

Conservation Subdivision in an F-1 zoning district may not be developed with more than 3 units.]

### **Secs. 13-1-63 Town of Russell Overlay District**

- (a) **Applicability.** The Town of Russell Overlay District shall apply to and include all lands within the Town of Russell.
- (b) **Intent of Town of Russell Overlay District.** The intent of this overlay district is to promote the public health, safety, convenience and general welfare; to encourage planned and orderly land use development; to protect property values and the property tax base; to permit the careful planning and efficient maintenance of roadways; to ensure adequate highway, utility, health, educational and recreational facilities; to recognize the needs of agriculture, forestry, industry and business in future growth; to encourage uses of land and other natural resources which are in accordance with their character and adaptability; to encourage the protection of old-growth forests; to preserve wetlands; to conserve soil, water and forest resources; to protect the beauty and amenities of landscape and man-made developments; to provide healthy surroundings for family life; and to promote the efficient and economical use of public funds.
- (c) **Definitions.** All terms contained herein shall be as defined in Sec. 13-1-4 unless otherwise defined within this section.
- (1) **Alternative Development.** A development or land division in which dwellings and other buildings are located on only a portion of a development, in contrast to conventional practice, which distributes development evenly across the entirety of a parcel, in order to accomplish either of the following:
- a. Preserve by deed restriction, including conservation easement, restrictive covenant and development rights transfers, the majority of the land division parcel for present or future agricultural use or conservation;
  - b. Create, maintain or expand protective barriers contiguous with roadways, lakes, wetlands and other natural resources in the Town of Russell.
- (2) **Certified Forester.** A person meeting the requirements of Section NR 1.21(2)(e) of the Wisconsin Administrative Code.
- (3) **Conservation Easement.** As provided in §700.40, Wis. Stats., a holder's non-possessory interest in real property imposing any limitation or affirmative obligation, the purpose of which includes retaining or protecting

natural, scenic or open space values of real property, assuring the availability of real property for agricultural, forest, recreational or open space use, protecting natural resources, maintaining or enhancing air or water quality, preserving a burial site, as defined in §157.70(1)(b), Wis. Stats. or preserving the historical, architectural, archaeological or cultural aspects of real property.

- (4) **Deed restriction.** A restriction on the use of a property set forth in a deed or other instrument of conveyance, including, but not limited to, a restrictive covenant, conservation easement, transfer of development rights or any restriction placed on undeveloped land as a condition for the division or development of the undeveloped land.
  - (5) **Historic Site Overlay.** An area designated by the Bayfield County Board that possesses a contiguous or nearly contiguous historic site(s), building(s), structure(s) or objects united historically and/or aesthetically by a common theme or a set of common characteristics that are historically or architecturally significant to the Town of Russell, the state or the nation.
  - (6) **Historic Site.** Any parcel of land whose historic significance is due to a substantial value in tracing the history or prehistory of, humanity, or upon which a historic event has occurred and which has been designated as a historic site under this section, or an improvement parcel, or part thereof, on which is situated a historic structure and any abutting improvement parcel, or part thereof, used as, and constituting part of, the premises on which the historic structure is situated.
  - (7) **Historic Structure/Building.** Any improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the Town of Russell, the state or the nation and which has been designated as a historic structure pursuant to the provisions of this section.
  - (8) **Old-Growth Forest.** A forest that includes at least eight 100-year old trees per acre; is at least five acres in size.
- (d) **Zoning District Dimensional Requirements and Classification.** Except as provided in subsections (e) and (f) below, the following dimensional requirements shall apply to all parcels located within the Town of Russell Overlay District:

Zoning District	Minimum Area	Minimum Frontage	Minimum Average Width	Minimum Side and Rear Yard	
				Principal Building	Accessory Building
R-RB, R-1	*20 acres	150'	150'	10'	10'
F-1, R-2, A-1	*20 acres	300'	300'	75'	30'
R-3	*20 acres	200'	200'	20'	20'
F-2, A-2	35 acres	1,200'	1,200'	75'	75'
I, C	*5 acres	300'	300'	75'	75'
R-4					
(a) Sewer/Water	*20 acres	75'	75'	10'	10'
(b) Sewer Water	*20 acres	75'	75'	10'	10'
(c) Water Only	*20 acres	100'	100'	10'	10'
W	**5 acres	N/A	N/A	N/A	N/A

\* Or the equivalent of  $\frac{1}{2}$  of a  $\frac{1}{4}$ - $\frac{1}{4}$  section.

