

## **Article B: Shoreland Protection Overlay**

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### **Sec. 9-1-20 Purpose.**

For the purpose of promoting the public health, safety, convenience, and welfare, this Chapter has been established to:

- (a) Further the maintenance of safe and healthful conditions and prevent and control water pollution through:
  - (1) Limiting structures to those areas where soil and geological conditions will provide a safe foundation.
  - (2) Establishing minimum lot sizes to provide adequate area for private sewage disposal facilities.
  - (3) Controlling filling and grading to prevent serious soil erosion problems.
- (b) Protect spawning grounds, fish and aquatic life through:
  - (1) Preserving wetlands and other fish and aquatic habitat.
  - (2) Regulating pollution sources.
  - (3) Controlling shoreline alterations, dredging and lagooning.
- (c) Control building sites, placement of structures and land uses through:
  - (1) Separating conflicting land uses.
  - (2) Prohibiting certain uses detrimental to the shoreland area.
  - (3) Setting minimum lot sizes and widths.
  - (4) Regulating side yards and building setbacks from waterways.
- (d) Preserve shore cover and natural beauty through:
  - (1) Restricting the removal of natural shoreland cover.
  - (2) Preventing shoreline encroachment by structures.
  - (3) Controlling shoreland excavation and other earth moving activities.
  - (4) Regulating the use and placement of boathouses and other structures.

### **Sec. 9-1-21 General Provisions.**

Area covered by this shoreland protection overlay shall include all the lands (referred to as shorelands) in the unincorporated areas of Iron County which are:

- (a) Within one thousand (1,000) feet of the ordinary highwater mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages in Iron County shall be presumed to be navigable if they are listed in the Wisconsin Department of Natural Resources publication "Surface Water Resources of Iron County" or shown on USGS maps.
- (b) Within three hundred (300) feet of the ordinary highwater mark of navigable rivers and streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams in Iron County shall be presumed to be navigable if they are designated as either continuous or intermittent waterways on the 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 used to delineate floodplain areas which have been adopted by Iron County, shall be used to determine the extent of the floodplain of navigable rivers or streams in Iron County.

- (c) Determinations of navigability and ordinary highwater mark 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 highwater mark.
- (d) Within the Shoreland Protection Overlay Area established by this Article of this Chapter any uses, including accessory and conditional uses, which are permitted or authorized in the underlying districts shall be subject to the shoreland provisions of this Chapter.

**Sec. 9-1-22 through Sec. 9-1-39      Reserved for Future Use.**

- (3) Commercial and industrial uses as listed and permitted in the zoning districts, shall be provided, except as noted below with one (1) parking space for each two hundred (200) square feet of floor area. However, restaurants, taverns and similar establishments shall be provided with at least one (1) space for each three (3) seats devoted to patron use; motels, tourists cabins and similar establishments, shall be provided with at least one (1) space for each unit; drive-in eating stands offering in-car service shall be provided with at least five (5) spaces for each person employed to serve customers.
- (4) Public gathering uses shall be provided with at least one (1) space for each five (5) patrons to be accommodated on the premises.
- (c) **Off-Street Loading and Unloading.** Any commercial or industrial building hereafter erected or placed on a lot, shall be provided with sufficient off-street loading and unloading space so that no public streets or alleys need be blocked by such activities. In the Industrial District such buildings shall be provided with a minimum of four hundred (400) square feet of off-street loading and unloading space.
- (d) **Public Nuisance.**
  - (1) No person, persons, or group shall establish or maintain a public nuisance upon any real estate contained in any district encompassed under this Chapter.
  - (2) For purposes of this Subsection, such nuisances shall be defined as any use of real estate which is offensive, obnoxious, unsafe or substantially impairs the value of surrounding property either economically or aesthetically. Nuisances shall also have the definition contained in Chapter 146 and Chapter 823, Wis. Stats., and shall further include a nuisance as defined by the common laws of the State of Wisconsin.
  - (3) Any violation of the terms of this Subsection shall be punishable by a forfeiture of not less than Fifty Dollars (\$50.00) nor more than Three Hundred Dollars (\$300.00).
  - (4) In addition to the penalties provided in Subsection (d)(3) above, the Court may, upon a conviction, order the abatement of any nuisance as described under this Subsection, not more than sixty (60) days following the date of such conviction. Any failure to abate said nuisance as provided herein shall subject the person or persons so ordered to penalties as provided for contempt of such order.

