

## AMENDMENTS TO ST. GERMAIN ZONING ORDINANCE

### Section 1.35(6) LOT AREA REQUIREMENTS.

- (a) 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.
- (b) Residential lots used for duplex or multiple family dwellings, community living facilities, bed and breakfast establishments, boarding houses and other group lodgings shall have a minimum lot area of 65,340 sq. ft. (1.5 acres) for the first dwelling and an additional 12,000 sq. ft. for each additional dwelling unit. Lots used for single family dwellings shall have a minimum lot area of 65,340 sq. ft. (1.5 acres).

### Section 1.36(6) LOT AREA REQUIREMENTS

- (a) Nonresidential lots within this classification shall have a minimum lot area of 20,000 sq ft. for the first building and an additional 12,000 sq. ft. for each additional building.
- (b) Residential lots used for duplex or multiple family dwellings, community living facilities, bed and breakfast establishments, boarding houses and other group lodgings shall have a minimum lot area of 65,340 sq. ft. (1.5 acres) for the first dwelling and an additional 12,000 sq. ft for each additional dwelling unit. Lots used for single family dwellings shall have a minimum lot area of 65,340 sq. ft. (1.5 acres).

### Section 1.51 PRIVATE ROAD AND DRIVEWAYS.

- (a) All private roads or driveways must enter Town roads at a grade at or below the level of the roadway to a depth of thirty-three feet ( 33 ft.) from the centerline of the Town road or employ other appropriate measures to prohibit excess runoff.
- (b) All private roads or driveways described under this section must be clear of trees and structures to a width and height of fourteen (14 ft.) in order to provide access for emergency vehicles.

### 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 CONFORMING 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 conditional use on the date of the adoption of this chapter, it shall be considered to be nonconforming use and shall be subject to the applicable nonconforming use provisions of this subchapter.

#### SECTION 1.56(4) EXISTING NONCONFORMING CONDITIONAL USES.

- (b) A conditional use permit under §1.70 shall be required where the use of property is changed subject 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 alternations require a zoning permit only:
  1. The construction of an unattached garage or accessory building.
  2. The construction of an attached garage or accessory building, not to exceed 20% of the area of the building to which it is attached.
  3. Any alternation, expansion or replacement of a structure, not to exceed 20% of the area of the structure in existence on the date of adoption of this chapter, as long as the increased area meets the zoning setbacks.
  4. Any expansion in the height of a principal or accessory building that does not result in an increase in habitable area.
  5. The construction of an attached deck, eaves, projecting windows or other nonstructural features.

Section 1.58 NONCONFORMING VACANT LOTS. Nonconforming vacant 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, 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.

#### SECTION 4.01 DEFINITIONS.

**MOTOR VEHICLE.** Any vehicle propelled by an internal combustion engine and includes any automobile, truck, bus, motorcycle, or vehicle which travels on or off roads or highways. For

purposes of regulating motor vehicle travelways, snowmobiles are exempted.

**MOTOR VEHICLE TRAVELWAY.** Any surface, at least eight (8) ft. wide used by a motor vehicle for ingress or egress to a public road, from or across land or water, whether permanent or temporary, and whether intended for public or private use. This definition includes, but is not limited to, the following: paths, trails, driveways, aprons, approaches, easement roads, roads, bridges, boardwalks and parking lots or areas. For purposes of this definition, a highway, road or street constructed and maintained by any town, county, state or federal government entity is not included in this definition.

**Note: Section 4.03 has been integrated into section 4.02.**

#### SECTION 4.02 PERMITS.

(1) **PERMIT REQUIRED.** No motor vehicle travelway shall be constructed in the Town without first obtaining a permit from the Town Zoning Administrator. For existing surfaces which would fit the definition of motor vehicle travelway found in this chapter and which predate the effective date of this chapter, no addition to or alteration of any such surface, excluding maintenance, shall be undertaken without first obtaining a permit from the Town Zoning Administrator. A property owner may maintain an existing motor vehicle travelway by grading or subtracting fill as long as the maintenance does not result in a change of more than 10% of the original dimensions of the existing motor vehicle travelway. Anyone seeking a permit shall submit an application to the Town Zoning Administrator or any other person designated by the Town Planning and Zoning Committee or the Town Board for issuance of such permits. Upon filing, the application shall contain all the necessary information described elsewhere in this chapter and any other information as may be required upon rules adopted from time to time by the Town Planning and Zoning Committee. Applications shall be accompanied by the necessary fee, the amount of which shall be set by the Town Board. No permit shall be issued based on an incomplete application or an application that is not accompanied by the total necessary fee.

#### (2) **SITE PLANS**

(a) **Requirements.** All requests for approval to construct a motor vehicle travelway shall be accompanied by a site plan.

(b) **Site Plan Requirements.** Site plans shall include a drawing or diagram of the proposed motor vehicle travelway. The drawing or diagram shall include the location of the motor vehicle travelway on the land upon which it is sought to be constructed; its relation to adjacent or adjoining properties; relation to existing or proposed structures; its dimensions, including length and width; the location of any intersections with existing highways, roads, streets or other motor vehicle travelways; and a description of the materials from which it will be constructed. Site plans shall also include a description of any geographic features which will be disturbed or affected by the construction of the motor vehicle travelway. Geographic features include, but are not limited to, a change in any grade on the land of more than 10%, the cutting, killing or removal of any trees greater than 6 inches in diameter measured at a distance on the tree trunk four (4) ft. above the ground at the base of the tree, including the location of such trees on the site plan; any protected, rare, threatened or endangered plants or wildlife or wildlife habitat; any stream or river bed, navigable waterway or wetland, as defined in §NR103, Wisconsin Administrative Code, and regardless of how

classified by any zoning map or inventory. Upon initial review of any request for approval to construct a motor vehicle travelway, the Zoning Administrator may require the applicant to submit any further and additional information which the Administrator deems relevant or necessary to a decision to grant or deny the approval.

