

## Erica Klingfus

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**From:** Keresha Flint <Keresha.Flint@co.ashland.wi.us>  
**Sent:** Wednesday, March 15, 2023 3:13 PM  
**To:** Erica Klingfus  
**Subject:** [EXTERNAL] Zoning Verification  
**Attachments:** Ordinance\_1934\_Use\_Districts.pdf

Good afternoon,

After looking up the zoning on the property in question, the property is zoned “unrestricted”. I have attached the ordinance in case you have any questions.

Thank you,



**Keresha Flint** - Office Assistant  
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## **ZONING ORDINANCE**

### **SECTION 1**

#### **DEFINITIONS**

Certain terms and words used in this ordinance are defined as follows: Words used in the present tense include the future; words in the singular number include the plural number, and words in the plural number include the singular number; the word "building" includes the word "structure" and the word "shall" is mandatory and not directory.

"FOREST PRODUCTS" – Products obtained from stands of forest trees which have been either naturally or artificially established.

"FOREST INDUSTRIES" – The cutting and storing of forest products, the operation of portable sawmills and planer, the production of maple syrup and sugar.

"PUBLIC AND PRIVATE PARKS, PLAYGROUNDS, CAMPGROUNDS, AND GOLF GROUNDS" – areas of land with or without buildings designed for recreation uses.

"RECREATION CAMPS AND RESORTS" – Areas of land improved with buildings designed for seasonal occupancy only and normally used by the owner together with additional structures to house materials and services.

"HUNTING AND FISHING CABINS" – Buildings used at special seasons of the year as a base for hunting, fishing and outdoor recreation.

"TRAPPERS' CABIN" – A building used as a base for operating one or more trap lines.

"BOAT LIVERIES" – Establishments offering the rental of boats and fishing equipment.

"BUILDING" – A structure having roof supported by columns or walls for the shelter, support or enclosure of persons, animals or chattels.

"NONCONFORMING USE" – A building or premises occupied by a use that does not conform with the regulations of the use district in which it is suited.

"FAMILY DWELLING" – Any building for and occupied by any person or family establishing or tending to establish a legal residence or acquiring a legal settlement for any purpose upon the premises so occupied.

## **ZONING ORDINANCE**

### **REPORT BY COUNTY CLERK TO THE COUNTY BOARD ON APPROVAL OF ZONING ORDINANCE BY TOWN BOARDS**

To the Honorable County Board of Supervisors, Ashland County, Wisconsin.

Gentlemen:

This is to certify that approvals have been received and filed in this office from the town boards of Agenda, Butternut, Gordon, Shanagolden, Morse, Jacobs, Ashland, Marengo, White River, Gingles, LaPointe and Sanborn of the County Zoning Committee to your honorable body at a meeting held May 9, 1934.

You are further advised that said approvals are in the form required by subsection One (1) of Section 59.97 of the Wisconsin Statutes, and same are hereby submitted to your honorable body for consideration.

Respectfully submitted,  
Edwin H. Quistorff  
County Clerk

### **Zoning Ordinance for Ashland County, Wisconsin**

An ordinance regulating, restricting and determining the areas within the county in which agriculture, forestry and recreation may be conducted, the location of roads, schools, trades and industries and the location of buildings, designed for specified uses, and the establishment of setback building lines outside the limits of incorporated villages and cities, pursuant to Section 59.97 of the Wisconsin Statutes.

The County Board of Supervisors of Ashland County does ordain as follows:

#### **SECTION I (A)**

#### **DISTRICT AND DISTRICT MAPS**

For the purpose of promoting public health, safety and general welfare, and regulating, restricting and determining the areas within which agriculture, forestry and recreation may be conducted and establishing districts which are deemed best suited to carry out such purposes, outside of the limits of incorporated villages and cities, and in accordance with the provisions of Section 59.97 of the Wisconsin Statutes, the territory included in the boundaries of the following towns, to-wit: Agenda, Ashland, Butternut, Gingles, Gordon, Jacobs, LaPointe, Marengo, Morse, Peeksville, Sanborn, Shanagolden and White River are hereby divided into two classes of use districts as follows to-wit:

1. Forestry and Recreation District, and
2. Unrestricted District.

The boundaries of the aforesaid two (2) use districts are shown upon the official map of Ashland County, attached hereto being designated as the "Zoning Map Showing Use Districts," Ashland County, Wisconsin, dated November 14, 1934, and made a part of this ordinance. All notations, references and other things shown upon said zoning map showing use districts shall be as much a part of this ordinance as if the matter and things set forth by said map were all fully described herein.

