

CHAPTER 1

ZONING CODE

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NOTE: The use and development of land in the Town is subject to this chapter (Ordinance No. SG-01-1-1) and other laws and regulations and ordinances, including the Vilas County Zoning Ordinance and other ordinances in effect in the Town. We encourage the permit applicant to discuss any application with the Town Zoning Administrator, 561 Hwy 155, St. Germain, Wisconsin 54558, telephone (715)542-3155, who is generally available weekdays between 7:00 a.m. and 3:30 p.m.

INTRODUCTION

1.01 STATUTORY AUTHORIZATION. This Town Zoning Code is adopted pursuant to the authorization contained in §§60.10(2)(c), 60.22, 60.62, 61.35 and 62.23, Wis. Stats.

1.02 COUNTY ZONING ORDINANCES ADOPTED. The Town hereby adopts by reference the Vilas County General Zoning Ordinance and Shoreland Zoning Ordinance.

1.03 PURPOSE. This chapter is declared to be for the purpose of promoting the public health, safety and general welfare.

1.04 COMPLIANCE. The use of any land or water; the size, shape and placement of the lots; the use, size and locations of structures on lots; the installation and maintenance of water supply and waste disposal facilities; the filling, grading, lagooning, dredging of any land; the cutting of shoreland vegetation; and the subdivision of lots shall be in full compliance with the terms of this chapter and other applicable regulations.

1.05 ZONING PERMIT REQUIRED. (Am. #SG-02-07-1) No structure shall hereafter be built, erected, placed, enlarged, altered in a manner that increases the footprint of the structure, or moved within the area subject to the provisions of this chapter, nor shall the principal use of the property be changed from one permitted use classification to another (for example, from residential to commercial), unless a zoning permit has been applied for in writing and obtained from the Town Zoning Administrator. Expansion of the building footprint or the height of an existing structure requires a zoning permit regardless of value. Such permit shall be posted in a prominent place on the premises or structure prior to the building, erection, placement, enlargement, alteration or movement of such structure.

1.06 INTERPRETATION. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes.

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1.07 SEVERABILITY. If any section, clause, provision or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

1.08 ABROGATION AND GREATER RESTRICTIONS. It is not intended by this chapter to repeal, abrogate or impair or otherwise affect the application or enforcement of any existing deed restriction, easement, covenant or ordinance other than zoning, except where this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

1.09 BUILDINGS UNDER CONSTRUCTION. Nothing herein contained shall require any change in the plans, construction, size or designated use of any building, structure or part thereof for which a zoning permit under existing or previous requirements has been issued and that is under construction at the time that this chapter is adopted.

1.10 REPEAL OF PREVIOUS ORDINANCES. This chapter shall repeal and replace any previous zoning ordinances as to the Town of St. Germain, but shall not affect Ch. 4, Travelway, and Ch. 3, Mobile Homes, of this Code of Ordinances.

1.11 TITLE. This chapter shall be known as, referred to and cited as the “St. Germain Zoning Ordinance.”

1.12 DEFINITIONS. For the purposes of this chapter, certain terms used herein are defined as set forth in this section. Words and phrases not defined in this section or elsewhere in this chapter shall be construed by resort to the following, in order of priority, the Vilas County Zoning Ordinance, Wisconsin Statutes, Wisconsin zoning case law, other states’ zoning case law, the dictionary and common usage.

NOTE: Consult the Vilas County Shoreland Zoning Ordinance for lake classifications.

ACCESS PATH. A paved or unpaved walkway primarily intended for pedestrian traffic.

ACCESSORY BUILDING. A building, including, but not limited to, a storage shed, which is accessory or incidental to the principal structure.

AVERAGE LOT WIDTH. The perpendicular distance between parallel side lot lines. The average lot width of other lots shall be computed by using distances

between nonparallel side lot lines which are perpendicular to the line bisecting the angle formed by the side lot lines, as provided in APPENDIX A and incorporated into this chapter by reference, subject to the following: In the event that the average lot width as

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measured above is less than the width of a lake lot measured at 90° from the point where either side lot line intersects with the ordinary high watermark (not along the meander line of the high watermark), then the average lot width shall be its width as so measured at 90° from the side lot line at its intersection with the ordinary high watermark.

BACKLOT. A lot which does not front on a navigable body of water.

BED AND BREAKFAST ESTABLISHMENT. A place of lodging that provides 8 or fewer rooms for rent, is the owner's personal residence and is occupied by the owner at the time of rental.

BOARDINGHOUSE or GROUP LODGING. A building other than a hotel where meals or lodging and meals may be furnished for compensation for 3 or more persons not members of a family, not open to daily transients as a hotel or restaurant.

BOAT LAUNCHING. The conveyance of watercraft from land into any navigable waterway or from any navigable waterway onto land by means of a trailer or other vehicle.

BODY SHOP. A business for the repair of automobiles, boats and other motor vehicle bodies.

BUILDING. Any structure which is built for the support, shelter or enclosure of persons, animals or personal property of any kind and which is permanently affixed to the land. For purposes of enforcement, a building shall be considered to include all of the area within the drip line created by the projection of any features permanently affixed to the building.

BUILDING FOOTPRINT. The total area of a building as measured by its external length and width including, without limitation because of enumeration, all eaves, overhangs, porches, decks and stairways.

BUILDING SETBACK LINE. A line measured across the width of the lot at that

point where the building footprint, including any overhang, is in accordance with setback provisions.

CAMPGROUND. Any location which provides 2 or more sites designated, maintained, intended or used for the purpose of overnight camping in tents or vehicles.

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CAMPSITE. A designated parcel within a campground which is designed and posted as a site for occupancy by an individual, family unit or group using one recreation vehicle or tent.

CLUB. An association of persons organized for a common purpose, but not including any group organized primarily to render a service which is customarily carried on as a business.

COMMERCIAL DISTRICT. The Downtown Business District and/or the Community and Highway Business District.

COMMUNITY LIVING FACILITY. A place where 5 or more adults, who are not related to the operator or administrator and who do not require care above intermediate level nursing care, reside and receive care, treatment or services that are above the level of room and board, but that include no more than 3 hours of nursing care per week per resident.

CONDITIONAL USE. (Am. #SG-02-07-1) A land use which is authorized under this chapter without a conditional use permit under §1.55(2) or upon the issuance of a conditional use permit pursuant to §1.70. (*NOTE: A conditional use is the same as a special exception.*)

CONDOMINIUM. A parcel of land and any improvements thereto held in the condominium form of ownership pursuant to Ch. 703, Wis. Stats.

DAY. For enforcement purposes, any portion of a 24 hour period commencing at 12:00 midnight.

DEVELOPMENT. Any man-made change to improved or unimproved real estate including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of mobile homes; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations;

and the depositing or extraction of earthen materials.

DUPLEX or TWO FAMILY DWELLING. A structure containing 2 dwelling units. A duplex includes a manufactured home which contains 2 dwelling units.

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DWELLING UNIT. A structure or a portion thereof that is arranged, designed, used or intended for use for human habitation by one or more persons maintaining one common household, to the exclusion of all other persons, and includes, without limitation because of enumeration, mobile homes and dwelling areas above a garage.

DWELLING, MULTIPLE FAMILY OR MULTI-FAMILY. A structure containing 3 or more dwelling units.

DWELLING, SINGLE FAMILY. A structure containing one dwelling unit. Single family dwelling includes a manufactured home or a mobile home which contains one dwelling unit.

ESSENTIAL SERVICES. Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electrical steam, water sanitary sewerage, stormwater drainage and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings. Essential services do not include general utility offices or other structures not related to the direct delivery of service.

HOME OCCUPATION. A gainful occupation engaged in by a person residing in their dwelling which is conducted in the principal or accessory structure and meets the following criteria:

- (a) The total space on a lot used for the home occupation shall not exceed 50% of the gross floor area of the principal building.
- (b) There shall not be more than 3 employees on the premises at any time.

- (c) There shall not be any outside storage associated with the home occupation and all occupations shall be conducted entirely within a building.
- (d) The occupation must be compatible with other permitted uses in a district so as not to diminish or impair the use, value or enjoyment of surrounding properties.
- (e) The occupation cannot be one that causes excessive noise, light pollution, noxious fumes or dust; creates a traffic problem to adjoining properties; or is

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otherwise adverse to the public health and safety or peaceful enjoyment of adjoining properties.

- (f) A home occupation does not include an occupation which is engaged in solely by an occupant of a dwelling, without employees, and which does not invite customers, clients or other regular traffic to the dwelling.

HOME RENTAL. (Cr. #SG-02-07-1) The rental of a dwelling for any term of less than 30 consecutive days.

LAKE LOT. A lot with frontage on a lake, pond, river or flowage.

LOT. A parcel of land occupied or intended to be occupied by one building and its accessory buildings and uses, except as otherwise provided herein. A lot may be a whole quarter, quarter section, fractional section, government lot or other parcel described in a conveyance recorded in the office of the Vilas County Register of Deeds. No land included in the right-of-way of any street, highway or railroad shall be included when computing lot area or dimensional requirements.

MANUFACTURED HOME. (Am. #SG-02-07-1) A structure, other than a mobile home as defined herein, which is certified and labeled as a manufactured home under 42 U.S.C., §§5401 to 5425, as amended, and is transportable in one or more sections, which in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length, or when erected on site, is 720 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. This term includes all structures which meet the above requirements, except the size requirements, and for which the manufacturer

voluntarily files a certification pursuant to Title 24 CFR Part 3282.13 and complies with the standards set forth in Title CFR Part 3280. Any attached addition, enclosed porch, deck or patio shall be considered part of the manufactured home and may be required to meet the requirements of this chapter.

Notwithstanding the dimension and square foot requirements set forth above, in order to obtain a permit to be placed on any property in the Town, all manufactured homes, whether shipped as a single unit or in parts, must meet the minimum dimension standards found in §1.16 of this chapter, when fully assembled and placed on the approved site, except that a manufactured home of less than 24' in width is not required to meet these minimum dimension standards if it is placed on an approved site in the areas set forth in §1.46 of this chapter.

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MIXED RESIDENTIAL AND BUSINESS USE. One or more dwelling units in addition to commercial business space in the same or an adjoining structure, but does not include a home occupation.

MOBILE HOME. (Am. #SG-02-07-1) A structure manufactured prior to June 15, 1976, with walls of rigid uncollapsible construction and an overall length in excess of 45', transportable in one or more sections, built on a permanent chassis, and designed to be used as a dwelling when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. Any attached addition, enclosed porch, deck or patio shall be considered part of the mobile home and may be required to meet all of the requirements of this chapter.