## **Sec. 9-1-70 Shoreland Regulations.**

- (a) **Setback.** For lots that abut on navigable waters the following setback regulations shall apply:
  - (1) All permanent structures, except piers, boat hoists and boathouses shall be set back seventy-five (75) feet from the ordinary high water mark of navigable waters. Boathouses or similar structures which require a waterfront location shall not be used for habitation nor extend closer than six (6) feet from the ordinary highwater mark and cannot be over two hundred forty (240) square feet in size or exceed twelve (12) feet in maximum height. Boathouses can be used only for the storage of water craft and associated materials.

- (2) A setback equal to the average setback of existing principal buildings within five hundred (500) feet of a proposed building site, shall be permitted where such existing buildings do not conform with the appropriate setback line. A minimum setback of forty (40) feet shall be required in all such cases.
- (3) The County Zoning Administrator shall determine the ordinary high water mark where not established.
- (b) **Removal of Shoreline Cover.** The cutting of trees and shrubbery shall be regulated to protect scenic beauty, control erosion and reduce the flow of effluents and nutrients from the shoreland. In the strip thirty-five (35) feet inland from the ordinary highwater mark, no more than thirty (30) feet in any one designated hundred (100) feet shall be clear cut. In other areas, trees and shrub cutting shall be governed by consideration of the effect on water quality and should be in accord with accepted forestry management practices.
- (c) **Commercial Forestry.** From the inland edge of the thirty-five (35) foot strip to the outer limits of the shoreland, the commercial harvesting of trees shall be allowed when accomplished under accepted forest management practices. The maintenance and improvement of water quality shall be emphasized in all timber harvesting operations. The purpose of this order will favor long-lived species adapted to the site and will prescribe slash disposal methods necessary for aesthetic value.
- (d) **Land Alteration.**
  - (1) Filling, grading, lagooning, dredging, ditching and excavating shall require an Iron County Land Use Permit in accordance with Section 13-1-141 and may be permitted only in accord with State law and where protection against erosion, sedimentation and impairment of fish and aquatic life has been assured.
  - (2) Filling, grading, lagooning, dredging, ditching or excavating in a shoreland-wetland district may be permitted only if the requirements listed in Section 13-1-209(b)(2) and (3) of the Shoreland-Wetland District are met.
  - (3) A state or federal permit may be required, in addition to a permit under this Chapter, if State or federal laws are applicable to the filling, grading, lagooning, dredging, ditching or excavating that is proposed.
  - (4) A stairway, walkway or lift is permitted in the shoreland setback area only when it is essential to provide pedestrian access to the pier because of steep slopes, rocky or wet, unstable soils, and when the following conditions are met:
    - a. There are no other locations or facilities on the property which allow adequate access to a pier. Only one (1) stairway or lift is allowed, not both, except where there is an existing stairway and the lift will be mounted to or is immediately adjacent to the existing stairway.
    - b. Such structures shall be placed on the most visually inconspicuous route to the shoreline and shall avoid environmentally sensitive areas.
    - c. Vegetation which stabilizes slopes or screens structural development from view shall not be removed.
    - d. Structures shall be colored and screened by vegetation so as to be inconspicuous when viewed against the shoreline.

- e. Canopies, roofs and sides are prohibited. Open railings may be provided where required for safety.
- f. A maximum width of four (4) feet (outside dimension) is allowed for stairways, walkways and lifts.
- g. Landings are allowed when required for safety purposes and shall not exceed forty (40) square feet. Attached benches, seats, tables, etc., are prohibited.
- h. Stairways, walkways and lifts shall be supported on piles or footings. Any filling, grading or excavation that is proposed must meet the requirements of this Section.

**Sec. 9-1-71 through Sec. 9-1-79      Reserved for Future Use.**



## Article F: Regulation of Special Uses

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### **Sec. 9-1-100 General Provisions.**

Except as added to or altered hereafter in this Section, the procedures and requirements of Article F governing Conditional Uses shall apply.

