

# Vilas County

## General Zoning

### Zoning Ordinance 85



Zoning & Planning Committee



# VILAS COUNTY GENERAL ZONING ORDINANCE

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*History: (Amendment #85-199, Article 6 effective 5 -11-05)*

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## ARTICLE I: STATUTORY AUTHORITY

### 1.1 STATUTORY AUTHORITY

This comprehensive revision of the Vilas County Zoning Ordinance is adopted pursuant to the authorization contained in Sections 59.69, and 59.694 of the Wisconsin Statutes.

## ARTICLE II: GENERAL PROVISIONS

Introduction and Explanation: Article II contains the rules of legal interpretation established by the State Legislature and by the Courts. These provisions are placed in this Ordinance to assist readers in the interpretations of the requirements of the Ordinance.

### 2.1 COMPLIANCE:

The use of all items listed below shall be in full compliance with the terms of this Zoning Ordinance, Shoreland Zoning Ordinance, Subdivision Control Ordinance, Private Sewage System Ordinance and all other applicable Vilas County Ordinances, including State and Federal Regulations.

*History: (Amendment #85-267, Article I, Section 2.1 effective 6-1-21)*

- A. Any land or water, size, shape and placement of lots and;
- B. Use, size and locations of structures on lots and;
- C. Installation and maintenance of water supply and;
- D. Private on-site waste treatment systems and;  
*History: (Amendment #85-267, Article I, Section 2.1 D. effective 6-1-21)*
- E. Filling, grading, lagooning, dredging of any land and;
- F. Cutting of shoreland vegetation and;
- G. Subdivision of lots;

### 2.2 INTERPRETATION:

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

### 2.3 SEVERABILITY:

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

### 2.4 NON-IMPAIRMENT OF DEEDS:

It is not intended by this Ordinance to repeal, abrogate or impair any existing deed restrictions, easements, covenants or Ordinances other than zoning, except where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail.

### 2.5 BUILDINGS UNDER CONSTRUCTION:

Nothing herein contained shall require any change in the plans, construction, and 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 are under construction at the time that this Ordinance is adopted.

## **VILAS COUNTY ZONING ORDINANCE**

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### **2.6 TOWN BOARD APPROVAL:**

Pursuant to Section 59.69(5)(c) of the Wisconsin Statutes, this Ordinance shall not be effective in any town until it has been approved by the Town Board.

**2.7 DECLARATION:** This Ordinance is declared to be for promoting the public health, safety and general welfare.

### **2.8 REPEAL OF PREVIOUS ORDINANCE:**

This Ordinance shall repeal and replace those portions of the previous Ordinance known as the Vilas County Land Zoning and Water Protection Ordinance No. 72, which were adopted pursuant to the authorization contained in sections 59.69 and 59.694 of the Wisconsin Statutes.

### **2.9 TITLE:**

This Ordinance shall be known as, referred to, and cited as Vilas County Zoning Ordinance No. 85.

### **2.10 EFFECTIVE DATE OF THIS ORDINANCE:**

The term effective date of this Ordinance shall be upon adoption and upon publication thereof.



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# VILAS COUNTY ZONING ORDINANCE

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## ARTICLE III: INTERPRETATIONS

Introduction and Explanation: Article III contains descriptions of how to interpret district boundaries, area requirements, highway setbacks, and height requirements. The purpose of this article is to assist readers and the administrators of this Ordinance in making consistent interpretations of the requirements.

*History: (Amendment #85-199, Article III, Introduction and Explanation effective 5-11-05)*

### 3.1 DETERMINATION OF DISTRICT BOUNDARIES:

The boundaries of the districts established by this Ordinance for general zoning purposes are shown on maps entitled "Zoning Maps of Vilas County," which maps accompany and are made part of this Ordinance. The above maps are on file in the Vilas County Zoning Administrator's Office. Maps on file in the office of the County Zoning Administrator are the official version and shall control in any case where differences occur between it and other copies. All notations and references shown on the district map are as much a part of this Ordinance as though specifically described therein. The Zoning Administrator shall periodically update all maps to reflect adopted changes.

