



A Property Owner's Guide For  
Protecting & Managing Shorelands in  
***Bayfield County***



# Contacts for your Shorelands Property Questions in Bayfield County

## Questions About...

## Who to Call...

Alterations to Your Shoreline.....	Bayfield County Zoning Department of Natural Resources
Aquatic Plants/Algae.....	Department of Natural Resources
Backyard Conservation.....	UW-Extension Department of Natural Resources
*Building/Remodeling.....	Bayfield County Zoning
County or Local Lake Association.....	Bayfield County Lakes Forum UW-Extension
*Cutting Trees & Shrubs.....	Bayfield County Zoning
*Driveways & Garages.....	Bayfield County Zoning
Fish & Wildlife.....	Department of Natural Resources
*Piers, Docks & Boathouses.....	Bayfield County Zoning Department of Natural Resources
Quiet Hours, Boat & Jet Ski Use.....	Your Township's Officials Bayfield County Sheriff
*Sanitary/Septic Requirements.....	Bayfield County Zoning
*Shoreline Buffer Protection or Restoration.....	Land Conservation Department Bayfield County Zoning UW-Extension
*Setback Requirements.....	Bayfield County Zoning
Yard Care & The Environment.....	UW-Extension

**\*IMPORTANT:** These activities may require a permit or have specific guidelines to follow. Please contact the appropriate agency for more information.

Bayfield County UW-Extension..... (715) 373-6104  
[www.uwex.edu/ces/cty/bayfield/](http://www.uwex.edu/ces/cty/bayfield/) (click on Community Resource Development )

Bayfield County Land & Water Conservation Department..... (715) 682-7187  
 Department of Natural Resources †Ashland Office †Water Regulations & Zoning..... (715) 685-2923  
[www.dnr.state.wi.us/org/water/wm/dsfm/](http://www.dnr.state.wi.us/org/water/wm/dsfm/) (click on Shoreland Management )

Bayfield County Zoning..... (715) 373-6138  
[www.bayfieldcounty.org/zoning](http://www.bayfieldcounty.org/zoning)

Bayfield County Lakes Forum..... Email: [bclf\\_2000@yahoo.com](mailto:bclf_2000@yahoo.com)

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- Bayfield County Land Information Department
- Bayfield County Land & Water Conservation Department
- Bayfield County Office - University of Wisconsin Extension

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*This document is intended to provide general information regarding shoreland zoning requirements. Please check with the Bayfield County Zoning Department for specific and updated regulations that may apply to your property.*

**June 2004**

# A Property Owner's Guide For Protecting & Managing Shorelands in Bayfield County

## Introduction

This guide is intended to provide information about shoreland regulations in Bayfield County, assist you in what to consider when buying shoreland property, and how to better manage these delicate natural systems through sound environmental practices.

As a shoreland owner, your responsibilities go beyond an individual property. How you care for your shoreland impacts an entire lake or river system.

## Land Use Requirements

Land use is regulated in all shoreland areas in Bayfield County and throughout the townships with comprehensive zoning. Permitted uses vary from zoning district to district. Shoreland is all property within 1,000 feet of a lake, pond or flowage, or within 300 feet of a river or stream or to the landward side of a floodplain, whichever is greater. Therefore, it is recommended that the Zoning Office be consulted when purchasing or considering a building project or other property use.

## Land Use Permits

**Requirement.** A land use permit shall be required for any new residence, any building erected, relocated or structurally altered, any change in the use of the land, or where any use of the land is altered. A land use permit shall be obtained prior to the initiation of construction or a change in land use from the Bayfield County Zoning Office.

**Improvements to Nonconforming Structures.** Exterior improvements and additions to nonconforming structures shall require a land use permit. Exterior improvements shall include, but not be limited to, structural alteration for installation of new doors and windows and the complete replacement of siding materials. Re-roofing without changing the pitch of the roof and installation of gutters are exempt from a land use permit.

**Setback Compliance; Storage Shed Compliance.** All structures shall meet prescribed setback standards for the zoning district in which they are located. All structures in floodplain areas shall require a land use permit. A land use permit shall not be required for a residential storage shed of less than two hundred (200) square feet in area. A temporary structure of more than two hundred (200) square feet shall require a temporary permit.

**Sanitary Permits.** A permit is required in ALL areas of the county for sanitary system installations, privy construction and sanitary system repairs. All installation and repair work on a sanitary system must be performed by a plumber licensed in the State of Wisconsin, and the permit must be obtained by him. Generally, the first step to implement lot development is to arrange for soil and site evaluation by a Certified Soil Tester. *A land use permit for a habitable building will not be issued until after the necessary sanitary permit is issued.*

# An Overview of Watershed Management

The consequences of uncontrolled or unplanned development can be disastrous to land and water resources. Overbuilt and poorly designed shoreland areas degrade the value of the entire water body. Increasing demand for shoreline building sites has led to skyrocketing land costs; without controls, land with water frontage tends to be divided into smaller and smaller parcels. Marginal lands with high water tables or steep slopes fall under increasing development pressure after suitable lands are taken.

Overdevelopment increases the risks of lake pollution and scenic degradation. Nutrients such as nitrogen and phosphorus and improperly operating sewage treatment systems can contaminate wells and surface waters.

Sound management of our shorelands is important and will help maintain high water quality, sustained property values and the scenic quality of Bayfield County's lakes, rivers and streams.

Beginning in 1999, Bayfield County began development of a countywide land use plan, which in part was driven by lake and river development issues. The plan was completed and adopted by the County Board of Supervisors in 2003. An important element of the plan addresses shoreland development.

## Shoreland Areas

Shoreland development within Bayfield County is currently regulated under the Bayfield County shoreland zoning ordinance. Development standards within the ordinance are based on the Bayfield County Lakes Classification System (see pages 4-7), which defines the vulnerability of water bodies based on environmental factors such as area, depth, and shoreline irregularity. The lakes classification system also considers existing development patterns in order to develop a shoreline development density factor.

Recommendations for the Residential Designation (Shoreland) are:

- 1) Encourage the formation of local lake property owners associations and support association activities aimed at protection of county water resources.
- 2) Encourage the use of shoreland buffers.
- 3) Support and enforce existing shoreland zoning ordinances.
- 4) Support the re-introduction of native shoreland vegetation to control and filter run-off and to stabilize the existing shoreline.



- 5) Development of restrictions/guidelines related to the use of fertilizers.
- 6) Creation of a Lake Superior shoreland zoning district. This district would reflect the unique features, processes, and environments of the Lake Superior coastline and should contain specific types of land uses allowed within the district, the type of development permitted for each land use, and coastal development standards. In lieu of developing a new zoning district, the county may wish to modify the current lakes classification system in order to include provisions for coastal resources.
- 7) Review existing shoreland zoning requirements based on the results of the shoreline recession study and develop new ordinances as appropriate.
- 8) Provide additional protection to unique coastal resources including estuaries, coastal barriers, and coastal wetlands through management, cooperative efforts with private landowners, and transfer into public ownership.

## **Bayfield County's Waters**

### **Outlying Waters: Lake Superior**

The Bayfield County mainland shore bordering Lake Superior is 86.2 miles in length, more than one-third of Wisconsin's Lake Superior shore. Four of the Apostle Islands (Eagle, Sand, York and Raspberry) are within the county's boundary. The combined area of the four islands is 3,470 acres, all of which is in public ownership. They have a total shoreline of 18.5 miles, all of which is public frontage.



### **Inland Surface Waters**

The total inland surface water area of the county is 23,676 acres. Of this figure, 22,685 acres are the surface water area of

966 natural lakes and impoundments, and 991 acres are the surface area of 125 streams. Total stream length is 531.1 miles, of which trout streams comprise 429.8 miles. Frontage on both sides of streams totals 1,062.2 linear miles, with 381.9 miles in public ownership. Total lake shoreline totals 732.1 miles, of which 258.7 miles is in public ownership. Even though stream frontage is greater than lake frontage, the ratio of water area to frontage on streams is much less than that on lakes.



# Bayfield County Lakes Classification

In order to provide a better management and protection tool for shoreland development, a lakes classification plan was developed and adopted for all lakes in the county. The plan measures a lake's sensitivity to development and provides different standards for different lake types.

## Classification of Inland Lakes

### **Class 1 (Most Developed Lakes). Objectives:**

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

### **Class 2 (Moderately Sensitive Lakes and Moderately Developed). Objectives:**

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

### **Class 3 (Most Sensitive Developed and Undeveloped Lakes). Objectives:**

Maintain and protect water quality; protect and restore the natural/wild appearance of shorelines and lands visible from the water; promote a quiet and peaceful experience; protect or restore a self-sustaining local ecosystem capable of supporting diverse native flora and fauna; discourage commercial use.



