under s. 59.065, Wis. Stats. and found in s. 15.18 of the county code.

16.07 DIMENSIONS OF BUILDING SITES.

(1). LOTS NOT SERVED BY PUBLIC SANITARY SEWER.

- (a). MINIMUM AREA AND WIDTH FOR EACH MAIN BUILDING. The minimum lot area shall be 20,000 sq. ft. and the minimum average lot width shall be 100 feet with at least 100 feet of frontage at the ordinary high-water mark of any abutting waterway.
- (b). SIDE YARDS. There shall be a side yard for each main building. The minimum width of one main side yard shall be 10 feet. The minimum combined width of both main side yards shall be 25 feet. There shall be a side yard of 10 feet for accessory structures, excluding fences.

(2). LOTS SERVED BY PUBLIC SANITARY SEWER.

- (a). MINIMUM AREA AND WIDTH FOR EACH MAIN BUILDING. The minimum lot area shall be 10,000 sq. ft. and the minimum average lot width shall be 65 feet of frontage at the ordinary high-water mark.
- (b). SIDE YARDS. The minimum width of one main side yard shall be 8 feet. The minimum combined width of both main side yards shall be 20 feet. There shall be a side yard of 8 feet for accessory structures, excluding fences.

(3). SUBSTANDARD LOTS.

(a). **SUBSTANDARD LOTS SERVED BY A PUBLIC SANITARY SEWER.** A substandard lot served by a public sanitary sewer which is at least 7,500 sq. ft. in area and is at least 50 feet in width at the building setback line and at least 50 feet in width at the ordinary high-water mark may be used as a building site for a single family dwelling upon issuance of a zoning permit by the zoning administrator if it meets all of the following requirements:

- (1). Such use is permitted in the zoning district.
- (2). The lot was on record in the county register of deeds office prior to the effective date of this ordinance.
- (3). The lot was in separate ownership from abutting lands prior to the effective date of this ordinance. If abutting lands and the substandard lot were owned by the same owner as of the effective date of this ordinance, the substandard lot shall not be sold or used without full compliance with the terms of this ordinance, including minimum area and width requirements found in sections 16.07(1) and 16.07(2) of this ordinance.
- (4). All other setback requirements of this ordinance will be complied with, except for the main building the minimum width of one side yard shall be 8 feet. The minimum combined width of both side yards shall be 20 feet.

(b). **SUBSTANDARD LOTS NOT SERVED BY PUBLIC SANITARY SEWER.** A substandard lot not served by public sanitary sewer which is at least 10,000 sq. ft. in area and at least 65 feet in width at the building setback line and at least 65 feet in width at the ordinary high-water mark may be used as a building site for a single-family dwelling upon issuance of a zoning permit by the Zoning Administrator if it meets all of the requirements of section 16.07(3)(a) of this ordinance.

(c). **OTHER SUBSTANDARD LOTS.** Except for lots which meet the requirements of sections 16.07(3)(a) or (b), a building permit for the initial development of a lot having lesser dimensions than those stated in sections 16.07(1) and (2) shall be issued only after granting of a variance by the Board of Adjustment.

(4). LOTS IN CLUSTER SUBDIVISIONS. Lots in cluster subdivisions not served by public sanitary sewers may be reduced to the minimum allowed by the County Private Sewage System Ordinance pursuant to the procedures set forth in section 16.06(2) of this ordinance.

16.08 SETBACKS FROM THE WATER.

(1). **LOTS THAT ABUT ON NAVIGABLE WATERS.** All buildings and structures (including satellite dishes and antennas) - except stairways, walkways, and piers which meet the standards in Section 16.08(3) of this Ordinance, boat hoists, boathouses, and open fences which may require a lesser setback, shall be set back at least 75 feet from the ordinary high-water mark of navigable waters, provided that the total area of structural development does not exceed a 30 foot wide area within 35 feet of the ordinary high-water mark. **(Ordinance Revision, "3-93" – adopted 2-9-93)**

(2). **REDUCED BUILDING SETBACKS.** Where a Pattern of Development exists, a setback of less than the required shoreland setback of 75 feet from the ordinary high-water mark for a principal structure or an addition to principal structure may be allowed if the following standards are met: **(Ordinance Revision, "6-97" – adopted 7-15-1997)**

(a). Only principal structures on adjoining buildable lots and those within 200 feet of the proposed structure may be used for averaging. If an adjoining lot is vacant or the existing structures are greater than 200 feet from the proposed structure, 75 feet shall be used for averaging purposes. If a principal structure on an adjoining lot within 200 feet is greater than 75 feet to the ordinary high-water mark, 75 feet shall be used for averaging. **(Ordinance Revision, "6-97" – adopted 7-15-1997)**

- (b). The averaged setback shall not be less than 50 feet from the ordinary high-water mark. **(Ordinance Revision, “6-97” – adopted 7-15-1997)**
 - (c). Illegal structures cannot be used for setback averaging. **(Ordinance Revision, “6-97” – adopted 7-15-1997)**
 - (d). Only one application for a reduced setback may be granted per lot. The total habitable living area, within 75 feet of the water, shall not exceed 1800 square feet. **(Ordinance Revision, “6-97” – adopted 7-15-1997)**
- (3). STAIRWAYS, WALKWAYS, PIERS. Stairways, elevated walkways, and that portion of piers landward of the ordinary high-water mark are exempt from the shoreline setback requirement, provided:
- (a). The structure is necessary to access or protect the shoreline because of steep slopes or wet, unstable soils.
 - (b). The structure shall be located so as to minimize earth disturbing activities and shoreline vegetation removal during construction and be visually inconspicuous as viewed from the adjacent waterway. Latticework shall not be allowed.
 - (c). Railings are permitted where required by safety concerns.
 - (d). Stairways shall be supported on piles or footings rather than being excavated from erodible soils, steep slopes or a bluff face.
 - (e). Canopies and roofs on such structures are prohibited.
 - (f). The combined area of landings for a stairway and the landward side of a pier may not exceed 128 square feet for each buildable lot. Each single stairway landing may not exceed 64 square feet in area. Landings shall not be adjacent to each other and they must be separated by at least a 10-foot vertical distance. **(Ordinance Revision, “3-93” – adopted 2-9-93)**
 - (g). Standards for removal of shoreline vegetation in Section 16.10 shall be complied with.
- (4). BOATHOUSES.
- (a). Boathouses shall be designed, constructed, and used solely for the storage of boats and/or related equipment and shall not be used for human habitation or occupancy. Boathouses shall not be equipped with a potable water supply, fireplaces, patio doors, furniture or any features inconsistent with the use of the structure exclusively as a boathouse. Boathouses shall have a gable roof.
 - (b). Boathouses shall not be placed water ward beyond the ordinary high-water mark, unless approved by the DNR.
 - (c). Only one boathouse is permitted for each buildable lot.
 - (d). Boathouses shall not be excavated into an existing slope of more than 35%, unless a conditional use permit is authorized from the Board of Adjustment.
 - (e). Boathouses shall be setback a minimum of 2 feet from the ordinary high-water mark and shall be constructed in conformity with local floodplain zoning standards.
 - (f). Boathouses shall not exceed one story. Maximum height from the boathouse floor to the roof peak shall not exceed 12 feet. The floor area shall not exceed 500 square feet.
 - (g). The maintenance and repair of existing nonconforming boathouses, which extend beyond the ordinary high-water mark shall comply with the requirements of S. 30.121, Wisconsin Statutes.

(h). Standards for removal of shoreline vegetation in Section 16.10 shall be complied with.

16.09 SETBACKS FROM HIGHWAY.

(1). LOTS THAT ABUT ON PUBLIC HIGHWAYS. For the purpose of determining the distance that buildings and other structures shall be setback from streets and highways, the highways of the county are divided into the following classes:

(a). CLASS A HIGHWAYS

- (1). All state and federal highways are designated as Class A Highways.
- (2). The setback from Class A highways shall be 110 feet from the center line of the highway or 50 feet from the right-of-way line, whichever is greater.

(b). CLASS B HIGHWAYS

- (1). All county trunks are hereby designated as Class B highways. For the purpose of this ordinance, any road shall be considered a county trunk after it has been placed on the county trunk system by the County Board and approved by the Highway Department.
- (2). The setback from Class B highways shall be 75 feet from the centerline of such highway or 42 feet from the right-of-way line, whichever is greater.

(c). CLASS C HIGHWAYS

- (1). All town roads, public streets and highways not otherwise classified, are designated Class C highways.
- (2). The setback from Class C highways shall be 63 feet from the centerline of such highway or 30 feet from the right-of-way line, whichever is greater.

(2). REDUCED BUILDING SETBACKS. A setback of less than that required by section 6.1 may be permitted by the Zoning Administrator where there is at least one main building on either side of the applicant's lot, within 200 feet of the proposed site that is built to less than the required setback. In such case, the setback shall be the average of the setbacks of the nearest main building on each side of the proposed site or, if there is an existing main building on only one side, the setback shall be the average of the existing building's setback and the required setback. Any other setback reduction may be permitted by the Board of Adjustment, pursuant to section 16.14(5) of this ordinance.

(3). VISUAL CLEARANCE TRIANGLE. In each quadrant of every public street intersection, there shall be a visual clearance triangle bounded by the street centerlines and a line connecting points on them 300 feet from a Class A highway intersection, 200 feet from a Class B highway intersection and 125 feet from a Class C highway intersection.

(4). NEW STRUCTURES PROHIBITED WITHIN SETBACK LINES AND VISUAL CLEARANCE TRIANGLES. No new structure or part thereof shall be placed within the setback lines established by this ordinance.

(5). OBJECTS PERMITTED WITHIN HIGHWAY SETBACK LINES AND VISUAL CLEARANCE TRIANGLES.

- (a). Open fences and at-grade structures such as driveways, sidewalks, and patios.
- (b). Telephone, telegraph and power transmission poles, lines and portable equipment.
- (c). Field crops, shrubbery and trees, except that no trees, shrubbery or crops may be planted within a visual clearance triangle so as to obstruct the view.

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- (d). Access or service road construction according to plans approved by the agency having jurisdiction over the adjacent highway.
- (e). Signs placed by the public authorities for the guidance or warning of traffic.

(6). ACCESS DRIVEWAYS.

- (a). Access driveways to highways from abutting properties shall comply with the following requirements:

<u>Class of Highways</u>	<u>Minimum Distance of Highway Frontage between Access Driveways for Separate Land Uses</u>	<u>Minimum Distance Access Driveways may be located to the centerline of an Intersection Highway</u>
Class A Highways	500 Feet Spacing	225 Feet
Class B Highways	3 driveways or less in 600 ft. of frontage with 75 ft. min. spacing	200 Feet
Class C Highways	75 Feet Spacing	125 Feet.

- (b). When there are two or more lots in less than 500 feet of frontage on a Class A highway, a service road of not less than 50 feet of right-of-way shall be provided across the entire frontage of each lot, unless a temporary access permit has been granted with the approval of the agency having jurisdiction over the highway.
- (c). The maximum number and width of access driveways to highways and service roads shall be as follows:

<u>Driveway</u>	<u>Maximum Number of Access Driveways</u>	<u>Maximum Width of Access Driveways</u>
Commercial and Industrial Land Uses	2	35 Feet
Other Land Uses	1	24 Feet

- (d). Where crossovers in median strips have provided, access driveways shall be directly opposite these crossovers.
- (e). In addition to the above standards, approval must also be given by the appropriate agency having jurisdiction over that public highway.

16.10 REMOVAL OF SHORE COVER.

- (1). PURPOSE. The purpose of tree and shrubbery cutting regulations applicable to the shoreland area is to protect scenic beauty, control erosion and reduce effluent and nutrient flow from the shoreland. The provisions shall not apply to the removal of dead, diseased or dying trees or shrubbery at the discretion of the landowner, or to silvicultural thinning upon recommendation of a forester.
- (2). SHORELINE CUTTING. Tree and shrubbery cutting in an area parallel to the ordinary highway mark, and extending 35 feet inland from all points along the ordinary high-water mark, shall be limited in accordance with the following provisions:
 - (a). No more than 30 feet in any 100 feet, as measured along the ordinary high-water mark, may be clear-cut to the depth of the 35 foot area.