- A. When the district boundaries are either roads or streets, unless otherwise shown, and where the designation on district map indicates districts are bounded by a road or street the centerline of such road or street will be the district boundary line.
- B. Except where otherwise indicated on a map, it is intended the district boundary line be measured at right angles to the nearest highway right-of-way line.
- C. For subdivided property, where not otherwise indicated and where lot lines approximately bound the designations on the Zoning Map, said lot lines shall be construed to be the boundary of the district. Where parallel or approximately parallel to street lines, such district boundary lines are assumed to be parallel with rear lines of the lots abutting such streets.

*History: (Amendment #85-267, Article III, Section 3.1 C. effective 6-1-21)*

- D. For un-subdivided property, where not otherwise indicated, district boundaries are property lines or section lines, or quarter-section lines, or quarter-quarter section lines. In unplatted areas of 10 acres or less, district boundary lines, where not otherwise indicated, are determined by use of a scale shown on the Zoning Map.

*History: (Amendment #85-267, Article III, Section 3.1 D. effective 6-1-21)*

### 3.2 INTERPRETATIONS OF YARD REQUIREMENTS:

Regulations contained through this Ordinance related to the size of yard and other open space are subject to the following interpretations and exceptions:

- A. No part of a yard or other open space provided about any building for purposes of complying with provisions of this Ordinance are to be included as a part of a yard or other open space required for another building.

*History: (Amendment #85-267, Article III, Section 3.2 A. effective 6-1-21)*

- B. When a lot is less in area than required for the district in which it is located, and was of record at the time of passage of this Ordinance, such a lot may be buildable subject to the Private Sewage System Ordinance, and requirements for the district in which it is located.

*History: (Amendment #85-267, Article III, Section 3.2 B. effective 6-1-21)*

- C. Every part of a required yard shall be open to the sky unobstructed, except for accessory buildings as permitted by this Ordinance.

- D. Lot Area.

- 1. Accessory structures cannot occupy more than 30 percent of the required lot area.

*History: (Amendment #85-267, Article III Section 3.2 D. effective 6-1-21)*

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### E. Impervious Surface Requirements

1. Impervious surface areas cannot exceed 50 percent of the base minimum required lot area without a stormwater control plan.

- a. Calculating Impervious Surfaces.

Percentage of impervious surface shall be calculated by dividing the surface area of the existing and proposed impervious surfaces on the portion of a lot or parcel by the total surface area of the lot or parcel, and multiplied by 100.

Example: Lot Size is: 210 ft. of Frontage by 200 ft. Deep = 42,000 sq. ft. Lot Area.

210ft. X 200ft. = 42,000sq. ft.                      4,696 is the Total sq. ft. of Impervious Surface Area

2,000 sq. ft. Drive Way -Existing

1,800 sq. ft. Cabin - Existing

676 sq. ft. Garage – Proposed

120 sq. ft. Deck -Existing

100 sq. ft. Side Walk -Existing

4,696 sq. ft. divided by 42,000 sq. ft. = 11.18 X100 = 11.18 % Impervious Surface Area

- b. Impervious Calculations do not Include:

- i. Areas treated by an engineered stormwater detention system;  
(a.) Stormwater ponds, constructed wetlands, infiltration basins, rain gardens, bio-swales or other engineered systems.
      - ii. Areas internally drained;  
(a.) An internally drained pervious area that retains the runoff on or off the parcel and allows infiltration into the soil.

- c. To Qualify for Impervious Exemptions: Property owners shall submit a complete permit application that is reviewed and approved by Vilas County. The application shall include the following.

- i. Calculations showing how much runoff is coming from the impervious surface area.
        - ii. Documentation that the runoff from the impervious surface is being treated by a proposed treatment system, treatment device or internally drained area.
        - iii. An implementation schedule enforcing an obligation on the property owner to establish and maintain a treatment system, treatment devices or an internally drained area.