MOBILE HOME PARK. A plot of land leased or subdivided and sold, primarily or exclusively for the siting of mobile homes, and upon which 2 or more mobile homes are situated.

ORDINARY HIGH WATERMARK or 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, or predominance of aquatic vegetation.

PLANNED RESIDENTIAL UNIT DEVELOPMENT. A parcel or tract of land having an area required in the district regulations under common management, single ownership and which is the site for 2 or more principal residential buildings and where regulations governing yard requirements as required by district regulations may be modified as regulated in this chapter.

PROFESSIONAL SERVICE. A business providing services, or a combination of goods and services, offered to the public by a State licensed professional. "Professional service" includes, but is not limited to, services offered by an attorney, accountant, architect, investment advisor, realtor or veterinarian.

PUBLIC AND SEMI-PUBLIC USES. Uses principally of an institutional nature and serving a public need. "Public and semi-public uses" include, but are not limited to, churches, public and private schools, libraries, museums, post offices, police and fire stations, government offices, town halls and public garages.

RECREATION VEHICLE. Any of the following:

- (a) Travel Trailer. A vehicular, portable structure built on a chassis, designed to

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be used as a temporary dwelling for travel, recreational and vacation uses and identified as a travel trailer by the manufacturer.

- (b) Pickup Coach. A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation use.
- (c) Motor Home. A portable, temporary dwelling to be used for travel, recreation and vacation use, constructed as an integral part of a self-propelled vehicle.
- (d) Camping Trailer. A canvas or folding structure mounted on wheels and designed for travel, recreation and vacation use.
- (e) Tent. A portable lodge of canvas or strong cloth, stretched and sustained by poles or by other means of support.

RESIDENTIAL DISTRICT. Any district classification in which single family, duplex and/or multiple family dwellings are a permitted use.

RESORT. An area providing temporary lodging in housekeeping cabins, guesthouses or a lodge, but does not include a campground or mobile home park.

SETBACK LINES. The lines established adjacent to public roads, shorelines and lot lines for the purpose of defining limits within which no building or any part thereof shall be erected or permanently maintained. For purposes of enforcement,

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all measurements are to be taken horizontally.

SINGLE FAMILY RESIDENTIAL DISTRICT. The Residential - Low Density, Residential - Medium Density, Lakeshore Residential, and Rural Residential Districts.

STRUCTURE. Anything constructed, the use of which requires a permanent location on the ground. For purposes of this chapter, piers, boatlifts, fences, stairways necessary to get access to the water, access paths and travelways, light poles, flag poles, ornamental displays with a footprint not greater than 12 sq. ft., doghouses and pump houses with a footprint not greater than 12 sq. ft. are not considered structures.

ZONING CODE 1.15

SETBACKS AND DIMENSIONAL REQUIREMENTS

NOTE: Consult the Vilas County Shoreland Zoning Ordinance for lot area, setback and dimensional requirements for lake lots in addition to this section.

1.15 **SETBACKS.** (1) **WATERFRONT SETBACKS.** Except as permitted by §59.692(1v), Wis. Stats., no structure or any portion thereof shall be constructed or placed within 75' of the ordinary high watermark of a navigable lake, river or flowage.

(2) **SETBACKS FROM PUBLIC ROADS.** Except as otherwise provided in this chapter, setbacks from all public roads shall be a minimum of 75' from the centerline of such road. The centerline point of measurement shall be from the existing road.

(3) **SIDE AND REAR LOT LINE SETBACKS.** Requirements for setbacks from the side and rear lot line are set forth in §§1.25 through 1.39 of this chapter for lots in each district classification.

(4) **CORNER LOT SETBACKS IN RESIDENTIAL DISTRICTS.** The side lot line setback from the public road on corner lots in the low density, medium density and

multi-family residential districts shall be a minimum of 60' from the centerline of the existing road.

(5) **SETBACKS IN COMMERCIAL DISTRICTS.** (a) Downtown Business District. Setbacks from State Highways 70 and 155 shall be the lesser of a minimum of 100' or the footprint of the present principal building from the centerline of the existing road. Setbacks from a Town road shall be a minimum of 33' from the centerline for a distance of 250' from the centerline of the State highway along the centerline of the existing Town road.

(b) Community and Highway Business District. Setbacks from State Highways 70 and 155 shall be the lesser of a minimum of 75' or the footprint of the present principal building from the centerline of the existing road. Setbacks from a Town road shall be a minimum of 50' from the centerline.

1.16 MINIMUM DIMENSIONAL STANDARDS FOR DWELLINGS. Every structure used as a dwelling, with the exception of mobile homes, shall have a minimum width of 24' and no dwelling shall have less than 720 sq. ft. in usable dwelling space.

1.17 MAXIMUM AREA LIMITATION FOR ACCESSORY BUILDINGS. No structure used as an accessory building shall be more than 200 sq. ft. in area, excluding a garage.

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1.18 BUILDING HEIGHT LIMITATIONS. The maximum height for buildings shall be as follows:

- (1) PRINCIPAL BUILDING. 35'.
- (2) ACCESSORY BUILDING, EXCLUDING GARAGE. 15'.
- (3) GARAGE. 25'.

ZONING CODE 1.25

ZONING DISTRICT REGULATIONS

1.25 ESTABLISHMENT OF DISTRICTS. For purposes of this chapter, the Town is hereby divided into 11 zoning districts which shall be designated:

- (1) RESIDENTIAL - LOW DENSITY DISTRICT. See §1.29 of this subchapter.
- (2) RESIDENTIAL - MEDIUM DENSITY DISTRICT. See §1.30 of this subchapter.
- (3) MULTI-FAMILY RESIDENTIAL DISTRICT. See §1.31 of this subchapter.
- (4) LAKESHORE RESIDENTIAL DISTRICT. See §1.32 of this subchapter.
- (5) LAKESHORE RESORT/RESIDENTIAL DISTRICT. See §1.33 of this subchapter.

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(6) RURAL RESIDENTIAL DISTRICT. See §1.34 of this subchapter.

(7) COMMUNITY AND HIGHWAY BUSINESS DISTRICT. See §1.35 of this subchapter.

(8) DOWNTOWN BUSINESS DISTRICT. See §1.36 of this subchapter.

(9) PARKS AND RECREATION DISTRICT. See §1.37 of this subchapter.

(10) FORESTRY AND RECREATION DISTRICT. See §1.38 of this subchapter.

(11) EDUCATION AND RECREATION DISTRICT. See §1.39 of this subchapter.

NOTE: Consult §§1.45 through 1.52 of this chapter for additional requirements for specific land uses within any particular district classification.

1.26 PERMITTED AND CONDITIONAL USES. Permitted and conditional lot uses for all district classifications are set forth in table form in APPENDIX B for quick reference. Consult the text under each district classification for specific permitted and conditional uses and special exceptions.

1.27 ZONING DISTRICT MAP. The location and boundaries of the zoning districts are established as shown on the map entitled “Zoning District Map” on file in the office of the Zoning Administrator. The Zoning District Map, together with all notations, references and

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other information shown thereon and all amendments thereto, is a part of and incorporated into this chapter as though fully set forth and described herein. The Zoning Administrator shall periodically update the map to reflect adopted amendments thereto.

1.28 DETERMINATION OF DISTRICT BOUNDARIES. This section contains descriptions of how to interpret district boundaries, area requirements, highway setbacks and height requirements. The purpose of this section is to secure consistent interpretations of the requirements.

(1) When the district boundaries are either roads or streets, unless otherwise shown, and where the designation on the map indicates that the various districts are

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bounded by a road or street line, the centerline of such road or street shall be the district boundary.

(2) Except where otherwise indicated on the map, it is intended that the district boundary line be measured at right angles to the nearest highway right-of-way line.

(3) For subdivided property, where not otherwise indicated and where the designations on the zoning map are approximately bounded by lot lines, such lot lines shall be construed to be the boundary of the district. Where parallel or approximately parallel to street lines, such district boundary lines shall be assumed to be the rear lines of the lots abutting such streets.

(4) For unsubdivided property, where not otherwise indicated, the district boundaries are property lines, section lines, quarter section lines or quarter-quarter section lines. In unplatted areas of 10 acres or less, the district boundary lines, where not otherwise indicated, shall be determined by use of the scale shown on the zoning map.

1.29 RESIDENTIAL - LOW DENSITY DISTRICT. (1) PURPOSE. The purpose of this district is to maintain single family dwellings in existing single family residential areas and to encourage the further development of single family dwellings within this district classification at densities of 2.5 acres per lot, as contemplated by the St. Germain Land Use Plan.

(2) PERMITTED USES. (a) Single family detached dwellings.

(b) Essential services.

(3) CONDITIONAL USES. (a) Parks and playgrounds.

(b) Golf courses.

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(c) Private clubhouses.

(d) Public and semi-public uses.

(e) Home occupations.

(f) Boat launching.

(g) Planned residential unit development.

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(h) Bed and breakfast establishments.

(I) Duplexes.

(4) SIDE YARD REQUIREMENTS. (a) Principal Building. 15'.

(b) Accessory Building, Including Garage. 5'.

(5) REAR YARD REQUIREMENTS. (a) Principal Building. 40'.

(b) Accessory Building, Including Garage. 5'.

(6) LOT AREA REQUIREMENTS. The minimum lot area for this classification shall be 108,900 sq. ft. (2.5 acres).

1.30 RESIDENTIAL - MEDIUM DENSITY DISTRICT. (1) PURPOSE. The purpose of this classification is to maintain existing medium density residential areas and encourage development of vacant lands within this district classification at densities of 1.5 acres per lot to facilitate public water or sewer infrastructure systems. This classification includes clustered residential dwellings. Multi-family and elderly housing developments may be allowed subject to specific site design, architectural, size and density standards.

(2) PERMITTED USES. (a) Single family detached dwellings.

(b) Essential services.

(3) CONDITIONAL USES. (a) Parks and playgrounds.

(b) Golf courses.

(c) Private clubhouses.

ZONING CODE 1.30(3)(d)

(d) Public and semi-public uses.

(e) Home occupations.

(f) Planned residential unit development.

(g) Bed and breakfast establishments.

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(h) Duplexes and multi-family dwellings.

(I) Boat launching.

(j) Community living facilities.

(4) SIDE YARD REQUIREMENTS. (a) Principal Building. 15'.