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- (b). Natural shrubbery and trees shall be preserved to retard runoff, prevent erosion, and preserve natural beauty. Only dead, diseased and dying trees and shrubbery may be removed from the remainder of the 35-foot area.
- (3). PATHS. Any path, road or passage within the 35-foot area shall be constructed and surfaced so as to effectively control erosion.
- (4). CUTTING PLAN. As an alternative to section 16.10(2), a special cutting plan allowing greater cutting may be permitted by the Board of Adjustment by issuance of a conditional use permit, pursuant to section 16.14(4). An application for such a permit shall include a sketch of the lot providing the following information: location of parking, topography of the land, existing vegetation, proposed cutting, and proposed replanting. The board may grant such a permit only if it finds that such special cutting plans:
 - (a). Will not cause undue erosion or destruction of natural scenic beauty, and
 - (b). Will provide substantial visual screening from the water of dwellings, accessory structures and parking areas. Where the plan calls for replacement planting, the board may require the submission of a bond which guarantees the performance of the planned tree or shrubbery replacement by the lot owner.
- (5). CUTTING MORE THAN 35 FEET INLAND. From the inland edge of the 35 foot area to the outer limits of the shoreland, the cutting of trees and shrubbery shall be allowed when accomplished using accepted forest management and soil conservation practices which protect water quality.

16.11 FILLING, GRADING, LAGOONING, DREDGING, DITCHING AND EXCAVATING.

- (1). GENERAL STANDARDS. Filling, grading, lagooning, dredging, ditching or excavating which does not require a permit under section 16.11(2) and (3) may be permitted in the shoreland area provided that:
 - (a). It is done in a manner to minimize erosion, sedimentation and impairment of fish and wildlife habitat.
 - (b). Filling, grading, lagooning, dredging, ditching or excavating in a shoreland-wetland district meets the requirements of sections 16.12(4)(a) and (b) of this ordinance.
 - (c). All applicable federal, state and local authority is obtained in addition to a permit under this ordinance.
 - (d). Any fill placed in the shoreland area is protected against erosion by the use of riprap, vegetative cover or a bulkhead.
- (2). CONDITIONAL USE PERMIT REQUIRED. Except as provided in Section 16.11(3) and (4), a conditional use permit is required:
 - (a). For any filling or grading of any area which is within the shoreland area of navigable water and which has surface drainage toward the water and on which there is either:
 - (1). Any filling or grading on slopes of more than 35%.
 - (2). Filling or grading of more than 2,000 square feet on slopes of 12% to 35%.
 - (3). Filling or grading of more than 4,000 square feet on slopes less than 12%.
 - (b). For any construction or dredging commenced on any artificial waterway, canal, ditch, lagoon, pond, lake or similar waterway which is within 300 feet landward of the ordinary high-water mark of a navigable body of water or where the purpose is the ultimate connection with a navigable body of water.
 - (c). Where a DNR permit has been issued, which meets the substantial concerns of this ordinance, no county permit will be required.

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- (3). ZONING PERMIT REQUIRED. Except as provided in section 16.11(2), a zoning permit is required for any cutting/filling or grading of any area that is within the shoreland area, which has surface drainage toward the water.
- (4). SOIL CONSERVATION PRACTICES. Soil conservation practices such as terraces, run-off diversions and waterway maintenance, which are used for sediment retardation, shall not require a permit under Section 16.11(2), but does require a permit under Section 16.11(3).
- (5). PERMIT CONDITIONS. In granting a conditional use permit under section 16.11(2) the Board of Adjustment shall attach the following conditions, where appropriate, in addition to those provisions specified in sections 16.14(4)(b) and (c). The Zoning Administrator shall, when issued a zoning permit under 16.11(3) and (4), insure that projects meet the following standards:
 - (a). The smallest amount of bare ground shall be exposed for as short a time as feasible.
 - (b). Temporary ground cover (such as mulch or jute netting) shall be used and permanent vegetative cover shall be established.
 - (c). Diversion berms or bales, silting basins, terraces, filter fabric fencing, and other methods shall be used to prevent erosion.
 - (d). Lagoons shall be constructed to avoid fish trap conditions.
 - (e). Fill shall be stabilized according to accepted engineering standards.
 - (f). Filling shall comply with any local floodplain-zoning ordinance and shall not restrict a floodway or destroy the flood storage capacity of a floodplain.
 - (g). Channels or artificial watercourses shall be constructed with side slopes of two (2) units horizontal distance to one (1) unit vertical or flatter, which shall be promptly vegetated, unless bulkheads or riprap are provided.

16.12 SHORELAND-WETLAND DISTRICT

- (1). DESIGNATION. This district shall include all shorelands within the jurisdiction of this ordinance, which are wetlands of 2 acres or more, shown on the Wisconsin Wetland Inventory Maps, stamped "FINAL" on 9-21-82, that have been adopted in Section 16.05(2) of this ordinance and are on file in the office of the Zoning Administrator for Chippewa County. Wetlands in the shoreland area that extend across the corporate limits of an adjacent municipality or across the shoreland boundary shall be included in this district if the total contiguous wetland area is 2 acres or more; Locating shoreland-wetland boundaries. Where an apparent discrepancy exists between the shoreland-wetland district boundary shown on the Wisconsin Inventory Maps and actual field conditions at the time the maps were adopted, the Zoning Administrator shall contact the appropriate district office of the Department to determine if the shoreland-wetland district boundary, as mapped, is in error. If the Department staff concur with the Zoning Administrator that a particular area was incorrectly mapped as a wetland, the Zoning Administrator shall have the authority to immediately grant or deny a land use or building permit in accordance with the regulations applicable to the correct zoning district. In order to correct wetland-mapping errors shown on the Wisconsin Wetland Inventory Maps, the Zoning Administrator shall be responsible for initiating a shoreland-wetland map amendment within a reasonable period of time.
- (2). PURPOSE. This district is adopted to maintain safe and healthful conditions, to prevent water pollution, to protect fish spawning grounds and wildlife habitat, to preserve shore cover and natural beauty and to control building and development in wetlands whenever possible. When development is permitted in a wetland, the development should occur in a manner that minimizes adverse impact upon the wetland.
 - (a). Wetlands are seldom suitable as building sites for the following reasons:
 - (1). Septic tank systems will not function because of high groundwater.

- (2). Water supplies are often polluted by septic tank wastes that have not been adequately absorbed by the soil
- (3). Foundations and roads crack due to poor support capabilities and frost action.
- (4). Flooding is common in spring and other times of high water.
- (b). Wetlands provide fish spawning grounds and wildlife habitat, and the natural plant and animal communities found in wetlands provide ecological balance to a watercourse. Wetlands help to prevent water pollution and flooding problems.

(3). PERMITTED USES. The following uses shall be allowed, subject to general shoreland zoning regulations contained in this ordinance, the provisions of Chapters 30 and 31 of the Wisconsin Statutes, and the provisions of other local, state and federal laws, if applicable:

- (a). Activities and uses which do not require the issuance of a zoning permit, but which must be carried out without filling, flooding, draining, dredging, ditching, tiling or excavating, except as allowed under section 16.12(4)(b) and (c).
 - (1). Hiking, fishing, trapping, hunting, swimming and boating;
 - (2). The harvesting of wild crops, such as marsh hay, ferns, moss, wild berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
 - (3). The pasturing of livestock;
 - (4). The cultivation of agricultural crops;
 - (5). The practice of silviculture including the planting, thinning and harvesting of timber; and
 - (6). The construction and maintenance of duck blinds.
- (b). Uses which do not require the issuance of a zoning permit and which may include filling, flooding, draining, dredging, ditching, tiling or excavating only to the extent specifically provided below and only that minimum wetland alteration necessary to exercise the permitted use is allowed:
 - (1). Temporary water level stabilization measures which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected;
 - (2). The cultivation of cranberries, including flooding, dike and dam construction and ditching for the purpose of growing and harvesting cranberries;
 - (3). Limited excavating and filling necessary for the construction and maintenance of fences for the pasturing of livestock; and
 - (4). Limited excavating and filling necessary for the construction and maintenance of piers, docks and walkways built on pilings;
 - (5). Limited excavating and filling necessary for the routine maintenance, or repair of existing town and county highways and bridges.
- (c). Uses which are allowed upon the issuance of a zoning permit and which may include filling, flooding, draining, dredging, ditching, tiling or excavating only to the extent specifically provided below:
 - (1). Ditching, tiling, dredging, excavating or filling done to maintain or repair agricultural drainage systems only to the extent necessary to maintain the level of drainage required to continue the existing agricultural use and only where permissible under Section 30.20, Wis. Stats. This

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includes the minimum filling necessary for disposal of dredged spoil adjacent to the drainage system, provided that dredged spoil is placed on existing spoil banks where possible and such filling is permissible under Chapter 30, Wis. Stats.;

- (2). The construction and maintenance of roads which are necessary to conduct silvicultural activities or are necessary for agricultural cultivation, provided that:
 - (a). The road cannot, as a practical matter, be located outside the wetland;
 - (b). The road is designed and constructed to minimize the adverse impact upon the natural functions of the wetland;
 - (c). The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;
 - (d). Road construction activities are carried out in the immediate area of the roadbed only; and
 - (e). Any filling, flooding, draining, dredging, ditching, tiling or excavating must be necessary for the construction or maintenance of the road;
- (3). The construction and maintenance of nonresidential buildings, provided that:
 - (a). The building is used solely in conjunction with a use permitted in the shoreland-wetland district;
 - (b). The building cannot, as a practical matter, be located outside the wetland;
 - (c). Such building is not used for human habitation and does not exceed 500 square feet in floor area; and
 - (d). Only limited excavating and filling necessary to provide structural support for the building is allowed;
- (4). The establishment and development of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, fish hatcheries, public boat launching ramps and access roads used in conjunction with a public boat launching ramp, provided that:
 - (a). Any private development must be used exclusively for the permitted use and the applicant has received a permit or license under chapter 29, Wis. Stats., where applicable.
 - (b). Filling and excavating necessary for the construction and maintenance of public boat launching ramps and access roads is allowed only where such construction meets the criteria under section 16.12(3)(c); and
 - (c). Ditching, excavating, dredging, dike and dam construction in wildlife refuges, game bird and animal farms, fur animal farms and fish hatcheries must be for the purpose of improving wildlife habitat or to otherwise enhance wetland values;
- (5). The construction and maintenance of electric, gas, telephone, water and sewer transmission and distribution lines, and related facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members, provided that:
 - (a). The transmission and distribution lines and related facilities cannot, as a practical matter, be located outside the wetland; and

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- (b). Such construction or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the wetlands;
- (6). The construction and maintenance of railroad lines, provided that:
 - (a). The railroad lines cannot, as a practical matter, be located outside the wetland; and
 - (b). Such construction or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the wetland.
- (7). Limited excavating and filling necessary for the replacement and reconstruction of existing town and county highways and bridges, provided that:
 - (a). The road cannot, as a practical matter, be located outside the wetland;
 - (b). The road is designed and constructed to minimize the adverse impact upon the natural functions of the wetland;
 - (c). The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;
 - (d). Road construction activities are carried out in the immediate area of the roadbed only; and
 - (e). Any filling, flooding, draining, dredging, ditching, tiling or excavating must be necessary for the construction or maintenance of the road.
- (4). **PROHIBITED USES.** Any use not listed in section 16.12(3) is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this ordinance in accordance with section 59.97(5)(e), Wis. Stats., chapter NR 115, Wis. Adm. Code, and section 16.12(5) of this ordinance.
- (5). **REZONING OF LANDS IN THE SHORELAND-WETLAND DISTRICT.**
 - (a). For all proposed text and map amendments to the shoreland-wetland district, the appropriate district office of the Department and the county Land Conservation Department shall be provided with the following:
 - (1). A copy of every petition for a text or map amendment to the shoreland-wetland district, within 5 days of the filing of such petition with the County Clerk;
 - (2). Written notice of the public hearing to be held on a proposed amendment, at least 10 days prior to such hearing;
 - (3). A copy of the county zoning agency's findings and recommendations on each proposed amendment, within 10 days after the submission of those findings and recommendations to the County Board; and
 - (4). Written notice of the County Board's decision on the proposed amendment, within 10 days after it is issued.
 - (b). A wetland, or a portion thereof, in the shoreland-wetland district shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:
 - (1). Storm and flood water storage capacity;
 - (2). Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;

- (3). Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
 - (4). Shoreline protection against soil erosion;
 - (5). Fish spawning, breeding, nursery or feeding grounds;
 - (6). Wildlife habitat; or
 - (7). Areas of special recreational, scenic or scientific interest, including scarce wetland types.
- (c). If the Department notifies the county zoning agency that a proposed amendment to the shoreland-wetland district may have a significant adverse impact upon any of the criteria listed in section 16.12(5)(b) of this ordinance, that amendment, if approved by the County Board, shall contain the following provision: "This amendment shall not take effect until 30 days have elapsed since written notice of the County Board's approval of this amendment was mailed to the Department of Natural Resources. During the 30-day period the Department of Natural Resources may notify the County Board that it will adopt a superseding shoreland ordinance for the county under section 59.97(6) of the Wis. Stats. If the Department does so notify the County Board, the effect of this amendment shall be stayed until the section 59.971(6) adoption procedure is completed or otherwise terminated."