*History: (Amendment #85-267, Article III, Section 3.2 E. effective 6-1-21)*

### F. All setbacks from Federal, State and County highways shall be minimum setbacks measured from the center of the highway as outlined in the Vilas County Setback Ordinance No. 18 or the Town roads building setback ordinance.

1. Exceptions to this setback requirement;

- b. Placement of public telephone and electric service equipment, such as: poles, push poles, pole stubs, anchors, overhead and down guys and attachments, framing materials, cable, wire, conductor, overhead transformers, regulators, re-closures, capacitors, switch gear, lights and light fixtures, signs, tags, warning markers, barricades, pad-mount transformers, pedestals, junction boxes, pad-mount switch fuse units, terminal boxes, pad-mounted terminal repeaters, meters and metering equipment. This exemption does not apply to buildings housing switching panels and other similar equipment.

*History: (Amendment #85-216, Article III, Section 3.2(E), effective 6-27-07)*

### G. Wisconsin Statutes 86.04, Highway Encroachments, affirms the area within the established setback lines along Federal, State or County highways shall not be used for the storage of chattel.

*History: (Amendment #85-267, Article III, Section 3.2 G. effective 6-1-21)*

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## 3.3 INTERPRETATIONS OF BUILDINGS HEIGHT REQUIREMENTS:

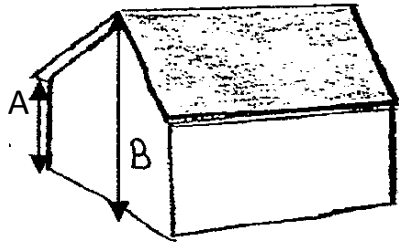
*History: (Amendment #85-165, Article III, Section 3.3 effective 6-19-01)*

The regulations contained throughout this Ordinance relating to the height of buildings or structures shall be subject to the following interpretations and exceptions:

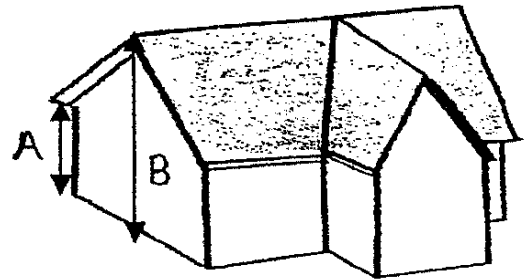
- A. For purposes of enforcement, building height for gable, cross-gabled, hip, cross-hipped, saltbox, and lean-to roofs shall be the mean height. Mean height being defined as: **A** the measurement from the lowest point of finished grade to eave, PLUS **B** the measurement from the lowest point of finished grade to the highest roof point.  $\frac{A + B = C}{2}$  will give you the mean height or height of the building.
- B. For purposes of enforcement, building height for Mansard and Gambrel roofs shall be the mean height. Mean height defined as: **A** the lowest point of finished grade to the ridgeline and **B** the lowest point of finished grade to highest roof point.  $\frac{A + B = C}{2}$  will give you the mean height or height of the building.
- C. For purposes of enforcement, building height for a Flat Roof, A Frame style house and Geodesic Dome style house are measured from the lowest point of finished grade to the highest roof point.
- D. Churches, schools and other public and quasi-public buildings, chimneys, cooling towers, water towers, farm silos, barns and other farm structures, solar collectors, windmills and necessary mechanical appurtenances, may be erected to a height not exceeding 60 feet or 5 stories, provided the front, side and rear yards required in the district in which such a building or structure is to be located are each increased at least one foot for each additional foot of height above the height limit otherwise established for the district in which such building or structure is to be located.
- E. Facilities exceeding building height requirements, which are subject to Section 3.3 (D.) require a Zoning Permit to be issued by the County Zoning Administrator. Before issuing the permit, the Zoning Administrator shall investigate and determine whether any such facility, which is to exceed 35 feet in height above ground level will create fire protection or other problems related to public safety. Upon a written determination that such problems may result, the Zoning Administrator shall reject the permit application or attach such conditions as deemed reasonable and necessary.