### **Sec. 9-1-101 Quarries and Mines.**

- (a) **Application Required.** Application requesting County Zoning Committee approval of a proposed quarrying activity shall be accompanied by:
  - (1) A description of all phases of the contemplated operation including types of machinery and equipment which will or might be necessary to carry on the operation. Where the operation is to include sand and gravel washing, the estimated daily quantity of water required, its source and its disposition shall be identified.
  - (2) A legal description of the proposed site.
  - (3) A topographic map [may be required by the County Zoning Committee at a minimum contour interval of five (5) feet] of the proposed site and the area extending beyond the site to a minimum distance of three hundred (300) feet on all sides.
  - (4) A restoration plan as hereinafter required.
- (b) **Consideration of Compatibility.** In reviewing a proposal for a quarrying activity, the County Zoning Committee shall take into consideration:
  - (1) The effect of the proposed operation on drainage and water supply, particularly in connection with sand and gravel washing.
  - (2) The possibility of soil erosion as a result of the proposed operation.
  - (3) The most suitable land use for the area.
- (c) **Restoration Plan and Financial Guarantee Required.** No grant to carry on a quarrying or mining operation shall be given until the County Zoning Committee approves a restoration plan and the owner agrees to restore the quarried area to a condition of practical usefulness and reasonable physical attractiveness as soon as practical after the quarrying operations have ceased. The owner shall provide sufficient financial guarantee to secure the performance of the restoration agreement. The agreement and financial guarantee shall be in a form approved by the County District Attorney.
- (d) **Conditions for Approval.** The County Zoning Committee may set forth conditions regarding appropriate setback and other dimensional requirements particularly with reference to avoiding a nuisance effect on surrounding residential uses. Suitable fencing, capping and landscaping may be required.
- (e) **Duration of Conditional Grant.** The initial grant to carry on a quarrying operation shall not be effective for more than five (5) years. Authorization may be extended for additional years, subject to conditions specified by the County Zoning Committee.

(f) **Existing Quarry and Past Mining Operations.**

- (1) Within sixty (60) days after the original effective date of this Chapter, the owners of all existing quarrying and past mining operations shall submit to the County Zoning Committee the names of the quarry and mine owners and operators and information regarding its operation.
- (2) Within one (1) year after adoption of this Chapter, the owners shall submit to the County Zoning Committee a plan for restoration of the quarrying and mining site in accordance with Subsection (d) of this Section. The restoration plan shall not impose requirements which are unreasonable for economic or engineering reasons with respect to conditions resulting from operations prior to enactment of this Chapter.
- (3) Within three (3) years after the effective date of this Chapter any such existing operation shall be subject to the provisions of Subsections (d) through (f) of this Section.

**Sec. 9-1-102 Salvage Yards.**

- (a) This Section of the Iron County Land Use Ordinance is intended to protect the public health, safety and welfare.
- (b) No salvage or junk yard shall be permitted in Iron County unless a Conditional Use Permit has been approved by the Iron County Land and Zoning Committee.
- (c) All salvage or junk yards shall meet all State of Wisconsin regulations and the following Iron County requirements:
  - (1) Salvage and junk yards shall have a minimum side and rear yard of one hundred (100) feet and the setback for the front yard shall be a minimum of one hundred (100) feet from any road, street, or highway right-of-way.
  - (2) Salvage and junk yards shall be enclosed by a suitable fence or planted screen through which the material is not visible to other property owners nor from any public right-of-way such as roads, streets, highways or waterways.
  - (3) Screening and fences must be kept in good repair at all times.
  - (4) Material shall not be piled against fences or screens, or exceed the height of fence or screen.
- (d) Within sixty (60) days after the original adoption of this Chapter, all existing salvage and junkyards shall file for an Iron County Permit and meet all the requirements as stated in Subsections (b) and (c).
- (e) Anyone violating this Section shall be subject to citations as per the Iron County Land Use Citation Ordinance.

**Sec. 9-1-103 Garbage and Refuse Disposal Sites.**

- (a) No garbage or refuse disposal sites shall be permitted in Iron County except in conformance with the rules and regulations of NR180, Wis. Adm. Code.



- (6) Outdoor theaters.
- (7) Miniature golf, go-karts and amusement parks.
- (8) Drive-in establishments offering in-car service to customers.

## **Sec. 9-1-205 I-1 Industrial District.**

- (a) **Purpose.** This District is intended to provide for manufacturing and industrial operations which, on the basis of actual physical and operational characteristics, would not be detrimental to surrounding areas by reason of smoke, noise, dust, odor, traffic, physical appearance or similar factors relating to public health, welfare and safety. Those industries requiring outdoor storage for raw materials and/or finished products may be required to provide a fence or screen.
- (b) **Permitted Uses.**
  - (1) Manufacturing, assembly, fabricating, and processing plants and similar-type industrial operations consistent with the purposes of this District.
  - (2) General warehousing.
  - (3) Accessory uses clearly incidental to a permitted use.Any use determined to be objectionable by the County Zoning Committee on the basis of pollution, noise, dust, smoke, vibration, odor, flashing lights, or danger of explosion may be permitted only upon the issuance of a conditional use permit setting forth dimensional and site requirements, performance standards, aesthetic controls and pollution standards for that particular use.
- (c) **Uses Authorized by Conditional Permit.**
  - (1) Salvage yards, subject to the provisions of Section 9-1-102.
  - (2) Quarrying, mining and processing of products from these activities, subject to the provisions of Section 9-1-101.