16.13 NONCONFORMING USES AND STRUCTURES.

- (1). **POLICY ON LEGAL NONCONFORMING USES AND STRUCTURES.** Unlimited future expansion of nonconforming uses and structures can jeopardize the long-term objectives of our community planning and zoning efforts. Allowing existing nonconforming uses and structures to greatly expand or be reconstructed after disasters can mean further encroachment toward the water, further destruction of natural shoreline vegetation and its buffering and sediment reduction ability, and increased runoff of sediment and nutrients to the water. These are in conflict with protection of water quality, fish and aquatic life that are among the purposes of shoreland zoning. Our policy is to minimize the adverse impacts of nonconforming uses and structures by only allowing their limited expansion. **(Ordinance Revision, "3-95" – adopted 4-18-95)**
- (2). The lawful use of a building, structure or property which existed at the time of this ordinance, or an applicable amendment to this ordinance, took effect and which is not in conformity with the provisions of this ordinance, including the routine maintenance of such a building or structure, may be continued, subject to the conditions in Sections 16.13(3) and 16.13(4) below. **(Ordinance Revision, "3-95" – adopted 4-18-95)**
- (3). **CONDITIONS FOR CONTINUANCE OF LEGAL NONCONFORMING USE AND STRUCTURES.**
 - (a). **LIMITED EXPANSION ALLOWED.** Structural alterations, additions or structural repairs to any nonconforming structure, over the life of the structure, may be made subject to all of the following conditions: **(Ordinance Revision, "6-97" – adopted 7-15-1997)**
 - (1). A one-time addition shall not exceed a total of 50% of the floor area of the original nonconforming principal structure. In computing the original floor area, the existing floor area covered by attached decks or garages shall not be used. The total habitable living area of a principal nonconforming structure, within 75 feet of the water, shall not exceed 1,800 square feet. **(Ordinance Revision, "6-97" – adopted 7-15-1997)**
 - (2). Additions can be at the same setback as the original nonconforming structure, but additions to the sides of a nonconforming structure shall not exceed 50% of the width of the original nonconforming structure, except that no lateral expansions are allowed within 50 feet of the ordinary high-water mark. The width is a measurement parallel to the shoreline. **(Ordinance Revision, "6-97" – adopted 7-15-1997)**
 - (3). No addition to any part of a nonconforming structure can exceed the height of that part of the original structure that is nonconforming. (Example: A deck, which is closer to a waterway than the

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main structure could not be converted to a sunroom because of the increase in height.)
(Ordinance Revision, "6-97" – adopted 7-15-1997)

- (4). The property must comply with shoreline cutting regulations found in Section 16.10. If the property is not in compliance with Section 16.10, a restoration plan must be submitted and restorations must be completed within one year of permit issuance. (Ordinance Revision, "6-97" – adopted 7-15-1997)
- (b). **DESTRUCTION OF NONCONFORMING STRUCTURES.** If a nonconforming structure is destroyed by fire, wind, or other disaster, it cannot be rebuilt unless it is in conformity with all ordinance requirements.
- (c). **LAPSE OF USE.** If use of property or a structure housing a nonconforming use is discontinued for twelve consecutive months, any future use of the building, structure or property shall conform to this ordinance.
- (d). **USE INTENSIFIED.** The nonconforming use of property or a structure may not be intensified.
- (e). **BOATHOUSES.** The maintenance and repair of nonconforming boathouses that extend water ward beyond the ordinary high water mark of any navigable waters shall comply with the requirements of §30.121, Wis. Stats.
- (f). **CONTINUED USE.** A nonconforming use which is not allowed may have continued use only if:
 - (1). A nonconforming use is permanently changed to a conforming use.
 - (2). The property owner appeals the determination of the Zoning Administrator and either the County Board of Adjustment or the Circuit Court find in the property owner's favor under §59.99(4) or §59.99(10), Wis. Stats.
 - (3). The property owner successfully petitions to have the property rezoned by amendment in accordance with county ordinances and §59.97(5)(e), Wis. Stats.

16.14 ADMINISTRATIVE PROVISIONS.

(1). ZONING ADMINISTRATOR. The Zoning Administrator shall have the following duties and powers:

- (a). Advise applicants as to the provisions of this ordinance and assist them in preparing permit applications and appeal forms.
- (b). Issue permits and certificates of compliance and inspect properties for compliance with this ordinance.
- (c). Keep records of all permits issued, inspections made, work approved and other official actions.
- (d). Have access to any structure or premises between 8:00 a.m. and 6:00 p.m. for purpose of performing these duties.
- (e). Provide written notice to the appropriate district office of the Department of Natural Resources at least 10 days prior to hearings on proposed shoreland variances, conditional uses, appeals for map or text interpretations, and map or text amendments.
- (f). Provide copies of decisions on shoreland variances, conditional uses, appeals for map or text interpretations, and map or text amendments to the appropriate district office of the Department of Natural Resources within 10 days after they are granted or denied.
- (g). Investigate and report violations of this ordinance to the appropriate county zoning committee and the corporation counsel.

(2). ZONING PERMITS.

- (a). WHEN REQUIRED. Except where another section of this ordinance specifically exempts certain types of development from this requirement, a zoning permit shall be obtained from the Zoning Administrator before any new development, as defined in section 16.18(2)(g), or any change in the use of an existing building or structure, is initiated.
- (b). APPLICATION. An application for a zoning permit shall be made to the Zoning Administrator upon forms furnished by the county and shall include, for the purpose of proper enforcement of the regulations, the following data:
 - (1). Name and address of applicant and property owner.
 - (2). Legal description of the property and type of proposed use.
 - (3). A sketch of the dimensions of the lot and location of buildings relative to the lot lines, centerline of abutting highways and the ordinary high-water mark of any abutting watercourses and water level on a date specified.
 - (4). Location and description of any existing private water supply or sewage system or notification of plans for any such installation.
- (c). EXPIRATION OF PERMIT. Zoning permits shall expire two (2) years from the date issued if no substantial work has commenced.

(3). CERTIFICATES OF COMPLIANCE.

- (a). No land shall be occupied or used and no building hereafter erected, altered or moved, shall be occupied, until a certificate of compliance is issued by the Zoning Administrator.
 - (1). The certificate of compliance shall certify that the building or premises or part thereof, and the proposed use thereof, conform to the provisions of this ordinance.
 - (2). Application for such certificate shall be concurrent with the application for a zoning permit.
 - (3). The certificate of compliance shall be issued within 10 days after notification of the completion of the work specified in the zoning permit, if the building or premises or proposed use thereof conforms with all the provisions of this ordinance.
- (b). The Zoning Administrator may issue a temporary certificate of compliance for part of a building, pursuant to rules and regulations established by the County Board.
- (c). Upon written request from the owner, the Zoning Administrator shall issue a certificate of compliance for any building or premises existing at the time of the adoption of this ordinance, certifying after inspection the extent and type of use made of the building or premises and whether or not such use conforms to the provisions of this ordinance.

(4). CONDITIONAL USE PERMITS.

- (a). APPLICATION FOR A CONDITIONAL USE PERMIT. Any use listed, as a conditional use in this ordinance shall be permitted only after an application has been submitted to the Zoning Administrator and a conditional use permit has been granted by the Board of Adjustment.
- (b). STANDARDS APPLICABLE TO ALL CONDITIONAL USES. In passing upon a conditional use permit, the Board of Adjustment shall evaluate the effect of the proposed use upon:
 - (1). The maintenance of safe and healthful conditions.
 - (2). The prevention and control of water pollution including sedimentation.

- (3). Compliance with local floodplain zoning ordinances and potential damage to adjacent properties due to altered surface water drainage.
 - (4). The erosion potential of the site based upon degree and direction of slopes, soil type and vegetative cover.
 - (5). The location of the site with respect to existing or future access roads.
 - (6). The need of the proposed use for a shoreland location.
 - (7). Its compatibility with uses on adjacent land.
 - (8). The amount of liquid and solid wastes to be generated and the adequacy of the proposed disposal systems.
 - (9). Location factors under which:
 - (a). Domestic uses shall be generally preferred;
 - (b). Uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source.
 - (c). Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase that possibility.
- (c). **CONDITIONS ATTACHED TO CONDITIONAL USES.** Upon consideration of the factors listed above, the Board of Adjustment shall attach such conditions, in addition to those required elsewhere in this ordinance, as are necessary to further the purposes of this ordinance. Violations of any of these conditions shall be deemed a violation of this ordinance. Such conditions may include specifications for, without limitation because of specific enumeration: type of shore cover, specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; location of piers, docks, parking and signs; and type of construction. To secure information upon which to base its determination, the Board of Adjustment may require the applicant to furnish, in addition to the information required for a zoning permit, the following information:
- (1). A plan of the area showing surface contours, soil types, ordinary high-water marks, groundwater conditions, subsurface geology and vegetative cover.
 - (2). Location of buildings, parking areas, traffic access, driveways, walkways, piers, open space and landscaping.
 - (3). Plans of buildings, sewage disposal facilities, water supply systems and arrangement of operations.
 - (4). Specifications for areas of proposed filling, grading, lagooning or dredging.
 - (5). Other pertinent information necessary to determine if the proposed use meets the requirements of this ordinance.
 - (6). The Board of Adjustment in evaluating each application may request the county Land Conservation Department to make available expert assistance from those state and federal agencies which are assisting said district under a memorandum of understanding and any other state or federal agency which can provide technical assistance.
- (d). **NOTICE, PUBLIC HEARING AND DECISION.** Before passing upon an application for a conditional use permit, the Board of Adjustment shall hold a public hearing. Notice of such public hearing, specifying the time, place and matters to come before the Board, shall be given a Class 2 notice under ch. 985, Wis.

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Stats. Such notice shall be provided to the appropriate district office of the Department at least 10 days prior to the hearing. The Board shall state in writing the grounds for granting or refusing a conditional use permit.

- (e). RECORDING. When a conditional use permit is approved, an appropriate record shall be made and recorded in the office of the Register of Deeds, of the land use and structures permitted and such permit shall be applicable solely to the structures, use and property so described. A copy of any decision on a conditional use permit shall be provided to the appropriate district office of the Department within 10 days after it is granted or denied.
- (f). REVOCATION. Where the conditions of a conditional use permit are violated, the conditional use permit may be revoked or modified after notice by certified mail to parties of interest and a public hearing by the Board of Adjustment.

(5). VARIANCES.

- (a). CONDITIONS FOR GRANTING. The Board of Adjustment may grant upon appeal a variance from the dimensional standards of this ordinance where an applicant convincingly demonstrates that:
 - (1). literal enforcement of the provisions of the ordinance will result in unnecessary hardship on the applicant;
 - (2). the hardship is due to special conditions unique to the property; and
 - (3). such variance is not contrary to the public interest.
- (b). NO USE VARIANCE. A variance shall not grant or increase any use of property which is prohibited in the zoning district.
- (c). NOTICE, HEARING AND DECISION. Before passing on an application for a variance, the Board of Adjustment shall hold a public hearing. Notice of such hearing specifying the time, place and matters of concern, shall be given a Class 2 notice under ch. 985, Wis. Stats. The Board shall state in writing the reasons for granting or refusing a variance.

(6). BOARD OF ADJUSTMENT.

- (a). COMPOSITION AND RULES. The County Board Chair shall appoint a Board of Adjustment consisting of five (5) members under s. 59.99, Wis. Stats. The County Board shall adopt such rules of the conduct of the business of the Board of Adjustment as required by s. 59.99(3), Wis. Stats.
- (b). POWERS AND DUTIES.
 - (1). The Board of Adjustment shall fix a reasonable time for a hearing on the appeal or application. The Board shall give public notice thereof by publishing a Class 2 notice under ch. 985, Wis. Stats., specifying the date, time and place of the hearing and the matters to come before the Board. Notice shall be mailed to the parties in interest. Written notice shall be given to the appropriate area office of the Department at least 10 days prior to hearings on proposed shoreland variances, conditional uses, and appeals for map or text interpretations.
 - (2). A decision regarding the appeal or application shall be made as soon as practical. Copies of all decisions on shoreland variances, conditional uses, and appeals for map or text interpretations shall be submitted to the appropriate district office of the Department within 10 days after they are granted or denied.
 - (3). The final disposition of an appeal or application to the Board of Adjustment shall be in the form of a written resolution or order signed by the chairman and secretary of the Board. Such resolution shall state the specific facts, which are the basis of the Board's determination and shall either

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affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or prosecution or grant the application.