(b) Accessory Building, Including Garage. 5'.

(5) REAR YARD REQUIREMENTS. (a) Principal Building. 40'.

(b) Accessory Building, Including Garage. 5'.

(6) LOT AREA REQUIREMENTS. The minimum lot area for this classification is 65,340 sq. ft. (1.5 acres).

1.31 MULTI-FAMILY RESIDENTIAL DISTRICT. (Am. #SG-02-07-1) (1) **PURPOSE.** This district classification is created to allow development of duplexes and multi-family buildings up to a maximum allowable number of units per acre. Duplexes and multi-family dwellings should be developed in such a way to maximize vegetation screening of these developments at rear and side lot lines.

(2) PERMITTED USES. (a) Single family detached dwellings.

(b) Duplex and multi-family dwellings.

(c) Essential services.

(d) Parks and playgrounds.

(e) Private clubhouses.

ZONING CODE 1.31(2)(f)

(f) Community living facilities.

(g) Bed and breakfast establishments.

(h) Boardinghouses and group lodging.

(I) Home rentals.

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(3) **CONDITIONAL USES.** (a) Golf courses.

(b) Resorts.

(c) Public and semi-public uses.

(d) Home occupations.

(e) Planned residential unit development.

(f) Boat launching.

(4) **SIDE YARD REQUIREMENTS.** (a) Principal Building. 15'.

(b) Accessory Building, Including Garage. 5'.

(5) **REAR YARD REQUIREMENTS.** (a) Principal Building. 40'.

(b) Accessory Building, Including Garage. 5'.

(6) **LOT AREA REQUIREMENTS.** Lots used for duplex or multiple family dwellings, community living facilities, bed and breakfast establishments, boardinghouses and other group lodgings shall have a minimum lot area of 65,340 sq. ft. (1.5 acres) for the first dwelling unit and an additional 12,000 sq. ft. for each additional dwelling unit. Lots used for single family detached dwellings shall have a minimum lot area of 65,340 sq. ft. (1.5 acres).

(7) **BUFFER REQUIREMENTS FOR LOTS ABUTTING SINGLE FAMILY RESIDENTIAL DISTRICTS.** Landscaping features which provide a buffer between lots are required whenever a property owner requests a zoning permit for the construction or alteration of structures on a lot in the multi-family residential district abutting a single family residential district.

ZONING CODE 1.31(7)(a)

(a) The property owner shall submit detailed plans, as provided in par. (b) of this subsection, for the placement of landscaping features, such as plantings, berms, wooden fences or combinations thereof, between the lot and the adjoining residential lots. Such buffer measures shall be designed to create an aesthetic and sound-dampening buffer between

multi-family and single family residential uses. The plan shall be signed by the property owner and filed with the Zoning Administrator prior to issuance of the zoning permit.

(b) A detailed plan under this subsection shall include the following:

1. A drawing of the premises accurately showing the dimensions of the lot or parcel, the dimensions of existing and proposed buildings, the distance in feet from the abutting street or highway and from the side and rear lot line.

2. The drawing shall accurately indicate the location of existing and proposed shrubs, berms and fencing, with the dimensions (height, width, depth and circumference, as the case may be) of each; and shall identify by species all existing and proposed trees greater than 6" in diameter measured at a height 4' from the base of the tree.

(c) The buffer measures shall be maintained in perpetuity, unless the property owner receives approval of a new buffer plan meeting the same requirements.

(d) The current owner is solely responsible for compliance with the terms of this subsection.

(e) Within one year of issuance of the related zoning permit, the property owner shall complete installation of the buffer and shall certify in writing to the Zoning Administrator that the required buffer measures have been completed. As part of the certification, the property owner shall submit photos documenting the buffer measures.

(f) Subsequent zoning permit applications shall not require additional buffer plans, provided the buffer measures are maintained.

1.32 LAKESHORE RESIDENTIAL DISTRICT. (1) PURPOSE. The purpose of this classification is to maintain the lake shoreline areas with single family residences. Densities will be regulated under the Vilas County Shoreland Zoning Ordinance. Properties in this classification should be developed and improved to minimize their impacts on the natural shoreline aesthetics, water quality, fish and wildlife habitat and other public natural resource values of the lake. Property owners are encouraged to go beyond the minimum restrictions by increasing setback distance of new structures, minimizing the amount of impermeable surfaces (roof, pavement) to limit runoff and minimizing shoreland vegetation clearing.

ZONING CODE 1.32(2)

(2) PERMITTED USES. (a) Single family detached dwellings.

(b) Essential services.

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- (3) CONDITIONAL USES. (a) Parks and playgrounds.
- (b) Home occupations.
- (c) Public and semi-public uses.
- (d) Planned residential unit development.
- (e) Boat launching.
- (f) Bed and breakfast establishments.
- (4) SIDE YARD REQUIREMENTS. (a) Principal Building. 15'.
- (b) Accessory Building, Including Garage. 5'.
- (5) REAR YARD REQUIREMENTS. (a) Principal Building. 40'.
- (b) Accessory Building, Including Garage. 5'.

1.33 LAKESHORE RESORT/RESIDENTIAL DISTRICT. (1) PURPOSE. This classification is created for lakeshore areas having existing resort development interspersed with lake residential properties. Densities in this classification will be regulated by the Vilas County Shoreland Zoning Ordinance. Resorts will be intermixed with lake seasonal and permanent residences. New resort development and improvements should be developed in such a way as to minimize their aesthetic and other impacts on both the adjacent properties and the lake itself. Other commercial development in this district is limited to such lake oriented businesses as marinas and eating and drinking establishments.

(2) PERMITTED USES. (Am. #SG-02-07-1) (a) Single family detached dwellings.

- (b) Essential services.
- (c) Home rentals.

(3) CONDITIONAL USES. (a) Parks and playgrounds.

ZONING CODE 1.33(3)(b)

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- (b) Home occupations.
- (c) Golf courses.
- (d) Resorts.
- (e) Bed and breakfast establishments.
- (f) Public and semi-public uses.
- (g) Private clubhouses.
- (h) Planned residential unit development.
- (I) Boat launching.
- (j) Eating and drinking establishments.
- (k) Commercial marinas.
- (l) Duplex and multiply family dwellings.
- (m) Campgrounds.
- (4) SIDE YARD REQUIREMENTS. (a) Principal Building. 15'.
(b) Accessory Building, Including Garage. 5'.
- (5) REAR YARD REQUIREMENTS. (a) Principal Building. 40'.
(b) Accessory Building, Including Garage. 5'.

1.34 RURAL RESIDENTIAL DISTRICT. (1) PURPOSE. The purpose of this classification is to provide for residences located in natural forest or open, rural settings at densities of 5 acres per lot for off-water parcels. Lakefront development in this classification is regulated by the Vilas County Shoreland Zoning Ordinance.

- (2) PERMITTED USES. (a) Single family detached dwellings.
- (b) Essential services.

ZONING CODE 1.34(3)

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(3) CONDITIONAL USES. (a) Duplexes and multi-family dwelling units.

(b) Parks and playgrounds.

(c) Golf courses.

(d) Resorts.

(e) Boardinghouses and group lodgings.

(f) Home occupations.

(g) Private clubhouses.

(h) Public and semi-public uses.

(I) Planned residential unit development.

(j) Boat launching.

(4) SIDE YARD REQUIREMENTS. (a) Principal Building. 15'.

(b) Accessory Building, Including Garage. 5'.

(5) REAR YARD REQUIREMENTS. (a) Principal Building. 40'.

(b) Accessory Building, Including Garage. 5'.

(6) LOT AREA AND WIDTH REQUIREMENTS. Lake lot minimum area and width requirements are governed by the Vilas County Shoreland Ordinance. The minimum area for off-water parcels in this classification is 5 acres.

1.35 COMMUNITY AND HIGHWAY BUSINESS DISTRICT. (Am. #SG-02-07-1) (1) PURPOSE. Located along State Highway 70 and State Highway 155, this district classification allows for commercial uses on relatively large parcels of land and development of existing vacant commercial properties. Commercial uses in this classification are a combination of highway (tourist-oriented) and community service.

(2) PERMITTED USES. (a) Bed and breakfast establishments.

(b) Roadside stands for farm produce.

ZONING CODE 1.35(2)(c)

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- (c) Retail sales and services under 10,000 sq. ft. gross building area.
- (d) Professional services.
- (e) Eating and drinking establishments.
- (f) Hotels and motels.
- (g) Indoor recreation establishments.
- (h) Automobile, boat, recreational vehicle and snowmobile sales.
- (I) Auto service stations.
- (j) Health care facilities.
- (k) Banks, credit unions and financial institutions.
- (l) Essential services.
- (m) Home occupations.
- (n) Single family detached dwellings.
- (o) Duplexes and multi-family dwelling units.
- (p) Home rentals.
- (q) Resorts.
- (3) CONDITIONAL USES. (a) Mixed residential and business use.
- (b) Recycling business.
- (c) Warehousing.
- (d) Wholesaling.
- (e) Building and trade contractors.
- (f) Heavy equipment storage yards.

ZONING CODE 1.35(3)(g)

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(g) Mini storage buildings.

(h) Retail sales and service over 10,000 sq. ft. gross building area.

(I) Utility facilities.

(j) Public and semi-public uses.

(k) Manufacturing, processing, fabrication, packing, packaging and assembly of products from furs, glass, leather, paper, plastics, textiles, metal and wood.

(l) Body shops.

(m) Commercial marinas.

(n) Outdoor amusement facilities.

(o) Riding stables.

(p) Commercial kennels.

(q) Boat launching.

(4) SIDE YARD REQUIREMENTS. (a) Side Yard Adjoining a Commercial Lot. 1. Principal Building. 15'.

2. Accessory Building, Including Garage. 5'.

(b) Side Yard Adjoining Any Residential District. 1. Principal Building. 25'.

2. Accessory Building, Including Garage. 15'.

(5) REAR YARD REQUIREMENTS. (a) Rear Yard Adjoining a Commercial Lot. 1. Principal Building. 40'.

2. Accessory Building, Including Garage. 5'.

(b) Rear Yard Adjoining a Residential District. 1. Principal Building. 40'.

2. Accessory Building, Including Garage. 15'.

ZONING CODE 1.35(6)

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(6) LOT AREA REQUIREMENTS. Nonresidential lots within this classification shall have a minimum lot area of 65,340 sq. ft. (1.5 acres) for the first building and an additional 12,000 sq. ft. for each additional building.