## **Sec. 9-1-206 F-1 Forestry District.**

- (a) **Purpose.** This District provides for the continuation of forest programs and related uses in those areas best suited for such activities. It is intended to encourage forest management programs and also to recognize the value of the forest as a recreational resource by permitting as a conditional use certain recreational activities which, when adequately developed, are not incompatible to the forest.
- (b) **Permitted Uses.**
  - (1) Production of forest crops, including tree plantations.
  - (2) Harvesting of wild crops such as marsh hay, ferns, moss, berries, tree fruits and tree seeds.
  - (3) Recreation trails, including but not limited to the following: hiking, snowmobiles, bridle.

- (4) Signs, subject to the provisions of Article E.
- (5) Wildlife refuges.
- (c) **Uses Authorized by Conditional Permit.**
  - (1) Hunting and fishing cabins.
  - (2) Seasonal dwellings and customary accessory buildings such as private garages and carports on the same lot as the seasonal dwelling unit.
  - (3) Public and private parks, playgrounds and winter sports areas.
  - (4) Dams, plants for production of electric power and flowage areas.
  - (5) Trailer camps subject to the provisions of Section 9-1-105.
  - (6) Forest-connected industries such as sawmills, debarking operations, chipping facilities and similar operations. Pulp and paper production plants are not permitted.
  - (7) Recreation and youth camps.
  - (8) Riding stables.
  - (9) Shooting ranges.
  - (10) Quarrying and mining operations subject to the provisions of Section 8-1-101.
  - (11) Year-round residences for caretakers of recreational areas.
  - (12) Telephone, telegraph and power transmission towers, poles and lines including transformers, substations, relay and repeater stations, equipment housings and other necessary appurtenant equipment and structures, radio and television stations and transmission towers, fire towers and microwave radio relay towers.
  - (13) Airports.
  - (14) Garbage and refuse disposal sites subject to the provisions of Section 9-1-103.

## **Sec. 9-1-207 W-1 Non-Shoreland Resource Conservation District.**

- (a) **Purpose.** This District is intended to be used to prevent destruction of natural or manmade resources and to protect watercourses including the shorelands of navigable waters, and areas which are not adequately drained, or which are subject to periodic flooding, where developments would result in hazards to health or safety; would deplete or destroy resources; or be otherwise incompatible with the public welfare, and may not include shoreland wetland as identified on wetland maps of Iron County stamped final on October 16, 1984.
- (b) **Permitted Uses.**
  - (1) Public fish hatcheries.
  - (2) Soil and water conservation programs.
  - (3) Forest management programs.
  - (4) Wildlife preserves.
- (c) **Uses Authorized by Conditional Permit.**
  - (1) Drainage where such activity will not be in conflict with the stated purposes of this District.

**Sec. 9-1-209 W-2 Shoreland-Wetland District.****(a) Designation.**

- (1) This District shall include all shorelands within the jurisdiction of this Chapter which are wetlands of five (5) acres or more; shown on the Wisconsin Wetland Inventory maps, stamped "FINAL" on October 16, 1984, that are hereby adopted and made a part of this Chapter and are on file in the office of the Zoning Administrator for Iron County. A portion of a wetland which is less than five (5) acres in size, and which is located in the unincorporated shoreland area within the County, shall be included in the shoreland-wetland district where the wetland as a whole is five (5) acres or larger, but extends across the corporate limits of a municipality, across the County boundary or across the shoreland limits, so that the wetland is not regulated in its entirety by the County.
- (2) This District is intended 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 minimized adverse impacts upon the wetland.

**(b) Permitted Uses.** The following uses shall be allowed, subject to general shoreland zoning regulations of this Chapter, the provisions of Chapters 30 and 31, Wis. Stats., and the provisions of other state and federal laws, if applicable:

- (1) 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:
  - a. Hiking, fishing, trapping, hunting, swimming and boating;
  - b. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
  - c. The pasturing of livestock;
  - d. The cultivation of agricultural crops;
  - e. The practice of silviculture, including the planting, thinning and harvesting of timber;
  - f. The construction and maintenance of duck blinds.
- (2) Uses which do not require the issuance of a zoning permit and which may involve filling, flooding, draining, dredging, ditching, tiling, or excavating to the extent specifically provided below:
  - a. Temporary water level stabilization measures which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected;
  - b. Dike and dam construction and ditching for the purpose of growing and harvesting cranberries;

