

BURNETT COUNTY, WISCONSIN

Development and Conservation Guide for Waterfront Properties

June 2015



Photo Credit: AT Cusick Photography

questions & contacts

QUESTION ABOUT

CONTACT

Alteration to shorelines	Wisconsin Department of Natural Resources Water Management Specialist, 715-635-4097
Animal damage and control	US Dept. of Agricultural Animal & Plant Health Inspection Service, 800-228-1368
Aquatic (lake & river) plants	Wisconsin Department of Natural Resources Water Resources Management Specialist, 715-635-4073
Boathouses and boat shelters over the water	Wisconsin Department of Natural Resources Water Management Specialist, 715-635-4097
Building or remodeling	Burnett County Zoning Department, 715-349-2138
Conservation violations	WI Department of Natural Resources/Conservation Warden Grantsburg, 715-463-2900 Webster, 715-733-0373 Violation Hot Line, 800-847-9367
Erosion control assistance	Burnett County Land and Water Conservation, 715-349-2186
Fisheries	Wisconsin Department of Natural Resources Fisheries Biologist, 715-635-4095
Forestry assistance	Grantsburg - Wisconsin Department of Natural Resources Forester, 715-463-2897 Webster - Wisconsin Department of Natural Resources Forester, 715-866-8201
Land descriptions, parcel maps, names and addresses of owners	Burnett County Land Information, 715-349-2599 Web based records at http://burnettcowi.wgxtreme.com/
Piers and docks	Wisconsin Department of Natural Resources Water Management Specialist, 715-635-4097
Plat Books	Burnett County University of Wisconsin-Extension 715-349-2151
Shoreland buffers , stabilization, and restoration	Burnett County Land and Water Conservation, 715-349-2186
Shoreland structure setback	Burnett County Zoning Department, 715-349-2138
Well water test kits	Burnett County Health and Human Services, 715-349-7600
Wetland Regulations	US Army Corps of Engineers, 715-934-2170
Wildlife	Wisconsin Department of Natural Resources Wildlife Biologist, 715-635-4091

additional resources

Shoreland Restoration

Wood Working for Wildlife - Available at Minnesota's Book Store at <http://www.comm.media.state.mn.us/bookstore/mnbookstore.asp>

Bird Feeding Tips for Beginners & Veterans - Available at UW-Extension's Learning Store at <http://learningstore.uwex.edu/>

Available on Burnett County's website at <http://www.burnettcounty.com/ShorelandRestoration>

- **Shoreline Buffer** Restoration: *A Guide for Landowners*
- *Restoration Stories*
- Burnett County Native Plant Lists
- *Top Ten Native Shoreline Plants for Burnett County*
- *Top Ten Shrubs for Wildlife*

Lakescaping for Wildlife and Water Quality - Available at Minnesota's Book Store at <http://www.comm.media.state.mn.us/bookstore/mnbookstore.asp>

Available from UW-Extension's Learning Store at <http://learningstore.uwex.edu/>

- *A Fresh Look at Shoreland Restoration* #GWQ027
- *Protecting and Restoring Shorelands* #GWQ038
- *Protecting Our Living Shores* #GWQ039
- *Protecting Your Waterfront Investment* #GWQ044

Erosion Control

Erosion Control for Home Builders - UW-Extension publication #GWQ001, available from UW-Extension's Learning Store at <http://learningstore.uwex.edu/>

Impervious Surfaces

Available on Burnett County's website at <http://www.burnettcounty.com/ReduceRunoff>

- *Self Evaluation Checklist for Water **Runoff***
- *Controlling Runoff and Erosion from Your Waterfront Property*
- *Rain Gardens - A How To Manual*
- *Rain Gardens - A Household Way to Improve Water Quality in Your Community*

table of contents

Section One: Waters of Burnett County	5
Outstanding and Exceptional Waters.....	5
Hydrology.....	5
Section Two: Shoreland Zoning	6
Shoreland Zoning, Designations, and Permits that Apply to Your Site	7
Wetlands	9
Floodplain Regulations.....	11
Section Three: Zoning Designations and Permits	12
Construction and Lot Development Checklist.....	13
Setbacks and Lot Requirements for New Lots and Buildings.....	17
Dimensional Requirements.....	19
Determination of Exclusive Riparian Zones.....	20
Lakes Classification	21
Lot Setback Diagram	22
Additional Setback Information.....	23
Expansion and Repair of Non-Conforming Structures and Mitigation	24
Shoreland Vegetation Protection Area.....	26
Sanitary Sewer	28
Section Four: Glossary	29

Words that are highlighted in teal are found in the glossary

This guide is a general summary of shoreland development and conservation regulations. Federal and state laws and Burnett County ordinances contain all specifics and will be used for all determinations.

Produced by John Haack - UW-Extension, Burnett County UW-Extension, Burnett County Land Use and Zoning Administration, Burnett County Land Information Department, and Burnett County Land and Water Conservation Department.

All figures created by UW-Extension (Sheri Snowbank) unless noted.

SECTION ONE

waters of burnett county

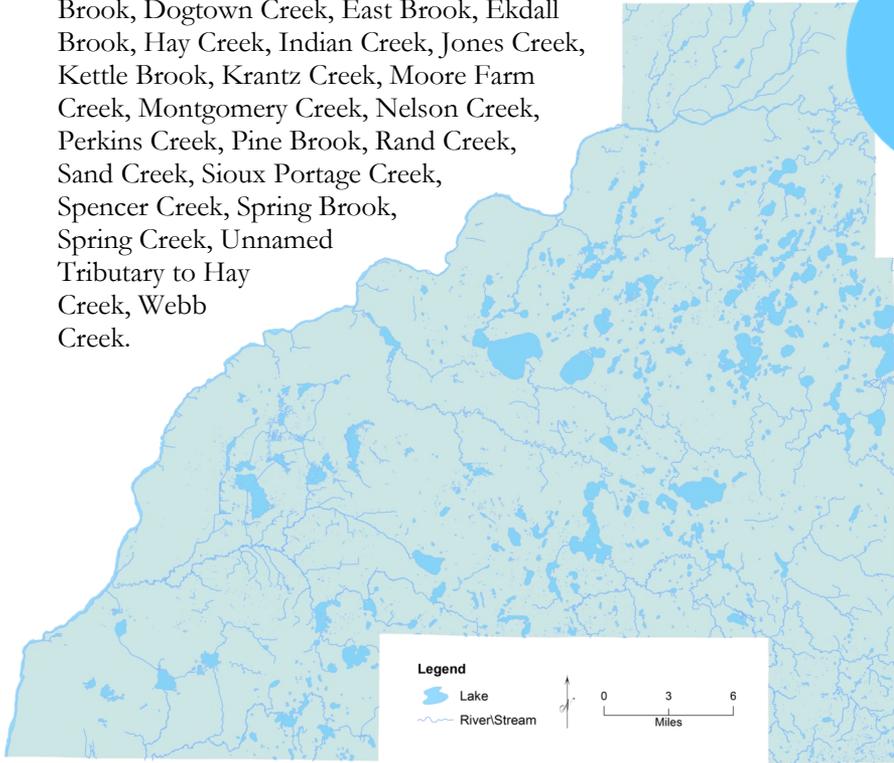
Burnett County has a gross area of 568,960 acres containing 43,600 acres of surface water resources. This includes over 500 lakes, of which over 200 are named. The surface waters also include five flowages and eight major rivers. Of those, the St. Croix and Namekagon rivers are National Wild and Scenic Rivers and Totagatic River is a State Wild River. There are also 145 miles of streams. Eighty-five miles of rivers and streams are classified as trout waters. There are 285 miles of rivers and streams that are either Outstanding or Exceptional Resource Waters as well as several lakes.