(7) BUFFER REQUIREMENTS FOR LOTS ABUTTING RESIDENTIAL DISTRICTS. Landscaping features which provide a buffer between lots are required whenever a property owner requests a zoning permit for construction or alteration of structures on a commercial lot abutting a residential district.

(a) The property owner shall submit detailed plans, as provided in par. (b) of this subsection, for the placement of landscaping features, such as plantings, berms, wooden fences or combinations thereof, between the lot and the adjoining residential lots. Such buffer measures shall be designed to create an aesthetic and sound-dampening buffer between commercial and residential uses. The plan shall be signed by the property owner and filed with the Zoning Administrator prior to issuance of the zoning permit.

(b) A detailed plan under this subsection shall include the following:

1. A drawing of the premises accurately showing the dimensions of the lot or parcel, the dimensions of existing and proposed buildings, the distance in feet from the abutting street or highway and from the side and rear lot line.

2. The drawing shall accurately indicate the location of existing and proposed shrubs, berms and fencing, with the dimensions (height, width, depth and circumference, as the case may be) of each; and shall identify by species all existing and proposed trees greater than 6" in diameter measured at a height 4' from the base of the tree.

(c) The buffer measures shall be maintained in perpetuity, unless the property owner receives approval of a new buffer plan meeting the same requirements.

(d) The current owner is solely responsible for compliance with the terms of this subsection.

(e) Within one year of issuance of the related zoning permit, the property owner shall complete installation of the buffer and shall certify in writing to the Zoning Administrator that the required buffer measures have been completed. As part of the certification, the property owner shall submit photos documenting the buffer measures.

(f) Subsequent zoning permit applications shall not require additional buffer plans, provided the buffer measures are maintained.

ZONING CODE 1.36

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1.36 DOWNTOWN BUSINESS DISTRICT. (Am. #SG-02-07-1) (1)
PURPOSE. This classification is created primarily for commercial development at minimum densities of 20,000 sq. ft. per lot. Commercial development should be attractive, enhance community identity and be pedestrian friendly.

(2) PERMITTED USES. (a) Mixed residential and business use.

(b) Hotels and motels.

(c) Eating and drinking establishments.

(d) Commercial marinas.

(e) Auto service stations.

(f) Retail sales and service.

(g) Health care facilities.

(h) Professional services.

(I) Banks, credit unions and financial services.

(j) Essential services.

(k) Home occupations.

(l) Single family detached dwellings.

(m) Duplexes and multi-family dwellings.

(n) Resorts.

(o) Home rentals.

(p) Bed and breakfast establishments.

(3) CONDITIONAL USES. (a) Community living facilities.

(b) Boardinghouses and other group lodgings.

ZONING CODE 1.36(3)(c)

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- (c) Roadside stands for farm produce.
- (d) Auto and RV sales.
- (e) Body shops.
- (f) Building and trade contractors.
- (g) Indoor recreation establishments.
- (h) Sales, service and repair.
- (I) Outdoor amusement facilities.
- (j) Public and semi-public uses.
- (k) Retail sales and service over 10,000 sq. ft. gross building area.

(4) SIDE YARD REQUIREMENTS. (a) Side Yard Adjoining a Commercial Lot.

1. Principal Building. 0'.

2. Accessory Building, Including Garage. 0'.

(b) Side Yard Adjoining a Residential District. 1. Principal Building. 25'.

2. Accessory Building, Including Garage. 15'.

(5) REAR YARD REQUIREMENTS. (a) Rear Yard Adjoining a Commercial Lot. 1. Principal Building. 5'.

2. Accessory Building, Including Garage. 5'.

(b) Rear Yard Adjoining a Residential District. 1. Principal Building. 40'.

2. Accessory Building, Including Garage. 15'.

(6) LOT AREA REQUIREMENTS. Nonresidential lots within this classification shall have a minimum area of 20,000 sq. ft.

(7) BUFFER REQUIREMENTS FOR LOTS ABUTTING RESIDENTIAL DISTRICTS. Landscaping features which provide a buffer between lots are required

ZONING CODE 1.36(7)(a)

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whenever a property owner requests a zoning permit for construction or alteration of structures on a commercial lot abutting a residential district.

(a) The property owner shall submit detailed plans, as provided in par. (b) of this subsection, for the placement of landscaping features, such as plantings, berms, wooden fences or combinations thereof, between the lot and the adjoining residential lots. Such buffer measures shall be designed to create an aesthetic and sound-dampening buffer between commercial and residential uses. The plan shall be signed by the property owner and filed with the Zoning Administrator prior to issuance of the zoning permit.

(b) A detailed plan under this subsection shall include the following:

1. A drawing of the premises accurately showing the dimensions of the lot or parcel, the dimensions of existing and proposed buildings, the distance in feet from the abutting street or highway and from the side and rear lot line.

2. The drawing shall accurately indicate the location of existing and proposed shrubs, berms and fencing, with the dimensions (height, width, depth and circumference, as the case may be) of each; and shall identify by species all existing and proposed trees greater than 6" in diameter measured at a height 4' from the base of the tree.

(c) The buffer measures shall be maintained in perpetuity, unless the property owner receives approval of a new buffer plan meeting the same requirements.

(d) The current owner is solely responsible for compliance with the terms of this subsection.

(e) Within one year of issuance of the related zoning permit, the property owner shall complete installation of the buffer and shall certify in writing to the Zoning Administrator that the required buffer measures have been completed. As part of the certification, the property owner shall submit photos documenting the buffer measures.

(f) Subsequent zoning permit applications shall not require additional buffer plans, provided the buffer measures are maintained.

1.37 PARKS AND RECREATION DISTRICT. (1) PURPOSE. The purpose of this classification is to allow for the continuation of recreational activities and Town facilities. Development which is aesthetically pleasing from both the lakes and roads is preferred.

(2) PERMITTED USES. (a) Public and semi-public uses.

ZONING CODE 1.37(2)(b)

(b) Parks and playgrounds.

(c) Golf courses.

(3) CONDITIONAL USES. (a) Roadside stands for farm produce.

(b) Eating and drinking establishments.

(c) Outdoor amusement facilities.

(4) SIDE YARD REQUIREMENTS. (a) Principal Building. 15'.

(b) Accessory Building, Including Garage. 5'.

(5) REAR YARD REQUIREMENTS. (a) Principal Building. 40'.

(b) Accessory Building, Including Garage. 5'.

(6) LOT AREA REQUIREMENTS. Minimum lot area for this district classification is 65,340 sq. ft. (1.5 acres).

1.38 FORESTRY AND RECREATION DISTRICT. (1) PURPOSE. This district is created to encourage the continuation of large tracts of forested areas which are managed to produce forest products and/or maintained in wooded use, and to promote the preservation of wildlife habitats. Publicly owned lands included within this district are also intended to provide passive recreational opportunities, such as hunting, fishing, hiking, skiing, camping and snowmobiling.

(2) PERMITTED USES. Single family detached dwellings.

(b) Silviculture and agriculture.

(3) CONDITIONAL USES. (a) Parks and playgrounds.

(b) Community living facilities.

(c) Private clubhouses.

(d) Campgrounds.

(e) Riding stables.

ZONING CODE 1.38(3)(f)

(f) Duplex and multi-family dwellings.

(g) Planned residential unit development.

(h) Home occupations.

(4) SIDE YARD REQUIREMENTS. (a) Principal Building. 15'.

(b) Accessory Building, Including Garage. 5'.

(5) REAR YARD REQUIREMENTS. (a) Principal Building. 40'.

(b) Accessory Building, Including Garage. 5'.

(6) LOT AREA REQUIREMENTS. (Am. #SG-02-07-1) The minimum lot area for this classification is 20 acres.

1.39 EDUCATION AND RECREATION DISTRICT. (1) PURPOSE. This classification is intended to accommodate year-round passive recreational and educational activities associated with the existing Youth/Adult Education Camp, such as skiing, camping, archery, canoeing and swimming.

(2) PERMITTED USES. (a) Parks and playgrounds.

(b) Golf courses.

(c) Boat launching.

(3) ALL OTHER USES. Development within this district for any use not listed above as a permitted use shall require an amendment to this chapter changing the district classification.

1.40 FORESTRY DISTRICT. (Cr. #SG-02-07-1) (1) PURPOSE. This district is created to encourage areas which are maintained in wooded use and to promote the preservation of wildlife habitats.

(2) PERMITTED USES. (a) Single family detached dwellings.

(b) Silviculture and agriculture.

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(3) CONDITIONAL USES. (a) Parks and playgrounds.

ZONING CODE 1.40(3)(b)

(b) Community living facilities.

(c) Private clubhouses.

(d) Campgrounds.

(e) Riding stables.

(f) Duplex and multi-family dwellings.

(g) Planned residential unit development.

(h) Home occupations.

(4) SIDE YARD REQUIREMENTS. (a) Principal Building. 15'.

(b) Accessory Building, Including Garage. 5'.

(5) REAR YARD REQUIREMENTS. (a) Principal Building. 40'.

(b) Accessory Building, Including Garage. 5'.

(6) LOT AREA REQUIREMENTS. The minimum lot area for this classification is 5 acres.

REQUIREMENTS FOR SPECIFIC USES

1.45 INTRODUCTION AND EXPLANATION. This subchapter contains standards for specific uses that apply irrespective of district classification.

1.46 MOBILE HOMES. (1) PERMITTED USES. No mobile home shall be permitted outside of a mobile home park, except in the following areas:

Holiday Estates. Being part of the SW NE, SE NE, SE NW and the NE SE, Sec. 33-40-8.

Holiday Estates No. 2. Being part of the NE NW, NW NE, NE NE and the SE NE, Sec. 33-40-8.

Holiday Estates No. 3. Being part of the NE SW and NW SE, Sec. 33-40-8.

Leisure Estates. Being a subdivision of a part of the NW NW and all of the NE NW, Sec. 27-40-8, and the SE SW, SW SE, NE SW, NW SE, and SW NE, Sec. 22.

Pine Acres Estates. In the NW SW, and part of the SW NW, Sec. 5-40-8.

Wilderness Estates. The NW NE and SW NE, Sec. 6-40-8.

Whitetail Estates. The NE SE, Sec. 25-40-7.

(2) TEMPORARY SITING OF MOBILE HOMES. A mobile home may be placed upon the property of the owner thereof by obtaining a special permit for use as a temporary dwelling while constructing a permanent structure. The mobile home shall be removed upon completion of such construction, which in no event shall exceed 90 days.