- c. Ditching, tiling, dredging, excavating or filling done to maintain or repair existing 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 Sec. 30.20, Wis. Stats. This 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.;
  - d. Limited excavating and filling necessary for the construction and maintenance of fences for the pasturing of livestock;
  - e. Limited excavating and filling necessary for the construction and maintenance of piers, docks and walkways built on pilings;
  - f. Limited excavating and filling necessary for the maintenance, repair, replacement and reconstruction of existing town and county highways and bridges.
- (3) 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:
- a. The construction and maintenance of roads which are necessary to conduct silvicultural activities or are necessary for agricultural cultivation, provided that:
    - 1. The road cannot, as a practical matter, be located outside the wetland;
    - 2. The road is designed and constructed to minimize the adverse impact upon the natural functions of the wetland;
    - 3. The road is designed and constructed with the minimum cross-sectional area to serve the intended use;
    - 4. Road construction activities are carried out in the immediate area of the roadbed only; and
    - 5. Any filling, flooding, draining, dredging, ditching, tiling or excavating that is to be done must be necessary for the construction or maintenance of the road;
  - b. The construction and maintenance of nonresidential buildings provided that:
    - 1. Such building is essential to and used solely in conjunction with the raising of water fowl, minnows or other wetland or aquatic animals or a permitted use in the shoreland-wetland district;
    - 2. Such building cannot, as a practical matter, be located outside the wetland;
    - 3. Such building does not exceed five hundred (500) square feet in floor area; and is not designed for human habitation; and
    - 4. Only limited excavating and filling necessary to provide structural support for the building is allowed.
  - c. 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, shooting preserves, public boat launching ramps and access roads used in conjunction with a public boat launching ramp, provided that:

1. Any private recreation or wildlife habitat area must be used exclusively for that purpose;
  2. 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 Subsection (b)(3) a 1-5.
  3. Ditching, excavating, dredging, dike and dam construction in wildlife refuges, game bird and animal farms, fur animal farms and shooting preserves is allowed only for the purpose of improving wildlife habitat or to otherwise enhance wetland values;
  - d. 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:
    1. The transmission and distribution lines and related facilities cannot as a practical matter be located outside the wetland; and
    2. Any filling, excavating, ditching or draining necessary for such construction or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the wetland.
  - e. The construction and maintenance of railroad lines, provided that:
    1. The railroad lines cannot, as a practical matter, be located outside the wetland; and
    2. Any filling, excavating, ditching, or draining must be necessary for such construction or maintenance and must be done in a manner designed to minimize the adverse impact upon the natural functions of the wetland.
- (c) **Prohibited Uses.** Any use not listed in Subsection (b) above is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this Chapter in accordance with Sec. 59.97(5)(c), Wis. Stats., Chapter NR115, Wis. Adm. Code and Subsection (d) below,
- (d) **Rezoning of Lands in the Shoreland-Wetland Zoning District.**
- (1) For all proposed text and map amendments to the Shoreland-Wetland District, the appropriate district office of the Department shall be provided with the following:
    - a. A copy of every petition for a text or map amendment to the Shoreland-Wetland District, within five (5) days of the filing of such petition with the County Clerk;
    - b. Written notice of the public hearing to be held on a proposed amendment, at least ten (10) days prior to such hearing;
    - c. A copy of the County Zoning Agency's findings and recommendations on each proposed amendment, within ten (10) days after the submission of those findings and recommendations to the County Board; and
    - d. Written notice of the County Board's decision on the proposed amendment, within ten (10) days after it is issued.
  - (2) 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:

- a. Storm and flood water storage capacity;
  - b. 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;
  - c. Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
  - d. Shoreline protection against soil erosion;
  - e. Fish spawning, breeding, nursery or feeding grounds;
  - f. Wildlife habitat; or
  - g. Areas of special recreational, scenic or scientific interest, including scarce wetland types.
- (3) If the Department has notified the County Zoning Agency that a proposed amendment to the shoreland-wetland provisions of this Chapter may have a significant adverse impact upon any of the criteria listed in Subsection (d)(2) above, that amendment, if approved by the County Board, shall contain the following provision: This amendment shall not take effect until more than thirty (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 that thirty (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 Sec. 59.971(6), Wis. Stats. If the Department does so notify the County Board, the effect of this amendment shall be stayed until the Sec. 59.971(6), Wis. Stats., adoption procedure is completed or otherwise terminated.

**Sec. 9-1-210 through Sec. 9-1-219**

**Reserved for Future Use.**