*History: (Amendment #85-199, Article Section 3.3 (D)(removed) effective 5-11-05)*

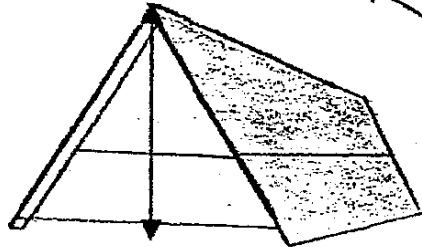
**INTERPRETATIONS OF BUILDING HEIGHT REQUIREMENTS**



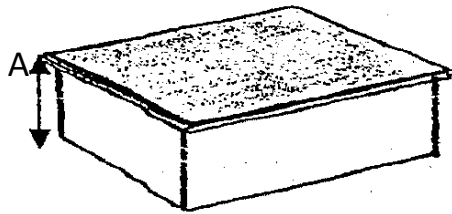
GABLE



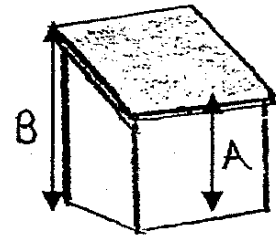
CROSS-GABLE



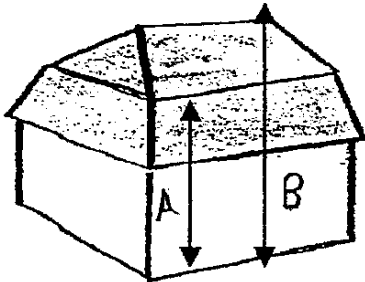
A-FRAME



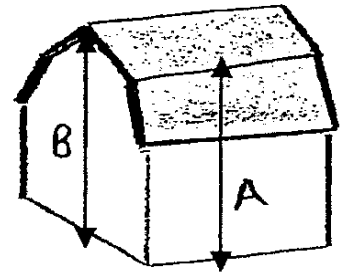
FLAT



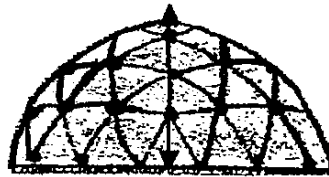
LEAN-TO



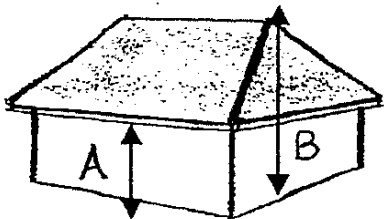
MANSARD



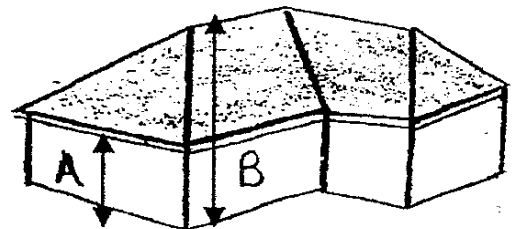
GAMBREL



GEODESIC DOME



HIP



CROSS-HIPPED

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## ARTICLE IV: ZONING DISTRICT REGULATIONS

Introduction and Explanation: Article IV contains the requirements for each of the zoning districts in Vilas County. The requirements include listing permitted and conditionally permitted uses. Table 1 at the end of this Ordinance summarizes the use requirements for each district. An Official Zoning Map, is on file at the Zoning Administrator's office and on-line at the Vilas County Government Website, with descriptions of district boundaries. Any change in the Zoning Map requires approval of the Vilas County Board following the procedures specified in Article IX of this Ordinance.

*History: (Amendment #85-267, Article IV, Introduction and Explanation effective 6-1-21)*

### 4.1 SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1):

A. Purpose: The purpose of the Single-Family Residential District is to create areas for exclusive low-density residential use this district prohibits the intrusion of uses incompatible with the quiet and comfort of such areas.

B. Permitted Uses:

1. Essential services.
2. Forest management & silviculture.
3. Hobby farm.
4. Home occupation.
5. Parks, playgrounds, golf courses.
6. Rental of a tourist rooming house for (7) seven or more consecutive days, consisting of a minimum of seven (7) 24-hour periods.
7. Single family residence.
8. Single family mobile/manufactured home.
9. Community Based Residential Facilities (CBRF) as defined in Article V, Section 5.5 and Article XI of this Ordinance.