Outstanding Resource Waters

North Fork Clam River, South Fork Clam River, Namekagon River, St. Croix River, tributaries to the North and South Forks of the Clam River, Big McKenzie Lake, Middle McKenzie Lake, Big Sand Lake, North Sand Lake.

Exceptional Resource Waters

Bear Brook, Benson Brook, Brant Brook, Clemens Creek, Dody Brook, Dogtown Creek, East Brook, Ekdall Brook, Hay Creek, Indian Creek, Jones Creek, Kettle Brook, Krantz Creek, Moore Farm Creek, Montgomery Creek, Nelson Creek, Perkins Creek, Pine Brook, Rand Creek, Sand Creek, Sioux Portage Creek, Spencer Creek, Spring Brook, Spring Creek, Unnamed Tributary to Hay Creek, Webb Creek.



**Waters of
Burnett County**

Map Credit: Burnett County Land Information Department
(Tracy Klatt)

SECTION TWO

shoreland zoning and related laws

The natural qualities of Burnett County’s lakes and waterways are important for local economies and recreational enjoyment. They help define the “northwoods” character of the county and its communities. Burnett County has a variety of water resources: trout streams, rivers, **floodplains**, inland lakes, and **wetlands**. These resources provide fish and wildlife habitat, natural beauty, serenity, and opportunities for a variety of outdoor recreation.

Balancing development while protecting nature for today’s families and tomorrow’s children is the reason for the rules outlined in federal and state laws, the ordinance, and this booklet. By doing your part and following proper building and shoreland practices, you can make a difference!



Shoreland Zoning

The goal of the Burnett County Shoreland Regulation Ordinances are to maintain the quality of lakes, rivers, and streams and the beauty of the shoreland areas. These ordinances regulate development near lakes, rivers, streams, and wetlands in compliance with the Wisconsin statewide minimum standards.

This document frequently paraphrases the ordinance language to assist the reader. For details and specific language, copies of the ordinances are available on Burnett County’s website at <http://burnettcounty.com/ShorelandRegulations>.

A comprehensive checklist starting on page 13 can assist you in planning your project to meet **zoning** and permit requirements.

This section includes:

- **Shoreland Zoning Designations and Permits that Apply to Your Site**
- **Wetlands**
- **Floodplain Regulations**

Shoreland Zoning, Designations, and Permits that Apply to Your Site

- Check that your plans meet Shoreland **Zoning** requirements and plan ahead as you build or remodel.

Shoreland owners and families value healthy lakes, rivers, streams, and clean water. Relaxation, viewing wildlife, swimming, boating, and fishing are often listed as the primary reasons families own shoreland properties. Recognizing that rapid and sometimes inappropriate building and construction practices were changing the character and threatening the health of our waterbodies, Wisconsin established statewide shoreland **zoning** in the late 1960s. This state law requires counties to adopt and administer shoreland building and development standards through their zoning offices.

Burnett County's Shoreland Regulation Ordinances were adopted to protect fish and wildlife habitat, spawning grounds, as well as other aquatic habitats; natural scenic beauty; to maintain safe, healthy, and clean waterbodies; to guide building sites, **land use**, and placement of structures; and to preserve shoreland vegetation.

Shoreland **zoning** regulates development along the sensitive edges of lakes, rivers, and streams.

Why do we have zoning?

Zoning is a tool that helps ensure compatible **land use** patterns by minimizing conflicts between users. Zoning also directs the placement and size of structures, protecting community character, lake, river, and stream quality, and nearby property values.

The Burnett County Shoreland Regulation Ordinances were adopted to allow development while:

- Keeping lakes, rivers, and streams clean by preventing and controlling water pollution.
- Protecting fish and fish spawning grounds and other aquatic life.
- Preserving the natural vegetation and natural beauty along lakes, rivers, and streams.

These ordinances direct the manner and type of development that occurs

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within 1,000 feet of a lake or pond and 300 feet of a river or stream. The rivers in Burnett County are:

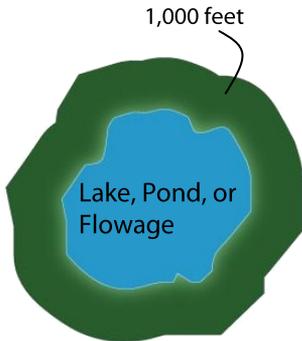
- Clam River, North Fork
- Clam River, South Fork
- Namekagon River
- St. Croix River
- Totagatic River
- Trade River
- Yellow River
- Wood River

All other **navigable** bodies of moving water are classified as streams.

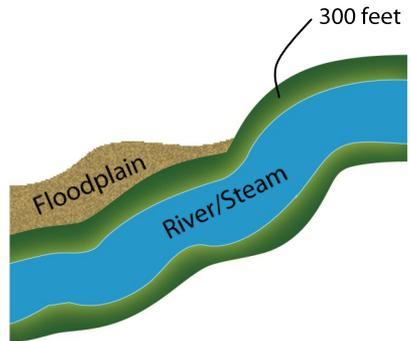
Note: National Park Service regulations compliment Burnett County regulations along the St. Croix and Namekagon Rivers.