*The classification lists on the next three pages identify lakes named in *Surface Water Resources of Bayfield County*, published by Wisconsin Department of Natural Resources, and appearing by name on the 1:24,000 scale topographic maps, published by the U.S. Geological Survey, commonly referred to as the U.S.G.S. Quadrangle Maps.*

*All unnamed lakes listed in the *Surface Water Resources of Bayfield County*, Wisconsin Department of Natural Resources, and all named lakes 50 acres in size or less are considered Class 3 protection lakes.*

### **Class 1 Lakes**

<b>Lake Name</b>	<b>Section-TWP-Range</b>
Atkins	19-44-5
Birch	4-44-9
Bony	4-44-9
Buskey Bay	28-47-8
Devils	16-44-9
Diamond	29-44-6
Eagle	3-46-8
Hart	27-47-8
Hilder	2-46-8
Lower Eau Claire	25-44-10
Middle Eau Claire	17-44-9
Millicent	28-47-8
Namekagon	10-43-6
Owen	14-44-7
Siskiwit	21-50-6
Swett	35-45-9
Trapper	27-44-6
Twin Bear	33-47-8
Upper Eau Claire	10-44-9

### **Class 2 Lakes**

<b>Lake Name</b>	<b>Section-TWP-Range</b>
Ahmeek	26-47-9
Angus	10-47-8
Balsam Pond	19-45-7
Bark Bay Slough	35-51-7
Bass	28-46-7
Bellevue	29-46-7
Bibon	29-50-8
Birch	22-45-5
Buffalo	35-43-5
Bullhead	8-46-7
Cable	12-43-8
Camp One	4-46-7
Camp Two	4-46-7
Chippewa	15-43-5
Cisco	21-45-7
Club	13-44-6
Coffee	24-44-5
Cranberry	34-44-6
Crystal	15-47-9
Crystal	32-44-6
Deep	14-47-9
Dells	27-43-5
Delta	7-46-7
Drummond	29-45-7
Duck	13-43-5
Ellison	30-45-9
Esox	21-45-7
Everette	18-46-7
Hammil	25-44-8
Hay	7-46-7
Hollibar	17-46-7
Iron River Flowage	12-47-9

### **Class 2 Lakes (continued)**

<b>Lake Name</b>	<b>Section-TWP-Range</b>
Iron	24-47-9
Island	18-45-9
Jackman	33-48-8
Jackson	33-44-6
Kelly	26-45-9
Kern	27-46-7
Knotting	21-44-6
Little Hidden	1-44-7
Little Star	11-45-7
Long	2-47-8
Marengo	34-45-5
McCarry	28-47-8
Muskellunge	4-46-8
Nymphia	14-45-7
Ole	27-43-8
Oriente Flowage	10-49-9
Overby	21-45-7
Perch	21-47-8
Perch	5-45-7
Pickereel	5-44-9
Pond	14-45-8
Porcupine	17-44-6
Richardson	23-47-9
Robinson	4-44-9
Rust Flowage	5-44-7
Ruth	31-47-8
Samoset	36-44-8
Sand Bar	20-45-9
Sawmill	9-46-7
Shunenberg	2-44-9
Smith	2-44-9
Spider	19-47-8
Spirit	12-46-8
Star	10-45-7
Tahkodah	34-44-7
Tars Pond	12-44-9
Tomahawk	20-45-9
Totogatic	32-43-8
White Bass	25-43-5
Wiley	1-43-8

### **Class 3 Lakes**

<b>Lake Name</b>	<b>Section-TWP-Range</b>
Adeline	7-44-6
Anderson	1-45-8
Anodanta	15-45-7
Armstrong	20-45-7
Arrowhead	16-45-7
Bailey	26-48-8
Barnes	24-44-9
Bass	13-44-7
Bass	16-47-9
Bass	24-44-6
Bass	33-44-7

**Class 3 Lakes (continued)**

Lake Name	Section-TWP-Range
Bass	33-47-8
Bass	6-45-9
Basswood	13-46-8
Bear Pond	1-45-8
Bear	6-46-7
Bearsdale Spring (lower)	8-44-8
Bearsdale Spring (upper)	8-44-8
Beaver House	2-47-8
Beaver	32-46-7
Bell	12-46-8
Big Brook	28-44-8
Bismark	19-47-8
Bladder	31-48-7
Blazer Creek Springs	34-44-5
Blue	7-45-9
Bog	2-46-8
Breakfast	7-45-9
Buck	19-47-7
Bufo	6-45-7
Bullhead	20-45-7
Bullhead	29-44-5
Camp Eleven	28-47-9
Camp Nine	8-45-8
Camp Two	6-46-8
Camp	20-44-8
Canthook	15-46-8
Carroll	20-47-9
Carson Pond	17-46-7
Casper	20-43-5
Castle Creek Springs	34-44-5
Cat	28-47-8
Claire	5-45-8
Clay Conner	8-45-7
Conner	14-44-7
Cranberry	30-44-9
Cranberry	3-45-7
Crane	15-44-7
Crooked	26-47-8
Crystal	10-49-6
Dawn	9-43-8
De Champs Creek Spring	33-48-8
Deep	4-46-7
Deer	27-45-6
Dinner Camp	25-44-8
Dry Well	7-45-7
Ducetts	4-45-9
Duck	26-47-8
East Davis	11-44-6
East Eightmile	35-46-9
Egg	29-45-7
Eighteen Mile Creek Spring	18-44-6
Eko	36-49-6
Erick	34-47-9
Finger	32-47-7
Fire	5-47-8

**Class 3 Lakes (continued)**

Lake Name	Section-TWP-Range
Fish Creek Flowage	27-47-7
Fish Creek Spring	10-47-5
Five Island	34-47-8
Five	34-43-5
Flakefjord	5-45-7
Flynn	30-45-7
Flynn	3-46-8
Freibaurs	27-44-6
Frog	25-46-8
Fuller	33-43-8
George	18-45-9
Getsey	6-46-7
Ghost	20-43-5
Half Moon	17-47-8
Half Moon	24-44-8
Happles	9-46-8
Hay	18-45-9
Heart	7-46-7
Henderson	33-45-9
Henry	1-43-8
Hicks	11-47-8
Hidden	20-43-6
Hildebrandt	31-43-6
Hobbs	3-47-8
Hoist	2-48-7
Holly	25-44-8
Honey	18-47-7
Horseshoe	13-48-7
Horseshoe	19-44-7
Hostrassers	14-47-9
Hyatt Spring	5-44-8
Idlewild	6-44-9
Inch	3-46-8
Indian	23-45-5
Island	24-47-8
Jesse	26-47-9
JoAnn	15-43-7
Johnson Spring	22-45-7
Johnson	2-47-8
Jones	22-47-9
Lamereau	6-45-8
Lee	12-45-8
Lemon	8-46-7
Lenawee	12-49-7
Lerche	22-43-8
Lester	1-46-8
Lindgren	21-47-9
Line	33-46-7
Little Bass	7-43-5
Little Island	21-45-9
Little Siskwit	22-50-6
Lizzy	15-44-6
Long	6-48-5
Loon	12-47-8
Lost	21-47-8



**Class 3 Lakes (continued)**

Lake Name	Section-TWP-Range
Louise	10-47-6
Lund	5-45-7
McCloud	31-43-5
McGinnis	24-48-6
Mimi	20-44-9
Mirror	16-45-7
Mirror	6-47-7
Moon	18-47-8
Moose	5-48-6
Motyka	32-44-7
Mountain	28-45-8
Mud Flat	6-46-7
Mud	13-47-9
Mud	29-46-7
Mud	35-44-7
Mullenhoff	20-47-8
Muskie Springs	34-43-5
Mystery	6-46-7
Nancy	6-45-8
Nelson	18-45-7
Nokomis	30-47-7
Northeast	26-44-7
Ole	18-45-9
Olson	20-45-5
Osborn	33-45-6
Patsy	20-47-7
Perch	22-50-6
Perry	17-43-7
Peterson	16-47-8
Phantom	6-46-7
Physa	6-45-7
Picture	31-44-7
Pigeon	34-45-8
Pike	21-47-8
Pine	10-48-7
Pine	22-47-8
Planorbis	5-45-7
Pond	17-44-8
Porter	9-43-7
Pot	27-45-7
Preemption Creek Pond	11-44-6
Price	8-43-7
Priest	19-45-9
Rainbow	36-46-8
Rana	20-45-7
Range Line	36-43-5
Ree	28-44-6
Reynard	7-45-7
Rib	2-48-7
Rock	29-43-6
Roger	10-44-7
Roger	30-47-8
Rosa	6-44-7
Russell	22-47-9
Ryberg	23-44-7

**Class 3 Lakes (continued)**

Lake Name	Section-TWP-Range
Sage	6-44-6
Sawdust	8-47-7
Shunenberg Springs	4-44-8
Siegal	22-44-6
Silver Sack	26-48-8
Silver	9-46-8
Simpson	11-47-9
Siskiwit Springs	24-50-6
Sixteen	16-44-8
Smear	36-44-8
Southwest	31-44-6
Spider	22-47-7
Spring	11-47-9
Spring	32-43-6
Spruce	27-44-5
Square	22-46-8
Steckbaur	3-47-8
Steelhead	15-46-8
Stewart	18-44-7
Swede	12-46-8
Tank	11-43-6
Tank	20-45-6
Taylor	30-44-5
Tea Cup	29-46-7
Toothpick	31-47-7
Topside	12-47-8
Tower	25-46-8
Travers	6-45-8
Trout	4-46-8
Tub	32-47-7
Turtle	17-45-9
Twin (East)	36-49-6
Twin (North)	17-43-6
Twin (Northeast)	17-47-7
Twin (Northwest)	17-47-7
Twin (South)	20-43-6
Twin (Southwest)	17-47-7
Twin (West)	36-49-6
Twin	25-45-9
Two	19-46-7
Wabigon	13-45-8
Wanoka	20-47-7
Wentzel	13-47-8
West Davis	10-44-6
West Eightmile	34-46-9
West	14-46-8
West	22-43-8
Wilderness	6-45-8
Wilipyro	36-44-8
Wishbone	8-45-7
Wolf	4-46-7
Wright	27-47-9