*History: (Amendment #85-267 Article IV, Section 4.1 B. effective 6-1-21)*

C. Conditional Uses:

1. Bed and breakfast establishments as defined in Article XI of this Ordinance.
2. Private clubhouses, (exceeding 1,000 square feet).
3. Public and semi-public uses.
4. Utility facilities.

D. Building Height Limits:

1. A principal building may not exceed 35 feet mean height.
2. Accessory buildings may not exceed 15 feet mean height, garages as specified in Article V, Section 5.9 B.

*History: (Amendment #85-267, Article IV, Section 4.1 D. effective 6-1-21)*

E. Minimum Lot Areas:

1. Sewered back lots:
  - a. 10,000 square feet.
  - b. 4,500 square feet contiguous buildable lot area.
2. Sewered lake lots:
  - a. 10,000 square feet minimum lot area and 65 feet of frontage width with;
  - b. 4,500 square feet contiguous buildable lot area, as measured and required in Article IV, Section 4.3 Vilas County Shoreland Zoning Ordinance.
3. Unsewered back lots:
  - a. 65,340 square feet.
  - b. 16,500 square feet minimum contiguous buildable lot area.
4. Unsewered lake lots:
  - a. 20,000 square feet minimum lot area and 100 feet of frontage width with;
  - b. 16,500 square feet minimum contiguous buildable lot area, as measured and required in Article IV, Section 4.3 Vilas County Shoreland Zoning Ordinance.

*History: (Amendment #85-267, Article IV, Section 4.1 E. effective 6-1-21)*

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## F. Minimum Lot Width:

1. Sewered back lots: 100 feet.
2. Sewered lake lots: 65 feet, as measured and required in Article IV, Section 4.3 Vilas County Shoreland Zoning Ordinance.
3. Unsewered back lots: 100 feet.
4. Unsewered lake lots: 100 feet, as measured and required in Article IV, Section 4.3 Vilas County Shoreland Zoning Ordinance.

*History: (Amendment #85-267, Article IV, Section 4.1 F. effective 6-1-21)*

## G. Road and Ordinary High-water Mark (OHWM) Setback Requirement:

1. Road setbacks for principal and accessory buildings in accordance with Article III, Section 3.2, F. of this Ordinance.
2. The minimum setback for a structure is 75 feet from the OHWM and is regulated by the Vilas County Shoreland Ordinance, any exemptions are also covered there.

*History: (Amendment #85-267, Article IV, Section 4.1 G. effective 6-1-21)*

## H. Side Yard Setback Requirements:

1. Principal building: 15 feet.
2. Accessory buildings: 5 feet.

## I. Rear Yard Setback Requirements:

1. Principal building: 15 feet.
2. Accessory buildings: 5 feet.

*History: (Amendment #85-230, Article IV, Section 4.1 (I), (1), effective 11-25-09)*

*History: (Amendment #85-199, Article IV, Section 4.1 (D), (1)(2), (E)(4), (F)(4) effective 5-11-05)*

## 4.2 RESIDENTIAL/ LODGING DISTRICT (RL):

A. Purpose: The Residential/Lodging District is to provide for areas with primarily low-density residential use, but with some mixing of low-density Transient Lodging. (Transient Lodging is defined as: A commercial lodging establishment, which allows rental of sleeping quarters or dwelling units for periods of less than one month.) Transient Lodging use is a permitted use. Examples of these uses include residential dwellings, bed & breakfasts and resort establishments with no contiguous multiple-family dwelling units. Land use and density would also be subject to existing provisions within the Vilas County Shoreland and General Zoning Ordinance.

## B. Permitted Uses:

1. All uses permitted in the R-1 District.
2. Bed and breakfast establishments.
3. Rental of a single-family residence.
4. Resort establishments with no contiguous multi-family dwelling units.

