

**Frequently Asked Questions & General Information**

Applicable to parcels of land in zoned towns and ALL shoreland parcels. Your parcel of land is in the shoreland zone if you are within 1,000 ft. of a navigable lake, pond or flowage or within 300 ft. of a navigable stream or river, even if the waterway is not on your property. This hand-out is not a complete list of regulations, only the most frequently asked questions.

**Notice to Landowners:** It is the responsibility of the landowner to obtain all necessary permits before starting construction. The landowner must sign all permit applications. No work on a private sewage system, including unzoned towns, shall take place until permits have been issued. Starting construction on a structure where a permit is required or on a private sewage system shall constitute a violation of Lincoln County zoning ordinances and fines or other legal action may apply. Wetlands are protected landscapes and the filling, grading, and excavation of wetlands is regulated by the department natural resources (DNR) and army corps of engineers (ACOE). DNR & ACOE should be contacted for projects involving wetlands.

**Minimum Building Setbacks:**

Road set-backs are not enforced in unzoned towns. All setbacks are horizontal measurements to the structure foundation. Eaves 2 ½ ft. or less are permitted intrusions into the side lot line and road setbacks only.

- **Town road** – 63 ft. to centerline OR 30 ft. to edge of ROW (whichever is greater)
- **County road** – 75 ft. to centerline OR 42 ft. to edge of ROW (whichever is greater)
- **State & federal roads** – 110 ft. to centerline OR 50 ft. to edge of ROW (whichever is greater)
- **Forestry district roads**- Any structure shall be 150 ft. from the centerline or 117 ft. to the edge of ROW of any public road.
- **Side lot line** – Minimum of 10 ft. to one side lot line, no less than total of 25 ft. cumulative from both side lot lines. *The side lot line setback for unzoned shoreland parcels is a minimum of 10 ft. to either side.*
- **Rear lot line** (non-riparian parcels) – Minimum of 10 ft. for an accessory structure, minimum of 25 ft. for a principal structure.
- **Wells**- Minimum of 2 ft. to a building foundation or support post.(or as required by NR 811 & 812)
- **Shoreland setback** (Accessory structures) – Minimum of 75 ft. to the ordinary high water mark. **NOTE:** Retaining Walls are structures and are subject to setbacks.
- **Shoreland setback** (principal structures) - Minimum of 75 ft. to the ordinary high water mark. *If there is an existing development pattern along the shoreline, setback averaging may be used. Please refer to setback averaging handout*

**Septic System (POWTS) Setbacks:**

**Septic Tank or Holding Tank**

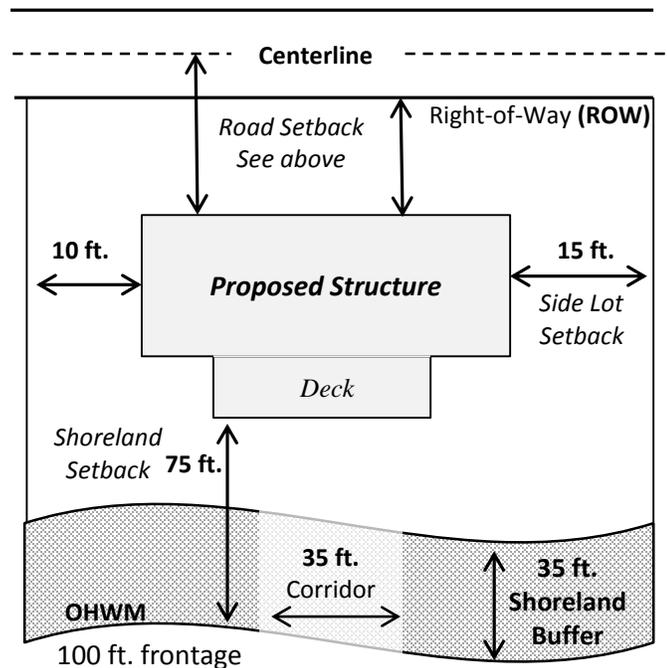
- 25' from a well (or as required by NR 811 & 812)
- 10' from a navigable body of water
- 5' from a building
- 2' from a lot line

**Septic Drainfield**

- 50' from a well (or as required by NR 811 & 812)
- 50' from OHWM of a navigable body of water
- 10' from a building
- 5' from a lot lines

**Shoreland Restrictions:**

- **Impervious surface coverage** – Applies to riparian lots and non-riparian lots completely within 300 ft. of OHWM. Less than 15% of lot coverage without mitigation, up to 30% coverage with mitigation.
- **Shoreland buffer preservation**- Removal of vegetation is prohibited within 35 ft. of the ordinary high water mark (OHWM), except for allowable corridor(s). Contact our office for information on vegetation removal within the buffer.
- **View and access corridor** – 35 ft. wide for every 100 ft. of shoreline frontage. The view and access corridors may run contiguously.
- **Soil disturbing activities**-Permits may be required for excavating, grading, and other soil disturbing activities within 300 ft. of waterways. Contact our office for more information.
- **Boathouses** – New boathouses are allowed on slopes less than 20%, located within the allowable view and access corridor. A land use and soil disturbance permit is required for new boathouses.
- **Nonconforming structures**- Structures which do not meet the required shoreland set-back. Refer to the NC structure handout.