1.47 CAMPGROUNDS. (1) PERMITTED AND CONDITIONAL USES. (a) No campground shall be established or expanded after June 19, 2001, unless approval is obtained from the Planning and Zoning Committee under the procedures for obtaining a conditional use permit set forth in §1.70 of this chapter.

(b) No campground shall permit the occupation on a temporary basis of a campsite by an individual, family unit or group for more than 6 consecutive months per

year. (Am. #SG-02-07-1)

ZONING CODE 1.47(1)(c)

(c) No campsite shall have permanent hookups for the provision of water or sewage service.

(2) DIMENSIONAL AND DENSITY REQUIREMENTS. (a) The minimum area for a campground shall be 20 acres.

(b) The minimum width of the lake frontage of a campground shall be 300', whether it is considered a lake lot or an access lake lot for back lot development. The 300' of lake frontage shall be used solely for the campground and no other purpose. Such 300' cannot be used to satisfy footage requirements for other developments in addition to the footage requirements necessary for the campground.

(c) A maximum of 4 campsites per acre shall be allowed, but not to exceed 30 sites per 300' of lake frontage. For every 25 or less additional campsites, there shall be 200' of additional lake frontage and the required acreage for each campsite.

(d) Each campground shall have a buffer zone of no less than 75' around the entire interior perimeter of the campground in which no campground site shall be located.

(e) Each campground shall have a total common open green area of no less than 30% of the total acreage. The buffer zone can be included in arriving at total green area.

(f) No campsite is to be located within 200' of the ordinary high watermark of a lake. A recreation area is to be established on the 200' from the ordinary high watermark of the lake.

1.48 CAMPING ON RESIDENTIAL LOTS. With the permission of the property owner, a recreational vehicle may be placed on a residential lot containing one or more dwelling units for the purpose of overnight camping up to a maximum of 7 days.

1.49 LOGGING. Clear cutting is prohibited along all public roads in the Town to a depth of 200' from the centerline of the adjacent road, except to provide a 20' wide driveway from the right-of-way for access to the permitted logging area. Clear cutting incidental to erecting a structure or providing a yard space for same is not prohibited by this section.

NOTE: Consult the Vilas County Zoning Ordinance for additional requirements for clear cutting and selective cutting.

1.50 TEMPORARY LOGGING ROADS. (1) Any temporary road into a logging

or development site shall be graveled to a minimum depth of 2" or otherwise constructed to

ZONING CODE 1.50(2)

eliminate mud and debris being deposited from vehicles exiting the site onto Town roads or highways serving the Town.

(2) When use of a temporary road by the property owner or its agents for the purpose of accessing a logging or development site has ceased, the owner of the property is responsible for physically closing off access to the temporary road by constructing an earth berm or Kelly mound across the temporary road.

1.51 PRIVATE ROADS AND DRIVEWAYS. All private roads or driveways must enter Town roads at a grade at or below the level of the roadway to a depth of 33' from the centerline of the Town road and be clear of trees and structures to a width and height of 14' in order to provide access for emergency vehicles.

NOTE: Consult Ch. 4, Travelway, of this Code of Ordinances for additional requirements for private roads and driveways.

1.52 PLANNED RESIDENTIAL UNIT DEVELOPMENT. (1) INTENT AND PURPOSE. Planned residential unit development is permitted in various district classifications to provide a voluntary regulatory framework designed to encourage and promote improved environmental and aesthetic design in the Town by allowing for greater flexibility in the residential development of land while insuring substantial compliance with the basic intent of this chapter and the general plan for community development. It allows diversification and variation in the bulk and relationship of uses, structures and spaces in developments conceived as comprehensive and cohesive unified plans and projects. It is further intended to encourage development consistent with coordinated area site planning. Approval of planned residential unit development is a conditional use requiring approval pursuant to §1.70 of this chapter.

(2) PERMITTED USES. Other than the existing use, no use shall be permitted in a planned residential unit development, except in conformity with a general development plan and specific implementation plan as provided in this section.

(3) LOT DIMENSIONS, HEIGHT, FLOOR AREA RATIO, USABLE OPEN SPACE REQUIREMENTS, SIGNS AND OFF-STREET PARKING REQUIREMENTS. Except as otherwise required by this section, a planned residential unit development shall have no predetermined specific lot area, lot width, height, floor area ratio, yard, usable open space, signs and off-street parking requirements, but such requirements as are made part of an approved recorded precise development plan agreed upon by the owner and the

Town shall be, along with the recorded plan itself, construed to be and enforced as part of this chapter.

ZONING CODE 1.52(4)

(4) **MAXIMUM LOT DENSITY.** Residential density shall not exceed 150% of the maximum allowed for residential development in the zoning district in which the development is located.

(5) **CRITERIA FOR APPROVAL.** Application of the following criteria shall be applied with specific consideration as to whether or not it is consistent with the spirit and intent of this chapter and has the potential for producing significant community benefits in terms of environmental and aesthetic design:

(a) Character and Intensity of Land Use. In a planned residential unit development, the uses and their intensity, appearance and arrangement shall be of a visual and operational character which:

1. Are compatible with the physical nature of the site or area.
2. Would produce an attractive environment of sustained aesthetic desirability, economic stability and functional practicality compatible with the general development plan.
3. Would not adversely affect the anticipated provision for school or other municipal services, unless jointly resolved.
4. Would not create a traffic or parking demand incompatible with the existing or proposed facilities to serve it, unless jointly resolved.

(b) Economic Impact. Planned residential unit development shall not adversely affect the economic prosperity of the Town or of surrounding properties.

(c) Preservation and Maintenance of Open Space. In a planned residential unit development, adequate provision for the improvement and continuing preservation and maintenance of attractive open space shall be made.

(6) **IMPLEMENTATION SCHEDULE.** A planned residential unit development shall include suitable assurances that each phase could be completed in a manner which would not result in an adverse effect upon the community as a result of termination at that point.

(7) PROCEDURE. The procedure for approval of a planned residential unit development is as provided in §1.70 for conditional use permits, except that in addition thereto, the planned residential unit development may only be considered in conjunction with a development plan and shall be subject to the following additional requirements:

ZONING CODE 1.52(7)(a)

(a) General Development Plan. The proponent shall file the following with the Town Planning and Zoning Committee:

1. A statement describing the general character of the intended development.
2. An accurate map of the project area, including its relationship to surrounding properties and existing topography, and key features, including existing and proposed trees, shrubs, berms and fencing, with the dimensions (height, width, depth and circumference, as the case may be) of each, identifying by species all existing and proposed trees greater than 6" in diameter.
3. A plan of the proposed project showing sufficient detail to make possible the evaluation of the criteria for approval as set forth in sub. (5).
4. When requested, a general outline of intended organizational structure related to property owners' association, deed restrictions and private provision of common services.

(b) Approval of Plan. Approval of the conditional use permit and related general development plan shall establish the basic right of use for the area when in conformity with the plan as approved, which shall be recorded as an integral component of the district regulations, but such plan shall be conditioned upon approval of a specific implementation plan and shall not make permissible any of the uses as proposed until a specific implementation plan is submitted and approved for all or a portion of the general development plan. If the approved general development plan is not recorded as approved within 12 months of the date of approval by the Planning and Zoning Committee, the approval shall be null and void and a new petition and approval process shall be required to obtain general development plan approval. If the general development plan and specific implementation plan are approved at the same time and not recorded as approved within 12 months of the date of approval by the Planning and Zoning Committee, the approval shall be null and void and a new petition and approval process shall be required to obtain general development plan and specific implementation plan approval.

(8) SPECIFIC IMPLEMENTATION PLAN. A specific implementation plan shall be submitted to the Planning and Zoning Committee and shall include the following

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detailed construction and engineering plans and related detailed documents and schedules, except when specific documents are waived by the Committee:

(a) An accurate map of the area covered by the plan, including the relationship to the general development plan.

ZONING CODE 1.52(8)(b)

(b) The pattern of public and private roads, driveways, walkways and parking facilities.

(c) Detailed lot layout and subdivision plat where required.

(d) The arrangement of residential building groups and their architectural character.

(e) Septic or sanitary sewer and water supply.

(f) Grading plan and storm drainage system.

(g) The location and treatment of open space areas and recreational or other special amenities.

(h) The location and description of any areas to be dedicated to the public.

(I) Landscape plan and plant list.

(j) Proof of financing capability.

(k) Analysis of economic impact on the community.

(l) Construction schedule indicating the approximate dates when construction of the project can be expected to begin and be completed.

(m) Amendments, bylaws, provisions or covenants which govern the organizational structure, use, maintenance and continued protection of the development and any of its common services, common open areas or other facilities.

(9) APPROVAL OF SPECIFIC IMPLEMENTATION PLAN. (a) Following a review of the specific implementation plan, the Planning and Zoning Committee may approve the plan and authorize the development to proceed accordingly or disapprove the plan and send it back with specific objections for further negotiation with the developer.

(b) In the event of approval of the specific implementation plan, the building, site and operational plans for the development as approved, as well as all other commitments and contractual agreements with the Town offered or required with regard to project value, character and other factors pertinent to an assurance that the proposed development will be carried out as presented in the official plans, shall be recorded by the Zoning Administrator in the Vilas County Register of Deeds' office within 12 months of the date of approval by the Planning and Zoning Committee. This shall be accomplished prior to the issuance of any

ZONING CODE 1.52(9)(c)

zoning permit. If the specific implementation plan is not recorded as approved within 12 months of the date of approval, the approval shall be null and void and a new petition and approval process shall be required to obtain specific implementation plan approval.

(c) Any subsequent change or addition to the plan or use shall first be submitted for approval to the Planning and Zoning Committee and if, in the opinion of such Committee, the change or addition constitutes a substantial alteration of the original plan, the procedure provided in sub. (7) shall be required.

(d) Within 30 months of approval of the general development plan or within 18 months of the recording of the specific implementation plan, whichever is less, the basic right of use for the areas, when in conformity with the approved specific implementation plan, shall lapse and be null and void, unless the project as approved is commenced by the issuance of a zoning permit.

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ZONING CODE 1.55

EXISTING USES, STRUCTURES AND LOTS

(Rep. & recr. #SG-02-07-1)

1.55 INTRODUCTION AND EXPLANATION. (1) GENERAL. This subchapter contains rules pertaining to uses, structures and lots that existed before the effective date of this chapter, but are not in full compliance with the provisions of this chapter. The practice of permitting nonconforming dwellings, nonconforming trade and industry and nonconforming lots to continue is commonly referred to as “grandfathering” or excepting under a “grandfather clause.”