*History: (Amendment #85-267, Article IV, Section 4.2 B. effective 6-1-21)*

## C. Conditional Uses:

1. Group lodging.
2. Private clubhouses (over 1,000 sq. Ft.).
3. Public and semi-public uses.
4. Utility facilities

## D. Building Height Limits:

1. A principal building may not exceed 35 feet mean height.
2. Accessory buildings may not exceed 15 feet mean height, garages as specified in Article V, Section 5.9 B.

*History: (Amendment #85-267, Article IV, Section 4.2 D. effective 6-1-21)*

## E. Minimum Lot Areas:

1. Sewered back lots:
  - a. 10,000 square feet.
  - b. 4,500 square feet contiguous buildable lot area.

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2. Sewered lake lots:
  - a. 10,000 square feet and 65 feet of frontage width with;
  - b. 4,500 square feet contiguous buildable lot area. As measured and required in Article IV, Section 4.3 Vilas County Shoreland Zoning Ordinance.
3. Unsewered back lots:
  - a. 65,340 square feet minimum lot area.
  - b. 16,500 square feet minimum contiguous buildable lot area.
4. Unsewered lake lots:
  - a. 20,000 square feet minimum lot area and 100 feet of frontage width with;
  - b. 16,500 square feet minimum contiguous buildable lot area. As measured and required in Article IV, Section 4.3 Vilas County Shoreland Zoning Ordinance.

*History: (Amendment #85-267, Article IV, Section 4.2 E. effective 6-1-21)*

## F. Minimum Lot Width:

1. Sewered back lots: 100 feet.
2. Sewered lake lots: 65 feet, as measured and required in Article IV, Section 4.3 Vilas County Shoreland Zoning Ordinance.
3. Unsewered back lots: 100 feet.
4. Unsewered lake lots: 100 feet, as measured and required in Section 4.3 Vilas County Shoreland Zoning Ordinance.

*History: (Amendment #85-267, Article IV, Section 4.2 F. effective 6-1-21)*

## G. Road and Ordinary High-water Mark (OHWM)Setback Requirement:

1. Road setbacks for principal and accessory buildings shall be in accordance with Article III, Section 3.2, F. of this Ordinance.
2. The minimum setback for a structure is 75 feet from the OHWM and is regulated by the Vilas County Shoreland Ordinance, any exemptions are also covered there.

*History: (Amendment #85-267, Article IV, Section 4.2 G. effective 6-1-21)*

## H. Side Yard Setback Requirements:

1. Principal building: 15 feet.
2. Accessory buildings: 5 feet.

## I. Rear Yard Setback Requirements:

1. Principal building: 15 feet.
2. Accessory buildings: 5 feet.

*History: (Amendment #85-234, New Article IV, Section 4.2 Added effective 11-24-10)*

## 4.3 **MULTI-FAMILY RESIDENTIAL DISTRICT (R-2):**

*History: (Amendment #85-234, Article IV, Section 4.2 changed to Article IV, Section 4.3 effective 11-24-10)*

- A. Purpose: The Multiple-Family Residence District is created to provide areas for apartments, townhouses and condominiums, with the necessary supporting uses, but free from incompatible land uses.

### B. Permitted Uses:

1. All uses permitted in RL District.
2. Group lodging.
3. Mobile home parks.
4. Multi-family residence.
5. Multi-family residence on 2<sup>nd</sup> stories.
6. Private clubhouses, (exceeding 1,000 sq. Ft.).
7. Resorts.

*History: (Amendment #85-267, Article IV, Section 4.3 B. effective 6-1-21)*

### C. Conditional Uses:

1. Public and semi-public uses.
2. Utility facilities.

*History: (Amendment #85-267, Article IV, Section 4.3 C. effective 6-1-21)*

### D. Building Height Limits:

1. A principal building may not exceed 35 feet mean height.
2. Accessory buildings may not exceed 15 feet mean height, garages specified in Article V, Section 5.9 B.