- (4). At the public hearing, any party may appear in person or by agent or by attorney.
- (5). Appeal to courts - Wis. Stats. 59.99(10). Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, or any taxpayer, or any officer, department, board or bureau of the municipality, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the board.

(7). **FEES. GENERAL.** The County Board may, by resolution, adopt fees for the following:

- (a). Zoning permits.
- (b). Building permits.
- (c). Certificates of compliance.
- (d). Planned Residential Unit Development reviews.
- (e). Public hearings.
- (f). Conditional use permits.

16.15 CHANGES AND AMENDMENTS. The County Board may from time to time, alter, supplement or change the boundaries of use districts and the regulations contained in this ordinance in accordance with the requirements of s. 59.97(5)(e), Wis. Stats., ch. NR 115, Wis. Adm. Code and section 16.12(5) of this ordinance where applicable.

- (1). Amendments to this ordinance may be made on petition of any interested party as provided in s. 59.97(5)(e), Wis. Stats.

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- (2). Every petition for a text or map amendment filed with the County Clerk shall be referred to the county zoning agency. A copy of each petition shall be mailed to the appropriate area office of the Department within 5 days of the filing of the petition with the County Clerk. Written notice of the public hearing to be held on a proposed amendment shall be provided to the appropriate area office of the Department at least 10 days prior to the hearing. The Board shall give public notice thereof by publishing a Class 2 notice under ch. 985, Wis. Stats., specifying the date, time and place of the hearing and the matters to come before the Board. Notice shall be mailed to the parties in interest.

16.16 ENFORCEMENT AND PENALTIES. Any development, any building or structure constructed, moved or structurally altered, or any use established after the effective date of this ordinance in violation of the provisions of this ordinance, by any person, firm, association, corporation (including building contractors or their agents) shall be deemed a violation. The Zoning Administrator or the county zoning agency shall refer violations to the Corporation Counsel who shall expeditiously prosecute violations. Any person, firm, association or corporation who violates or refuses to comply with any of the provisions of this ordinance shall be subject to a forfeiture of not less than one hundred (\$100.00) dollars nor more than five hundred (\$500.00) dollars per offense, together with the taxable costs of action. Each day which the violation exists shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated pursuant to s. 59.97(11), Wis. Stats. In all actions, repair of any environmental damage and compliance with the provisions of this ordinance shall be required in addition to any forfeiture, which may be levied.

16.17 DEFINITIONS.

- (1). For the purpose of administering and enforcing this ordinance, the terms or words used herein shall be interpreted as follows: Words used in the present tense include the future; words in the singular number include the plural number; and words in the plural number include the singular number. The word "shall" is mandatory, not permissive. All distances, unless otherwise specified, shall be measured horizontally.
- (2). The following terms used in this ordinance mean:
 - (a). "Accessory structure or use" means a detached subordinate structure or a use which is clearly incidental to, and customarily found in connection with the principal structure or use to which it is related, and which is located on the same lot as the principal structure or use.
 - (b). "Boathouse" means any permanent structure designed solely for the purpose of protecting or storing watercraft and related equipment for noncommercial purposes.
 - (c). "Class 2 public notice" means publication of a public hearing notice under Chapter 985, Wis. Stats., in a newspaper of circulation in the affected area. Publication is required on two (2) consecutive weeks, the last at least seven (7) days prior to the hearing.
 - (d). "Conditional use" means a use which is permitted by this ordinance provided that certain conditions specified in the ordinance are met and that a permit is granted by the Board of Adjustment.
 - (e). "County zoning agency" means that committee or commission created or designated by the County Board under s. 59.97(2)(a), Wis. Stats., to act in all matters pertaining to county planning and zoning.
 - (f). "Department" means the Department of Natural Resources.
 - (g). "Development" means any man-made change to improved or unimproved real estate, including, but not limited to the construction of buildings, structures or accessory structures; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of mobile homes; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations, and the deposition or extraction of earthen materials.
 - (h). "Drainage system" means one or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.
 - (i). "Floodplain" means the land which has been or may be hereafter covered by flood water during the regional flood. The floodplain includes the floodway and the flood fringe as those terms are defined in ch. NR 116, Wis. Adm. Code.
 - (j). "Landing" is a platform between flights of stairs, or a place where persons or water-related equipment are landed or stored or an area to safely exit a building.
 - (k). "Navigable waters" means Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under s.144.26(2)(d), Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under sections 61.351 or 62.221, Wis. Stats., and chapter NR 117, Wis. Adm. Code, do not apply to land adjacent to farm drainage ditches if:
 - (1). Such lands are not adjacent to a natural navigable stream or river;
 - (2). Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and
 - (3). Such lands are maintained in nonstructural agricultural use.

"Wisconsin's Supreme Court has declared navigable bodies of water that have a bed differentiated from adjacent uplands and levels or flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis [Muench v. Public Service Commission, 261 Wis. 492 (1952) and DeGaynor and Co., Inc., v. Department of Natural Resources, 70 Wis. 2d 936(1975)]. For example, a stream which is navigable by skiff or canoe during normal spring high water is navigable, in fact, under the laws of this state though it may be dry during other seasons."

- (l). "Nonconforming Structure" means a building or structure that was legal at the time of this ordinance adoption or amendment but does not comply with current structure regulations.
- (m). "Nonconforming Use" means the use of a building, structure or property that was legal at the time of this ordinance adoption or amendment but does not comply with current use regulations.
- (n). "Ordinary high-water mark" means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.
- (o). "Patio" means a flat exterior-constructed surface, no higher than 8 inches above original grade, made of concrete, wood, brick or a combination thereof. A patio shall not include affixed appendages such as benches, tables, walls, roofs or any other structural component which extend above the eight (8) inch height limitation. Railings are permitted where required by safety concerns.
- (p). "Pattern of Development" is defined as three principal structures within 200 feet of the proposed structure.
- (q). "Regional flood" means a flood determined to be represented of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics, once in every 100 years.
- (r). "Replacement and Reconstruction" means that level of road work which either relocates the road bed; extends the basal area of an existing roadbed; or alters the existing elevation or cross sectional area of road ditches in a shoreland wetland.
- (s). "Routine Maintenance and Repair" means that level of road work which does not alter the basal area of the roadbed; or alter the existing elevational or cross sectional area of road ditches in a shoreland wetland. Routine maintenance includes, but is not limited to, the following activities; road lifts of less than 6" road grading, road surfacing, and the replacement of culverts at existing elevations.
- (t). "Shorelands" means lands within the following distances from the ordinary high-water mark of navigable waters: 1,000 feet from a lake, pond or flowage, and 300 feet from a river or stream or to the landward size of the floodplain, whichever distance is greater.
- (u). "Shoreland-Wetland district" means the zoning district, created as a part of this shoreland zoning ordinance, comprised of shorelands that are designated as wetlands on the wetland maps which have been adopted and made a part of this ordinance.
- (v). "Structural Alterations" means any change in the supporting members of a structure, such as a foundation, bearing walls, columns, beams or girders.
- (w). "Structural Repairs" means work that would convert an existing building into a new or substantially different building that would affect the structural quality of the building, or improvements that would contribute to the longevity or permanence of the building.
- (x). "Structure" means any man-made object with form, shape and utility, constructed or erected, the use of which requires location on the ground including opaque or solid fences and retaining walls, but excluding bird houses and feeders, open wire and rail fences, utility lines and their normal accessory equipment.

Chippewa County Shoreland Zoning Ordinance – Chapter 16

- (y). "Unnecessary hardship" means that circumstance where special conditions which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this ordinance. Unnecessary hardship is present where, in the absence of a variance, no reasonable use can be made of the property.
- (z). "Variance" means an authorization granted by the Board of Adjustment to construct, alter or use a building or structure in a manner that deviates from the dimensional standards of this ordinance.
- (aa). "Wetlands" means those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

16.18 EFFECTIVE DATE. This ordinance became effective the 8th day of August, 1968.

Section 13-4

05-06 - Wellhead Protection

06-01 - Wellhead Protection

08-03 - Extraterritorial Zoning

10-02 - Extraterritorial Zoning

Section 13-4-8

09-03 - ETZ Committee

ORDINANCE 05-06

-To Adopt Chapter 4, Title 13, Code of Ordinances:
Wellhead Protection-

THE COMMON COUNCIL OF THE CITY OF BLOOMER, CHIPPEWA COUNTY,
WISCONSIN, DOES ORDAIN AS FOLLOWS:

Section 1: That Chapter 4, Title 13, is adopted to read:

§ 13.4.1 Purpose, Authority and Application.

(a) Residents of the City depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of this ordinance is to institute land use regulations and restrictions to protect the City's municipal water supply and well fields, and to promote the health, safety and general welfare of the residents of the City.

(b) Sec. 62.23(7)(a) and (c), Wis Stats. grants authority to the City to enact this ordinance, effective in the incorporated areas of the City, to encourage the protection of groundwater resources.

(c) The district created under this ordinance is what is commonly referred to as an Overlay Zone, meaning that its regulations shall be in addition to those imposed pursuant to the general zoning criteria pertaining to the district in which the subject real estate has been placed.

§ 13.4.2 Definitions.

(a) Aquifer: A saturated, permeable, geologic formation that contains, and will yield, significant quantities of water.

(b) Existing facilities: Facilities, structures, practices and land use activities which are actively engaged in or in use at and prior to the date of adoption of this ordinance, and which may cause or threaten to cause environmental pollution within that portion of the wellhead protection district that lies within the corporate limits of the City. Existing facilities include, but are not limited to, the types listed in the Department of Natural Resources' form 3300-215, public water supply potential contaminant use inventory form which is incorporated herein as if fully set forth.

(c) Person: Any natural being, partnership, corporation, or other association.

(d) Recharge Area: The land area which contributes water to a well by infiltration of water into the subsurface and movement as groundwater toward the well. This area may extend beyond the corporate limits of the City.

(e) Groundwater Protection Overlay District: That portion of the recharge area for the City wells that lies within the City limits as shown in the map denominated as the Bloomer Wellhead Protection Map, incorporated herein as if fully set forth.

(f) Well Field: A parcel of land used primarily for the purpose of supplying a location for construction of wells to supply the municipal water system.

§ 13.4.3 Groundwater Protection Overlay District

(a) Separation Distances. The following minimum separation distances shall be maintained within the District.

(1) Fifty feet (50') between a well and storm sewer main.

(2) Two hundred feet (200') between a well and any sanitary sewer main, lift station or single-family residential fuel oil tank. A lesser separation distance may be allowed for sanitary sewer mains where the sanitary sewer main is constructed of water main materials and joints and pressure tested in place to meet current American Waterworks Association (AWWA) 600 specifications. In no case shall the separation distance between a well and sanitary sewer main be less than 50 feet.

(3) Four hundred feet (400') between a well and septic tank receiving less than 8,000 gallons per day, a cemetery or a stormwater drainage pond.

(4) Six hundred feet (600') between a well and any gasoline or fuel oil storage tank installation that has received written approval from the Wisconsin Department of Commerce under Wis. Adm. Code § Comm. 10.10.

(5) One thousand feet (1,000') between a well and land application of municipal, commercial, or industrial waste; industrial, commercial or municipal waste water lagoons or storage structures; manure stacks or storage structures; and septic tanks or soil absorption units receiving 8,000 gallons per day or more.

(6) One thousand two hundred feet (1,200') between a well and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one time disposal or small demolition facility; sanitary landfill; coal storage area; salt or deicing material storage area; gasoline or fuel oil storage tanks which have not received written approval from Wis. Adm. Code § Comm. 10.10; bulk fuel storage facilities, and pesticide or fertilizer handling or storage facilities.

(b) The district is divided into Zones A, B, and C.

(1) Zone A.

a. Zone A is the primary source of water for municipal wells and as the area most likely to transmit groundwater contamination to one or more municipal wells.

b. Permitted Uses. The following uses are permitted within Zone A. Uses not listed shall be considered prohibited.

i. Parks provided there are no on-site waste disposal or fuel storage tank facilities associated with this use.

ii. Playgrounds.

iii. Wildlife areas.

iv. Non-motorized trails, such as bicycle, skiing, nature and fitness trails.

v. Residential, commercial and industrial property, which is municipally sewerred, and free of flammable and combustible liquid and underground storage tanks.