## Inland Lake Lot Requirements

	Class 1	Class 2	Class 3
<b>Lot Size</b>	30,000 sq ft	60,000 sq ft	120,000 sq ft
<b>Lot Width</b>	150 ft	200 ft	300 ft
<b>Lot Depth</b>	200 ft	300 ft	400 ft
<b>Shoreline Setback</b>	75 ft	75 ft	100 ft
<b>Shoreline Vegetation Protection Area</b>	50 ft	50 ft	75 ft
<b>Side Yard Setback</b>	10 min/ 40 min total	20 min/ 50 min total	30 min/ 60 min total



## Lake Superior Lot Requirements

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

## Lots on Rivers and Streams

Lots adjoining or including rivers or streams shall meet the following minimum requirements:

Lot Size	120,000 square feet
Lot Width	300 feet
Shoreline Setback	100 feet
Lot Depth	400 feet
Side Yard Setback	30 feet/60 feet total
Shoreline Vegetation Protection Area	75 feet
View Corridor	30 feet

## Planned Unit Developments and Other Multiple Unit Developments

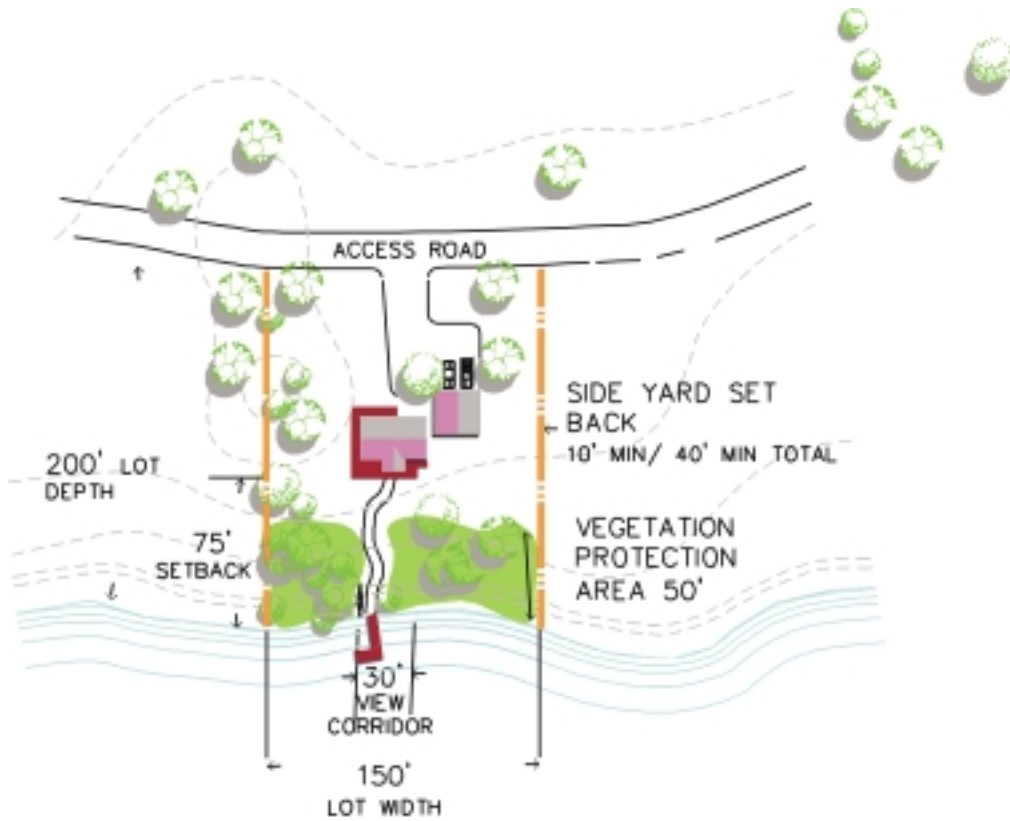
	<b>Class 1 Lakes &amp; Lake Superior</b>	<b>Class 2 Lakes</b>	<b>Class 3 Lakes, Rivers &amp; Streams</b>
<b>Shoreline Frontage</b>	150 feet for every 4 dwelling units; 600 feet minimum	200 feet for every 3 dwelling units; 800 feet minimum	300 feet for every 2 dwelling units; 1,200 feet minimum
<b>Open Space</b>	30,000 square feet per dwelling unit	60,000 square feet per dwelling unit	120,000 square feet per dwelling unit
<b>Open Space in UVOD</b>	7,500 square feet per dwelling unit	15,000 square feet per dwelling unit	30,000 square feet per dwelling unit
<b>Open Space Public Sewer System</b>	10,000 square feet per dwelling unit	20,000 square feet per dwelling unit	40,000 square feet per dwelling unit
<b>Shoreline Setback</b>	200 feet	200 feet	225 feet
<b>Viewing Corridors</b>	20% of frontage	15% of frontage	10% of frontage



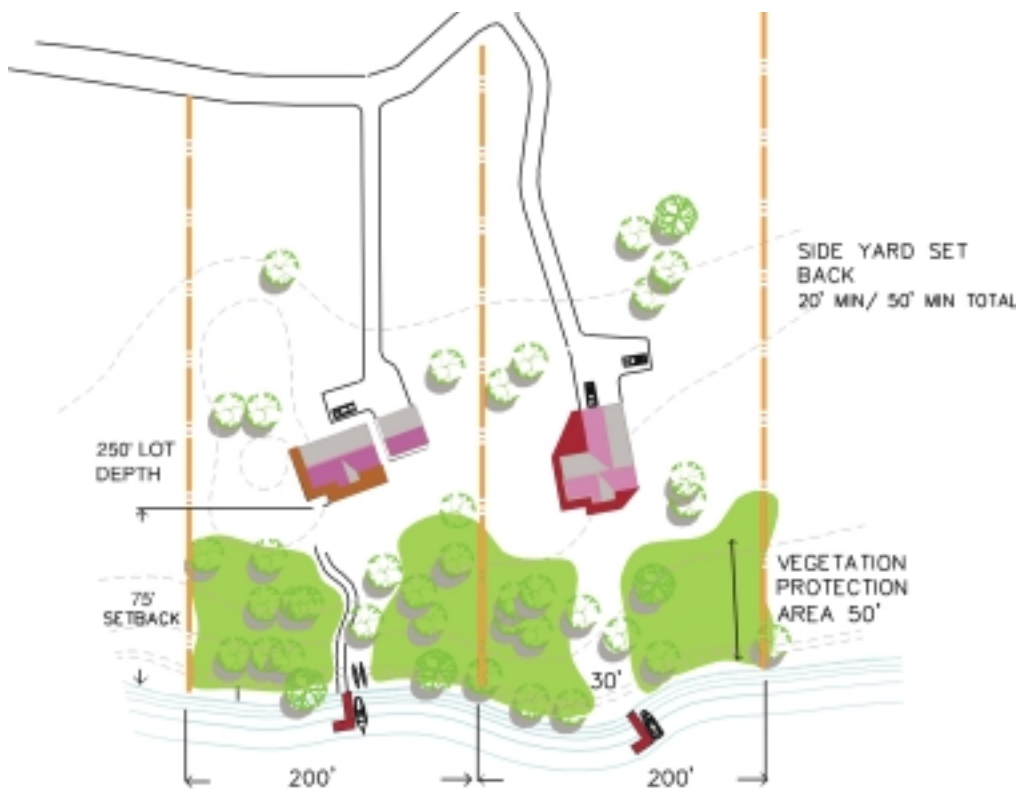
### Backlot Access to Waters

Except for waterfront lots on Lake Superior in RRB or Commercial zoning districts, the use of waterfront lots to provide deeded shoreline access to back lots is specifically prohibited, and no land division shall be recorded and no land use permit(s) shall be issued for a waterfront parcel unless the minimum lot area, width and water frontage are provided for each dwelling unit which is located or proposed to be located on the waterfront property or located on a back lot where the owner has a deeded interest in the waterfront property.