No land or premises shall be used except in conformity with the regulations herein prescribed for the use districts in which such land or premises is located.

No building shall be erected or structurally altered or used except in conformity with the regulations herein prescribed for the use districts in which such building is located.

## SECTION I (B)

### BUILDING PERMITS

- A. A building permit shall be obtained from the office of the Ashland County Zoning Administrator for any structure which is used, intended to be used, or designed to be used:

1. for human habitation or
2. for human occupancy

on either a permanent or temporary basis, for which a sanitary permit is required.

Exemptions. The following structures are exempt from this provision:

1. A satellite hunting station, a hunting stand and/or hunting blind which is designed with openings from which a rifle and/or bow and arrow can be shot, and
2. A warming shack and/or sleeping shack which is moved from job to job which is used in connection with an ongoing and bona fide:
  - a. logging project, or
  - b. construction project, or
  - c. similar work activity, and
3. A structure which is used by persons to shield them from the weather and/or climactic conditions while waiting for public transportation or a school bus.

- B. No structure for which a building permit is required by this ordinance, shall be constructed, erected, assembled or moved onto real estate until after the required building permit has been issued.

- C. The term "structure," when used in this ordinance, has the meaning set forth in Section 15.06 of Ashland County's Private Sewage System Ordinance, which is incorporated herein by reference as though fully set forth herein.

- D. **Minimum Setback Requirements.**

The following minimum setback requirements apply to each structure covered by Section I(B) of this ordinance:

Front yard .....	10-foot setback
Rear yard .....	10-foot setback
Side yards .....	10-foot setback]

A setback is measured laterally between the furthest protrusion of the structure and the closest property boundary line. No portion of a structure shall be present within the required minimum setback area.

- E. Applicability. The requirements of Section I(B) apply to all areas in Ashland County which are in District I-Forestry and Recreation or in District II-Unrestricted District, except as set forth in Section VII of this ordinance.

*IMPORTANT SEE PAGE 6 C:10*



## **SECTION II**

### **DISTRICT NO. 1 – FORESTRY AND RECREATION**

In the forestry and recreation district no building, land or premises will be used except for one or more of the following specified uses:

1. Production of forest products,
  2. Forest Industries,
  3. Public and private parks, playgrounds, campgrounds and golf grounds,
  4. Recreational camps and resorts,
  5. Private summer cottages and service buildings,
  6. Hunting and Fishing cabins,
  7. Trappers' cabins,
  8. Boat liveryes,
  9. Mines, quarries and gravel pits,
  10. Hydroelectric dams, power plants, flowage areas, transmission lines and substations,
  11. Telephone and telegraph line right-of-ways,
  12. Harvesting of any wild crop, such as; marsh hay, ferns, moss, berries or tree fruits or seeds.
- (Explanation: Any of the above uses are permitted in the forestry and recreation district, and all other uses, including family dwellings, shall be prohibited.)

## **SECTION III**

### **DISTRICT NO. 2 – UNRESTRICTED DISTRICT**

In the unrestricted district, any land may be used for any purposes whatsoever, not in conflict with law.

## **SECTION IV**

### **NONCONFORMING USES**

The lawful use of any building, land or premises existing at the time of the passage of this ordinance, although such use does not conform to the provisions hereof, may be continued, but if such nonconforming use is discontinued, any further use of said building, land or premises shall be in conformity with the provisions of this ordinance.

The lawful use of a building, land or premises existing at the time of this ordinance may be continued, although such use does not conform with the provisions hereof, and such use may be extended throughout such building, land or premises.

Whenever a use district shall be hereafter changed, and then existing nonconforming use in such changed district may be continued or changed to a use permitted in the new use district, provided all other regulations governing the new use are complied with.