(2) Zone B.

a. Zone B is a secondary source of water for municipal wells due to a large cone of depression and a greater time of travel.

b. Permitted Uses. The following uses are permitted within Zone B. Uses not listed shall be considered prohibited.

i. All uses listed as permitted uses in Zone A.

ii. Modified agricultural activities, including any crop free of pesticides and/or synthetic fertilizers.

iii. Above-ground petroleum product storage tanks of less than 660 gallons. All new or replaced tanks shall be installed in compliance with Ch. Comm. 10, Wis. Adm. Code.

iv. Residential, commercial and industrial property which is municipally sewerred or has a state-approved sewer and septic system.

(3) Zone C.

(a) Zone C is that portion of the District, excluding those areas in Zones A and B.

(b) Permitted Uses. All uses permitted in Zones A and B. Persons may make a request to the Planning Commission to permit additional land uses in Zone C.

(4) Mapping. The location and boundaries of the District and established pursuant to the Bloomer Wellhead Protection Map, together with everything shown thereon and all amendments thereto, Zones A, B and C therein are as.

§13.4.4 Permit Application.

(a) The City Water Utility shall review all requests for approval of permits for unlisted land uses in Zone C in the District in accord with (3)(b), above. The Manager of the utility, in reliance upon the standards set forth in this ordinance, shall issue a determination within sixty (60) days of any request for approval, provided however, that this sixty (60) day period may be extended by the City Water Utility for "good cause", as determined in its sole and absolute discretion.

(b) Requests for approval shall be processed in consideration of the following factors:

(1) The City's responsibility as public water supplier, to protect and preserve the health, safety and welfare of its citizens.

(2) The degree to which the proposed land use practice, activity or facility may seriously threaten or degrade groundwater quality in the City of Bloomer.

(3) The economic hardship of the landowner if the application is denied.

- (4) The availability of alternative options to the applicant, and the cost, effect and extent of availability of such alternative options.
 - (5) The proximity of the applicant's property to other potential sources of contamination.
 - (6) The then existing condition of the City's groundwater public wells and well fields, and their vulnerability to further contamination.
 - (7) The direction of flow of groundwater and other factors in the vicinity of the applicant's property which may affect the speed of the groundwater flow, including topography, depth of soil, extent of aquifer, depth to water table and location of private wells.
 - (8) Other hydrogeological data or information which is available to the City from any public or private agency or organization.
 - (9) The potential benefit, both economic and social, from the approval of the applicant's request for a permit.
- (c) Exemptions, if granted, shall be made conditional and may include environmental and/or safety monitoring to determine whether the land use conditionally permitted may be emitting any releases or harmful contaminants to the surrounding environment. The owner of each property granted an exemption shall be held financially responsible for all environmental cleanup costs. The City Water Utility may require that a bond be posted for future monitoring and cleanup costs if deemed necessary at the time of granting the exemption.
- (d) The applicant shall be solely responsible for any and all costs associated with the application, including all of the following:
- (1) The cost of an environmental impact study if so required by the City or its agent.
 - (2) The cost of groundwater monitoring or groundwater wells if required by the City or its agent.
 - (3) The cost of an appraisal for the property or other property evaluation expense if required by the City or its agent.
 - (4) The costs of the City's employee's time associated in any way with the application based on the hourly rate paid the employee multiplied by a factor, determined by the City, representing the City's cost for expenses, benefits, insurance, sick leave, holidays, overtime, vacation and other similar benefits.
 - (5) The cost of City equipment employed.
 - (6) The cost of other City expenses.
- (e) In the event that a land use is conditionally permitted under this section, it shall be required of the person to which the conditional permit is issued that upon a determination being made by the City, that the land use is generating releases of environmental pollution, that said land use cease and desist.

§ 13.4.5 Requirements for Existing Facilities and Land Uses.

- (a) Existing facilities shall provide copies of all Federal, State and local facility operation approvals or certificates, if any, and ongoing environmental monitoring results to the City.
- (b) Existing facilities shall install or construct additional environmental or safety monitoring as deemed necessary by the City Water Utility, specifically including the production of any and all environmental detailing the extent of chemical use and storage on the property.
- (c) Existing facilities shall replace equipment or expand in a manner that improves the existing environmental and safety technologies already in existence.
- (d) Existing facilities shall have the responsibility of devising and/or filing with the City, a contingency plan satisfactory to the utility for the immediate notification of the City Water Utility Manager in the event of an emergency.
- (e) Property owners maintaining an existing agricultural use of land shall be exempt from requirements of this ordinance provided, however, that such an exemption shall be personal to the owner of agricultural land at the time of adoption of the ordinance and shall not constitute a covenant running with the land.

§ 13.4.6 Enforcement and Penalties.

- (a) In the event a person causes or allows or permits the release of any contaminants from property subject to this ordinance, which release endangers the City's wells, the person causing or allowing or permitting said release shall immediately cease and desist, and provide cleanup satisfactory to the City.
- (b) Persons responsible for releases of contaminants shall be liable for all costs of cleanup and the City consultant fees at the invoice amount plus administrative costs for oversight, review, and documentation including, but not limited to, all of the following:
 - (1) The cost of City's employee's time associated in any way with the cleanup based on the hourly rate paid to the employee multiplied by a factor determined by the City, representing the City's cost for expenses, benefits, insurance, sick leave, holidays, overtime, vacation, and similar benefits.
 - (2) The cost of City equipment employed.
 - (3) The cost of mileage reimbursed to the City employees attributed to the cleanup.
- (c) Following any such discharge, the City may require additional test monitoring or other requirements as outlined in § 13.4.5 and this section.
- (d) Violations: It shall be unlawful to construct or use any structure, land or water in violation of this ordinance. The City may institute appropriate action or proceedings to enjoin violations of this ordinance.
- (e) Penalties. Any person, firm or corporation who fails to comply with the provisions of this ordinance shall, upon conviction thereof, forfeit not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) plus the costs of the prosecution for each violation, and in default of payment of such

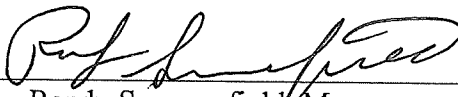
forfeiture and costs, shall be imprisoned in County Jail until payment thereof, but not exceeding thirty (30) days, or in the alternative, shall have such costs added to their real estate property tax bill as a lien against the property. Each day a violation exists or continues shall constitute a separate offense.

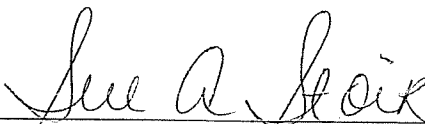
§ 13.4.7 Severability Clause. If any section, subsection, sentence, clause, paragraph or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or other applicable administrative or governing body, such decision shall not affect the validity of any other section, subsection, sentence, clause, paragraph or phrase or portion thereof.

Section Two: That this ordinance shall take effect upon passage and publication as provided by law. That this section not be codified.

Dated this 28th day of Sept., 2005.

CITY OF BLOOMER

By: 
Randy Summerfield, Mayor

By: 
Sue Stoik, City Clerk

ORDINANCE 06 - 01

-To Adopt Chapter 4, Title 13, Code of Ordinances:
Wellhead Protection-

THE COMMON COUNCIL OF THE CITY OF BLOOMER, CHIPPEWA COUNTY,
WISCONSIN, DOES ORDAIN AS FOLLOWS:

Section 1: That Chapter 4, Title 13, is adopted to read:

§ 13.4.1 Purpose, Authority and Application.

(a) Residents of the City depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of this ordinance is to institute land use regulations and restrictions to protect the City's municipal water supply and well fields, and to promote the health, safety and general welfare of the residents of the City.

(b) Sec. 62.23(7)(a) and (c), Wis Stats. grants authority to the City to enact this ordinance, effective in the incorporated areas of the City, to encourage the protection of groundwater resources.

(c) The district created under this ordinance is what is commonly referred to as an Overlay Zone, meaning that its regulations shall be in addition to those imposed pursuant to the general zoning criteria pertaining to the district in which the subject real estate has been placed.

§ 13.4.2 Definitions.

(a) Aquifer: A saturated, permeable, geologic formation that contains, and will yield, significant quantities of water.

(b) Existing facilities: Facilities, structures, practices and land use activities which are actively engaged in or in use at and prior to the date of adoption of this ordinance, and which may cause or threaten to cause environmental pollution within that portion of the wellhead protection district that lies within the corporate limits of the City. Existing facilities include, but are not limited to, the types listed in the Department of Natural Resources' form 3300-215, public water supply potential contaminant use inventory form which is incorporated herein as if fully set forth.

(c) Person: Any natural being, partnership, corporation, or other association.

(d) Recharge Area: The land area which contributes water to a well by infiltration of water into the subsurface and movement as groundwater toward the well. This area may extend beyond the corporate limits of the City.

(e) Groundwater Protection Overlay District: That portion of the recharge area for the City wells that lies within the City limits as shown in the map denominated as the Bloomer Wellhead Protection Map, incorporated herein as if fully set forth.

(f) Well Field: A parcel of land used primarily for the purpose of supplying a location for construction of wells to supply the municipal water system.

§ 13.4.3 Groundwater Protection Overlay District

(a) Separation Distances. The following minimum separation distances shall be maintained within the District.

(1) Fifty feet (50') between a well and storm sewer main.

(2) Two hundred feet (200') between a well and any sanitary sewer main, lift station or single-family residential fuel oil tank. A lesser separation distance may be allowed for sanitary sewer mains where the sanitary sewer main is constructed of water main materials and joints and pressure tested in place to meet current American Waterworks Association (AWWA) 600 specifications. In no case shall the separation distance between a well and sanitary sewer main be less than 50 feet.

(3) Four hundred feet (400') between a well and septic tank receiving less than 8,000 gallons per day, a cemetery or a stormwater drainage pond.

(4) Six hundred feet (600') between a well and any gasoline or fuel oil storage tank installation that has received written approval from the Wisconsin Department of Commerce under Wis. Adm. Code § Comm. 10.10.

(5) One thousand feet (1,000') between a well and land application of municipal, commercial, or industrial waste; industrial, commercial or municipal waste water lagoons or storage structures; manure stacks or storage structures; and septic tanks or soil absorption units receiving 8,000 gallons per day or more.

(6) One thousand two hundred feet (1,200') between a well and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one time disposal or small demolition facility; sanitary landfill; coal storage area; salt or deicing material storage area; gasoline or fuel oil storage tanks which have not received written approval from Wis. Adm. Code § Comm. 10.10; bulk fuel storage facilities, and pesticide or fertilizer handling or storage facilities.

(b) The district is divided into Zones A, B, and C.

(1) Zone A.

a. Zone A is the primary source of water for municipal wells and as the area most likely to transmit groundwater contamination to one or more municipal wells.

b. Permitted Uses. The following uses are permitted within Zone A. Uses not listed shall be considered prohibited.

i. Parks provided there are no on-site waste disposal or fuel storage tank facilities associated with this use.

ii. Playgrounds.

iii. Wildlife areas.

iv. Non-motorized trails, such as bicycle, skiing, nature and fitness trails.

v. Residential, commercial and industrial property, which is municipally sewerred, and free of flammable and combustible liquid and underground storage tanks.

(2) Zone B.

a. Zone B is a secondary source of water for municipal wells due to a large cone of depression and a greater time of travel.

b. Permitted Uses. The following uses are permitted within Zone B. Uses not listed shall be considered prohibited.

i. All uses listed as permitted uses in Zone A.

ii. Modified agricultural activities, including any crop free of pesticides and/or synthetic fertilizers.

iii. Above-ground petroleum product storage tanks of less than 660 gallons. All new or replaced tanks shall be installed in compliance with Ch. Comm. 10, Wis. Adm. Code.

iv. Residential, commercial and industrial property which is municipally sewerred or has a state-approved sewer and septic system.

(3) Zone C.

(a) Zone C is that portion of the District, excluding those areas in Zones A and B.

(b) Permitted Uses. All uses permitted in Zones A and B. Persons may make a request to the Planning Commission to permit additional land uses in Zone C.

(4) Mapping. The location and boundaries of the District and established pursuant to the Bloomer Wellhead Protection Map, together with everything shown thereon and all amendments thereto, Zones A, B and C therein are as.

§13.4.4 Permit Application.