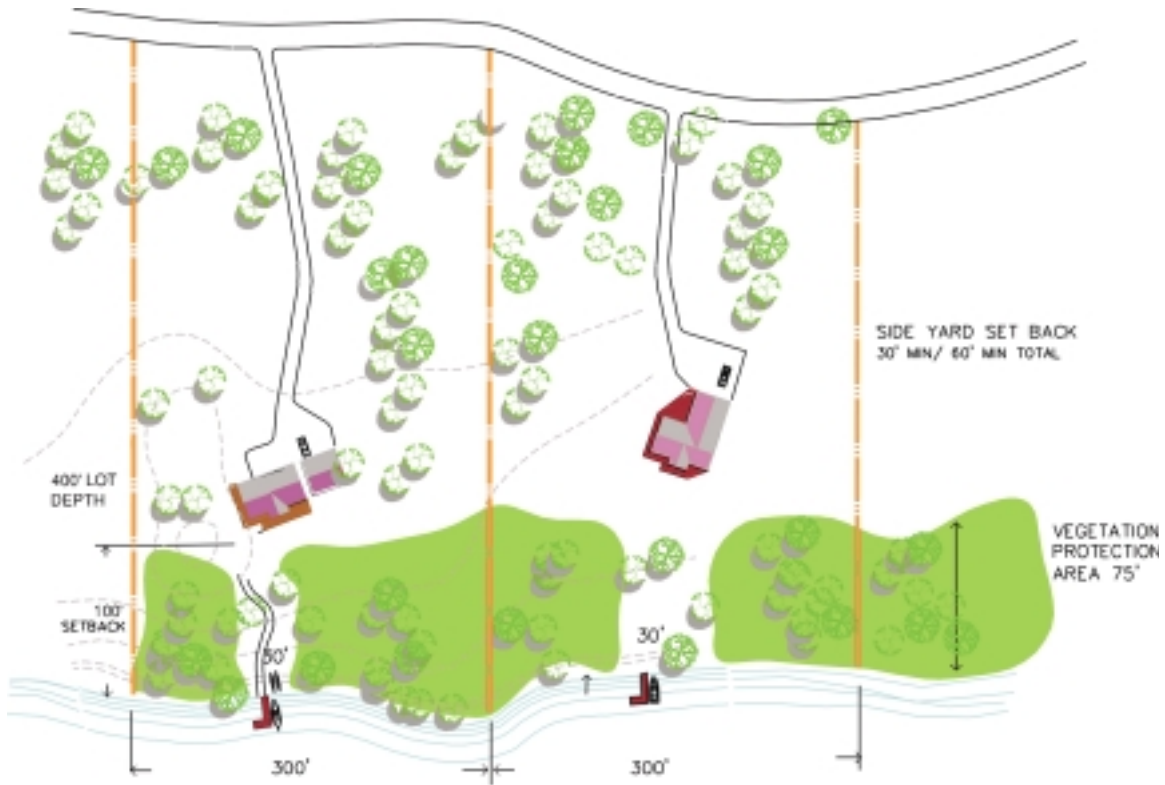




**CLASS 1 LAKES · MINIMUM REQUIREMENTS**  
30,000 Square Feet

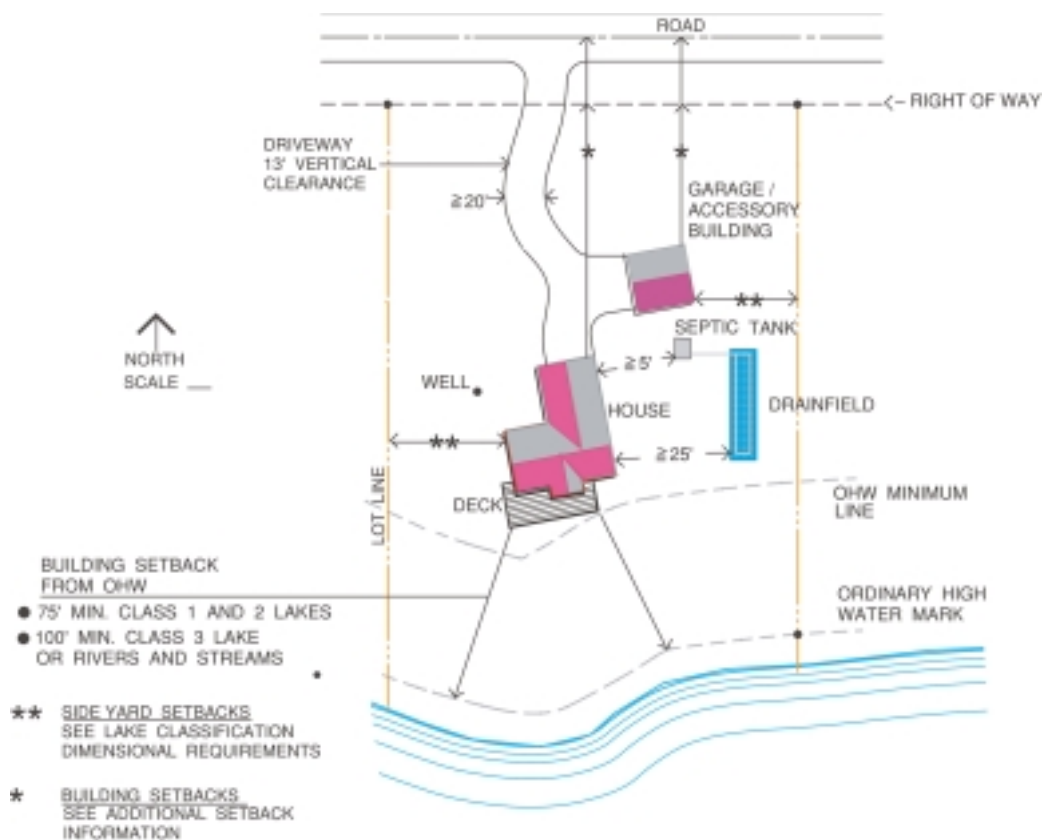


**CLASS 2 LAKES · MINIMUM REQUIREMENTS**  
60,000 Square Feet



## CLASS 3 LAKES · MINIMUM REQUIREMENTS

120,000 Square Feet



EXAMPLE OF PLOT PLAN NEEDED FOR PERMIT

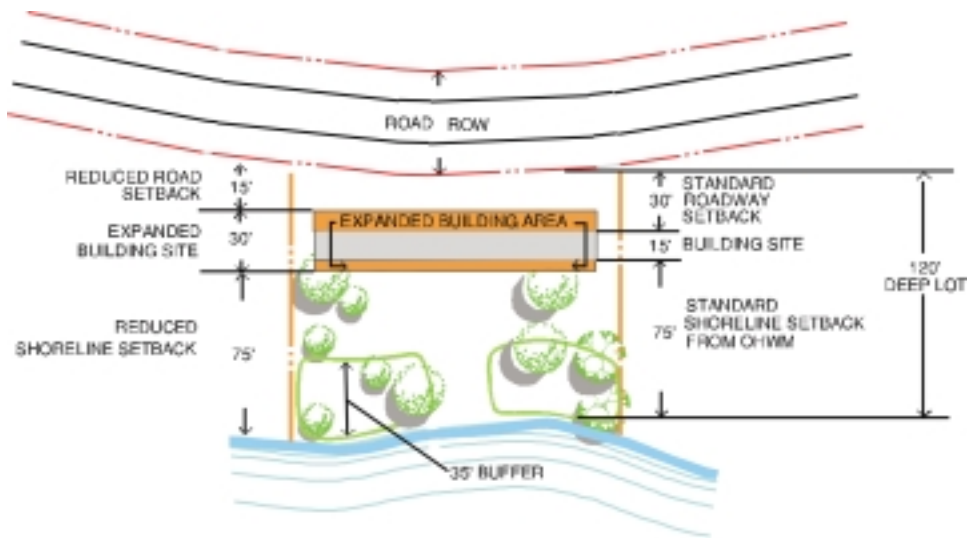
# Shoreland Regulations in Bayfield County That Affect Your Waterfront Property Shoreline Setbacks

## Reduced Roadway, Rear Yard and Shoreline Setbacks for Undeveloped and Redeveloped Lots of Record.

**Nonconforming Plats.** If a lot platted prior to December 12, 2000, is not deep enough to accommodate required roadway or rear yard and shoreline setbacks, the roadway or rear yard setback may be reduced until a thirty-foot deep building site is established provided the resulting setback is not less than one-half the distance of the required setback. In such case, in order to avoid visual and other obstructions, no garage doorway may open toward and no parking area may be located in the reduced roadway setback area.

**Shoreland Adjustment.** If the road or rear yard setback reduction above does not provide a thirty-foot deep building site, the shoreline setback may then be reduced until a thirty-foot deep building site is established provided the resulting shoreline setback is not less than two-thirds the distance of the required setback.

**Mitigation.** A property owner shall comply with the mitigation requirements in order to qualify for the setback reductions.