Shoreland Zoning

Land use is regulated within all of the shoreland areas of Burnett County and applies to the following areas:



Lands within 1,000 feet of the **ordinary high water mark (OHWM)** of **navigable** lakes, ponds, and flowages



Lands within 300 feet of the **ordinary high water mark (OHWM)** of **navigable** rivers or streams, or to the landward side of the **floodplain**, whichever distance is greater.

Wetlands



Check that the plans for your structures/roads do not place fill in **wetlands**.

The presence of **wetlands** can affect how land is developed and where structures and roads are located. Wetlands are protected in Wisconsin and throughout the country. Within Burnett County, there are several types of wetlands. Some appear dry at times, others have cattails, and still others have a variety of trees and shrubs. Wetlands have a variety of functions depending on their type and location. They can provide fish and wildlife habitat and maintain stream flows during dry seasons. They also help protect shorelines from erosion, and provide flood storage, groundwater storage, and water filtration.

Wetlands of five acres or more appear on the Wisconsin Wetland Inventory maps. These maps, as well as additional information on the various types of wetlands, can be found at <http://dnr.wi.gov/topic/wetlands/inventory.html>.

Placing fill, building roads or structures, or conducting mechanized land clearing in any **wetland** is restricted. Contact the US Army Corps of Engineers project manager in Hayward at 715-934-1270 prior to doing any of these activities in wetlands.



Wetland Jurisdictions

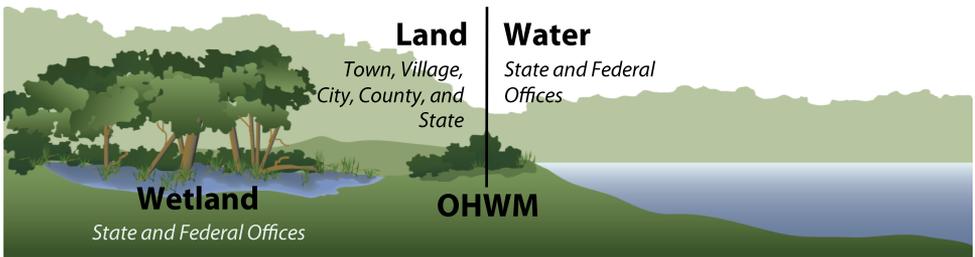




Photo Credit: AT Cusick Photography

Shoreland
Zoning

Lake edge **wetlands**, like the one above, are home to ducks, loons, herons, and mink. They provide nursery areas for gamefish and tadpoles and nesting sites for a variety of song birds.



Lakeshore **wetland** plants protect shorelands from wave erosion and provide food and shelter to fish and wildlife.

Wetlands provide spawning and nursery areas for fish and nesting and feeding areas for birds, amphibians, fish, and a host of other wildlife.



Floodplain Regulations

- ☑ Check that the plans for your structures/roads are out of the **floodplain** area or meet flood proofing requirements

Communities have adopted **floodplain** regulations across the state and country. The purpose of these regulations is to protect people and their property from unwise floodplain development and to protect society from the costs associated with repeated flooding in developed floodplains. Floodplain maps and specific floodplain elevation studies are used to determine areas at risk of flooding. These maps are called Flood Insurance Rate Maps (FIRMs) and are used to determine the limits of floodplains along lakes, rivers, and streams. To view maps, floodplain studies, elevation information, and map amendments, contact the Burnett County **Zoning** Department. In some instances, field verification and determination of the floodplain elevations may be required.

Floodplain regulations include locating structures out of the floodplain, building safely in the floodplain, or removing at-risk homes altogether. Under this program, Wisconsin's counties, cities, and villages are required to zone their flood-prone areas. The state has set minimum standards for local regulation, but local governments can be more restrictive.

The **floodplain** is considered the land that has been or might be covered by flood water during a regional flood. A regional flood is a flood determined to be representative of a large flood known to have generally occurred, and which might be expected to occur once in every

one hundred (100) years (a 1% chance of happening every year).

Locating homes and property access out of **floodplain** areas greatly reduces damage from unexpected flooding.



Photo Credit: John Haack/UWEX

SECTION THREE

zoning designations and permits

Land use permits are required for new construction, additions including porches and decks, and some remodeling on lakeshore property and within other zoned areas of Burnett County. Certain small projects which are less than 100 square feet, such as woodsheds, small storage sheds, and dog kennels are exempt from permit requirements, but must still meet **setbacks** and other requirements. Permitted construction activities such as these and others must follow certain standards. Shoreline properties within villages or city limits may be subject to rules that are different than those described below. Check with local and county staff before you begin any construction project on your shoreline property.

Zoning
Designations
and Permits

This section includes:

- **Construction and Lot Development Checklist**
- **Setbacks and Lot Requirements for New Lots and Buildings**
- **Expansion and Repair of Non-conforming Structures and Mitigation**
- **Shoreland Vegetation Protection Area**



Photo Credit: AT Cusick Photography

Native vegetation along the water's edge holds soil in place, slows and filters water running off roofs and pavement, and provides habitat for song birds and other wildlife.

Construction and Lot Development Checklist

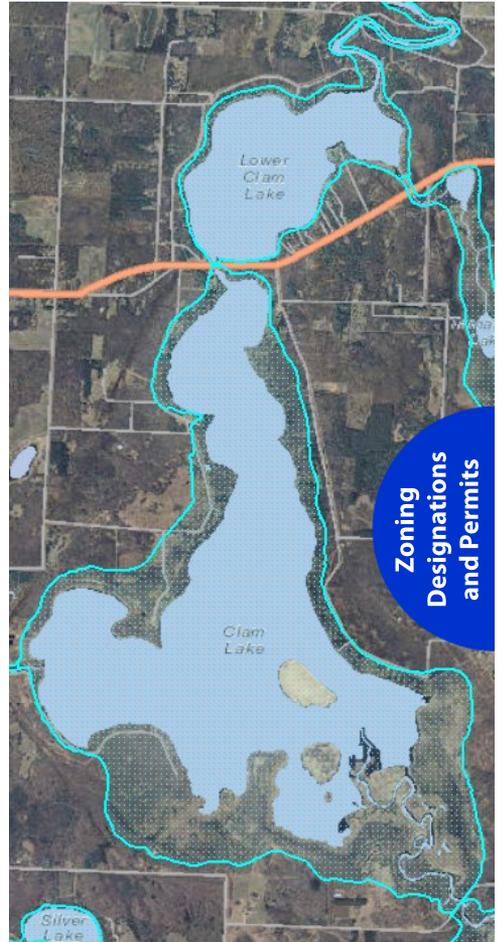
- Plan ahead and apply for permits early and do your part to protect our lakes, rivers, streams, and wetlands*

Initial Review

- Gather information about your lot including
- Location of lot
 - Property lines
 - Elevations (if available)
- Determine if your lot is buildable. Check with the Burnett County **Zoning** Department to verify that the zoning designation on your property and the parcel size meets the requirements for your building.