\*\* Or the equivalent of  $\frac{1}{8}$  of a  $\frac{1}{4}$ - $\frac{1}{4}$  section.

The classification of uses stated in Section 13-1-62 of the Bayfield County ordinances as of the date of the adoption of this section shall apply to the Town of Russell Overlay District.

(e) **Alternative Developments.** In order to further the goals and policies of the Town of Russell Land Use Plan, the Bayfield County Zoning Committee will favor plans for land divisions that provide for an alternative development. At the discretion of the Bayfield County Zoning Committee, deed restrictions, including restrictive covenants, or conservation easements, or both, may be required for such plans.

(1) **Minimal Lot Area.** The minimal lot area as stated in subsection (d) above shall apply unless the developer submits an application and plan for an alternative development that includes a plan as to how the minimal open space will be maintained. Upon consideration of the recommendation by the Town of Russell and the approval by the Bayfield County Zoning Committee of a plan for an alternative development, the minimal lot requirements of Section 13-1-60 of the Bayfield County Zoning Ordinance shall apply to that portion of the development not required to meet the open space requirements.

(2) **Minimal Open Space.** A plan for an alternative development shall include minimal open space as set forth in the table below.

Zoning District	Percent of acreage required to remain open space	Percentage of acreage dividable under section 13-1-60
R-RB, R-1, R-4, I, C	35%	65%
F-1, R-2, R-3, A-1	45%	55%
F-2, A-2	50%	50%

- (3) Ownership of Minimal Open Space. Ownership of the open space shall be deeded undivided, with each unit owning a proportionate share.
- (4) Uses of Open Space. Space that is dedicated to be open shall be maintained in a natural, undisturbed condition, which shall include the farming of crops. Limited access may be allowed for passive or active recreation.
- (5) Additional Plan Requirements. A plan for an alternative development shall meet all of the requirements of the Bayfield County Zoning Ordinance and shall include the following:
- a. The location of all improvements and minimal open space and a plan as to how the minimal open space will be maintained.
  - b. A plan that as to how the minimal open space will be used and maintained;
  - c. Existing zoning on and adjacent to the proposed development;
  - d. Any proposed lake and stream access with a small drawing clearly indicating the location for the proposed development in relation to the access;
  - e. Any proposed lake and stream improvements or relocation;
  - f. All Department of Natural Resources designated wetlands, and any field verified wetlands designated by a public agency.
  - g. The County Zoning Committee shall require submission of a draft of protective covenants, where a covenant is proposed and whereby the land divider intends to regulate land use in the proposed development.. The covenants may be subject to the review and approval of the Bayfield County Corporation Counsel as to form;
  - h. Easements shall be shown and shall be limited to utility easements, drainage easements, conservation easements, access easements and service easements;
  - i. A detailed statement as to whether and how the proposed development is consistent with the Town of Russell Land Use Plan;
  - j. Characteristics of vegetation;
  - k. Historic and cultural features;
  - l. Scenic vistas.
  - m. A plan for an alternative development shall and shall assure proper use, construction and maintenance of open space facilities and shall result in a development superior to conventional development in terms of its benefits to future owners of the development,

surrounding residents and the general public. The County Zoning Committee may place whatever additional conditions or restrictions it may deem necessary to insure development and maintenance of the desired character, including plans for disposition or re-use of property if the open space use is not maintained in the manner agreed upon or is abandoned by the owners.

