

Sawyer County Zoning Department: Zoning Ordinance - Comprehensive Zoning

This is the second in a series of articles that explain the responsibilities of the zoning department. The first article provided a summary of the ordinances and by-laws that give us the authority to conduct business. This article will provide a more detailed overview of the County's zoning ordinance and how it regulates land uses.

As stated in the first article, until the County adopts a county-wide land use plan, the Sawyer County Zoning Ordinance is the County's primary land use document. The ordinance applies in the unincorporated areas of the County and encompasses both shoreland and comprehensive land use requirements. Shoreland zoning consists of regulating those land areas that are located within 1,000 feet of lakes, ponds and flowages and those land areas within 300 feet of rivers and streams. Comprehensive zoning pertains to all other land areas. While it is the County's zoning ordinance, it is not applicable county-wide. The City of Hayward and the Villages of Couderay, Radisson, Exeland and Winter are exempt from ordinance requirements. While the ordinance is also not applied in the Town of Spider Lake, the Town has its own zoning ordinance and zoning administrator, the Town's ordinance must be at least as restrictive as the County's ordinance.

The County's first zoning ordinance was adopted on January 18, 1934. It consisted of three zone districts: forestry, recreation and unrestricted districts. The current ordinance became effective on March 26, 1971. The Sawyer County Zoning Ordinance is a "living" document and amendments are proposed as circumstances dictate. The ordinance has been amended thirty-three times since its adoption.

A review of the ordinance index reveals the extent of its provisions. Without attempting to recreate the entire index, the ordinance regulates activities related to setbacks (i.e., from roads, lot lines, wetlands, navigable waters etc.), fences and walls, resorts and condominiums, airports, signs, mines, salvage yards, mobile home parks, campgrounds and camping on private property, kennels and more. It is beyond the scope of this article to address each of these issues; therefore this article will focus on how land uses are regulated within the County.

Zone Districts. Properties in the County are divided into eleven different zone districts; three residential districts [Residential One (R-1), Residential Recreational One (RR-1) and Residential Recreational Two (RR-2)], two agricultural districts [Agricultural One (A-1) and Agricultural Two (A-1)] and one each Commercial One (C-1), Industrial One (I-1), Forestry One (F-1), Wetland/Shoreland One (W-1), Shoreland Protection One (SP-1) and Planned Unit Development (PUD) districts. It is possible to have multiple districts within a single parcel. For example, the front half of a parcel may be in the commercial district with a retail store, while the remainder of the parcel may be in a residential district with a home.

Land Uses. A primary objective of regulating land uses is the compatibility of uses in the same proximity. A tannery in the middle of a residential development would probably result in incompatible land uses. Zone districts are critical as a parcel's district determines the uses that can take place on that parcel. Each district has a short description (i.e., RR-1: "This district is intended to provide for residential development and essential recreation oriented services in areas of high recreational value where soil conditions and other physical features will support such development without depleting or destroying natural resources" and lists of specific "permitted uses" and "conditional uses." Some districts may also have "special use" requirements.

Permitted, special and conditional uses. Permitted uses are those uses that are considered to be the most compatible and desirable within a district. Some of these uses do not require the issue of a permit (i.e., gardens and essential utilities) while others require the issue of a department permit (i.e., the construction of homes, garages, carport etc.). Permits are issued for these land uses without the any limiting conditions placed on them by the department.

Special uses rank next in their degree of compatibility. Applications for special use permits are decided by the Sawyer County Zoning Committee, generally with recommendations from the Town Board, but not with notification to near-by property owners. As an example, a special use permit is required for the construction of a dwelling in the F-1 district. The application must be approved by the Committee and the permit for the home signed by the Committee Chairperson. The Committee may attach conditions to its approval.

Conditional uses are further down the list of compatible uses. A proposed use may be entirely suitable within a given neighborhood, but may be deemed to be inappropriate in a different neighborhood. Applications for conditional uses require notification to the Town Board and to property owners within 300' of the affected property. The Committee decides on these applications at a public hearing and can be expected to attach conditions to an approval. As an example, recognizing the intrusive nature of gravel pit activities, the Committee will attach conditions related to the hours and days of the week for pit operation.

Are non-listed uses then prohibited uses? Since it is impossible for every conceivable land use to be identified in the ordinance, the Zoning Administrator is authorized to issue permits for uses similar to permitted uses, just as the Committee can approve land uses that are similar to already listed conditional uses.

In addition to prescribing compatible land uses, the zone district also determines minimum lot size requirements – width, depth and area, lot line setbacks for structures, minimum residence floor area and residence width and maximum structure height.

The next article will focus on the County's shoreland zoning requirements.