Floodplain

- Locate your structures out of **floodplain** areas or properly flood proof structures and access. To determine if your building location is out of a designated floodplain area review the Flood Insurance Rate Map on the web at <https://msc.fema.gov/portal> or at the Burnett County **Zoning** Department. If your site is not obviously out of the floodplain, you may need to hire a professional land surveyor or engineer to set the regional floodplain elevation on the property to prove that the location is out of the floodplain.



Floodplains are areas that have been or might be covered by flood waters during a regional flood, which might be expected to occur once in every 100 years. The image above shows the floodplain around Upper and Lower Clam Lakes.

Legal Title

- Obtain legal title. If a recent land transaction has taken place on your property, be sure it is recorded with the Burnett County Register of Deeds. The County **Zoning** Department can only issue permits to the legal landowner.

Lot Size

- Be sure your lot and the buildable areas meet the minimum county **zoning** requirements. See page 19 and Section 30-509(c) of the Burnett County Shoreland Regulation Ordinances.

Soil Test

- Obtain a soil site evaluation. Contact a Certified Soil Tester to perform a soil evaluation. The evaluation indicates what type of sanitary system can be installed and where it can be located on the property. The soil tester will file a report with the county and provide you with a copy as well. Go to <http://www.burnettcounty.com/CertifiedSoilTesters> for a list of soil testers.

Zoning
Designations
and Permits

Septic/Sanitary Permit

- Obtain a sanitary permit. Provide a copy of the soil test to a licensed plumber. The plumber, acting as your agent, will apply for the sanitary permit and any required state approvals. Your plumber then submits the sanitary permit application to the County **Zoning** Department with the required fee. Go to <http://www.burnettcounty.com/AreaLicensedPlumbers> for a list of licensed plumbers.

Setbacks

- Be sure your structures, driveway, septic, and well meet the required **setbacks** from waterway, roadways, and adjacent lots, etc. See pages 19 and 23 for more details.



Photo Credit: AT Cusick Photography

Local Land Use Permit

- Contact your town, village, or city to determine if any additional permits or rules apply to your property.
- Obtain a **land use** permit application from the Burnett County **Zoning** Department or on the web at <http://www.burnettcounty.com/LandUseApplication> and return it with the required fee.

Some information required (see permit application for all specific requirements):

- Legal description of your property and the parcel ID number (found on your tax bill or contact the Burnett County Land Information Department for assistance)
- Size of buildings
- Plot plan showing location of buildings, distance from roads, lot lines, and the **ordinary high water mark** of any lake, river, or stream (For an example of a plot plan, go to <http://www.burnettcounty.com/PlotPlan>.)
- An original signature of an owner of the property

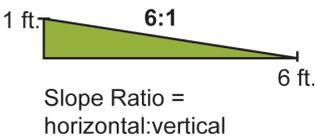


Grading Permit

- Determine if you need a county **grading** or filling permit. A permit is required for filling, grading, or excavating within 300 feet of the **ordinary high water mark** of a **navigable** waterway which has surface drainage toward the water and on which there is either:

- Any grading or filling on slopes more than 20%
- Grading or filling more than 1,000 square feet on slopes of 12% to 20%
- Grading or filling of more than 2,000 square feet on slopes less than 12%

Measuring Slope by Ratio



Measuring Slope by Percentage

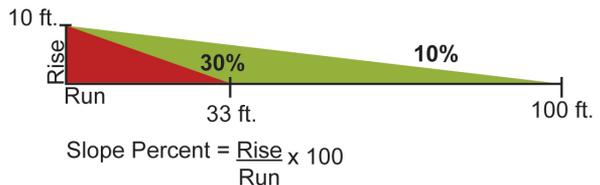




Photo Credit: Bob Korth

Avoid soil disturbance near the shoreline whenever possible. If you must disturb the soil, check with the Burnett County **Zoning** Department first and be sure to manage soil erosion with mulch, silt fence, and other measures that hold soil in place.

Zoning
Designations
and Permits

Uniform Dwelling Code Inspection

- Arrange for your State **Uniform Dwelling Code** (UDC) inspections. Contact the County **Zoning** Department prior to starting construction for a list of UDC inspectors for each town or go to <http://www.burnettcounty.com/UDC-Inspectors>.

Address/Fire Number

- Complete and return a 911 fire/address number application with the required fee. Applications can be picked up at the County Land Information Department or found on the web at <http://www.burnettcounty.com/911FireAddressApp>.

Wetlands

- Identify and avoid **wetlands** near your construction project. Obtain the proper permits before filling wetland areas. Contact the US Army Corps of Engineers project manager at 715-934-1270.

Setbacks and Lot Requirements for New Lots and Buildings

- Check that the location of your structures meet the **setback** requirements

The term **setback** refers to the required distance between a structure and a body of water, lot line, road, sanitary sewer system, utility, or well. Below is a summary of the shoreland setback requirements found in the Burnett County Ordinances.

Note: **Setbacks** can vary depending on your **zoning** district.

- All buildings and structures, except piers, boat hoists, and open fences must be set back 75 feet or 100 feet (depending on lake class) from the **ordinary high water mark** of **navigable waters**. Open fences, (see page 25 for example) may be allowed to within 40 feet of the ordinary high water mark and may not exceed 6 feet in height. Fencing that is not open must meet shoreland setbacks according to lake class (see page 19).
- Retaining walls and other landscaping structures are not permitted within the shoreline setback. Burnett County Land & Water Conservation staff are available for technical assistance.
- Construction of waterfront storage structures, commonly called boathouses, are no longer permitted.
- The construction of additional rental cabins/**dwelling**s within an existing resort and the construction of additional dwelling units within a recorded condominium shall meet the minimum lot width and parcel size requirements (see page 19 and Section 30-509 (c) of the Burnett County Shoreland Regulation Ordinances).

Stairways, walkways, and lifts may be permitted by the **Zoning** Administrator only when they are essential to providing pedestrian access because of steep, rocky, wet, or unstable soils, provided:

- They have only one stairway or lift (not both).
- They are placed in the most visually inconspicuous route to the shoreline and their placement avoids sensitive areas (like groundwater springs or **wetland** areas).

(Continued on page 18)

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- The vegetation stabilizing the slope and/or screening structures remains in place.
- The structures are painted to blend into the natural features and screened by native vegetation.
- Canopies, roofs, and sides are not allowed. Open railings may be provided where required for safety.

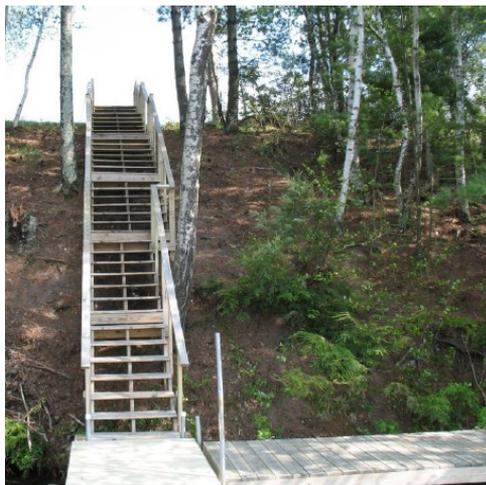


Photo Credit: Amanda McMeekin

Zoning
Designations
and Permits

- They are no more than five feet wide (outside dimensions).
- Landings are allowed for safety but cannot exceed 40 square feet.
- They are supported on pilings or footings.
- Most existing piers are exempt from permitting. Most new piers will be exempt if they comply with specific dimensions and requirements. For questions about pier placement, contact the DNR Water Management Specialist listed on page 2.

- Piers and moored boats must be placed in the **exclusive riparian zone**. Two methods are used to determine the exclusive riparian zone that are based on the shape of the shoreline (see figure on page 20).
 - Extension of Lot Lines - for relatively straight shorelines and lot lines
 - Coterminous Method - for curved, irregular, or angled shorelines or lot lines
- The total number of all watercraft docked at a pier, including boats on a lift or hoist, is limited to two boat slips for the first 50 feet of shoreland frontage and no more than one boat slip for each additional full 50 feet of shoreline. An additional number of personal

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watercraft are allowed.

- A pier may not obstruct navigation.
- Pier placement may not harm fish and wildlife habitat, water quality, natural scenic beauty, or public recreation.
- A pier may extend out to the 3 foot water depth as measured in summer low water.
- A pier may not exceed six feet in width, except for a loading platform, which may not exceed 200 square feet.
- A pier may not enclose or isolate any part of a waterway, nor may it obstruct the free flow of water, or trap or accumulate aquatic plants or sediment.
- For complete pier regulations, on the web, visit <http://dnr.wi.gov/>

(Continued on page 20)

Dimensional Requirements

Burnett County Shorelands Class Development Standard to Apply to Lake and River Properties



Lake Classification	Lot Size (square feet)	For Each Single Family Dwelling Unit Lot Width (feet)	Shoreline Setback (feet)	Limited Cutting/ Pruning of Vegetation	² Side Yard Setback for All Structures
Class 1	30,000	150 ¹ 300	75	³ 30 foot corridor within 50 feet of shore	10 feet min. 40 feet min. total
Class 2	40,000	200 ¹ 400	75	³ 30 foot corridor within 50 feet of shore	20 feet min. 50 feet min. total
Class 3	75,000	300 ¹ 600	100	30 feet corridor within 75 feet of shore	30 feet min. 60 feet min. total
Rivers & Streams	75,000	300	100	30 feet corridor within 75 feet of shore	30 feet min. 60 feet min. total

¹Note: Two Family Dwelling/Unit

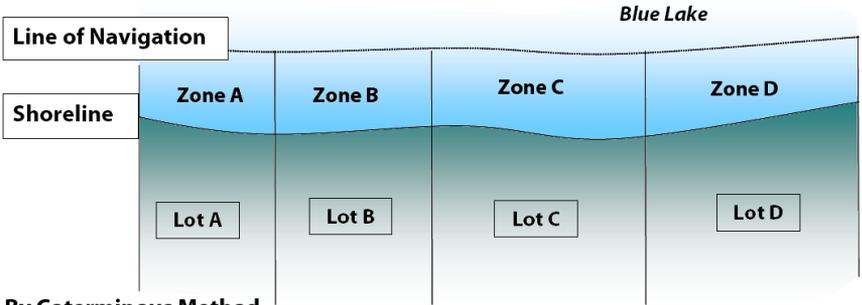
³Note: Limited removal between 35 ft and 50 ft

²Note: Existing lots with less than 150 ft lot width will allow 10 ft side yard setbacks.

Determination of Exclusive Riparian Zones

By Extension of Lot Lines...

For relatively straight shorelines and lot lines



By Coterminous Method...

For curved, irregular or angled shorelines or lot lines

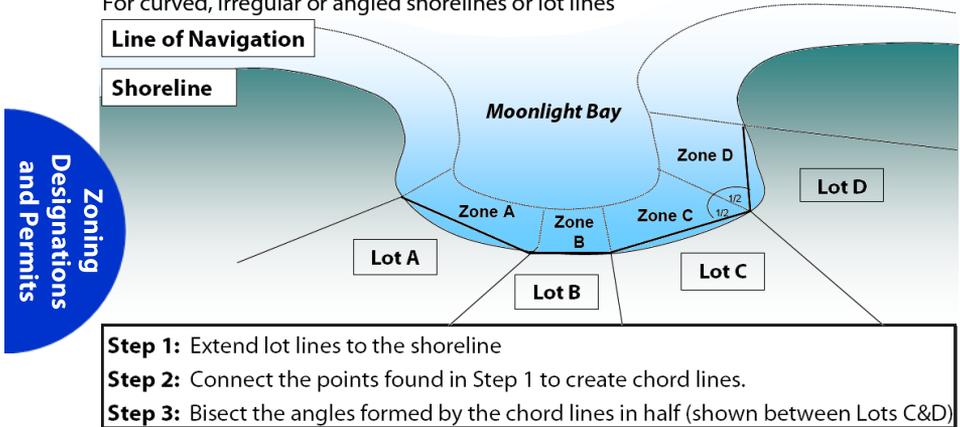


Figure Credit: Wisconsin Department of Natural Resources

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[topic/waterways/factsheets/pier_planner_082012.pdf](http://dnr.wi.gov/topic/waterways/factsheets/pier_planner_082012.pdf) and <http://dnr.wi.gov/topic/Waterways/>.

Always contact the Burnett County **Zoning** Department prior to starting your project if you are not sure if it meets these requirements or the **set-backs** listed in the table on page 19. Refer to the table on page 21 for waterbody classification in Burnett County.

Development and Conservation Guide for Waterfront Properties

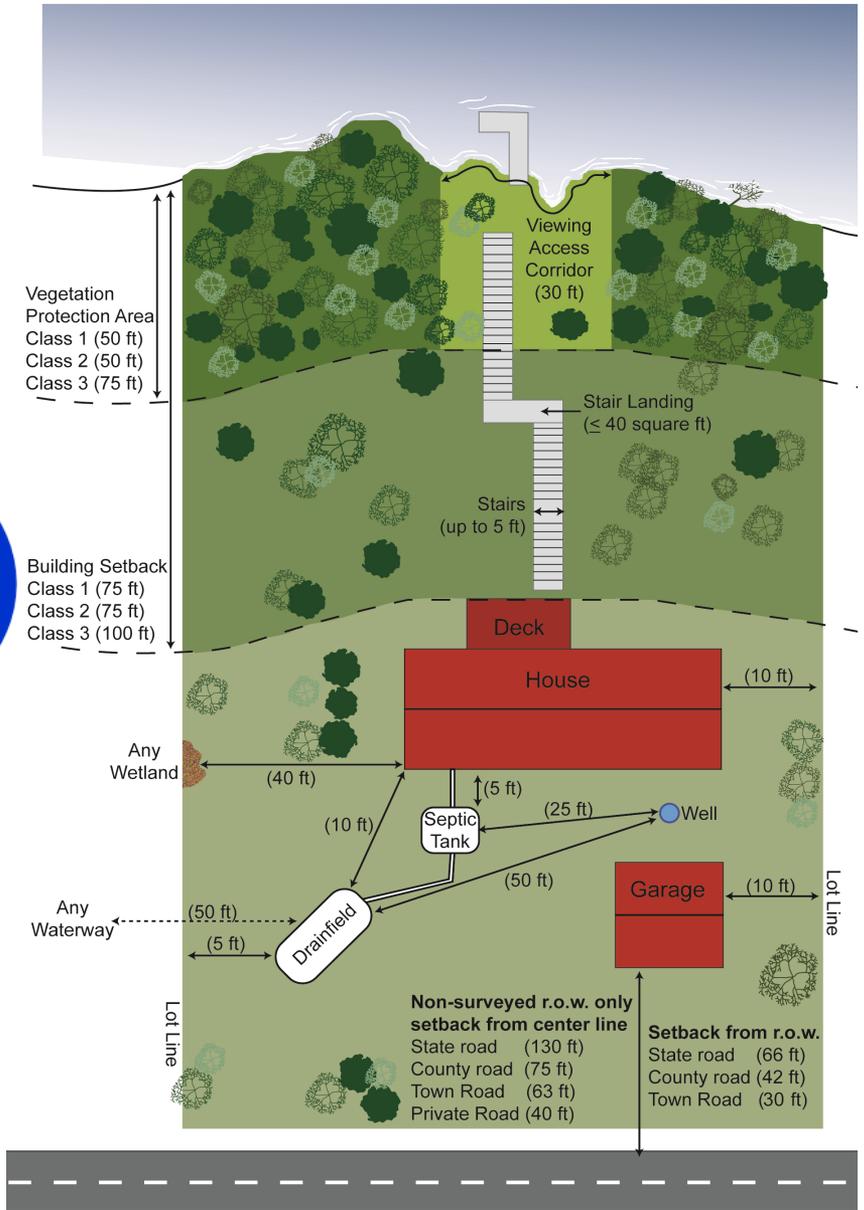
Class 1 Lakes		Class 2 Lakes		Class 3 Lakes, Rivers, & Streams	
Austin	Bashaw	Johnson (23-40-16)	Baker (2-39-15)	Frog (23-41-14)	Twin (North, South & Lower)
Big McKenzie	Bass (23-39-16)	Lily (34-41-14)	Baker (18-39-14)	Gabrielson	Our
Big Sand	Bass (13-40-17)	Little Bear	Banach	Glendenning	Peacock
Burlingame	Benoit	Long (33-41-14)	Barren Springs #1	Goose	Perch
Clam (Upper & Lower)	Big Bear	Long (16-38-16)	Barren Springs #2	Greenwood	Peterson
Devils	Birch Island	Loon (31-41-15)	Bartash	Hayden	Pickle
Dunham	Bluff	Loon/Cadotte)	Bass (24-39-14)	Horseshoe	Pike
Lipset	Bonner	Love	Bass (13-41-16)	Hunters	Pine (25-40-15)
Little Wood	Briggs	Mallard	Bass (25-38-15)	Indian	Places
Little Yellow	Buck (26-39-15)	McGraw (Big & Little)	Bass (9-38-15)	Island	Point
Middle McKenzie	Buffalo	Minerva	Bass (23-40-15)	Johnson (24-41-15)	Pratt
Mud Hen	Cadotte/Loon (1-40-15)	Minnow	Bass (3-41-14)	Kent	Put
Rice (15-39-14) *	Clam River Flowage	Nicaboyme	Bass (17-37-18)	Kreiner	Rahn
Round (27-37-18)	Clear	No Mans	Bass Lake Springs	Lake 32	Rice (36-37-18)
Sand (25-40-15)	Cranberry (8-38-15)	North Rice	Behr	Larson	Richart
Spirit	Cranberry (36-41-16)	Oak	Berg	Lily (6-39-15)	Robie
Trade (Big & Little)	Crooked (8-38-16)	Owl	Big	Lind	Rohr
Twenty-Six	Danbury Flowage	Pine (22-37-18)	Black	Lindy	
Viola	Deer	Pokegama	Blomberg	Little Bass (22-40-16)	
Warner	Des Moines	Poquette	Bogey	Little Bass (36-38-15)	
Webb	Dubois	Prinel	Bradley	Little Deer	
Wood	Eagle (34-41-15)	Rooney	Buck (14-37-14)	Little Dunham	
Yellow	Falk	Round (33-41-16)	Chase	Little Mallard	
	Fish (8-40-14)	Sand (22-38-16)	Clam River Springs	Little Round	
	Fremstadt	Shoal	Clubhouse	Lone Star	Round (3-39-15)
	Gaslyn	Silver (22-38-16)	Connors	Long (33-41-16)	Saginaw
	Godfrey	Spencer	Corwick	Lost (2-39-14)	Silver (36-38-18)
	Green	Staples	Cranberry (4-40-14)	Lost (27-39-15)	Smith
	Gull	Tabor	Crescent	Lost Lakes	Spook
	Ham	Taylor	Crooked (12-40-16)	Loon (Upper, Middle & Lower)	Spring Creek
	Hanscom	Upper Twin	Crystal	Lucerne	Springs
	Holmes		Culbertson	McElroy	Stone
			Culbertson Springs	Meeker Run	Stullen
			Deep	Miller	Swamp (11-39-15)
			Doctor	Mingo	Swamp (30-38-16)
			Dogtown Springs	Minature	Tamarack
			Durand	Mollete	Tanda
			Eagle (27-40-14)	Money	Temple
			Echo	Mud (34-41-15)	Thatcher
			Elbow	Mud (26-40-16)	Tomoe
			Fawn	Myrick	Tucker
			Fenton	Mystery	Twenty-Six Lake
			Ferry	North	Spring
			Fish (6-38-16)	North Lang	Wilson
					All unnamed lakes
					All rivers & streams

Zoning Designations and Permits

* (Section-Town-Range)

Lot Setbacks

Zoning Designations and Permits



Additional Setback Information

Building

- 130 feet from centerline of state road or 66 feet from right-of-way
- 75 feet from centerline of county road or 42 feet from right-of-way
- 63 feet from centerline of town road or 30 feet from right-of-way
- 40 feet from centerline of private road

Outhouse/Privy

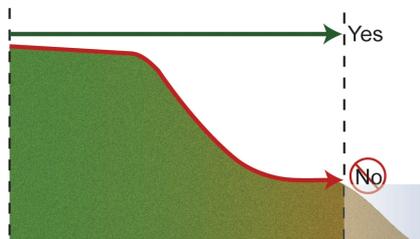
- 25 feet from **dwelling**
- 25 feet from lot line
- 25 feet from 20% slope
- 50 feet from well
- Must meet minimum **setback** for lake class

Wells

- 50 feet from drainfield
- 25 feet from septic tank



Note: All **setback** dimensions are measured by using the shortest distance between the two objects as measured horizontally.



Measuring Distance from the **Ordinary High Water Mark**

Expansion and Repair of Non-conforming Structures and Mitigation

Burnett County shorelines have numerous older cabins and structures that were built before the adoption of **land use** regulations. Depending on their proximity to shorelines, roads, or lot lines, these structures may be non-conforming within the context of the Burnett County Shoreland Regulation Ordinances.

Non-conforming principal structures less than 75 feet or 100 feet, depending on lake class, from the **ordinary high water mark** are permitted internal improvement and ordinary maintenance and repair. This includes replacement of similar size windows, doors, roofing, and siding, and upgrading insulation and electrical.

In addition, non-conforming principal structures located between 35 feet and 75 feet or 100 feet, depending on lake class, from the **ordinary high water mark** may be expanded by permit when the structure includes at least 500 square feet of enclosed **dwelling** area, provided:

- No more than 50% of the existing structure is modified or replaced.
- All lateral expansion is beyond the required lake setback, except for up to 200 square foot expansion over the life of the structure (including open patios and decks), which is not closer to the **ordinary high water mark** than the closest **setback** of the existing structure.
- Vertical expansion (up and down) is allowed. Height limit and 50% structural modification limits still apply.
- Existing, non-permitted, non-conforming **accessory structures** are removed from the property.
- The property owner implements a plan approved by the Land & Water Conservation



Example of an open fence.

Zoning Designations and Permits

(Continued on page 25)

(Continued from page 24)

Department and **Zoning** Department, which restores the shoreline **buffer** zone according to the Shoreland Regulation Ordinances.

- Expansion of non-conforming principal structures between 75 feet and the required **setback** from the **ordinary high water mark** is allowed provided expansion is at least 75 feet from the ordinary high water mark.

Non-conforming **accessory structures** are permitted ordinary maintenance and repair only.



Photo Credit: John Haack/UWEX

Zoning
Designations
and Permits

Gazebos or open-sided structures of 200 square feet or less may be allowed at 35 feet or greater distance from the **ordinary high water mark** provided a shoreland restoration plan is implemented on the property and an affidavit is recorded with the Burnett County Register of Deeds.



Example of steps excavated into slope, requiring a plan, site review, and permit.

Shoreland Vegetation Protection Area

All new construction must leave an area of undisturbed vegetation along the shoreline. This **Shoreland Vegetation Buffer Zone** extends landward from the **ordinary high water mark** 50 - 75 feet inland (varies with lake class). An area of no more than 30 feet on any lot with shoreline frontage may be selectively trimmed to provide a view and access corridor to the lake.

Any path within the 30 foot access area must be constructed to effectively control erosion. This might include stairs, or mowed or mulched pathways, depending on the soils and slope to the lake. Stairways require a permit, need to be 5 feet or less in width, and must meet the requirements outlined on pages 17-18.

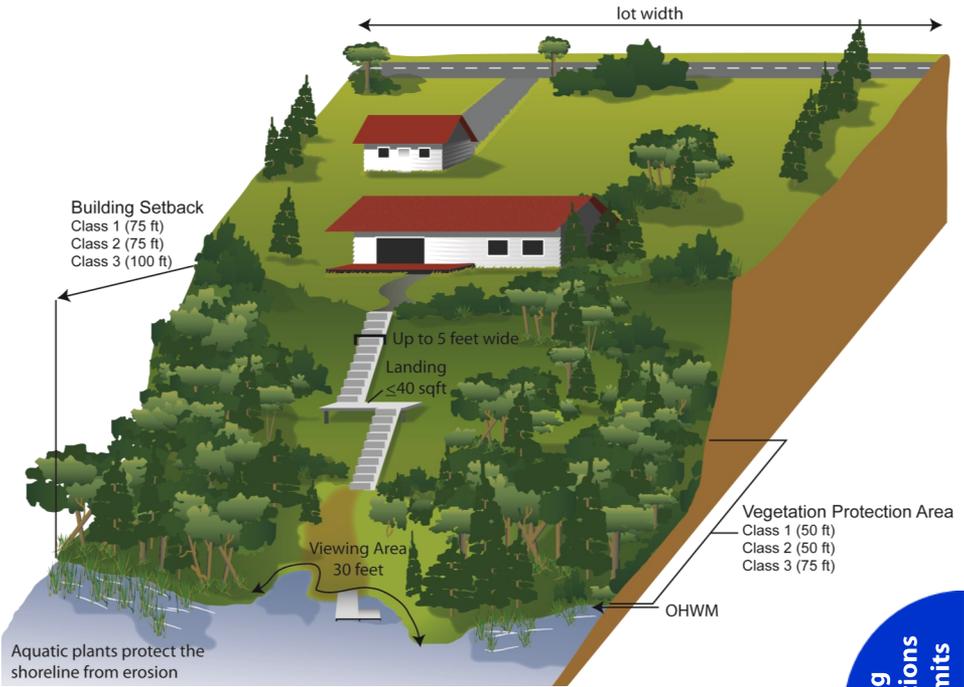
Restoring areas of native vegetation along older developed shorelines is encouraged but not required on previously developed lots (note: remodeling, repairing, expansions, or additions made to older non-conforming structures will require shoreland restoration). The Burnett County Land & Water Conservation Department can answer questions and provide information about shoreland restoration.