(3) **DECISION CRITERIA** The Zoning Administrator shall base the permit application decision on the following criteria:

- (a) The completeness of the application, including whether the site plan contains all of the necessary information, and whether the application was accompanied by the proper fee.
- (b) The impact that the proposed motor vehicle travelway will have on existing state, county or town highways or roads, or existing surfaces that fit the definition of a motor vehicle travelway found elsewhere in this chapter. Factors the Zoning Administrator may consider include, but are not limited to, existing traffic patterns and use, maintenance, traffic safety and impact on emergency service provided by fire, ambulance law enforcement departments.
- (c) The impact that the proposed motor vehicle travelway will have on the environment. Factors the Zoning Administrator may include, but are not limited to, destruction or significant change of any existing geographic features, whether construction will result in the cutting, killing or removal of any trees greater than 6 inches in diameter as measured at a distance on the tree trunk 4 ft. above the ground at the base of the tree, and the number of such trees that will be affected; the impact construction will have on any protected, rare, threatened or endangered plants or wildlife or wildlife habitat; and impact to any stream or river bed, navigable waterway or wetland, as that term is defined in §NR 103, Wis. Adm. Code.
- (d) Public input, limited to whether construction of the proposed motor vehicle travelway will have a significant impact on adjacent property owners, or in the case of an easement, whether the owner of the land which the easement traverses objects to the construction. In the case of an easement, the owner of the property on whose property the motor vehicle travelway is sought to be constructed must be given notice of the application by the applicant by certified mail, and proof of receipt of the notice must be filed with the application at the time of its submission for approval.
- (e) Whether denial of the permit will substantially affect the applicant's ability to use or gain access to property owned by the applicant. In determining whether denial of the permit will substantially affect the applicant's ability to use or gain access to property owned by the applicant, factors the administrator may consider include, but are not limited to, the availability of reasonable alternatives and their cost and whether a change in the location or dimension of the motor vehicle travelway will be more consistent with satisfying the criteria the Administrator is using in approving or denying the permit.
- (f) Any other factors the Zoning Administrator deems relevant to insuring and protecting the public health, safety and welfare.
- (g) In applying the above factors, the Zoning Administrator's emphasis shall be on the first fifty

(50) feet of the motor vehicle travelway as measured from the travelway's intersection with any existing Federal, State, County or Town highways or roads. However, the Zoning Administrator is not limited to applying the criteria to that area, and in appropriate cases where there may be a substantial impact on the public's health safety or welfare, may consider the impact of the entire travelway.

(4) REVOCATION OF A PERMIT. Any permit issued by the Zoning Administrator to construct a motor vehicle travelway may be revoked where it is found that construction is not in conformity with the original site plan or where it is found that the permit was obtained on the basis of false or fraudulent information presented in the application process. The Town Clerk shall provide notice of the permit's revocation, either in person to the permit holder or by certified mail sent to the applicant's address found on the original permit application.

(5) AUTOMATIC APPROVAL. A completed application, accompanied by the necessary fee and in compliance with any other requirements set by the Town, shall be automatically approved if more than thirty (30) days pass from the day the application is submitted to the Zoning Administrator and the Zoning Administrator has failed to take any action to consider, approve or deny the application.

(6) PLANNING AND ZONING COMMITTEE REVIEW. At the discretion of the Zoning Administrator, questionable permit applications, or those with unique problems, may be brought to the Planning and Zoning Committee for review and recommendation.

Section 4.03 APPEAL. Anyone aggrieved by the decision of the Zoning Administrator to grant or deny a permit under this chapter may appeal to the Town Board of Appeals by filing a notice of appeal along with a filing fee in the amount set by the Town Board in the zoning fee schedule, for the same amount as other variance requests. The appeal is to be filed in writing with the Town Clerk within thirty (30) days of the Zoning Administrator's decision. For purposes of an appeal, any person who applies for a permit and is denied the permit shall have standing to pursue an appeal to the Board of Appeals. In the case of an easement, the owner of the easement property shall have standing to pursue an appeal to the Board of Appeals.

Section 4.10 PENALTY (No change)

Section 4.11 SEVERABILITY (No change)

Section 4.12 CONFLICTING ORDINANCES (No change)

## CHAPTER 5 LAND DIVISION

### 5.09 APPROVAL OF PLATS

5.09(4) PRELIMINARY PLAT REVIEW. The Committee shall review the proposed preliminary plat to determine its conformance with this section and the laws, ordinances and regulations specified in Wisconsin Statutes Chapter 236.

5.09(6) FINAL PLAT. Within 6 months of the approval of the preliminary plat and at least 14 days prior to the meeting of the Committee at which action is desired, the subdivider of lands proposed to be

subdivided or replatted shall submit 2 copies of the final plat or replat, together with a written application for approval to the Committee Chairman.

5.10 MINOR SUBDIVISION REVIEW.

5.10(3) CERTIFIED SURVEY MAP REVIEW. The committee shall review the proposed certified survey map to determine its conformance with this chapter and the laws, ordinances, and regulations specified in Wisconsin Statutes Chapter 236.

Approved by Vilas County November 8, 2005

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Thomas E. Martens  
Town Clerk