Whenever a nonconforming use of a building, land or premises has been changed for more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use, unless the district in which such building, land or premises is located is changed to a less restricted use.

Immediately following publication of this ordinance by the county board, the zoning committee shall prepare a list of all instances of established nonconforming uses of land and publish the same to permit appeal on errors and omissions. Thirty days after publication of this list, a final and official copy shall be filed in the office of the register of deeds.

Nothing in this ordinance shall be construed as prohibiting forestry and recreation in any of the use districts nor a change from any other use to forestry or to recreation.

## **SECTION V**

### **LAND EXCHANGE**

Lands acquired by Ashland County through tax deed in the unrestricted district may be subject to exchange for privately owned lands within the forestry and recreation district when such exchange will promote the regulation and restriction of agricultural and forestry lands.

## **SECTION VI**

### **BOUNDARIES OF DISTRICTS**

District boundary lines shall follow along the lines, extended, indicated on the United States General Land Office survey maps, or along meandered streams.

## **SECTION VII**

### **APPLICABILITY**

This ordinance does not apply to:

- a. Any structure or real estate belonging to the United States of America or the State or Wisconsin.
- b. Any real estate situated within an incorporated city or village.
- c. Any real estate situated within the exterior boundaries of the Bad River Indian Reservation.
- d. Any real estate situated withing the Town of LaPointe.

## **SECTION VIII**

### **REPEAL AND/OR AMENDMENT**

This ordinance may be repealed or amended, in whole or in part, in the manner provided for in Wisconsin Statutes at the time of such repeal or amendment.

## **SECTION IX**

### **ENFORCEMENT AND PENALTY**

The following provisions of Ashland County's private sewage system ordinance are incorporated herein by reference as though fully set forth herein: Sections 15.40, 15.41 and 25.04.

In addition, in the event a permit required by this ordinance is applied for or issued on an after the fact basis, the amount of the permit fee payable to Ashland County shall be double the normal or usual amount of such permit fee.

## **SECTION X VALIDITY**

Should any section, clause or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

## **SECTION XI WHEN EFFECTIVE**

This ordinance upon passage and publication shall be in effect in the towns of Agenda, Ashland, Butternut, Gingles, Peeksville, Gordon, Jacobs, LaPointe, Marengo, Morse, Sanborn, Shanagolden and White River, each of said towns having given its approval to the provisions hereof in the manner provided by Section 59.97, Wisconsin Statutes.

To the Honorable Board of Supervisors, Ashland, Wisconsin.

Gentlemen:

Your county zoning committee, having reviewed the approvals of various town boards of the report and recommendations of your county zoning committee submitted at a meeting of said board on May 9, 1934, which said report consists of an ordinance as set forth in the proceedings of this board at said meeting held May 9, 1934, including the map herein mentioned and made a part thereof, begs leave to report thereon as follows:

That approvals have been obtained of town boards, so far as the same effects the lands in such towns, in accordance with the provisions of subsection one (1) of Section 59.97 of the Wisconsin Statutes as follows:

The town board of the Town of Agenda which said approval was given pursuant to a resolution adopted by the town board of said town at a meeting held on the 10th day of July, 1934, a certified copy of which said resolution was filed in the office of the county clerk of Ashland County on the 14th day of July, 1934.

The town board of the Town of Butternut which said approval was given pursuant to a resolution adopted by the town board of said town at a meeting held on the 28th day of July, 1934, a certified copy of which said resolution was filed in the office of the county clerk of Ashland County on the 14th day of July, 1934.

The town board of the Town of Gordon which said approval was given pursuant to a resolution adopted by the town board of said town at a meeting held on the 17th day of July, 1934, a certified copy of which said resolution was filed in the office of the county clerk of Ashland County on the 20th day of July, 1934.

The town board of the Town of Shanagolden which said approval was given pursuant to a resolution adopted by the town board of said town at a meeting held on the 14th day of July, 1934, a certified copy of which said resolution was filed in the office of the county clerk of Ashland County on the 17th day of July, 1934.

The town board of the Town of Peeksville which said approval was given pursuant to a resolution adopted by the town board of said town at a meeting held on the 14th day of August, 1975, a certified copy of which said resolution was filed in the office of the county clerk of Ashland County on the 2nd day of October, 1975.