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## E. Minimum Lot Areas:

1. Sewered Back lots:
  - a. 10,000 square feet minimum lot area.
  - b. 4,500 square feet contiguous buildable lot area.
  - c. Additional contiguous units shall include the base minimum requirements for each structure plus an additional 50 percent of the base minimums.
2. Sewered Lake lots:
  - a. 10,000 square feet minimum lot area and 65 feet of frontage width with;
  - b. 4,500 square feet minimum contiguous buildable lot area. As measured and required in Article IV, Section 4.3 Vilas County Shoreland Zoning Ordinance and;
  - c. Additional contiguous units shall include the base minimum requirements for each structure plus an additional 50 percent of the base minimums.
3. Unsewered Back lots:
  - a. 65,340 square feet.
  - b. 16,500 square feet minimum contiguous buildable lot area.
  - c. Plus, 20 percent, of the base minimums for each additional contiguous unit.
4. Unsewered Lake lots:
  - a. 20,000 square feet minimum lot area and 100 feet of frontage width with;
  - b. 16,500 square feet minimum contiguous buildable lot area. As measured and required in Article IV, Section 4.3 Vilas County Shoreland Zoning Ordinance and;
  - c. Additional contiguous units shall include the base minimum requirements for each structure plus an additional 50 percent of the base minimums.

*History: (Amendment #85-267, Article IV, Section 4.3 E. effective 6-1-21)*

## F. Minimum Lot Width:

1. Sewered back lots: 100 feet.
2. Sewered lake lots: 65 feet, plus an additional 50 percent of the base minimums for each additional contiguous unit. As measured and required in Article IV, Section 4.3 Vilas County Shoreland Zoning Ordinance.
3. Unsewered back lots: 100 feet.
4. Unsewered lake lots: 100 feet, as measured and required in Article IV, Section 4.3 Vilas County Shoreland Zoning Ordinance, plus an additional 50 percent of the base minimums for each additional contiguous unit.

*History: (Amendment #85-267, Article IV, Section 4.3 F. effective 6-1-21)*

## G. Road and Ordinary High-water Mark (OHWM)Setback Requirement:

1. Road setbacks for principal and accessory buildings in accordance with Article III, Section 3.2, F. of this Ordinance.
2. The minimum setback a structure is 75 feet from the OHWM and is regulated by the Vilas County Shoreland Ordinance, any exemptions are also covered there.

*History: (Amendment #85-267, Article IV, Section 4.3 G. effective 6-1-21)*

## H. Side Yard Setback Requirements:

1. Principal building: 15 feet.
2. Accessory buildings: 5 feet.

## I. Rear Yard Setback Requirements:

1. Principal building: 15 feet.
2. Accessory buildings: 5 feet.

*History: (Amendment #85-230, Article IV, Section 4.2 (I)(1), effective 11-25-09)*

*History: (Amendment #85-199, Article IV, Section 4.2 (D)(1)(2), (E)(4), (F)(4) effective 5-11-05)*



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## 4.4 GENERAL BUSINESS DISTRICT (GB):

*History: (Amendment #85-234, Article IV, Section 4.3 changed to Article IV, Section 4.4 effective 11-24-10)*

A. Purpose: The General Business District is established to create areas for a wide variety of commercial purposes on relatively large lots. Examples of types of uses for which the GB District is created include, but are not limited to, automotive sales, service and repair, building supply sales, recreation equipment sales and service, and retail sales and service. Non-commercial property owners in this district should be prepared to accept inconveniences associated with mixing potentially non-compatible land uses.

### B. Permitted Uses:

1. All uses permitted in R-2 District, except Community Based Residential Facilities (CBRF).
2. Agri-business.
3. Auto & RV sales, service & repair, except body shops.
4. Auto service stations.
5. Banks, credit unions and financial institutions.
6. Building & trade contractors, general and Gen. & special.
7. Eating & drinking establishments.
8. Forest products industries.
9. Health care facilities.
10. Hotels and motels.
11. Indoor recreation establishments.
12. Professional offices.
13. Public and semi-public uses.
14. Retail sales and service services.
15. Road side stands.
16. Sales, service and repair, misc.
17. Storage Rental unit.
18. Single family residence attached to commercial uses.
19. Snowmobile sales and service.