(a) The City Water Utility shall review all requests for approval of permits for unlisted land uses in Zone C in the District in accord with (3)(b), above. The Manager of the utility, in reliance upon the standards set forth in this ordinance, shall issue a determination within sixty (60) days of any request for approval, provided however, that this sixty (60) day period may be extended by the City Water Utility for "good cause", as determined in its sole and absolute discretion.

(b) Requests for approval shall be processed in consideration of the following factors:

(1) The City's responsibility as public water supplier, to protect and preserve the health, safety and welfare of its citizens.

(2) The degree to which the proposed land use practice, activity or facility may seriously threaten or degrade groundwater quality in the City of Bloomer.

(3) The economic hardship of the landowner if the application is denied.

- (4) The availability of alternative options to the applicant, and the cost, effect and extent of availability of such alternative options.
 - (5) The proximity of the applicant's property to other potential sources of contamination.
 - (6) The then existing condition of the City's groundwater public wells and well fields, and their vulnerability to further contamination.
 - (7) The direction of flow of groundwater and other factors in the vicinity of the applicant's property which may affect the speed of the groundwater flow, including topography, depth of soil, extent of aquifer, depth to water table and location of private wells.
 - (8) Other hydrogeological data or information which is available to the City from any public or private agency or organization.
 - (9) The potential benefit, both economic and social, from the approval of the applicant's request for a permit.
- (c) Exemptions, if granted, shall be made conditional and may include environmental and/or safety monitoring to determine whether the land use conditionally permitted may be emitting any releases or harmful contaminants to the surrounding environment. The owner of each property granted an exemption shall be held financially responsible for all environmental cleanup costs. The City Water Utility may require that a bond be posted for future monitoring and cleanup costs if deemed necessary at the time of granting the exemption.
- (d) The applicant shall be solely responsible for any and all costs associated with the application, including all of the following:
- (1) The cost of an environmental impact study if so required by the City or its agent.
 - (2) The cost of groundwater monitoring or groundwater wells if required by the City or its agent.
 - (3) The cost of an appraisal for the property or other property evaluation expense if required by the City or its agent.
 - (4) The costs of the City's employee's time associated in any way with the application based on the hourly rate paid the employee multiplied by a factor, determined by the City, representing the City's cost for expenses, benefits, insurance, sick leave, holidays, overtime, vacation and other similar benefits.
 - (5) The cost of City equipment employed.
 - (6) The cost of other City expenses.
- (e) In the event that a land use is conditionally permitted under this section, it shall be required of the person to which the conditional permit is issued that upon a determination being made by the City, that the land use is generating releases of environmental pollution, that said land use cease and desist.

§ 13.4.5 Requirements for Existing Facilities and Land Uses.

- (a) Existing facilities shall provide copies of all Federal, State and local facility operation approvals or certificates, if any, and ongoing environmental monitoring results to the City.
- (b) Existing facilities shall install or construct additional environmental or safety monitoring as deemed necessary by the City Water Utility, specifically including the production of any and all environmental detailing the extent of chemical use and storage on the property.
- (c) Existing facilities shall replace equipment or expand in a manner that improves the existing environmental and safety technologies already in existence.
- (d) Existing facilities shall have the responsibility of devising and/or filing with the City, a contingency plan satisfactory to the utility for the immediate notification of the City Water Utility Manager in the event of an emergency.
- (e) Property owners maintaining an existing agricultural use of land shall be exempt from requirements of this ordinance provided, however, that such an exemption shall be personal to the owner of agricultural land at the time of adoption of the ordinance and shall not constitute a covenant running with the land.

§ 13.4.6 Enforcement and Penalties.

- (a) In the event a person causes or allows or permits the release of any contaminants from property subject to this ordinance, which release endangers the City's wells, the person causing or allowing or permitting said release shall immediately cease and desist, and provide cleanup satisfactory to the City.
- (b) Persons responsible for releases of contaminants shall be liable for all costs of cleanup and the City consultant fees at the invoice amount plus administrative costs for oversight, review, and documentation including, but not limited to, all of the following:
 - (1) The cost of City's employee's time associated in any way with the cleanup based on the hourly rate paid to the employee multiplied by a factor determined by the City, representing the City's cost for expenses, benefits, insurance, sick leave, holidays, overtime, vacation, and similar benefits.
 - (2) The cost of City equipment employed.
 - (3) The cost of mileage reimbursed to the City employees attributed to the cleanup.
- (c) Following any such discharge, the City may require additional test monitoring or other requirements as outlined in § 13.4.5 and this section.
- (d) Violations: It shall be unlawful to construct or use any structure, land or water in violation of this ordinance. The City may institute appropriate action or proceedings to enjoin violations of this ordinance.
- (e) Penalties. Any person, firm or corporation who fails to comply with the provisions of this ordinance shall, upon conviction thereof, forfeit not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) plus the costs of the prosecution for each violation, and in default of payment of such

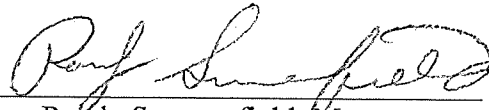
forfeiture and costs, shall be imprisoned in County Jail until payment thereof, but not exceeding thirty (30) days, or in the alternative, shall have such costs added to their real estate property tax bill as a lien against the property. Each day a violation exists or continues shall constitute a separate offense.

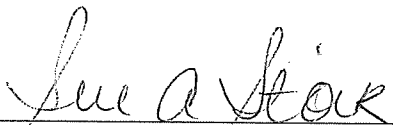
§ 13.4.7 Severability Clause. If any section, subsection, sentence, clause, paragraph or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or other applicable administrative or governing body, such decision shall not affect the validity of any other section, subsection, sentence, clause, paragraph or phrase or portion thereof.

Section Two: That this ordinance shall take effect upon passage and publication as provided by law. That this section not be codified.

Dated this 8th day of February, 2006.

CITY OF BLOOMER

By: 
Randy Summerfield, Mayor

By: 
Sue A. Stoik, City Clerk

ORDINANCE 08 - 03

-To Create Chapter 4 of Title 13 of the City Code;
Extraterritorial Zoning-

THE COMMON COUNCIL OF THE CITY OF BLOOMER DOES HEREBY ORDAIN AS
FOLLOWS:

Section One: That Chapter 4, Title 13 of the City Code be created to read:

CHAPTER 4
EXTRATERRITORIAL ZONING

13-4-1 Extraterritorial zoning district defined.

The extraterritorial zoning district is that area lying outside the City, but within one and a half miles of the City limits, as shown on the map entitled "Extraterritorial Zoning, City of Bloomer" dated 04 - 09 - 08. The purpose of the extraterritorial district is to provide for proper zoning and control over the area and allow for orderly growth and development. It shall consist of all portions of Sections 32 and 33, Township 31 North, Range 9 West and all portions of Sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, and 18, Township 30 North, Range 9 West, together with that portion of Section 22, Township 30 North, Range 9 West, lying north of 157th Avenue, East of 105th Street, and west of 110th Street, to the extent that all or any portion of these Sections lie outside of the boundaries of the City.

13-4-2 Purpose.

(a) Pursuant to §62.23(7a), Wis. Stats., the purpose of this chapter is to promote the health, safety, morals, and general welfare, both of the City and in the extraterritorial zone, regulate the location and use of structures and land for commercial, industrial, residential, and other purposes; divide the extraterritorial zoning district into districts of such number, shape, and area as are deemed best suited to carry out such purposes; provide a method for its administration and enforcement; and to provide penalties for the violations.

(b) This chapter shall not repeal, impair, or modify private covenants or ordinances, except that it shall apply whenever it imposes stricter restrictions on land use.

13-4-3 Definitions.

Use in this chapter of terms which are found in the City Zoning Code shall be defined in accord with §13-1-300.

13-4-4 Districts.

The following districts are provided, with permitted, conditionally permitted and prohibited uses as are described in the referenced sections of Chapter 1, Title 13 of the City of Bloomer Code of Ordinances.

- (a) R-1 Single Family Residence District, to be governed by §13-1-44.
- (b) R-2 Two Family Residence District, to be governed by §13-1-45.
- (c) R-3 Multiple Family Residence District, to be governed by §13-1-46.
- (d) Residential Agricultural District, whose regulations shall be as follows:

[insert]

13-4-5 Zoning map.

- (a) The extraterritorial zoning map is an integral part of this chapter. The official copy of this map, entitled "City of Bloomer Extraterritorial Zoning Map" together with a copy of this chapter, shall be kept at the office of the City Clerk and shall be available for public inspection during office hours. The map shall be certified by the City Clerk. Any changes in zoning district boundaries shall be recorded on the map. No such change shall be effective until so recorded.
- (b) The district boundaries are either street or section lines unless otherwise shown and where the designation on the map indicates that the various districts are approximately bounded by a street, such street shall be construed to be the district boundary line.
- (c) In unsubdivided property, the district boundary shown on the map shall be determined by use of the scale shown on such map.

13-4-6 General provisions.

- (a) After adoption of this chapter, no lot shall be so reduced in area that the dimension and yard requirements imposed by this chapter cannot be met.
- (b) Setback, lot size, and other dimensional requirements, together with the placement and use of accessory structures shall be governed by the standards applicable to the various zoning districts under Chapter 1 of Title 13 of the City of Bloomer Code of Ordinances or, where different therefrom, §13-4-4, above.

(c) Every part of a required yard shall be open to the sky unobstructed, except for accessory structures and the ordinary projections of sills, cornices, and ornamental features, except that no accessory structure may be built in any front or side yards. Fire escapes may project into a required yard area not more than five feet.

(d) In each quadrant of every street intersection there shall be designated a vision clearance triangle, bounded by the inner street lines and a line connecting them thirty-five (35) feet from their intersection. Within this triangle, no object shall be allowed above a height of two and a half feet above the streets if it obstructs the view across the triangle. This section shall not apply to tree trunks, posts, or wire fences.

(e) Existing agricultural uses may continue regardless of extraterritorial zoning, i.e., existing farming is a conforming use in any extraterritorial district. Replacement or additions to farm structures (including the residence) destroyed by fire, explosion, or acts of God and new farm structure construction shall be permitted in the extraterritorial region.

(f) Applicable floodplain ordinances, together with all references, maps, and explanatory material, are hereby adopted by reference and declared to be a part of this chapter with jurisdiction over areas within the extraterritorial region for which these regulations apply.

13-4-7 Nonconforming uses.

Uses of structures and real estate, which pre-date the adoption of this chapter and which constitute actual and active nonconforming structures and used as of the effective date, may be continued even though they do not conform to the restrictions of this chapter. However, structural repairs of or alterations to structures shall not exceed fifty (50) percent of their assessed value at the time they become nonconforming unless a structure conforming to this chapter results. Any nonconforming use that is abandoned for one year shall be discontinued permanently.

13-4-8 Extraterritorial zoning committees.

An extraterritorial zoning committee is created pursuant to §62.23(7a)(c), Wis. Stats., and shall be composed of **three** members from the City, appointed by the mayor, and two members each from the Towns of Woodmohr and Bloomer, appointed by the Towns.

(a) The members of the committee shall act independently of the other Town members on issues that pertain solely to the respective Town.

(b) The committee shall act in common on issues that affect all Towns in the same manner.

(c) The committee shall have all the powers and duties conferred upon it in §62.23(7a), Wis. Stats.

13-4-9 Board of appeals.

(a) A board of appeals shall be appointed as specified herein. One member shall be appointed by the mayor subject to confirmation by the council and **one member** shall be appointed by each of the Towns. The board of appeals shall have the following powers:

1. To hear and decide appeals where it is alleged that the Zoning Administrator has made an erroneous finding or order;
2. To hear and decide special exceptions to the terms of this chapter upon which the board is authorized to pass;
3. To grant specific variances from the terms of this chapter where it is shown that unique physical circumstances applying to a lot cause hardship to the owner under the chapter and that the variance still shall be in fundamental harmony with surrounding uses.

(b) The concurring vote of two members of the board shall be necessary to reverse any order, requirement, decision, or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass or to effect a variance. The grounds of every such determination shall be stated and recorded.

(c) No action of the board of appeals shall have the effect of permitting in any district uses prohibited in such district by this chapter. The minutes of proceedings and hearings before the board and all variances and special exceptions granted by it shall be filed promptly at the office of the City Clerk and shall be open for public inspection during office hours.

(d) The provisions of §§13-1-260 through 13-1-264 of this City Code shall apply to appeals to the extraterritorial zoning board of appeals.

13-4-10 Enforcement and penalties.