## REDUCED ROADWAY AND SHORELINE SETBACKS FOR UNDEVELOPED NONCONFORMING LOTS

### Additional Setback Information

#### Highway Setbacks:

Class of Highway	Setback from Centerline	Setback from Right of Way Line
State & Federal	110	50 , whichever is greater
County	75	42 , whichever is greater
Town	63	30 , whichever is greater



**Stairways and Piers.** Stairways, elevated walkways and that portion of piers landward of the ordinary high water mark are exempted from the shoreline setback requirement provided:

- The structure is necessary to access the shoreline because of steep slopes or wet, unstable soils.
- The structure shall be located so as to minimize earth disturbing activities and shoreline vegetation removal during construction and to be visually inconspicuous as viewed from the adjacent waterway and public thoroughfares.
- The structure shall be no more than four (4) feet wide.
- Structures shall be inconspicuously colored.
- Railings are permitted only where required by safety concerns.
- Canopies and roofs on such structures are prohibited.
- Landings for stairways or docks are permitted only where required by safety concerns and shall not exceed forty (40) square feet.
- No stairway, landing, elevated walkway, or similar structure shall be constructed without a land use permit having been issued, and any such structure shall be constructed in accordance with best management practices for minimizing adverse impact on the shoreland area and adjoining water. In determining whether a structure will comply with best management practices the Zoning Department may seek the assistance of the county land conservationist.

**Greater Setbacks.** In cases of adverse soil to topographical conditions, the Zoning Administrator and/or Zoning Committee may require greater setbacks.

**Intermittent Streams.** No structure shall be constructed or placed within 25 feet of the top edge of the eroded bank of an intermittent stream.

**Wetlands.** No structure shall be constructed or placed within 25 feet of a mapped wetland two acres or greater in area.

**Measurements.** All setbacks shall be measured horizontally. Structural setbacks shall be measured from the furthest extension of the structure (including eaves and decks) to the closest point of the line in question.



EXAMPLE OF STAIRWAY  
REQUIRING LAND USE PERMIT



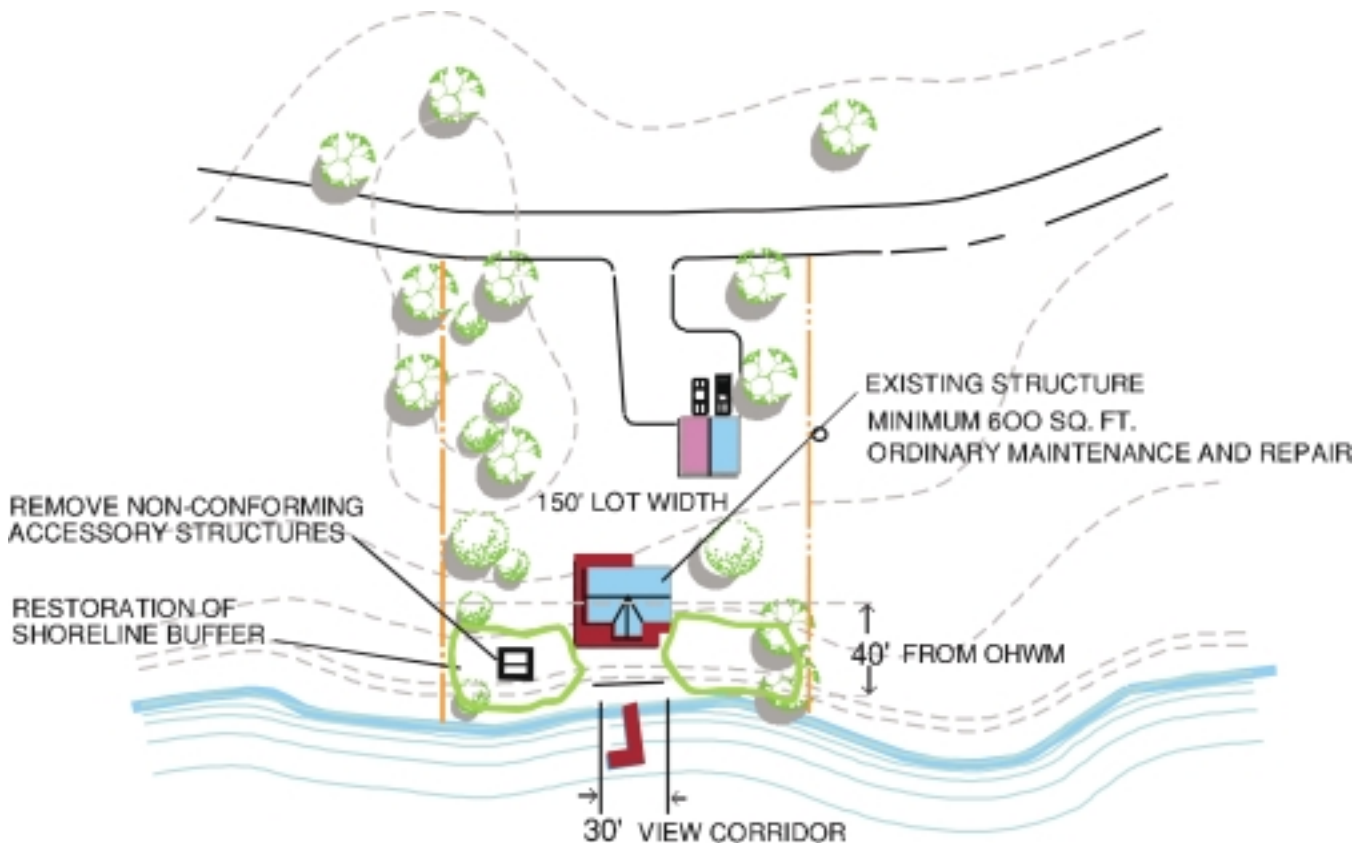
# Standards for Nonconforming Structures

A nonconforming structure refers to a structure which was existing prior to the adoption of an ordinance and which does not meet the requirements of the new ordinance. The dimensions, location or other physical characteristics of the structure do not conform to the standards of the zoning ordinance and therefore it is considered nonconforming.

The standards for nonconforming structures recognize the need to allow for some improvement to structures while not allowing major construction that results in replacement of structures that do not meet setback requirements.

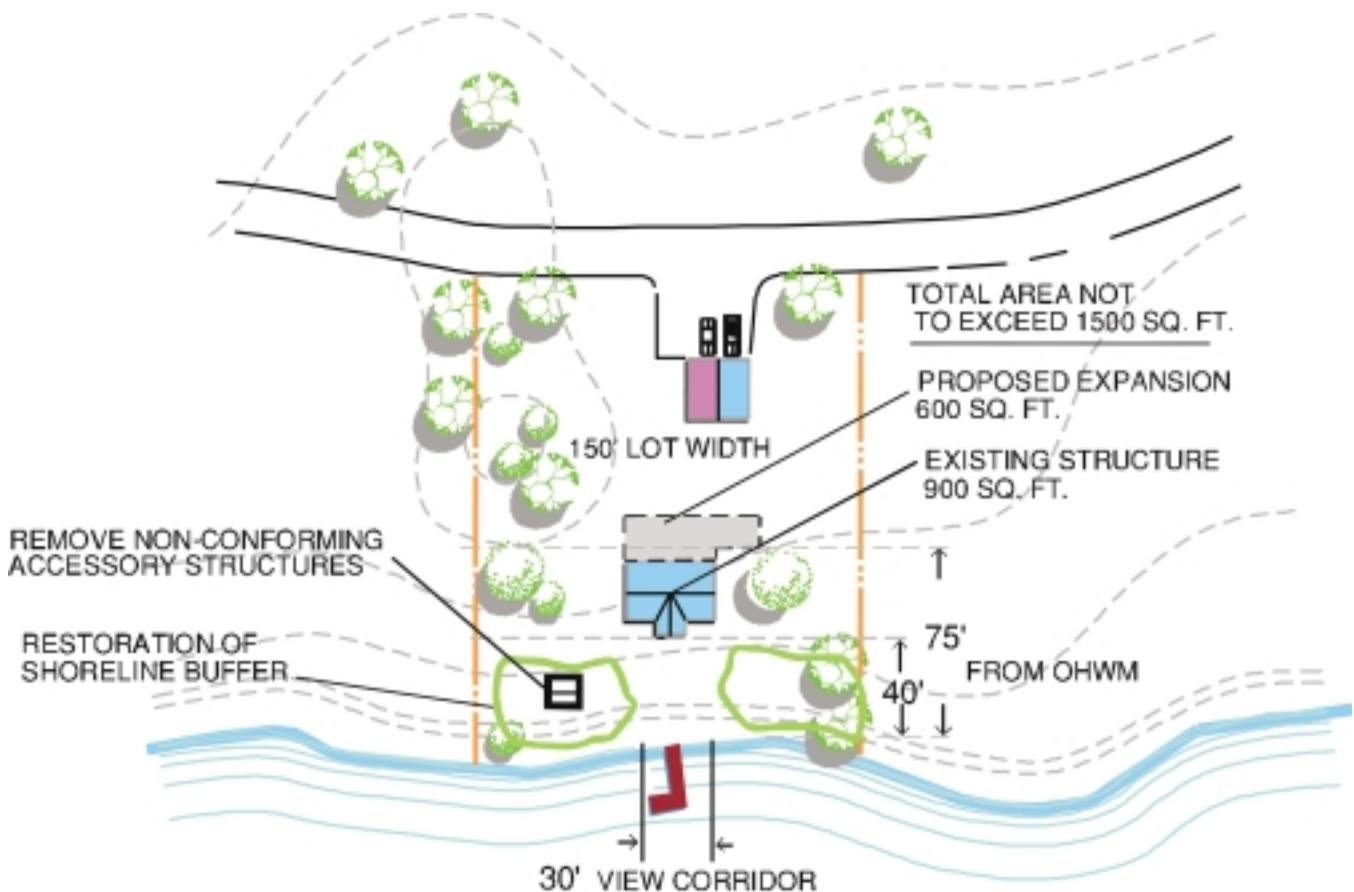
## Structures Located Less Than 40 Feet From the Ordinary High Water Mark and Have a Minimum of 600 Square Feet Enclosed Dwelling Space:

- Internal improvements shall be confined to the building envelope and may be constructed without a land use permit.
- No new basements, additional stories, other expansion, or accessory construction outside the perimeter of the existing enclosed dwelling space shall be permitted.
- Exterior improvements shall be limited to structural alterations for the replacement or addition of doors, windows, the replacement of a flat roof with a pitched roof, and/or the complete replacement of siding materials. They shall require a land use permit.
- Mitigation requirements are met.