The town board of the Town of Morse which said approval was given pursuant to a resolution adopted by the town board of said town at a meeting held on the 14th day of July, 1934, a certified copy of which said resolution was filed in the office of the county clerk of Ashland County on the 13th day of November, 1934.

The town board of the Town of Jacobs which said approval was given pursuant to a resolution adopted by the town board of said town at a meeting held on the 8th day of November, 1934, a certified copy of which said resolution was filed in the office of the county clerk of Ashland County on the 13th day of September, 1934.



The town board of the Town of Ashland which said approval was given pursuant to a resolution adopted by the town board of said town at a meeting held on the 4th day of September, 1934, a certified copy of which said resolution was filed in the office of the county clerk of Ashland County on the 8th day of September, 1934.

The town board of the Town of Marengo which said approval was given pursuant to a resolution adopted by the town board of said town at a meeting held on the 19th day of July, 1934, a certified copy of which said resolution was filed in the office of the county clerk of Ashland County on the 23rd day of July, 1934.

The town board of the Town of White River which said approval was given pursuant to a resolution adopted by the town board of said town at a meeting held on the 14th day of September, 1934, a certified copy of which said resolution was filed in the office of the county clerk of Ashland County on the 17th day of July, 1934.

The town board of the Town of Gingles which said approval was given pursuant to a resolution adopted by the town board of said town at a meeting held on the 14th day of September, 1934, a certified copy of which said resolution was filed in the office of the county clerk of Ashland County on the 6th day of September, 1934.

The town board of the Town of LaPointe which said approval was given pursuant to a resolution adopted by the town board of said town at a meeting held on the 18th day of July, 1934, a certified copy of which said resolution was filed in the office of the county clerk of Ashland County on the 20th day of July, 1934.

The town board of the Town of Sanborn which said approval was given pursuant to a resolution adopted by the town board of said town at a meeting held on the 13th day of November, 1934, a certified copy of which said resolution was filed in the office of the county clerk of Ashland County on the 14th day of November, 1934.

Wherefore, your committee recommends for adoption the following resolution:

Whereas, the zoning committee of the Ashland County Board duly submitted its report to the county board consisting of an ordinance with accompanying map made a part thereof, regulating, restricting and determining the area within the county in which agriculture, forestry and recreation may be conducted, the location of roads, schools and trades and industries, and the location of buildings, designed for specified uses, and establishing districts for such purposes outside the limits of incorporated villages and cities pursuant to Section 59.97 of Wisconsin Statutes, and

Whereas, the town board of the towns of Agenda, Ashland, Butternut, Gordon, Gingles, Morse, Shanagolden, Jacobs, Marengo, White River, LaPointe, Sanborn and Peeksville have submitted approval of the said ordinance insofar as the same affects the lands in each of said towns in accordance with and as provided by Section 59.97 of the Wisconsin Statutes, and particular subsection one (1) thereof:

Now Therefore Be It Resolved, that the above mentioned zoning ordinance submitted by the county zoning committee, at a meeting of the board, held May 9th, 1934, be and the same is hereby enacted, said ordinance with all amendments and changes to be hereafter made therein to become effective in the towns of Agenda, Butternut, Gordon, Shanagolden, Morse, Jacobs, Ashland, Marengo, White River, Gingles, LaPointe, Sanborn and Peeksville.

Be It Further Resolved that the county clerk upon publication of said ordinance, be and is hereby directed to file a certified copy of said ordinance, including the accompanying map, made a part thereof, in the office of the register of deeds of Ashland County.

Dated November 14, 1934  
(Signed)

Frank Bay  
John Warren  
Archie L. Wilson  
Zoning Committee

Offered and Passage moved by Supervisor Wm. G. Zielke, Seconded: Supervisor, Sam Jensen

Result of Vote: For Adoption: 25. Against Adoption: 0. Absent: 2.

Adopted: November 14th, 1934  
FRANK SHEFCHIK  
Chairman, Board of Supervisors  
EDWIN H. QUIRSTORFF  
County Clerk, Ashland County, Wisconsin

(S-E-A-L)  
Published, November 23rd, 1934