(2) EXISTING CONDITIONAL USES. (a) Where a use is classified as a conditional use under this chapter and exists as a conditional or permitted use at the date of the adoption of this chapter, it shall be considered to be a legal conditional use and not a legal nonconforming use. The authorization granted by this section is in lieu of a conditional use permit and is applicable to the use and structures as they exist at the date of the adoption of this chapter. A conditional use permit shall be required for any expansion or alteration of structures as described in §1.05 or where the use of any such structure is changed to a different conditional use.

(b) Where a use is not allowed as a conditional or permitted use under this chapter and exists as a conditional use on the date of the adoption of this chapter, it shall be considered to be a nonconforming use and shall be subject to the applicable nonconforming use provisions of this subchapter.

1.56 NONCONFORMING USES. (1) GENERAL. Where a use is not allowed either as a permitted or a conditional use under this chapter, but existed as a legal use on the date of the adoption of this chapter, it shall be considered to be a “legal nonconforming use.” Uses that legally existed at the time of the adoption of this chapter are permitted to continue, subject to the limitations on structural alterations, additions and repairs of such structures set forth in this subchapter, unless the use of property is permanently changed to a conforming use.

(2) CHANGE OF NONCONFORMING USE. As long as no structural alterations are made, a nonconforming use may be changed to another nonconforming use of the same or more restrictive classification. A conditional use permit under §1.70 shall be required for any expansion of the building footprint or height of a nonconforming use structure.

(3) DISCONTINUANCE OF NONCONFORMING USE. If a nonconforming use under this chapter is discontinued for 12 consecutive months, any further use of the structure or premises shall conform to this chapter with the exception of those structures or properties in probate, foreclosure or other forms of litigation, or subject to pending sale.

ZONING CODE 1.56(4)

(4) EXISTING CONDITIONAL USES. (a) Where a use is classified as a conditional use under this chapter and existed as conditional or permitted use on the date of the adoption of this chapter, it shall be considered to be a legal conditional use and not a legal nonconforming use. The authorization granted by this section is in lieu of a conditional use permit and is applicable to the use and structures as they exist at the date of the adoption of this chapter.

(b) A conditional use permit under §1.70 shall be required where the use of property subject to par. (a) is changed to a different conditional use. A conditional use permit under §1.70 shall be required for any expansion of the building footprint or height of an existing conditional use structure under par. (a), except that the following expansions and alterations require a zoning permit only:

1. The construction of an attached garage or accessory building, not to exceed 20% of the gross building area of the associated principal structure in existence on the date of adoption of this chapter.

2. Any alteration or expansion of a principal structure, not to exceed 20% of the gross building area of the structure in existence on the date of adoption of this chapter.

3. Any expansion in the height of a principal or accessory building that does not result in an increase in habitable area.

4. The construction of an attached deck, eaves, projecting windows or other nonstructural features.

1.57 NONCONFORMING STRUCTURES. (1) GENERAL. Where a structure does not conform to the dimensional or setback requirements of this chapter, but was a

conforming or legal nonconforming structure prior to the date of adoption of this chapter, such a structure is permitted to remain as a legal nonconforming structure, subject to limitations on structural alterations, additions and repairs as set forth in this subchapter.

(2) NONCONFORMING STRUCTURES ON BACKLOTS. (a) Modification of a Backlot Nonconforming Structure. A nonconforming structure may be altered or expanded if the modification does not result in any further encroachment on the setback that made the structure nonconforming.

(b) Accidental Destruction of a Backlot Nonconforming Structure. Should any nonconforming structure located on a backlot be totally destroyed by a natural catastrophe or accidental fire, the structure may be replaced, provided there is no further encroachment toward the lot line that made the structure nonconforming.

ZONING CODE 1.57(3)

(3) NONCONFORMING STRUCTURES ON WATERFRONT LOTS. (a) Intent. It is the intent of this subsection to balance the public objectives of this chapter with the interests of owners of existing structures located closer than 75' from the ordinary high watermark by:

1. Treating smaller, more readily moveable structures more restrictively than larger, more permanent principal structures.
2. Allowing for maintenance, repair and internal improvement of existing structures essential to the continued reasonable use of the property.
3. Treating structures located closer to navigable waterways within 75' of the ordinary high watermark more restrictively than structures which are more nearly in compliance with the 75' minimum setback.
4. Limiting the extent of expansion of principal structures vertically and to the side to minimize adverse water quality, shoreland buffer zone, aesthetic and other impacts from such expansion, and to provide incentive for property owners seeking major expansions to consider relocation of the principal structure beyond 75' from the ordinary high watermark.
5. Encouraging removal of accessory structures from the 75' setback area to promote improved buffer areas and decrease runoff to the water body.
6. In the case of principal structures destroyed or damaged by fire, flood or other natural disaster, allowing a structure to be rebuilt within the existing footprint.

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(b) Restriction Applicable to All Nonconforming Waterfront Structures. 1. Side and Rear Yard Setbacks. Alterations or additions to nonconforming waterfront structures shall not encroach into any required side or rear yard setbacks beyond any existing encroachment. Except as otherwise restricted by this chapter, any existing encroachment may be continued in expansions.

2. Public Road and State Highway Setbacks. In the area at least 75' from the OHWM, alterations or additions to nonconforming waterfront structures shall not encroach into any required public road or State highway setback beyond the existing encroachment. Except as otherwise restricted by this chapter, any existing encroachment may be continued in expansions.

3. Permit Required. County and Town zoning permits are required for any alterations or additions under this subsection. A Vilas County shoreland alteration permit may also be required as specified by the Vilas County Shoreland Zoning Ordinance.

ZONING CODE 1.57(3)(b)4.

4. Vilas County Regulations Applicable. Vilas County Shoreland Zoning Ordinance provisions are applicable. Paragraphs A, B and D of Section 6.3 of such ordinance are hereby adopted by reference.

(c) External Alterations and Additions to Nonconforming Waterfront Principal Structures. Vilas County Shoreland Ordinance provisions are applicable. Section 6.4 of such ordinance is hereby adopted by reference.

(d) Accidental Destruction of Waterfront Nonconforming Principal Structure. Should any waterfront nonconforming principal structure be totally destroyed by a natural catastrophe or accidental fire, the structure may be rebuilt within the footprint of the original structure, with additions and alterations to the extent permitted under par. (c).

(e) Nonconforming Waterfront Accessory Structures. External alterations and additions to nonconforming accessory structures or portions of such structures located less than 75' from the OHWM which result in altering the exterior building envelope horizontally or vertically are prohibited unless they conform to the requirements of this chapter.

1.58 NONCONFORMING LOTS. Nonconforming lots existing at the time of the adoption of this chapter may generally be constructed upon, providing certain minimum requirements are met. Nothing in this chapter shall prohibit the lawful use of a legal nonconforming sized lot for the erection of a structure that can conform to the minimum setback, side yard and rear yard requirements of this chapter, provided the lot was described and recorded in the Vilas County Register of Deeds' office prior to June 19,

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2001. Any deviation for the setback, side yard or rear yard requirements shall require issuance of a variance or conditional use permit by the Board of Appeals as provided in §1.70 of this chapter.

1.59 DISPOSITION OF NONCONFORMING MOBILE HOMES. (1) DISCONTINUED USE. If a nonconforming mobile home is discontinued for use as a dwelling for 12 consecutive months, any further use of the mobile home shall conform to this chapter, with the exception of those structures or properties in probate, foreclosure or other forms of litigation or subject to a pending sale.

(2) ACCIDENTAL DAMAGE OR DESTRUCTION. If any mobile home used as a dwelling in a location specified in §1.46(1) of this chapter prior to June 19, 2001, is destroyed or damaged by a natural catastrophe, accidental fire, arson or vandalism, the mobile home may be restored.

ZONING CODE 1.65

ADMINISTRATION AND ENFORCEMENT

1.65 CHANGES AND AMENDMENTS. The Town Board may from time to time amend, supplement, change or repeal this chapter, the boundaries, districts or regulations herein established in the manner provided by state statute. Any proposed change shall first be submitted to the Planning and Zoning Committee for its recommendation and report. Amendments to this chapter and rezonings must be passed upon by the Town Board after review and recommendation by the Planning and Zoning Committee.

1.66 PLANNING AND ZONING COMMITTEE. (1) INTRODUCTION AND EXPLANATION. This section describes the Planning and Zoning Committee. This 5 member committee oversees the administration and enforcement of this chapter and is authorized to conduct hearings and recommend changes and amendments to this chapter as well as other zoning and land use ordinances. The Planning and Zoning Committee also hears and decides conditional use permit applications where such permits can be granted consistent with the public safety, health and welfare.

(2) CREATION OF THE PLANNING AND ZONING COMMITTEE. A Planning and Zoning Committee shall be created and constituted by the Town Board as provided in §60.61, Wis. Stats. The Planning and Zoning Committee shall consist of 5 members, appointed by the Town Board for a term of 2 years. All members appointed shall be resident electors of the Town. The Town Board shall appoint the chair.

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(3) JURISDICTION AND AUTHORITY. (Am. #SG-02-07-1) The Planning and Zoning Committee of the Town shall have the following duties and responsibilities:

(a) Supervise the administration of this chapter and other ordinances as approved by the Town Board, including enforcement of this chapter as provided in §1.73 of this chapter.

(b) Hold public hearings and decide upon the issuance of conditional use permits pursuant to §1.70 of this chapter.

(c) Hold public hearings on proposed amendments to this chapter and make recommendations on such amendments to the Town Board.

(d) Approve the appointment of the Zoning Administrator and oversee the forwarding of the appropriate zoning permits and fees to the Town.

(e) Such other duties in connection with zoning and land use planning as the Town Board may delegate.

ZONING CODE 1.66(4)

(4) MEETINGS AND RULES. Meetings of the Planning and Zoning Committee shall be held at the call of the chair and at such other times as the Committee may determine. The chair or, in the chair's absence, the acting chair, may administer oaths and compel the attendance of witnesses. All meetings of the Committee shall be open to the public. The Committee's secretary shall keep a written record of the outcome of the vote of each member on each question and shall keep records of its hearings and other official actions, all of which shall be immediately filed in the office of the Board of Appeals and shall be a public record. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney. The Planning and Zoning Committee shall adopt further rules which are not in conflict with the Wisconsin Statutes as necessary to carry out its authorized business.