**Structures Located Between 40 Feet and 75 Feet From the Ordinary High Water Mark and Having a Minimum of 600 Square Feet of Enclosed Dwelling Space, One Addition Shall Be Permitted:**

- The resulting structure shall not exceed twenty-six (26) feet in height.
- The addition shall be within the existing footprint or landward thereof and shall not increase the existing footprint by more than fifty percent (50%) nor increase the resulting footprint (of the existing structure and addition combined) beyond one thousand five hundred (1,500) square feet (but this provision does not prohibit an addition to a structure whose existing footprint is more than one thousand five hundred (1,500) square feet if the addition does not increase the footprint).
- The resulting structure shall not exceed one thousand nine hundred (1,900) square feet of roof overhang (measured in a horizontal plane).
- The resulting structure shall not exceed two thousand five hundred (2,500) square feet of enclosed dwelling space (measured for all stories excluding the basement).
- No new or raised basement for the existing structure or any attached accessory structure shall be permitted, though a basement may be constructed under a permitted lateral addition.
- Any expansion or exterior improvement shall require a land use permit.
- Mitigation requirements are met.







**Structures Located Between 20 Feet and 40 Feet From the Ordinary High Water Mark and Having a Minimum of 600 Square Feet of Enclosed Dwelling Space, One Addition Shall Be Permitted:**

- Not exceeding one hundred seventy-five (175) square feet of enclosed dwelling space and located on the landward side of the structure.
- Shall be permitted if the resulting structure's height does not exceed twenty-six (26) feet, its footprint does not exceed one thousand five hundred (1,500) square feet.
- Its roof overhang does not exceed one thousand nine hundred (1,900) square feet.
- Its enclosed dwelling space does not exceed two thousand five hundred (2,500) square feet.
- A plan meeting all of the following requirements is submitted to and approved by the Bayfield County Zoning Department and is fully implemented and complied with:
  - ¥ The septic system shall be upgraded in accordance with COM 83, Wis. Adm. Code, and the Bayfield County Sanitary Private Sewage Ordinance.
  - ¥ Water runoff from the structure shall be handled in accordance with best management practices.
  - ¥ A shoreline vegetation protection area shall be established and maintained for not less than one-half the distance from the ordinary high water mark to the structure. Any natural vegetation located closer to the structure than one-half the distance from the ordinary high water mark shall also be maintained.
- Mitigation Requirements are met.

**Structures Located on Class 3 Lakes or Rivers and Streams Between 75 Feet and 100 Feet From the Ordinary High Water Mark, Improvements & Expansions Shall Be Permitted:**

- Upon the issuance of a land use permit to the same extent as if they were conforming structures, provided that:
  - ¥ Any addition is located no closer to the ordinary high water mark than the existing structure.
  - ¥ Mitigation requirements are met.

## Mitigation Measures

Mitigation is required to compensate for lost shore buffer area functions when nonconforming structures are improved or expanded within the shore setback area. A site plan and implementation schedule describing any required mitigation shall be submitted by the property owner or owner's authorized agent and approved by the Zoning Department prior to issuance of the related land use permit(s). Mandatory mitigation measures shall include:

- Evaluation and upgrading of any existing sanitary system on the subject property to comply with COM 83, Wis. Adm. Code, and the Bayfield County Sanitary and Private Sewage Ordinance.
- Implementation of erosion and storm water runoff control measures in accordance with best management practices.
- Accumulating at least four (4) points from among the following proposed or current practices:
  - 1 Point    ¥ Restoration or maintenance of a shoreline vegetation protection area within twenty-five (25) feet of the ordinary high water mark (OHWM).
  - 2 Points   ¥ Restoration or maintenance of a shoreline vegetation protection area within forty (40) feet of the OHWM.
  - 3 Points   ¥ Restoration or maintenance of a shoreline vegetation protection area within seventy-five (75) feet of the OHWM.
  - 1 Point    ¥ Restoration of native vegetation along both side yards.
  - 1 Point    ¥ Removal of nonconforming accessory buildings from the shoreline setback area.  
Per Bldg
  - 1/2 Point  ¥ Use of exterior building materials or treatments that are inconspicuous and blend with the natural setting of the site.
  - 1/2 Point  ¥ Compliance with any shoreland exterior lighting requirements that may be adopted.
    - ¥ Other practices agreed upon by the Zoning Department (seawall removal, removal of excessive dockage and mooring, removal of artificial sand beaches, etc.).  
*Points as determined by the Zoning Department*

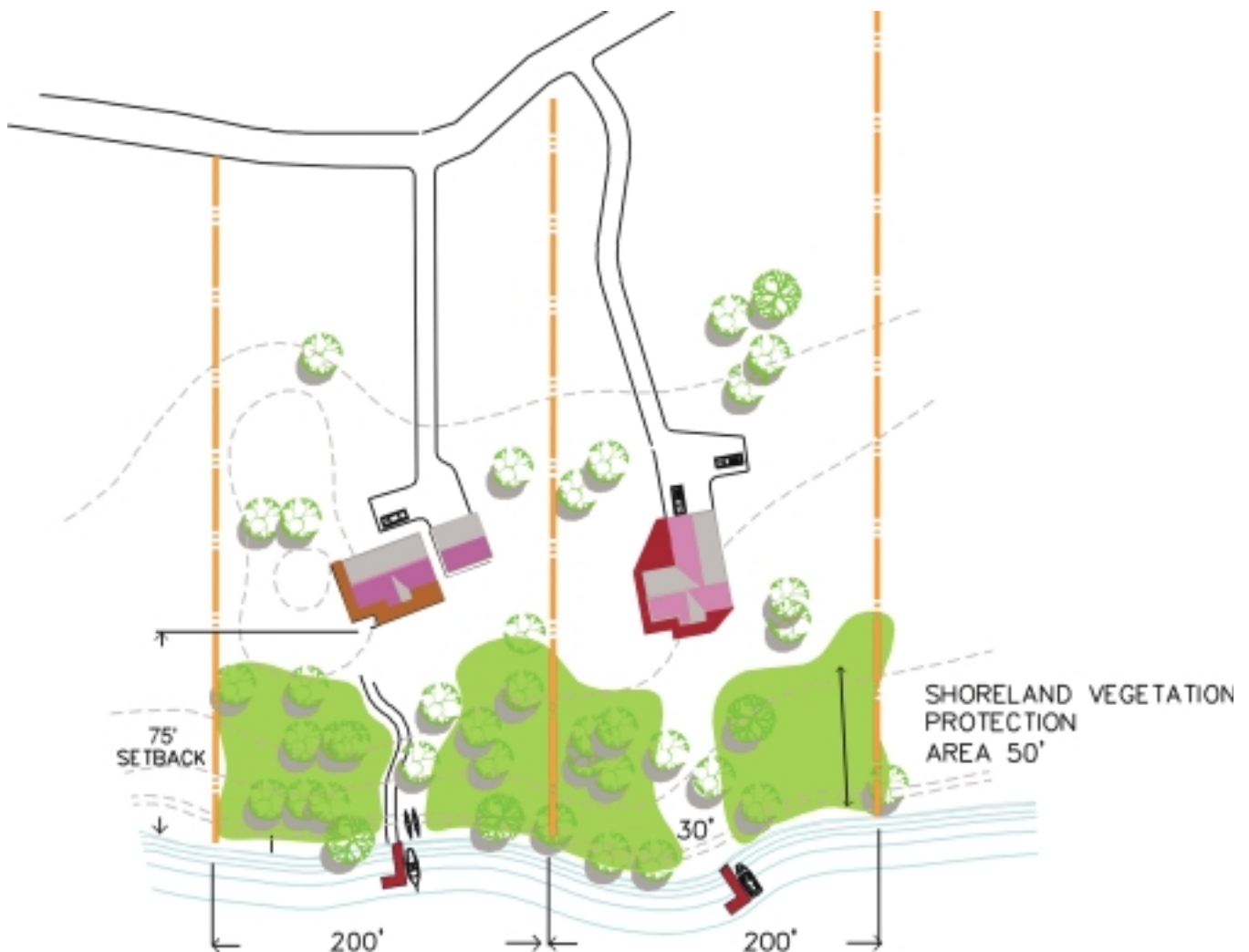
In exchange for permitting an addition to a nonconforming structure, mitigation is required to restore the natural values of a shoreline. The goal of these mitigation requirements is to restore the benefits of a healthy, functioning buffer zone. Benefits of mitigation include:

- ★ A shoreline rich in diverse vegetation to curb runoff and enhance wildlife habitat.
- ★ A shoreline where structures blend in with natural surroundings thereby enhancing aesthetic beauty.
- ★ An upgraded septic system that meets water quality standards.