(a) Building permits in the extraterritorial region shall be issued by the Town, but the Zoning Administrator shall approve such permits as to zoning prior to their issuance.

(b) The Zoning Administrator shall enforce the provisions of this chapter.

(c) Any person who violates this chapter shall be subject to a penalty as provided in §13-1-227.

13-4-11 Amendments.

The City Council may amend the districts and regulations in accordance with §62.23(7a)(f), Wis. Stats.

13-4-12 Annexation.

Annexation of land within the extraterritorial zoning district shall continue the same zoning as it had, with the exceptions and amendments as defined above to be removed at time of annexation.

13-4-13 Impact of Annexations Upon Extraterritorial Zoning District Territory.

In the event of further annexations of land to the City and its detachment from one of the surrounding Towns, the border of the extraterritorial zoning district shall automatically be amended to maintain a zone 1 1/2 miles from the City limits. Said border shall be reestablished using the nearest section line, fractional section line, or public street which lies on or within the said 1 1/2 mile limit. Upon annexation of territory, the City shall automatically modify the extraterritorial zoning map, substituting the replacement for the map maintained under §13-4-5. The City Clerk shall provide notice of each such territorial modification together with a copy of the revised map to the affected Town Clerk or Clerks.

Section Two: This Ordinance shall take effect upon its adoption and publication as required by law. That this section not be codified.

Dated this 9th day of April, 2008.

CITY OF BLOOMER

By: Janet Thur
Janet Thur, Mayor

ATTEST:

By: Sue Stoik
Sue Stoik, City Clerk

Approved: 4-9-08

Published: 4-16-08

Adopted: 4-16-08

ORDINANCE #03-19

–To Amend Title 13 and Section 14-1-31(h)(5) of the City Code, to
Repeal the City’s Extraterritorial Zoning Code and Modify its
Extraterritorial Plat Approval Authority–

THE COMMON COUNCIL OF THE CITY OF BLOOMER, WISCONSIN, DO ORDAIN AS FOLLOWS:

Section One: Recitals.

WHEREAS, on April 9, 2008, the Common Council enacted Ordinance 08-03, creating as Title 13, Chapter 4, of the Bloomer Code of Ordinances, an interim extraterritorial zoning ordinance, pursuant to Wis. Stat. § 62.23(7a)(b); and

WHEREAS, on March 24, 2010, the Common Council enacted Ordinance 10-02, amending Title 13, Chapter 4, of the Bloomer Code of Ordinances, to adopt, pursuant to Wis. Stat. § 62.23(7a)(e), a proposed district plan and regulations developed and approved by the joint committee appointed under Wis. Stat. § 62.23(7a)(c) (“ETZ Committee”), and codified as the City’s Extraterritorial Zoning ordinance (“ETZ Ordinance”); and

WHEREAS, the ETZ Ordinance has been in effect, and has governed development of real estate in the “extraterritorial zoning district,” as that term is defined in Section 13-4-1 of the ETZ Ordinance, for approximately 9 years; and

WHEREAS, the City, and the Towns of Bloomer and Woodmohr entered into a Cooperative Agreement, pursuant to Wis. Stat. § 66.0301(2), to consider the possible repeal of the ETZ Ordinance; and

WHEREAS, the Town of Bloomer has developed and approved a proposed zoning map for the portion of the ETZ located within its zoning jurisdiction, which was approved by the Bloomer Town Board on May 1, 2018, and the Town of Woodmohr has developed and approved a proposed County zoning map for the portion of the ETZ located within the Town of Woodmohr, which was approved by the Woodmohr Town Board on May 8th, 2019, and registered with the Chippewa County Clerk’s office on May 9th, 2019; and

WHEREAS, the ETZ Committee formulated a tentative recommendation to amend Title 13 of the City Code, to repeal Chapter 4, Extraterritorial Zoning, in its entirety, and held a public hearing thereon, and on the proposed Town and County zoning which shall apply to the property located in the former extraterritorial zoning district, upon repeal of the City’s ETZ Ordinance, on April 15, 2019, following due and proper notice, in accordance with Wis. Stat. § 62.23(7a)(d); and

WHEREAS, following the public hearing, the ETZ Committee voted, in accordance with Wis. Stat. § 62.23(7a)(c), to recommend the adoption of this Ordinance by the Common Council.

NOW, THEREFORE, the Common Council hereby ordains as follows:

Section Two: Ordinance Amendments.

- (a) That Title 13 of the City Code is amended to repeal Chapter 4, Extraterritorial Zoning, in its entirety.

(b) That pursuant to Section 2.7 of the Cooperative Agreement with the Towns, Section 14-1-31(h)(5) of the City Code is amended to read as follows:

- (5) **Extraterritorial Applications.** The City has elected to approve subdivision plats under its extraterritorial plat approval jurisdiction, as provided in Sec. 14-1-20(b) of this Code, and Chapter 236 of the Wisconsin Statutes. Zoning and/or land use concerns shall be resolved by the County or Town having jurisdiction, before a preliminary plat may be considered by the City. The City shall exercise its extraterritorial plat approval authority only in a manner consistent with all applicable Town or County zoning and subdivision ordinances.

Section Three: Effective Date. That this ordinance shall take effect upon adoption and publication as provided by law. The City Administrator/Clerk/Treasurer shall mail a certified copy of this ordinance to the Chippewa County Clerk, and to the Clerks of the Towns of Bloomer and Woodmohr, and shall file a copy of the ordinance with the City's Plan Commission.

Dated this 26th day of June, 2019.

CITY OF BLOOMER

By: Jeffrey Steinmetz
Jeffrey Steinmetz, Mayor

ATTEST:

By: Sandra L. Frion
Sandra L. Frion, City Administrator/Clerk/Treasurer

published: 7.10.19

ORDINANCE 10-02

-To Amend Chapter 4 of Title 13 of the City Code;
Extraterritorial Zoning-

THE COMMON COUNCIL OF THE CITY OF BLOOMER DOES HEREBY ORDAIN AS
FOLLOWS:

Section One: That Chapter 4, Title 13 of the City Code be amended to read:

CHAPTER 4
EXTRATERRITORIAL ZONING

13-4-1 Extraterritorial zoning district defined.

The extraterritorial zoning district is that area lying outside the City, but within one and a half miles of the City limits, as is specifically shown on the map entitled "Extraterritorial Zoning, City of Bloomer" dated December 10, 2009. The purpose of the extraterritorial district is to provide for proper zoning and control over the area and allow for orderly growth and development. It shall consist of all portions of Section 33, Township 31 North, Range 9 West and all portions of Sections 3, 4, 5, 6, 7, 9, 10, 16 and 17, Township 30 North, Range 9 West, to the extent that all or any portions of these Sections lie outside of the boundaries of the City. In addition, the following territory shall be included in the extraterritorial zoning district: The East 1/2 of Section 18, Township 30 North, Range 9 West and the NW 1/4, the SW 1/4, the NE 1/4 and the N 1/2 of the SE 1/4 and the W 1/2 of the SW 1/4 of the SE 1/4 of Section 15, Township 30 North, Range 9 West; and the E 1/2 of the NW 1/4 and the E 1/2 of the SW 1/4 and the NE 1/4 and the SE 1/4 of Section 32, Township 31 North, Range 9 West and the W 1/2 of the NW 1/4 and the W 1/2 of the SW 1/4 of Section 34, Township 31 North, Range 9 West.

13-4-2 Purpose.

(a) Pursuant to §62.23(7a), Wis. Stats., the purpose of this chapter is to promote the health, safety, morals, and general welfare, both of the City and in the extraterritorial zone, regulate the location and use of structures and land for commercial, industrial, residential, and other purposes; divide the extraterritorial zoning district into districts of such number, shape, and area as are deemed best suited to carry out such purposes; provide a method for its administration and enforcement; and to provide penalties for the violations.

(b) This chapter shall not repeal, impair, or modify private covenants or ordinances, except that it shall apply whenever it imposes stricter restrictions on land use.

13-4-3 Definitions.

Use in this chapter of terms which are found in the City Zoning Code shall be defined in accord with §13-1-300.

13-4-4 Zones.

(a) The following zones of permitted, conditionally permitted, and prohibited uses are taken from Chapter 1, Title 13 of the City of Bloomer Code of Ordinances.

- (1) R-1 Single Family Residence Zone, to be governed by §13-1-44.
- (2) A Agriculture Zone, to be governed by § 13-4-45, below.
- (3) C-2 Commercial Zone, to be governed by § 13-1-48
- (4) I-2 Industrial Zone, to be governed by § 13-1-50.

(b) For purposes of this ordinance, the versions of §§ 13-1-44, 13-1-48 and 13-1-50 in effect as of the date of adoption and publication of this ordinance shall control. In the event that the Common Council of the City of Bloomer amends or repeals these ordinances, said amendments or repeal shall not take effect in the extraterritorial zoning district unless the amended versions thereof are approved of in accord with the procedures under §62.23(7a), Wis. Stats. A copy of said ordinances shall be attached as an appendix to this chapter.

13-4-45 A Agriculture Zone.

(a) Purpose. This Zone is intended to provide for Agriculture use in those areas of the extraterritorial district in the same manner as is permitted and conditionally permitted in the Agricultural District under the Chippewa County Zoning Code.

(b) Permitted Uses.

- (1) Any use permitted in the R-1 Residence District under §§ 13-1-44
- (2) General farming, including dairying, livestock and poultry raising, nurseries, greenhouses and other similar enterprises or uses, except for fur farms and farms operated for the disposal or reduction of garbage, sewage and rubbish.
 - a. Livestock operations in existence prior to the effective date of this Ordinance, which house from zero (0) to four hundred ninety-nine (499) animal units, shall not require a zoning permit.

b. New livestock operations which will house in excess of four hundred ninety-nine animal units shall require a conditional use zoning permit. The following requirements shall be met as a condition of zoning permits under (b)(2)a. of this section:

i Livestock operations shall be in conformance with the provisions of Ch. 62, Article IV, Division 3 of the Chippewa County Zoning Code.

ii. Livestock operations shall meet minimum statutory prohibitions for non-point source pollution control as follows:

I. A livestock operation shall not allow for any overflow of manure storage structures.

II. A livestock operation shall not have any unconfined manure pile in a water quality management area.

III. A livestock operation shall not generate any direct runoff from a feedlot or stored manure into the waters of the state.

IV. A livestock operation shall not allow unlimited access by livestock to waters of the state in a location where high concentrations of animals prevent the maintenance of adequate sod cover.

c. Telephone, telegraph and power transmission towers, poles and lines including transformers, substations, relay stations, equipment and television stations and transmission towers and microwave relay towers.

d. Roadside stands, provided that there shall be not more than one stand on any single premises.

e. Signs as permitted in Article H of the City Zoning Code.

f. Sawmills, provided that the location of any sawmill on the same premises for more than ten (10) days shall be approved of by the extraterritorial zoning committee under (c), below as a conditional use.

(c) Conditional Uses. The Extraterritorial Zoning Committee may issue a conditional use permit for the following uses in the A Zone when the location of each such use has been approved in writing after a public hearing and after a view of the proposed site or sites. Such approvals shall be consistent with the general purpose and intent of this ordinance and shall

be based upon such evidence as may be presented at such public hearing, showing the desirability or undesirability of specific purposes and locations for conditional uses, from the standpoint of the public interest because of, without limitation because of enumeration hereinafter, such factors as the creation of stormwater discharge, and non-point source pollutants, smoke, dust, noxious or toxic gases and odors, noise, vibration, operation of heavy machinery, heavy vehicles, traffic and increased traffic on the public streets. The specifically enumerated types of conditionally permitted uses of property in the A Zone shall be limited to the following:

- (1) Junk or salvage yards.
- (2) Non-metallic or metallic mineral mining operations, including the washing and grading of sand and gravel, rock crushing and the erection and use of buildings and machinery and equipment in relationship thereto.
- (3) Sawmills, if to be used for in excess of ten (10) days in any given place.
- (4) Aircraft landing fields, including the location on such fields of buildings related to the operation, storage or maintenance of aircraft.
- (5) Contractor's storage yards. Any such yard shall be placed or screened by plantings or fences as not to be visible from any public highway or any residential structure other than the owner of such yard or his or her employees.
- (6) Power plants and flowage areas.
- (7) Drive-in theaters.
- (8) Fur farms and pea vinerries, not to be located within 1,000 feet of any residential structure, other than that of the owner of the pea vinery, and not less than 500 feet from the right-of-way line of any state or county highway, except that portable pea vinerries are permitted where there is no stacking of vines.
- (9) Animal hospitals, veterinary clinics and kennels, but not to be located within 500 feet of any residential structure other than that of the owner thereof.
- (10) Correctional institutions, not to be located within 500 feet from any residence.
- (11) Sales barns, not to be within 1/2 mile of the corporate limits of any city or village nor within 1/4 mile of any residential structure except for the residence of the owner thereof.