**OBTAINING PERMITS:** A county onsite review of all permits is conducted prior to approval. Proposed building locations, showing all structures and lot lines must be staked with high visibility stakes or flagging prior to the county onsite. If these are not marked you may be called and charged for a 2<sup>nd</sup> onsite. This will delay the issuing of a permit. **Please allow 3 weeks for permit issuance after all applications, document, fees, etc. have been submitted.**

**A land use permit, sanitary permit, and rural address are needed for a new dwelling.** The sanitary permit must have been previously issued for the structure or must be applied for at the same time as the land use permit in order for our office to process other applications. A rural address is needed for a new dwelling unless one is already assigned to the parcel and proposed structure. A second dwelling on a parcel, if allowed, will need a separate address.

- **Land Use Permit.** *(With any granted Conditional Use, Variance, State approval or Town approval if applicable).* Land use permit applications must include a plot plan showing all proposed structures, setbacks, roadways, and other pertinent information. All shoreland permit applications must outline erosion control materials and practices and to be used during and after construction. A separate erosion control plan, in addition to the land use plot plan, may be submitted for shoreland projects if necessary.
- **Sanitary Permit.** A sanitary permit application must be submitted by a WI licensed plumber. A soil test is required for septic systems other than a holding tank. The soil test will determine what type of septic system is suitable for the site. If a mound system is proposed, this will require the plumber to obtain approval from the State of Wisconsin before it is submitted to the county zoning office. All systems require a signed maintenance agreement. Holding tanks require a completed holding tank agreement, a fee for recording the agreement in the Register of Deeds, and a completed pumping contract. If an addition to a dwelling is proposed, this may require a sanitary evaluation to ensure the existing system meets current code requirements before any permits are issued. A re-connect permit will be needed if the project involves replacing a home or interrupting the existing building sewer and the existing system is functional and compliant. ALL dwellings, at a minimum, must have an approved privy (outhouse) for septic waste. Pit privies require a soil test.
- **Rural Address.** Unless the property and proposed structure already have an assigned address, a rural address (fire number), is required for emergency and fire department services. A land use permit will not be issued unless there is an assigned rural address for the parcel and proposed structure. The rural address application may be applied for at the same time as the land use and sanitary permits.

#### **ADDITIONAL INFORMATION**

**Uniform Dwelling Code (UDC):** Contact the town building inspector regarding UDC requirements for the proposed project. UDC regulations, in general, apply to new dwellings, additions to dwellings, and structural alterations to dwellings. County zoning does not review projects to ensure UDC compliance. This is the responsibility of the town building inspector. The building inspector will need a copy of approved permits from the county zoning office to issue a “building permit”.

**Town Clerk:** Contact the town clerk for any project to see what additional permits, if any, are required for your project. (Conditional Use Permit approval, driveway permits, other township level permits)

**Variances:** If the proposed project does not meet stated setbacks or applicable regulations, the project may require a variance. A variance involves a public hearing and the request must pass certain criteria before being granted. A land use permit is still required if a variance is approved. Variance requests are heard by the Zoning Board of Adjustment (BOA).

**Conditional Use Permit (CUP):** In zoned towns, different zoning districts allow for different uses and activities. Some activities will require special approval by the Land Services Committee through a CUP. Some examples of conditional uses requiring this approval include agricultural activities and farm animals in residential districts, businesses, home occupations, tourist lodging, nonmetallic mining, commercial activities, etc. Land uses which are permitted by CUP in a zoning district are listed in the tables in section 17.2.100 of the Lincoln County Zoning Ordinance. A land use permit may still be required

**Signs and outdoor wood furnaces:** These are regulated in some areas. Please contact our office with specific questions.

**Lot Splits and Subdivisions:** Creating a parcel of land less than 10 acres in any zoning district requires subdivision review. Minimum lot size & lot width for shoreland parcels must meet requirements of the applicable zoning district, as well as the minimum requirements stated in the Shoreland Zoning Ordinance. All parcels must have frontage on a public road unless a petition for modification is granted.

- **Minor Subdivision/Condominium** (1–4 parcels/units) - A Subdivision application, Certified Survey Map (CSM) and Soil Evaluation on each parcel created is required. Developing an island requires approval by CUP.
- **Major Subdivision/Condominium** (5 or more parcels/units) - At a minimum the following items are required: A subdivision application, county or state plat, final plat review, soil test showing soil suitability, and provisions for public land and open spaces. (See section 18.6.05 of the subdivision ordinance)
- **Addendums and subdivision/condominium amendments.** County Zoning review is required. FAQ (Rev. 5/23/16)

**ZONED TOWNS:** Bradley, Corning, Harding, King, Merrill, Russell, Schley, Scott, Skanawan, Tomahawk, Wilson

**UNZONED TOWNS:** Birch, Harrison, Rock Falls, Somo. **PINE RIVER** enforces separate zoning ordinances and regulations