## Shoreland Vegetation Protection Areas

There shall be a shoreland vegetation protection area on each lot adjoining or including navigable water extending from the ordinary high water mark to a line that is 25 feet closer to the ordinary high water mark than the required shoreline setback. Within such area, the removal of trees, shrubs, and ground cover and land disturbing activities are prohibited with the following exceptions:

- One viewing corridor for each lot may be established by pruning and selective removal of trees and shrubbery. Clear cutting, filling, grading, and other land disturbing activities are prohibited.
- Sufficient trees and shrubbery shall be retained to screen development from view from the water.
- The viewing corridor shall be more or less perpendicular to the shore, no more than 30 feet wide in the dimension paralleling the shore, and shall be set back at least ten (10) feet from each side lot line.
- For lots with less than 100 feet of frontage, the width of the viewing corridor shall be no more than 30% of the frontage.
- No fences shall be allowed in the shoreland vegetation protection area.

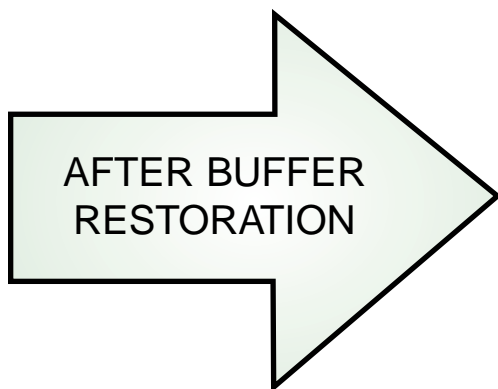
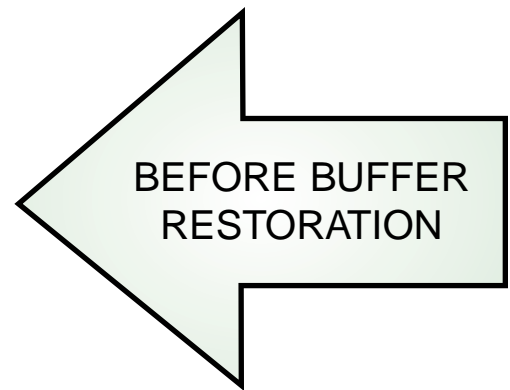


# Maintaining and Restoring Your Vegetative Shoreline Buffer

## Shoreline Buffer Restoration

### Definition:

A shoreline buffer is a zone of native vegetation that extends from the ordinary high water mark inland. A buffer restoration design seeks to restore functions provided by the original, natural vegetation. Buffers of vegetation provide habitat, hold soil in place, intercept and purify runoff water, and provide natural beauty.





# Evaluating Your Shoreland Property

## Physical Characteristics

■ **Parcel Size.** The lot should be large enough to accommodate your intended use, as well as comply with the local zoning requirements. Lots that have been created since the statewide shoreland zoning standards took effect are large enough for most residential uses and comply with local zoning requirements. However, there are many lots that were created prior to the shoreland rules that may be substantially smaller than the new lot size requirements. These substandard lots may still be bought and sold if separately owned, but they may be too small to accommodate a structure or a sewage treatment system. If you are considering buying such a lot, you should carefully review your intended use and the limitations of the property.

■ **Parcel Shape.** Although the size of the lot may meet zoning requirements, the shape can restrict the use and location of structures. Long, narrow lots or pie-shaped lots may make it difficult to meet some of the requirements for setbacks, lot widths and sewage treatment systems. Carefully consider the compatibility of a lot shape with your intended use.

■ **Topography.** Land surface elevations are important for several reasons. First, the lot should be high enough so that the dwelling will not be flooded by water level fluctuations. The site should be able to accommodate the lowest portion of the building, including the basement, at least three feet above the highest known water level. The site must also accommodate an on-site sewage treatment system and enough room for an alternate system. It is necessary to have a qualified professional determine if a site can accommodate a standard sewage system.

■ **Soil Conditions.** The soils should be suitable for your intended use as both structures and sewage treatment systems have specific requirements. Wet or clay soils are generally unsuitable for soil absorption sewage treatment systems and can also make building construction difficult.

■ **Vegetation.** The aesthetic and ecological value of shoreland property is linked to the type and quality of existing vegetation. Large trees and wooded landscapes are attractive and help to screen structures from the lake. Shoreland zoning ordinances regulate the amount of vegetation that can be removed. The natural vegetation gives you clues as to the suitability of your intended use. Inventory the types of trees on the property; remember white birch and aspen tend to be short lived compared to oak and maple.

■ **Parcel Orientation.** Generally, the most desirable orientation is south or west which provides daytime sun and off-lake breezes. Remember, deciduous trees such as oak, maple, etc., will allow sun in the winter while pines will provide year-round shade.



- **Adjacent Development.** Locate adjacent properties waste treatment systems and wells to determine setback restrictions on your property and consider side-yard setbacks and privacy.
- **Potential Building Sites.** After an analysis of your site, select an appropriate location for your building based on the above factors. Remember the best building sites in many cases are back beyond the required minimum setback. A maximum height restriction of the structure measured from the lowest exposed point on the foundation to the highest point on the roof is 35 .



## Shoreland Lighting

All outdoor lighting on shoreland lots which is within 300 feet of the ordinary high water mark shall meet the following requirements:

- Lighting shall be controlled so as not to shine up into the sky or onto any neighboring property or onto navigable waters. This may be accomplished by use of fully shielded cut-off fixtures, directing light fixtures downward rather than upward, or by other similarly effective means.
- Where lighting is for security purposes or to illuminate walkways, roadways, equipment yards or parking lots, only fully shielded cut-off style light fixtures shall be used.
- All illuminated signs for commercial purposes visible from navigable waters shall be turned off between 11:00 p.m. and sunrise except that signs may be illuminated while the business facility is open to the public.
- All forms of flashing, rotating, or moving lights shall be prohibited.

## Filling † Grading † Dredging † Lagooning

- **General Requirements.** Only filling, grading, dredging, lagooning, ditching, and excavating which is done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat and which is accomplished in conformity with all applicable federal, state and local laws is permissible in the shoreland.
- **Lake Superior.** A special land use permit shall be required for excavating, grading, or filling of two hundred (200) square feet or more within one thousand (1,000) feet of the ordinary high water mark of Lake Superior (roadway maintenance exempt).
- **Filling.** A special land use permit shall be required for the filling of five hundred (500) square feet or more of any wetland. In addition, a permit may be required from the Department of Natural Resources under Ch. 30, Wis. Stats, or from any other state agency having jurisdiction.
- **Grading.** A special land use permit shall be required for the grading or filling of one thousand (1,000) square feet or more within a strip paralleling the shoreland and extending inland three hundred (300) feet from the ordinary high water mark (roadway maintenance exempt).

# Long Term Best Management Practices

Follow these long-term BMP s to minimize runoff and prevent sediments from going into the lake:

- Limit hard surface and covered areas that prevent water from seeping into the ground.
- Provide permanent stabilization practices for long-term protection of your shoreland property by planting new vegetation and diverting drainage away from the lake whenever possible.
- Retain native trees and shrubs, as trees provide a natural umbrella by shedding water and can reduce runoff by as much as 50%.
- Limit clearing and grading on slopes which drain to the water and minimize cutting and filling for roads, driveways, sidewalks, stairways and footpaths to reduce erosion and still provide adequate access.



## Why Is Runoff A Problem?

The way water flows is changed when an area is developed or the landscape is altered. Covering land surfaces with roads, driveways or impervious surfaces (rooftops, decks, walkways and parking lots), causes less water to seep into the soil, increasing runoff. This increased runoff is usually channeled into ditches, drainageways or downslope towards nearby lakes and streams.

High flows of water often cause flooding or erosion, increasing sediment in streams and lakes. Fine sediment can transport nutrients such as nitrates or phosphorus. All of these processes have an adverse effect on water quality and the lake s environment.

Follow these guidelines for erosion control during and after construction. Erosion control practices must be installed PRIOR to any land disturbing activities and must remain in place until the site is stabilized (no bare soil).

- **Minimize disturbance of the existing groundcover layer** to avoid soil erosion.