(12) Slaughterhouses, not to be located within 1,000 feet from any residential structure other than that of the owner thereof.

(13) Creameries, dairies and cheese factories.

(14) Hot and cold mix plants for concrete, asphalt and other related materials.

(15) A new or existing livestock operation, which houses or expands to house five hundred (500) or more animal units, subject to the standards under (b) (2) b. above.

(16) Manmade ponds or lakes of one acre or more in size.

(d) Height, Yard and Area Restrictions. Height, yard and area requirements in the A Zone shall be as follows:

(1) For buildings erected, converted in use, enlarged, moved or structurally altered after the effective date of this ordinance, the building height limits, minimum dimensions of yards, minimum area and width of lots shall comply with the dimensional limits prescribed in Title 13, except as follows: minimum sizes of residential lots shall be governed by § 13-4-6 (g), below.

(2) Non-conforming lots shall be subject to the restrictions set forth in Article F, Title 13.

(3) Highway setback lines shall be governed by Title 13.

(4) Although not binding unless specifically set forth herein, the standards in the Chippewa County Zoning Code governing the use of land in the Agricultural Zoning District may be used as guides for the control of land uses in the A District under this ordinance.

(e) Applicability of Wis. Adm. Code Ch. ATCP 51 to Livestock Operations: To the extent that the provisions of Wis. Adm. Code Ch. ATCP 51 on livestock facility siting apply to a livestock facility which is either permitted or conditionally permitted under this ordinance, the provisions of said chapter shall be applied in decision-making pertaining to permit requests for new or expanded livestock facility sitings. As such, to the extent that there is a conflict between the provisions of § 70-72 of the Chippewa County Zoning Code and Wis. Adm. Code Ch. ATCP 51, the provisions of the latter shall prevail.

(e) For that portion of the Agriculture (A) Zone which is located in the Town of Bloomer, §§ 7.1 to 7.7 [Agriculture Production District-AP] of the Town of Bloomer Zoning, Land Use and Building Ordinance shall prevail to the extent that any of its provisions are more restrictive than are set forth in this section.

13-4-5 Zoning map.

(a) The extraterritorial zoning map is an integral part of this chapter. The official copy of this map, entitled "City of Bloomer Extraterritorial Zoning Map" together with a copy of this chapter, shall be kept at the office of the City Clerk and shall be available for public inspection during office hours. The map shall be certified by the City Clerk. Any changes in zone boundaries shall be recorded on the map. No such change shall be effective until so recorded.

(b) The zone boundaries are either street or section lines unless otherwise shown and where the designation on the map indicates that the various districts are approximately bounded by a street, such street shall be construed to be the district boundary line.

(c) In unsubdivided property, the district boundary shown on the map shall be determined by use of the scale shown on such map.

13-4-6 General provisions.

(a) After adoption of this chapter, no lot shall be so reduced in area that the dimension and yard requirements imposed by this chapter cannot be met.

(b) Setback, lot size, and other dimensional requirements, together with the placement and use of accessory structures shall be governed by the standards applicable to the various zoning districts under Chapter 1 of Title 13 of the City of Bloomer Code of Ordinances or, where different therefrom, §13-4-4, above.

(c) Every part of a required yard shall be open to the sky unobstructed, except for accessory structures and the ordinary projections of sills, cornices, and ornamental features, except that no accessory structure may be built in any front or side yards. Fire escapes may project into a required yard area not more than five feet.

(d) In each quadrant of every street intersection there shall be designated a vision clearance triangle, bounded by the inner street lines and a line connecting them thirty-five (35) feet from their intersection. Within this triangle, no object shall be allowed above a height of two and a half feet above the streets if it obstructs the view across the triangle. This section shall not apply to tree trunks, posts, or wire fences.

(e) Existing agricultural uses may continue regardless of extraterritorial zoning, i.e., existing farming is a conforming use in any extraterritorial zone. Replacement or additions to farm structures (including the residence) destroyed by fire, explosion, or acts of God and new farm structure construction shall be permitted in the extraterritorial region.

(f) Applicable floodplain ordinances, together with all references, maps, and explanatory material, are hereby adopted by reference and declared to be a part of this chapter with jurisdiction over areas within the extraterritorial region for which these regulations apply.

(g) In the Town of Bloomer, the minimum lot size for residential use shall be 1 1/2 acres. In the Town of Woodmohr, it shall be 2 acres.

13-4-7 Non-conforming uses.

Uses of structures and real estate, which pre-date the adoption of this chapter and which constitute actual and active non-conforming structures and used as of the effective date, may be continued even though they do not conform to the restrictions of this chapter. However, structural repairs of or alterations to structures shall not exceed fifty (50) percent of their assessed value at the time they become non-conforming unless a structure conforming to this chapter results. Any non-conforming use that is abandoned for one year shall be discontinued permanently.

13-4-8 Extraterritorial zoning committees.

An Extraterritorial Zoning Committee is created pursuant to §62.23(7a)(c), Wis. Stats., and shall be composed of three members from the City, appointed by the mayor, and three members each from the Towns of Woodmohr and Bloomer, appointed by the Towns. The Towns may, at their option, appoint alternate members, to sit on the committee on their respective behalf.

(a) The members of the committee shall act independently of the other Town members on issues that pertain solely to the respective Town.

(b) The committee shall act in common on issues that affect all Towns in the same manner.

(c) The committee shall have all the powers and duties conferred upon it in §62.23(7a), Wis. Stats.

(d) The committee shall meet shall meet to transact business at least once in every five (5) year period next following the date of adoption of this ordinance, or more often as is required of it in accord with this ordinance and §62.23(7a), Wis. Stats. At each fifth year meeting, among other business, if any, the committee shall confer pertaining to its intent to seek to modify any of the provisions of this ordinance, to re-map all or a portion of the extraterritorial zoning district and as to expansion of the extraterritorial zone.

13-4-9 Board of appeals.

(a) A board of appeals shall be appointed as specified herein. One member shall be appointed by the mayor subject to confirmation by the council and one member shall be appointed by each of the Towns. The board of appeals shall have the following powers:

1. To hear and decide appeals where it is alleged that the Zoning Administrator has made an erroneous finding or order;

2. To hear and decide special exceptions to the terms of this chapter upon which the board is authorized to pass;

3. To grant specific variances from the terms of this chapter where it is shown that unique physical circumstances applying to a lot cause hardship to the owner under the chapter and that the variance still shall be in fundamental harmony with surrounding uses.

(b) The concurring vote of two members of the board shall be necessary to reverse any order, requirement, decision, or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass or to effect a variance. The grounds of every such determination shall be stated and recorded.

(c) No action of the board of appeals shall have the effect of permitting in any district uses prohibited in such district by this chapter. The minutes of proceedings and hearings before the board and all variances and special exceptions granted by it shall be filed promptly at the office of the City Clerk and shall be open for public inspection during office hours.

(d) The provisions of §§13-1-260 through 13-1-264 of this City Code shall apply to appeals to the Extraterritorial Zoning Board of Appeals.

13-4-10 Enforcement and penalties.

(a) Building permits in the extraterritorial region shall be issued by the Town, but the Zoning Administrator shall approve such permits as to zoning prior to their issuance.

(b) The City of Bloomer Zoning Administrator shall enforce the provisions of this chapter.

(c) Any person who violates this chapter shall be subject to a penalty as provided in §13-1-227.

13-4-11 Amendments.

The City Council may amend the districts and regulations in accordance with §62.23(7a)(f), Wis. Stats.

13-4-12 Annexation.

Annexation of land within the extraterritorial zoning district shall continue the same zoning as it had, with the exceptions and amendments as defined above to be removed at time of annexation.

13-4-13 Impact of Annexations Upon Extraterritorial Zoning District Territory.

In the event of future annexations of land to the City and its detachment from one of the surrounding Towns, The matter of said annexation shall be referred to the Extraterritorial

Zoning Committee for the following express purpose. The committee shall study the effects of said annexation upon the size and configuration of the territory subject to extraterritorial zoning under this ordinance and shall issue its recommendations to the Town Boards of the Towns of Bloomer and Woodmohr and to the Common Council of the City of Bloomer as to whether the exterior boundaries of the district shall be enlarged so as to take into consideration the territory detached therefrom by the annexation, thus restoring the territory to approximately its original configuration or some other appropriate configuration. In the event that the exterior boundaries of the extraterritorial zoning district are ever altered, the affected boundaries shall be reestablished using the nearest section line, fractional section line, or public street which lies on or within the said 1 1/2 mile limit. Upon annexation of territory, the City shall automatically modify the extraterritorial zoning map, substituting the replacement for the map maintained under §13-4-5. The City Clerk shall provide notice of each such territorial modification together with a copy of the revised map to the affected Town Clerk or Clerks.

13-4-14 Land Use Permits.

(a) Land use permits shall be issued by the Zoning Administrator of the City of Bloomer, subject to and governed by the standards at § 13-1-223 of the City Code, a copy of which is made part of the appendix to this Ordinance.

(b) Before issuing a land use permit, the Zoning Administrator shall approve a site plan in accord with the provisions of § 13-1-225.

13-4-15 Fees.

The following fees shall be applicable with respect to permits granted under this Ordinance, to cover the administrative costs of the City and its Zoning Administrator in issuing permits:

- | | |
|---|----------|
| (a) Application for variance: | \$50.00 |
| (b) Petition for Conditional Use Permit: | \$25.00 |
| (c) Petition for Rezoning and Zoning Map Amendments: | \$200.00 |
| (d) Petition for Text Amendments: | \$10.00 |
| (e) Appeal of Administrative Decision: | \$25.00 |
| (f) Application for Land Use Permit: \$.10 for up to 3,000 square foot of proposed structure size and an additional \$.01 for each square foot above 3,000 square feet in size. | |
| (g) Commencing a project or land use prior to obtaining permits shall result in a penalty five (5) times the permit amount, up to a maximum of Five Hundred Dollars (\$500.00) | |

13-4-16 Appendix.

The following ordinances are incorporated in this Chapter and copies are contained in the appendix hereto:

- | | |
|-----------------------------------|---|
| (a) § 13-1-44 | Bloomer City Code |
| (b) § 13-1-45 | Bloomer City Code |
| (c) § 13-1-48 | Bloomer City Code |
| (d) § 13-1-50 | Bloomer City Code |
| (e) § 13-1-223 | Bloomer City Code |
| (f) § 13-1-225 | Bloomer City Code |
| (g) § 13-1-227 | Bloomer City Code |
| (h) § 13-1-260 through § 13-1-264 | Bloomer City Code |
| (i) § 7.1 to 7.7 | Town of Bloomer Zoning,
Land Use and Building
Ordinance |

Section Two: This Ordinance shall take effect upon its adoption and publication as required by law. That this section not be codified.

Dated this 24th day of March, 2010.

CITY OF BLOOMER

By: Janet Thur
Janet Thur, Mayor

ATTEST:

By: Sue A Stoik
Sue Stoik, City Clerk

Approved: 3-24-10

Published: 3-30-10

Adopted: 3-30-10

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ORDINANCE 09-03

-To Amend §13-4-8 of the City Code;
Extraterritorial Zoning Committee-

THE COMMON COUNCIL OF THE CITY OF BLOOMER DOES HEREBY ORDAIN AS FOLLOWS:

Section One: That §13-4-8 of the City Code be amended to read as follows:

§ 13-4-8 Extraterritorial Zoning Committee

An extraterritorial zoning committee is created pursuant to §62.23(7a)(c), Wis. Stats., and shall be composed of three members from the City, to be appointed by the mayor from the Plan Commission and two three members each from the Towns of Woodmohr and Bloomer, appointed by the Towns.

- (a) The members of the committee shall act independently of the other Town members on issues that pertain solely to the respective Town.
- (b) The committee shall act in common on issues that affect all Towns in the same manner.
- (c) The committee shall have all powers and duties conferred upon it in §62.23(7a), Wis. Stats.

Section Two: That this ordinance shall take effect upon its adoption and publication as required by law.

Dated this 26th day of August, 2009.

CITY OF BLOOMER

By: Janet Thur
Janet Thur, Mayor

By: Sue A Stoik
Sue Stoik, City Clerk