1.67 ZONING ADMINISTRATOR. There is hereby created the office of the Zoning Administrator to be appointed by the Town Board with the recommendation of the Planning and Zoning Committee. The chair of the Zoning and Planning Committee or the Town Board may designate an acting administrator. The duties and responsibilities of the Zoning Administrator shall include:

(1) Advising applicants for permits as to the provisions of this chapter and assisting them in preparing applications.

(2) Issuing zoning permits as provided in §1.69 of this chapter when the use for which permission is requested is listed in this chapter as a permitted use.

(3) Keeping records of all permits issued, inspections made, work approved and other official actions.

(4) Determining questions of the location of district boundaries.

(5) Serving as staff to the Planning and Zoning Committee. In this capacity, the Zoning Administrator may present staff reports on all applications for zoning amendments, variances, conditional use permits and other matters requiring Planning and Zoning Committee action.

(6) Coordinating with the Vilas County zoning board in the issuance of zoning and conditional use permits and applications for zoning amendments.

(7) Remitting all permit fees collected to the Town Treasurer.

1.68 BOARD OF APPEALS. (1) INTRODUCTION AND EXPLANATION. This section describes the Board of Appeals. This 5 member board has powers directly granted to it by the State Legislature. The statutory duties of the Board are to hear and decide

ZONING CODE 1.68(2)

appeals from decisions of the Zoning Administrator and to consider variances from the strict requirements of this chapter where a unique hardship exists and where a waiver of this chapter can be granted without destroying the purpose and intent of this chapter.

(2) CREATION OF THE BOARD OF APPEALS. (Am. #SG-02-07-1) (a) Appointment. A Board of Appeals is hereby created as authorized by §§60.62 and 62.23(7)(e), Wis. Stats. The Board of Appeals shall consist of 3 members of the Town Board and 2 members nominated by the Town Chairman and approved by majority vote of the Town Board. Members of the Board of Appeals shall serve for staggered, 2 year terms expiring on the second Tuesday of April. The Town Chairman shall appoint the Chair of the Board of Appeals.

(b) Qualifications. Each member of the Board of Appeals shall be a resident elector of the Town and no member of the Board of Appeals may serve as a member of the Planning and Zoning Committee created under §1.66.

(3) JURISDICTION AND AUTHORITY. The Town Board of Appeals shall have the following powers:

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(a) Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Planning and Zoning Committee or the Zoning Administrator in the enforcement of this chapter.

(b) Hear and decide appeals of conditional use and nonconforming use decisions by the Planning and Zoning Committee.

(c) Authorize, upon appeal in specific cases, such variances from the terms of this chapter as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship and so that the spirit of this chapter shall be observed and substantial justice done.

(d) Elect a secretary and vice-chair of the Board of Appeals, both of whom shall be members of the Board of Appeals.

(4) MEETINGS AND RULES. Meetings of the Town Board of Appeals shall be held at the call of the chairman and at such other times as the Board may determine. The chairman or, in the chairman's absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of such Board shall be open to the public. The Board's secretary shall keep a written record of the outcome of the vote of each member on each question and shall keep records of its examinations and other officials actions, all of

ZONING CODE 1.69

which shall be immediately filed in the office of the Board of Appeals and shall be a public record. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney. The Board of Appeals shall adopt further rules as necessary to carry into effect the regulations of the Town Board which are not in conflict with the Wisconsin Statutes.

1.69 RULES AND PROCEDURES FOR ISSUANCE OF A ZONING PERMIT.

(1) APPLICATION. (a) An application for a zoning permit shall contain the following:

1. Name and address of the owner of the property.
2. Legal description of the parcel.
3. Size and location of the structure to be erected on or moved onto the property.
4. Proposed use of the structure or premises.

5. Type of construction.

6. Where applicable, a detailed landscaping buffer plan (See §§1.31, 1.35 and 1.36 of this chapter.)

7. In the case of planned residential unit development, evidence of the approval of a general development plan and recording of a specific implementation plan with the Vilas County Register of Deeds pursuant to §1.52 of this chapter.

8. Any other applicable information, including sanitary permit number.

(b) The application shall include a site plan accurately showing the dimensions of the lot or parcel, the dimensions of the proposed buildings, parking areas and vehicle capacity (for commercial uses), tree removal plans (for trees greater than 6" in diameter measured at a height 4' from the base of the tree), proposed landscaping plan, the distance in feet from the abutting street or highway centerline and from the side and rear lot line, the size and location of any existing buildings and such other information as deemed necessary. The Zoning Administrator may require a copy of a plat of survey prepared by a licensed surveyor, evidence of compliance with the Ch. 5, Land Division, the Vilas County Sanitary Code, the Vilas County Land Division and Subdivision Ordinance, Vilas County Trunk Highway Access Control Regulations or any other federal, State, county or Town laws, ordinances and regulations and/or any additional information required as a condition precedent to the issuance of a zoning permit, including proof of State approval for public buildings.

ZONING CODE 1.69(1)(c)

(c) The application shall be signed by the applicant and the property owner or their respective authorized representatives, provided, however, that if a prospective owner desires a prior finding on a proposed construction or use before consummation of purchase, such a person may apply for a permit and, if a permit is denied, may appeal to the Board of Appeals.

(d) In the case of an application for structural alterations, additions or major repairs to a backlot nonconforming structure, issuance of a zoning permit requires review and approval of the application by the Planning and Zoning Committee. The Zoning Administrator shall forward the application to the Planning and Zoning Committee immediately upon receipt and the Planning and Zoning Committee shall consider the application at a regularly scheduled meeting within 21 days of receipt of the application.

(2) ISSUANCE. (a) Coincident with the issuing of a zoning permit, the Zoning Administrator shall prepare a card, certifying that a permit has been issued. This card shall bear the same number as the permit and identify the construction and premises covered by the permit. The card shall be posted in a conspicuous place on the premises during the construction and construction shall be deemed to begin when any earth disturbing activity takes place that will lead to the installation of footings, piers, posts, pilings or foundations. Earth disturbing activity for the purpose of soil evaluation testing shall not be considered the start of construction.

(b) Any permit obtained through material misrepresentation shall be null and void.

(c) A permit issued pursuant to the provisions of this subsection shall expire one year from the date of issuance if substantial construction is not started within that time. Such a permit will expire if construction, once started, does not diligently proceed to completion within one year of starting time. An applicant is entitled to a one time renewal upon payment of the zoning permit renewal fee. Such renewal will expire if construction does not diligently proceed within 6 months of the date of the renewal permit. Upon the expiration of the renewal permit, if construction has not diligently proceeded, a new application for a zoning permit must be filed.

(3) AUTOMATIC APPROVAL. Notwithstanding any other provision of this section, a completed application for a zoning permit, accompanied by the necessary fee, and in compliance with any other requirements set by the Town, shall be automatically approved if more than 45 days pass from the day the application is submitted to the Town and the Town has failed to take any action to consider, approve or deny the application.

(4) TEMPORARY PERMIT. (a) A temporary permit may be issued owing to unforeseen circumstances arising or under special conditions whereby a regular zoning permit cannot be secured and/or is not applicable, such as the following, but not limited thereto:

ZONING CODE 1.69(4)(a)1.

1. For the storage of chattel on a county or Town highway right-of-way.
2. For any temporary structures or uses inadvertently omitted from this chapter.
3. For the parking of a mobile home or other form of habitation structure during the construction of a dwelling, provided the temporary structure is located on the same lot where a zoning permit has been issued for the dwelling under construction and the structure's wastewater and sewage enters the septic system that will service the dwelling.

4. In order to accommodate individuals in emergency situations.

(b) A temporary permit under this subsection shall be valid for 6 months from the date of issuance.

1.70 RULES AND PROCEDURES FOR ISSUANCE OF CONDITIONAL USE PERMITS. (1) INITIATION OF CONDITIONAL USE PERMIT APPLICATION. Any person having a freehold interest, a possessory interest entitled to exclusive possession or a contractual interest which is specifically enforceable in the land for which a conditional use permit is sought may file an application, signed by the owner, to use such land for one or more of the conditional uses provided for in this chapter, provided that the use is one which is conditionally permitted by this chapter in the zoning district where the parcel is located.

(2) APPLICATION FOR CONDITIONAL USE PERMIT. An application for a conditional use permit shall be filed with the Zoning Administrator on a form prescribed by the Zoning Administrator. The application shall be accompanied by such plans and other information as may be prescribed by the Zoning Administrator or the Planning and Zoning Committee. The Planning and Zoning Committee or Zoning Administrator shall notify all property owners within a 300' radius of the property in question that a conditional use permit has been applied for. Notice shall be by regular mail and the last known names and addresses of the property owners shall be those names and addresses as shown on the Township tax records.

(3) HEARING ON APPLICATION. Upon receipt of the application, the Planning and Zoning Committee shall hold a public hearing on each application for a conditional use permit at such time and place as shall be established by the Planning and Zoning Committee. The hearing shall be conducted and a record of the proceedings shall be preserved in such a manner and according to such procedures as the Planning and Zoning Committee shall prescribe by rules from time to time. Notice of public hearing shall be given by publication as a Class 2 notice as provided for in Ch. 985, Wis. Stats.

ZONING CODE 1.70(4)

(4) STANDARDS. A conditional use permit shall not be granted by the Planning and Zoning Committee, unless the Committee shall find that all of the following conditions are present:

(a) The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.

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(b) The uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use.

(c) The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

(d) Adequate utilities, access roads, drainage, buffer areas and landscaping and other necessary site improvements have been or will be provided.

(e) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

(f) The conditional use shall conform to all applicable regulations of the district in which it is located.

(5) **CONDITIONS AND GUARANTEES.** Prior to the granting of a conditional use permit, the Planning and Zoning Committee may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use deemed necessary to promote the public health, safety and general welfare of the community and to secure compliance with the standards and requirements specified in sub. (4) above. In all cases in which conditional uses are granted, the Planning and Zoning Committee shall require evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

(6) **AUTOMATIC APPROVAL.** Notwithstanding any other provision of this section, a completed application for a conditional use permit, accompanied by the necessary fee and in compliance with any other requirements set by the Town, shall be automatically approved if more than 45 days pass from the day the application is submitted to the Town and the Town has failed to take any action to consider, approve or deny the application. An application for a conditional use permit for a planned residential unit development pursuant to §1.52 of this chapter shall be automatically approved if more than 90 days pass from the day the completed general development plan is submitted to the Town and the Town has failed to take any action to consider, approve or deny the application.