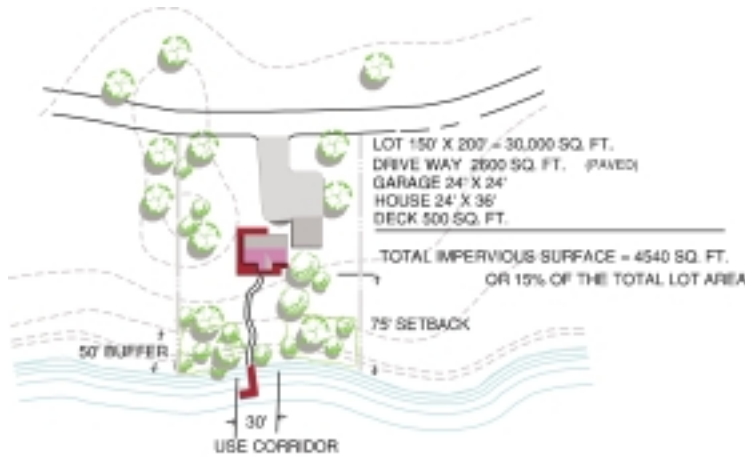


- **Keep the construction site covered with a hay or straw mulch** immediately after seeding or reseeded.
- **Consider working only in a small area** and stabilizing that site before disturbing another.
- **Protect groups of trees from heavy equipment by encasing them** with snowfence. Avoid compacting soil above tree roots by excluding heavy equipment and not stockpiling building materials over roots.
- **Maintain a filter strip of natural vegetation** along the banks of lakes and streams; the best filter strips are native trees with undisturbed native understory plants.



# Impervious Surfaces

Impervious surfaces such as asphalt pavement and building roofs result in increased volumes and velocities of stormwater runoff. This runoff carries nutrients, sediment and other pollutants as it flows toward the lake or river. Limits on the amount of impervious surfaces on a shoreland lot reduce the potential for runoff that adversely effects the water quality and provide areas for the retention and infiltration of runoff. Natural shoreland buffer zones are encouraged for their effectiveness in handling runoff.



## IMPERVIOUS SURFACE LIMITATIONS

**Requirements.** That part of a shoreland lot within 300 feet of the ordinary high water mark shall not contain more than 4,500 square feet or 15% of impervious surfaces, whichever is greater, except pursuant to a fully implemented storm water management plan approved by the Department and providing that there will be no increase in storm water discharge from the lot as a result of the construction for storms up to and including the 10-year 24-hour storm event. Such plan shall be certified by a registered professional engineer or, at the County's option, the applicant shall provide funds to defray the costs of County preparation of the plan.

## Access Roads, Driveways & Sidewalks

- Minimize the amount of impervious surfaces.
- Use gravel driveways instead of asphalt or concrete pavement.
- Where paved areas are necessary, locate them as close to the main road as possible to minimize the length of paved driveway and keep the paved areas as far from the water as possible.
- Because steeper slopes have greater erosion potential, locate driveways, sidewalks, stairways and footpaths away from slopes. Follow the contour of the slope if your walkway goes across a hillside.
- Use steps when a walkway must go directly up and down a slope, particularly near the shore.
- Sweep driveways or sidewalks instead of washing them down with a hose, to prevent sediment, salt and petroleum products from washing into the lake.
- Use paving stones or treated wood instead of solid concrete for walkways; this allows water to seep through instead of running off.





# Helpful Definitions

## ■ Accessory Structure

A detached, subordinate structure which is clearly incidental to and customarily found in connection with the principal structure to which it is related and which is located on the same lot as the principal structure.

## ■ Erosion and Stormwater Runoff Control Measures

Best management practices, maintenance or operational procedures, structural devices, or technologies to prevent or reduce the negative impacts of snowmelt or ice runoff, surface runoff and drainage, and soil, sediment, or rock fragments detached from the earth's surface by wind, water, ice or gravity from depositing in areas of lower elevation and/or waters of Bayfield County.

## ■ Expansion

Any structural modification which increases the existing structure's size and shape.

## ■ Exterior Improvement

Upgrades in aesthetics, function, or worth of the outside surface(s) or components of a structure. Such improvements may include, but are not limited to, structural alteration for the expansion or addition of doors or windows, or the replacement of basement/foundation walls and footings. Complete siding or a complete change in siding materials will require a land use permit.

## ■ Floodplains

The area adjoining a watercourse which has been and hereafter may be covered by the regional flood.

## ■ Footprint

That portion of a lot covered by a building or structure at the surface level, measured on a horizontal plane.

## ■ Impervious Surface

A surface consisting of asphalt, concrete, roofing material, brick, paving block, plastic, or other similar material which does not readily absorb water.

## ■ Internal Improvement

Upgrades in aesthetics, function, or worth of the interior surface(s) or components of a structure. Such improvements may include, but are not limited to, replacement or the addition of interior doors, cabinets, drywall, insulation, or plumbing, heating, and electrical system components.

## ■ Mitigation

Compensatory action(s) to restore natural functions and values lost through development and human alterations.

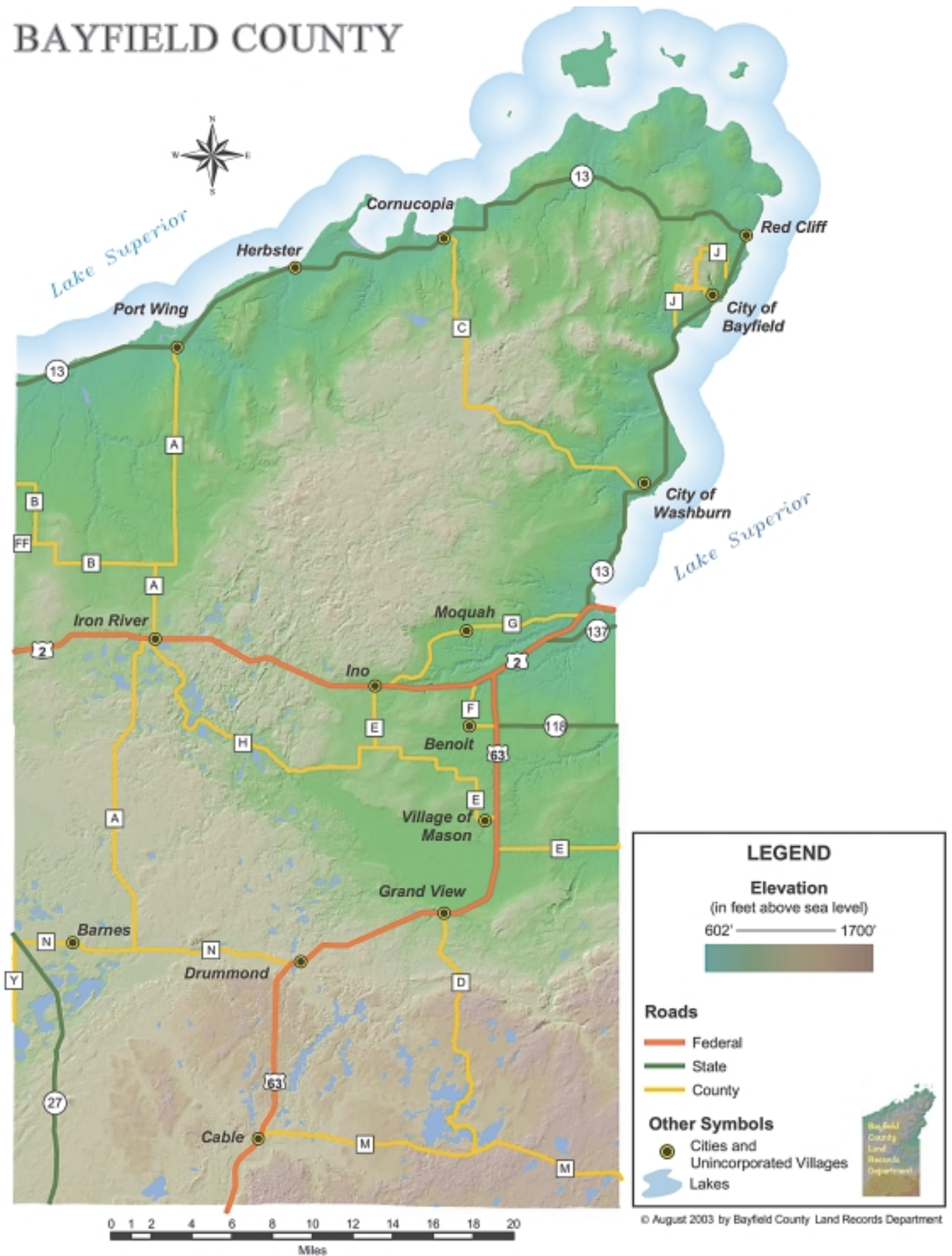
## ■ Structural Alteration

Any activity not considered ordinary maintenance and repair that results in a change to the internal framework, or the exterior silhouette or footprint of a structure.

## ■ Wetlands

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 set conditions.

# BAYFIELD COUNTY



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Miles



# A PROPERTY OWNER'S GUIDE FOR PROTECTING & MANAGING SHORELANDS IN **BAYFIELD COUNTY**

## Helpful Checklist

- Initial contact with Zoning Office to discuss plans, site location, etc.
- Gather and access information on the lake and property you are interested in.
- Review shoreland regulations to determine how these effect your lake and property.
- Obtain soil tests from Certified Soil Tester.
- Obtain necessary permits from the Zoning Office and the local town, village, city, state or federal agencies, if required.
- Because the greatest impact to water quality occurs during home construction, discuss the best management practices (BMP s) with your contractor prior to the construction phase.

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*Compliments of*

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