*History: (Amendment #85-267, Article IV, Section 4.4 B. effective 6-1-21)*

### C. Conditional Uses:

1. Airports and landing fields.
2. Body shops.
3. Campgrounds and camping resorts.
4. Gun clubs and shooting ranges.
5. Kennels - commercial.
6. Marinas - commercial.
7. Objectionable emission of: odor, dust, fumes, smoke and noise. E.g., recycling business.
8. Outdoor amusement facilities.
9. Riding stables.
10. Utility facilities.
11. Warehousing and wholesaling.

### D. Building Height Limits:

1. A principal building may not exceed 35 feet mean height.
2. Accessory buildings may not exceed 15 feet mean height, garages as specified in Article V, Section 5.9 B.

*History: (Amendment #85-267, Article IV, Section 4.4 D. effective 6-1-21)*

### E. Minimum Lot Areas:

1. Sewered Back lots:
  - a. 10,000 square feet minimum lot area.
  - b. 4,500 square feet contiguous buildable lot area.
  - c. Additional contiguous units shall include the base minimum requirements for each structure plus an additional 50 percent of the base minimums.
2. Sewered Lake lots:
  - a. 10,000 square feet minimum lot area and 65 feet of frontage width with;
  - b. 4,500 square feet minimum contiguous buildable lot area. As measured and required in Article IV, Section 4.3 Vilas County Shoreland Zoning Ordinance and;
  - c. Additional contiguous units shall include the base minimum requirements for each structure plus an additional 50 percent of the base minimums.
3. Unsewered Back lots:
  - a. 65,340 square feet.
  - b. 16,500 square feet minimum contiguous buildable lot area.
  - c. Plus, 20 percent, of the base minimums for each additional contiguous unit.

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4. Unsewered Lake lots:
  - a. 20,000 square feet minimum lot area and 100 feet of frontage width with;
  - b. 16,500 square feet minimum contiguous buildable lot area. As measured and required in Article IV, Section 4.3 Vilas County Shoreland Zoning Ordinance and;
  - c. Additional contiguous units shall include the base minimum requirements for each structure plus an additional 50 percent of the base minimums.

*History: (Amendment #85-267, Article IV, Section 4.4 E. effective 6-1-21)*

**F. Minimum Lot Width:**

1. Sewered back lots: 100 feet.
2. Sewered lake lots: 65 feet, plus an additional 50 percent of the base minimums for each additional contiguous unit. As measured and required in Article IV, Section 4.3 Vilas County Shoreland Zoning Ordinance.
3. Unsewered back lots: 100 feet.
4. Unsewered lake lots: 100 feet, as measured and required in Article IV, Section 4.3 Vilas County Shoreland Zoning Ordinance, plus an additional 50 percent of the base minimums for each additional contiguous unit.

*History: (Amendment #85-267, Article IV, Section 4.4 F. effective 6-1-21)*

**G. Road and Ordinary High-water Mark (OHWM) Setback Requirement:**

1. Road setbacks for principal and accessory buildings shall be in accordance with Article III, Section 3.2, F. of this Ordinance.
2. The minimum setback for a structure is 75 feet from the OHWM and is regulated by the Vilas County Shoreland Ordinance, any exemptions are also covered there.

*History: (Amendment #85-267, Article IV, Section 4.4 G. effective 6-1-21)*

**H. Side Yard Setback Requirements:**

1. Principal building: 15 feet.
2. Accessory buildings: 5 feet.

**I. Rear Yard Setback Requirements:**

1. Principal building: 15 feet.
2. Accessory buildings: 5 feet.

*History: (Amendment #85-230, Article IV, Section 4.4 (I)(1), effective 11-25-09)*

*History: (Amendment #85-199, Article IV, Section 4.4 (D)(1)(2), (E)(4), (F)(4) effective 5-11-05)*

## **4.5 COMMUNITY BUSINESS DISTRICT (CB):**

*History: (Amendment #85-234, