

**TOWN OF ST. GERMAIN, WISCONSIN
ORDINANCE NO. SG-02-07-1
AMENDING
TOWN OF ST. GERMAIN
ZONING ORDINANCE NO. SG-01-1-1**

THE TOWN BOARD OF THE TOWN OF ST. GERMAIN, VILAS COUNTY, WISCONSIN, DOES ORDAIN AS FOLLOWS:

The following sections of the Town of St. Germain Zoning Ordinance, Ordinance No. SG-01-1-1, are hereby amended as follows:

1. Section 1.05 is amended as follows:

1.05 ZONING PERMIT REQUIRED. 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 Ordinance, 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.

2. The definitions of “Conditional Use”, “Manufactured Home” and “Mobile Home” in Section 1.12 are amended as follows:

CONDITIONAL USE means a land use which is authorized under this Ordinance without a conditional use permit under Subsection 5.01(2)U, or upon the issuance of a conditional use permit pursuant to Subsection 6.06. *[NOTE: A conditional use is the same as a special exception.]*

MANUFACTURED HOME. A structure, other than a mobile home as defined herein, which is certified and labeled as a manufactured home under 42 U.S.C., sec. 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 ordinance.

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 SG-01-1, sec. 1.16, when fully assembled and placed on the approved site, except that a manufactured home, of less than 24 feet 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 SG-01-1, sec. 1.46

MOBILE HOME. A structure manufactured prior to June 15, 1976 with walls of rigid uncollapsible construction and an overall length in excess of 45 feet, 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 herein. Any attached addition, enclosed porch, deck or patio, shall be considered part of the mobile home, any may be required to meet all of the requirements of this ordinance.

3. Section 1.12 is amended to create the following definition of “Home Rental” between the definitions of “Home Occupations” and “Lake Lot”:

HOME RENTAL means the rental of a dwelling for any term of less than thirty (30) consecutive days.

4. Section 3.07 is amended as follows:

3.07 MULTI-FAMILY RESIDENTIAL

(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.
- (f) Community living facilities.
- (g) Bed and breakfast establishments.
- (h) Boarding houses and group lodgings.

- (i) Home rentals.
- 5. Section 3.09 is amended as follows:**

3.09 LAKESHORE RESORT/RESIDENTIAL

(2) PERMITTED USES.

- (a) Single family detached dwellings.
- (b) Essential services.
- (c) Home Rentals.

- 6. Section 3.11 is amended as follows:**

3.11 COMMUNITY AND HIGHWAY BUSINESS

(2) PERMITTED USES.

- (a) Bed and breakfast establishments.
- (b) Roadside stands for farm produce.
- (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.
- (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 amusements facilities.
- (o) Riding stables.
- (p) Commercial kennels.
- (q) Boat launching.

7. Section 3.12 is amended as follows:

3.12 DOWNTOWN BUSINESS DISTRICT

(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 multifamily dwellings.
- (n) Resorts.
- (o) Home rentals.
- (p) Bed and breakfast establishments.

(3) CONDITIONAL USES.

- (a) Community living facilities.
- (b) Boarding houses and other group lodgings.
- (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.

8. Section 3.14 is amended as follows:

3.14 FORESTRY AND RECREATION

- (6) LOT AREA REQUIREMENTS: The minimum lot area for this classification is 20 acres.

9. Section 3.16 is created to read as follows:

3.16 FORESTRY

- (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.

- (3) CONDITIONAL USES.

- (a) Parks and playgrounds.
- (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.

10. Section 4.03 is amended as follows:

4.03 CAMPGROUNDS. (1) PERMITTED AND CONDITIONAL USES.

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

11. Section 5.01 is amended as follows:

INTRODUCTION AND EXPLANATION. This Section contains rules pertaining to uses, structures and lots that existed before the effective date of the this Ordinance but are not in full compliance with the provisions of this Ordinance. 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.”

12. Section 5.02 is repealed and re-created to read as follows:

5.02 NONCONFORMING USES. (1) GENERAL. Where a use is not allowed either as a permitted or a conditional use under this Ordinance, but existed as a legal use on the date of the adoption of this Ordinance, it shall be considered to be a “legal nonconforming use.” Uses that legally existed at the time of the adoption of this Ordinance are permitted to continue, subject to the limitations on structural alterations, additions and repairs of such structures set forth in this Section, 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 Section 6.06 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 Ordinance is discontinued for twelve (12) consecutive months, any further use of the structure or premises shall conform to this Ordinance with the exception of those structures or properties in probate, foreclosure or other forms of litigation, or subject to pending sale.

- (4) **EXISTING CONDITIONAL USES.** (a) Where a use is classified as a conditional use under this Ordinance, and existed as conditional or permitted use on the date of the adoption of this Ordinance, it shall be considered to be a legal conditional use and not a legal nonconforming use. The authorization granted by this subsection 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 Ordinance.
- (b) A conditional use permit under Section 6.06 shall be required where the use of property subject to sub. 4(a) is changed to a different conditional use. A conditional use permit under Section 6.06 shall be required for any expansion of the building footprint or height of an existing conditional use structure under sub. (4)(a) except that the following expansions and alterations require a zoning permit only:
- (i) 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 Ordinance.
 - (ii) 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 Ordinance.
 - (iii) Any expansion in the height of a principal or accessory building that does not result in an increase in habitable area.
 - (iv) The construction of an attached deck, eaves, projecting windows, or other non-structural features.

13. Section 5.03 is repealed and re-created to read as follows:

- 5.03 **NONCONFORMING STRUCTURES.** (1) **GENERAL.** Where a structure does not conform to the dimensional or setback requirements of this Ordinance, but was a conforming or legal nonconforming structure prior to the date of adoption of this Ordinance, 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 Section.
- (2) **NONCONFORMING STRUCTURES ON BACKLOTS.** (a) **Modification of a Backlot Nonconforming Structures.** 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.
- (3) NONCONFORMING STRUCTURES ON WATERFRONT LOTS. (a) Intent. It is the intent of this subsection to balance the public objectives of this Ordinance with the interests of owners of existing structures located closer than 75 feet from the ordinary high water mark by:
- (i) Treating smaller, more readily moveable structures more restrictively than larger, more permanent principal structures;
 - (ii) Allowing for maintenance, repair and internal improvement of existing structures essential to the continued reasonable use of the property;
 - (iii) Treating structures located closer to navigable waterways within 75 feet of the ordinary high water mark more restrictively than structures which are more nearly in compliance with the 75-foot minimum setback;
 - (iv) 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 feet from the ordinary high water mark.
 - (v) Encouraging removal of accessory structures from the 75-foot setback area to promote improved buffer areas and decrease runoff to the water body.
 - (vi) 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.
- (b) Restriction Applicable to All Nonconforming Waterfront Structures.
- (i) 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 Ordinance, any existing encroachment may be continued in expansions.

- (ii) Public Road and State Highway Setbacks. In the area at least 75 feet 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 Ordinance, any existing encroachment may be continued in expansions.
- (iii) Permit Required. County and Town zoning permits are required for any alterations or additions under Subsection 5.03(3). A Vilas County shoreland alteration permit may also be required as specified by the Vilas County Shoreland Zoning Ordinance.
- (iv) Vilas County Regulations Applicable. Vilas County Shoreland Zoning Ordinance provisions are applicable. Paragraphs A, B, and D of Section 6.3 of said 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 said 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 Subsection 5.03(3)(c).
- (e) Nonconforming Waterfront Accessory Structures. External alterations and additions to nonconforming accessory structures or portions of such structures located less than 75 feet from the OHWM which result in altering the exterior building envelope horizontally or vertically are prohibited unless they conform to the requirements of this Ordinance.

14. Section 5.04 is repealed and re-created to read as follows:

5.04 NONCONFORMING LOTS. Nonconforming lots existing at the time of the adoption of this Ordinance may generally be constructed upon, providing certain minimum requirements are met. Nothing in this Ordinance 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 Ordinance, provided the lot was described and recorded in the Vilas County Register of Deeds office prior to June 19, 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 Section 6.06 of this Ordinance.

15. Section 5.05 is repealed and re-created to read as follows:

5.05 DISPOSITION OF NONCONFORMING MOBILE HOMES. (1) DISCONTINUED USE. If a nonconforming mobile home is discontinued for use as a dwelling for twelve (12) consecutive months, any further use of the mobile home shall conform to this Ordinance 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 Sec. 4.02(1) of this Ordinance prior to June 19, 2001 is destroyed or damaged by a natural catastrophe, accidental fire, arson or vandalism, the mobile home may be restored.

16. Section 6.02 is repealed.

17. Section 6.04(2) is amended to read as follows:

(2) CREATION OF THE BOARD OF APPEALS. (a) Appointment. A Board of Appeals is hereby created as authorized by secs. 60.62 and 62.23(7)(e), Wis. Stats. The Board of Appeals shall consist of three members of the Town Board and two 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, two-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 of St. Germain and no member of the Board of Appeals may serve as a member of the Planning and Zoning Committee created under Sec. 6.02.

18. Section 6.09(2)(b) is amended to read as follows:

(b) The Town may enforce the Zoning Ordinance by subjecting any person, firm or corporation, including those doing work for others who, after notice and opportunity for compliance as provided by sub. (a), continues to violate any of the provisions of this Ordinance a one-time 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) of this Section. 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 to violations to a Town-designated attorney who shall prosecute violations.

19. Section 6.09(3) is amended as follows:

- (3) INJUNCTION. The Town may enforce the Zoning Ordinance by subjecting any person, firm or corporation, including those doing work for others, who violates any of the provisions of this Ordinance shall be subject to a court injunction prohibiting such violations.

This Ordinance shall become effective immediately upon adoption, publication and approval by the Vilas County Board in accordance with Section 60.62(3) of the Wisconsin Statutes.

TOWN OF ST. GERMAIN

BY:

Brian Sherren, Chair

ATTEST:

Tom Martens, Clerk

APPROVED BY THE ZONING AND PLANNING COMMITTEE:

PUBLIC HEARING:

DATE ADOPTED:

DATE POSTED:

DATE EFFECTIVE:

**ORDINANCE NO. SG-02-07-1
CERTIFICATION**

The undersigned, Tom Martens, hereby certify as follows:

- (1) That I am the Clerk of the Town of St. Germain;
- (2) That, pursuant to Section 62.23(7) of the Wisconsin Statutes, the Planning and Zoning Committee of the Town of St. Germain made recommendations for proposed amendments to the Town Zoning Ordinance, No. SG-01-1-1.
- (3) That notice of the proposed zoning ordinance amendment No. SG-02-07-1, amending the St. Germain Zoning Ordinance, No. SG-01-1-1, and notice of hearing was published in the Vilas County News Review on June 19, 2002, and June 26, 2002;
- (4) That the Town Board of the Town of St. Germain held public hearings and received public comment on the proposed zoning ordinance amendment on July 8, 2002.
- (5) That Ordinance No. SG-02-07-1 was adopted at a duly convened meeting of the Board of Supervisors of the Town of St. Germain at 7:00 p.m. on July 8, 2002, by a vote of 5 ayes and 0 noes.
- (6) That Ordinance No. SG-02-07-1 was posted at the following locations on _____, 2002;

Red Brick Town Office, Hwy. 70, St. Germain
Community Center, Hwy. 155, St. Germain
Chamber of Commerce Information Booth, Hwy 70, St. Germain
- (7) That Ordinance No. SG-01-1-1, as amended by Ordinance No. SG-02-07-1 was approved by the Vilas County Board of Supervisors at a duly convened meeting at _____, on _____, 2002.

Dated this _____ day of _____, 2002.

Tom Martens, Clerk
Town of St. Germain