- (f) **Nonconforming Parcels**...Notwithstanding Sec. 13-1-26(d), any parcel of land with dimensions not conforming to the zoning district dimensions of this section that was created by a county-approved certified survey map or plat prior to the adoption of this section on the **30th** day of **August 2005**, shall not be subject to the dimensional requirements of this section. Further subdivision of such parcels and all other parcels shall be governed by this section.
- (g) **Historic Site Overlay District.** It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of improvements or sites of special character or special architectural, archeological or historic interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people.
- (1) The purpose of this section is to:
- a. Effect and accomplish the protection, enhancement and preservation of such improvements, sites and districts which represent or reflect elements of the Town of Russell's cultural, social, economic, political, artistic and architectural history;
  - b. Safeguard the Town of Russell's historic, prehistoric and cultural heritage, as embodied and reflected in such historic structures, sites and districts;
  - c. Foster civic pride in the notable accomplishments of the past;
  - d. Stabilize and improve property values and enhance the visual and aesthetic character of the Town of Russell;
  - e. Protect and enhance the Town of Russell's attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry.
- (2) **Applicability.** The Historic Site Overlay District shall apply to and include historic sites and/or historic structures placed therein pursuant to the provisions of paragraph (3) below.
- (3) **Classification Procedure and Criteria**
- a. **Addition and Removal of Historic sites – Procedure**

1. Historic sites and historic structures may be added to, or removed from, the Historic Site Overlay District upon a petition by either the landowner or Town of Russell Board.
  2. Before adding or removing any site or structure to or from the Historic Site Overlay District, the Bayfield County Zoning Committee shall review the recommendation of the Town of Russell.
  3. The committee shall then vote to add or remove the site or structure to or from the Historic Site Overlay District based upon the recommendation of the Town of Russell and the criteria in paragraph b. below. The final decision shall be made by the Bayfield County Board.
- b. Criteria for Addition and Removal of Historic sites – For purposes of this section, a locally designated historic structure, historic site or historic district designation may be placed on any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historic, architectural, archeological or cultural significance to the Town of Russell, the state or the nation, which:
1. Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state or community; or
  2. Is identified with historic personages or with important events in national, state or local history; or
  3. Embodies the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship, or that represents a significant and distinguishable entity whose components lack individual distinction; or
  4. Is representative of the notable work of a master builder, designer or architect who influenced his age; or
  5. Has yielded, or may be likely to yield, information important to prehistory or history.
- (4) Management and Maintenance – Ordinary maintenance and repairs may be undertaken, provided that the work involves repairs to existing features of a historic structure or site, or the replacement of elements of a structure with pieces identical in appearance, and provided that the work does not

- change the exterior appearance of the structure or site and does not require the issuance of a building permit.
- (5) Permitted Uses – All uses permitted within the underlying zoning district, by right or by special exception, shall be permitted unless specifically prohibited below. In all cases, the more restrictive requirement(s) shall apply.
- (6) Prohibited Uses – The following shall not be permitted within a historic district prior to the issuance of a special use permit.
- a. The construction or reconstruction, alteration or demolition of all of or any part of the property.
  - b. Improvements made to any site or structure beyond the typical maintenance that will not change the appearance or character of the site or structure.
  - c. The construction, building or maintenance of any road path or thoroughfare for the passage of motor vehicles.
- (7) The Town Board shall recommend and the county shall issue a special use or permit unless:
- a. In the case of a historic structure or historic site, the proposed work would detrimentally change, destroy or adversely affect any exterior feature of the improvement or site upon which said work is to be done;
  - b. In the case of the construction of a new improvement upon a historic site, or within a historic district, the exterior of such improvement would adversely affect, or not be compatible with, the external appearance of other neighboring improvements on such site or within the district;
  - c. In the case of any property located in a historic district, the proposed construction, reconstruction, exterior alteration or demolition does not conform to the purpose and intent of this section and to the objectives and design criteria of the historic preservation plan for said district;
  - d. In the case of a request for the demolition of a deteriorated building or structure, any economic hardship or difficulty claimed by the owner is self-created or is the result of any failure to maintain the property in good repair;

- e. The building or structure is of such local architectural or historical significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the city and state;
- f. In the case of a request for a demolition permit, the denial of the demolition permit would result in the loss of reasonable and beneficial use of, or return from, the property.

(h) **Old-Growth Overlay District**

- (1) Purpose. The purpose of the Old-Growth Overlay District is to:
  - a. Discourage development and disturbance to the natural environment in areas with old-growth/virgin timber.
  - b. Provide areas where native flora and fauna may prosper in a natural habitat
- (2) Applicability. The Old-Growth Overlay District shall apply to Old-Growth Forests placed therein pursuant to paragraph (3) below.
- (3) Classification procedure
  - a. Old-growth forests may be added to, or removed from, the Old-Growth Overlay District upon a petition by either the landowner or the Town of Russell Board.

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