ZONING CODE 1.70(7)

(7) **APPEAL FROM ACTION BY PLANNING AND ZONING COMMITTEE.** An appeal from the decision of the Planning and Zoning Committee may be taken to the Board of Appeals by the applicant for the conditional use permit or by an aggrieved

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party. Such appeal must specify the grounds thereof in respect to the finding of the Planning and Zoning Committee and must be filed with the Board of Appeals within 30 days of the final action of the Planning and Zoning Committee. The Board of Appeals shall fix a reasonable time for the hearing of the appeal and give public notice thereof as well as due notice to the parties in interest and decide the same within a reasonable time. The action of the Planning and Zoning Committee shall be affirmed, unless the Board of Appeals reverses or modifies the action of the Planning and Zoning Committee.

(8) EFFECT OF DENIAL OF APPLICATION. No application for a conditional use which has been denied wholly or in part by the Planning and Zoning Committee shall be resubmitted for a period of one year from the date of such denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Planning and Zoning Committee. In any case, where a conditional use permit issued under this section has not been instituted or construction begun within one year of the date of approval, it shall be null and void without further action by the Planning and Zoning Committee.

(9) REVOCATION OF CONDITIONAL USE PERMIT. If the Planning and Zoning Committee finds that the standards and the conditions stipulated in a conditional use permit are not being complied with, the Planning and Zoning Committee may revoke the conditional use permit. Appeals from the action of the Planning and Zoning Committee may be as provided above in sub. (7).

(10) CEASED CONDITIONAL USES. A conditional use permit for any use which has been ceased for a period of one year, except because of probate, litigation or offering for sale, will be deemed to have been terminated and any future use must be in conformity with this chapter.

1.71 APPEALS. (1) FILING APPEALS. Appeals to the Town Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the Town affected by a decision of the office of the Zoning Administrator or of the Planning and Zoning Committee. Such appeal shall be taken within 30 days as provided by the rules of the Board of Appeals by filing with the office of the secretary of the Board a notice of appeal specifying the grounds thereof. Upon filing of an appeal, the Zoning Administrator shall transmit to the Board all of the paper constituting the record upon which the action appealed from was taken.

(2) STAY OF PROCEEDINGS. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator or the Planning and Zoning

ZONING CODE 1.71(3)

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Committee certifies to the Board of Appeals that such a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Appeals or by a court of law.

(3) NOTICE OF HEARING. The Board of Appeals shall fix a reasonable time for the hearing of the appeal. Notice of time, place and purpose of such hearing shall be given by publication as a Class 2 notice as provided for in Ch. 985, Wis. Stats. Notice of time, place and purpose of such hearing shall also be mailed via first class mail to the applicant or appellant, Zoning Administrator and each property owner within a 300' radius of the affected property. If the appeal involves area subject to the Vilas County Shoreland Ordinance or within a 100 year floodplain, a copy of the Board's decision shall be provided to Vilas County.

(4) FINDINGS OF THE BOARD. The Board of Appeals, upon its findings, shall render a decision on the appeal within a reasonable time. The Board, with the concurring vote of 4 members, may reverse or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made and, to that end, shall have the powers of the officer from whom the appeal is taken. Decisions of the Board of Appeals shall thereafter be subject to review by a court of law upon the filing of a writ of certiorari within 30 days of the Board's decision. The grounds for any decision reversing or modifying shall be stated.

1.72 VARIANCES. (1) INTRODUCTION AND APPLICABILITY. A variance is an exemption from the application of a setback, dimensional or density standard required by this chapter or a use which varies from that otherwise permitted under this chapter. In the case of a request for a deviation which is 5% or less of a required setback, dimensional or density standard under the following paragraphs, this section shall not apply and the procedures under §1.70 shall be used:

(a) Setback standards contained in §1.15(2), (3), (4) and (5) of this chapter.

(b) Dimensional and minimum dwelling area standards contained in §1.16 of this chapter.

(c) Side and rear setbacks and lot densities contained in §§1.29 through 1.39 of this chapter and waterfront lot densities incorporated by reference from the Vilas County Shoreland Zoning Ordinance.

(d) Dimensional and density requirements for campgrounds contained in §1.47(2) of this chapter.

ZONING CODE 1.72(2)

(2) APPLICATION FOR VARIANCE. An application for a variance may be filed by a property owner or owner's agent with the Board of Appeals on forms provided by the Town, together with a nonrefundable fee for the administration of this chapter.

(3) NOTICE OF HEARING. The Board of Appeals shall fix a reasonable time for hearing variance requests. Notice of time, place and purpose of such hearing shall be given by publication as a Class 2 notice as provided in Ch. 985, Wis. Stats. Notice of time, place and purpose of such hearing shall also be mailed via first class mail to the applicant or appellant, Zoning Administrator and each property owner within a 300' radius of the affected property. If the variance request involves area subject to the Vilas County Shoreland Ordinance or within a 100 year floodplain, notice of the public hearing and of the Board's decision shall be provided to the Wisconsin Department of Natural Resources' district office.

(4) STANDARDS FOR VARIANCES. (a) The Board of Appeals may authorize such variances from the terms of this chapter to dimensional standards which will not be contrary to the public interest where, owing to special conditions, a literal enforcement of this chapter will result in unnecessary hardship and so that the spirit of this chapter shall be observed and substantial justice done. The Board of Appeals shall use the following guidelines in interpreting this standard:

1. The particular physical surroundings, shape or topographic conditions of the specific property involved could result in a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulation were to be carried out.

2. The conditions upon which the application for a variance is based would not be applicable generally to other property within the same zoning classification.

3. The purpose of the variance is not based exclusively on a desire for economic or material gain by the applicant or owner.

4. The alleged difficulty or hardship is caused by this chapter and has not been created by any person presently having an interest in the property.

5. The granting of a variance will not be detrimental to the welfare or injurious to other property or improvements in the neighborhood in which the property is located.

6. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire or otherwise endanger the public health, safety and welfare or substantially diminish or impair property value in the neighborhood.

ZONING CODE 1.72(4)(b)

(b) The Board of Appeals may impose such conditions and restrictions upon the premises benefitted by the variance as may be necessary to comply with the above standards and to better carry out the general intent of this chapter.

(5) FINDINGS OF THE BOARD. The Board of Appeals, upon its findings, shall render a decision on the variance request within a reasonable time. Rehearings, reconsiderations and new applications seeking the same relief concerning the same property after a previous application has been denied will not be heard by the Board of Appeals unless a substantial change of conditions or circumstances has intervened between the time the matter was first decided by the Board of Appeals and the subsequent application. A change of ownership or the passage of time without additional conditions or circumstances will not justify another hearing before the Board. All decisions and findings of the Board of Appeals shall in all instances be final administrative determinations and shall thereafter be only subject to review by a court of law.

(6) LENGTH OF VALIDITY. No order of the Board of Appeals granting such variance shall be valid for longer than one year from the date of such order, unless a zoning permit is obtained within such period and the erection or alteration of the building is started or the use commenced.

1.73 ENFORCEMENT AND PENALTIES. (1) RESPONSIBILITY FOR COMPLIANCE. It shall be the responsibility of the applicants as well as their agents or other persons acting on their behalf to comply with the provisions of this chapter. Any person, firm or corporation causing a violation or refusing to comply with any provision of this chapter will be notified in writing of such violation by the Town Zoning Administrator, giving the person responsible a time period not to exceed 30 days in the case of construction, or 7 days in the case of failure to obtain a permit, from the date of receipt by certified mail of the letter of notification to have the violation brought into compliance with the provisions of this chapter. Every violation of this chapter is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated according to law.

(2) FORFEITURE. (a) If work is commenced to build, erect, place, enlarge, alter or move a structure or if the principal use of the property is changed without the required zoning permit, regardless of whether a permit application is received within the notification period provided in sub. (1), the Zoning Administrator will charge 10 times the original permit fee when issuing a permit. This fee is in addition to any other penalties assessed against the party in question.

(b) The Town may enforce this chapter by subjecting any person, firm or corporation, including those doing work for others, who, after notice and opportunity for compliance as provided in par. (a), continue to violate any of the provisions of this chapter, to a one time

ZONING CODE 1.73(3)

forfeiture of up to a maximum of 25% of the cost of construction or the cost of the structure, as applicable, and in any event not less than 10% of the applicable cost, plus the cost of prosecution, in addition to the remedy described in sub. (3). The amount of the forfeiture in each case shall be determined based on the cost of enforcement and the need to deter similar

violations. This paragraph shall not be construed to permit the assessment of forfeitures in the aggregate amount exceeding 25% of the cost of construction, regardless of the number of violators. The Planning and Zoning Committee shall refer violations to a Town designated attorney who shall prosecute violations. (Am. #SG-02-07-1)

(3) INJUNCTION. (Am. #SG-02-07-1) The Town may enforce this chapter by subjecting any person, firm or corporation, including those doing work for others, who violate any of the provisions of this chapter, to a court injunction prohibiting such violations.

(4) SUSPENSION OF PERMIT. Whenever the Zoning Administrator determines that there are reasonable grounds for believing that there is a violation of any provision of this chapter, the Zoning Administrator shall give notice to the owner of record as hereinafter provided. Such notice shall be in writing and shall include a statement of the reason for the suspension of the permit. It shall allow 30 days for the performance of any act it requires. If work cannot be completed in the 30 day period, an extension may be granted if reasons of hardship prevail and can be verified. Such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been sent by certified mail to the owner's last known address or when the owner has been served such notice by any method authorized by the laws of Wisconsin. The Zoning Administrator may proceed to stop all use or actions pursuant to this subsection.

(5) APPEALS OF ENFORCEMENT. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this chapter may request and shall be granted a hearing of the same before the Board of Appeals.

(6) EMERGENCY CONDITIONS. Whenever the Zoning Administrator finds that an emergency exists, such as sudden, unexpected occurrences, unforeseen conditions or circumstances at the time beyond one's control, adverse weather conditions, meeting a timetable which requires immediate action to protect the public health, safety and

welfare, the Administrator may, without notice of hearing, issue an order citing the existence of such emergency and may require that such action be taken as may be deemed necessary to meet the emergency. Any person to whom such order is directed shall comply therewith immediately. Appeals or challenges to emergency orders may be brought to the Board of Appeals after emergency conditions have ceased. The Zoning Administrator may proceed to abate the emergency condition pursuant to this subsection.