Zoning
Designations
and Permits



Photo Credit: AT Cusick Photography

The **shoreland protection area** provides important habitat for fish, birds, amphibians, and other wildlife. Natural lakeshores and native plants support song birds, butterflies, and many other wildlife. To attract and benefit wildlife, you need native trees, shrubs, wildflowers, and ground cover plants.



Within the 50-75 foot wide **buffer** of natural vegetation, no more than 30 feet, as measured along the **Ordinary High Water Mark** may be selectively trimmed to provide a viewing area.

Zoning Designations and Permits

Photo Credit: John Haack/UWEX



Photo Credit: John Haack/UWEX



Minimize clearing along your lake front and enjoy seeing more wildlife.

Sanitary Sewer

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 that plumber. Generally, the first step to implement lot development is to arrange for site soil evaluation by a Certified Soil Tester. Go to <http://www.burnettcounty.com/AreaLicensedPlumbers> and <http://www.burnettcounty.com/CertifiedSoilTesters> for lists of area licensed plumbers and Certified Soil Testers.

A land use permit will not be issued until after the necessary sanitary permit is issued.



Zoning
Designations
and Permits

Eighty percent of plants and animals on Wisconsin's endangered species list live all or part of their lives near the shore. The list is located on the web at <http://dnr.wi.gov/topic/endangeredresources/etlist.html>.

Photo Credit: AT Cusick Photography

SECTION FOUR

glossary

Accessory structure and use - 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.

Buffer - A vegetated strip of land extending from the **ordinary high water mark** landward 50 - 75 feet (varies with lake class). Within the shoreland buffer a 30 foot wide access corridor can be created by selectively removing vegetation. Buffers are also referred to as **shoreland vegetative buffer zones**.

Dwelling - A building designed or used exclusively as the living quarters for one or more families.

Exclusive riparian zone - The space in the water adjacent to the shoreland property where the shoreland owner has the exclusive right to place structures.

Floodplain - The land that 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, which may be found on the web at http://docs.legis.wisconsin.gov/code/admin_code/nr/100/116.pdf.

Grading - Filling, placing, or moving topsoil and/or other soil materials.

Impervious surfaces - Surfaces that resist or are incapable of penetration by water or plant roots. Examples include roofs, parking lots, sidewalks, driveways, and streets.

Land Use - The human use of land that involves the management and modification of the natural environment into modified land areas such as homes, businesses, fields, farms, and pastures.

Mitigation - Practices or techniques to compensate for the negative impact of development lost to a waterbody. Mitigation reduces, prevents, or corrects some of these negative impacts.

Navigable water - Waters are legally navigable if they have a bed and bank

and levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on a recurring basis.

Ordinary High Water Mark (OHWM) - 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.

Runoff - Water flowing over the surface of land or soil; runoff can cause erosion and is increased when surfaces are paved or covered with roofs, patios, or decks.

Setback - The required distance between a building and a lot line, a road, utilities, well, septic, or a waterbody.

Shoreland protection area or shoreland vegetative buffer zone - An area of undisturbed vegetation along the shoreline. This area of vegetation extends landward from the **ordinary high water mark** 50 - 75 feet (varies with lake class) inland. An area of no more than 30 feet in width on any lot with shoreline frontage may be selectively trimmed to provide a view and access corridor to the waterbody.

Substandard lots - Lots that do not meet the dimensional standards described in the Burnett County Shoreland Regulation Ordinances that were established prior to these ordinances and that do not meet the dimensional standards listed on page 19 or zoning district minimum standards. These substandard lots can be developed provided they meet the standards specified in the Burnett County Ordinances.

Uniform Dwelling Code (UDC) - The statewide building code for one- and two-family **dwellings** built since June 1, 1980. Building materials are evaluated for conformance with standards. There is enforcement of the UDC in all Wisconsin municipalities.

Variance - A relaxation of an area or a use requirement. It authorizes the use or development of a specific site in a manner prohibited by the **zoning** ordinance when a property owner can show unique, localized physical problems that give rise to hardship that can be overcome by varying the application of the ordinance without harming the purpose and intent of the ordinance. The variance procedure allows the impact of general rules to be varied in response to unusual local circumstances without involving the gov-

erning body in amendment procedures for each such localized situation. Variances are decided by the board of adjustment. (See section 30-698 of the Burnett County Ordinance.)

Viewing access corridor - An area within the **shoreland vegetative buffer zone** in which trees and shrubs may be selectively cut to allow a view/access between a **dwelling** and a waterbody. The corridor may be no more than 30 feet wide on a lot with shoreline frontage. (See section 30-505 of the Burnett County Ordinance.)

Wetland - An area that is inundated or saturated by surface or groundwater on an annual or seasonal basis. Wetlands generally include swamps, alder thickets, marshes, bogs, and similar areas.

Zoning - Regulation of private **land use** and development by local government. Zoning helps to ensure compatible land use patterns by minimizing conflicts between uses and therefore, protecting the health, safety, and welfare of the community, while enhancing the urban environment.





Photo credit: John Haack/UWEX

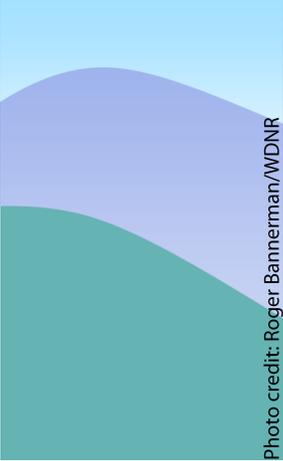


Photo credit: Roger Bannerman/WDNr

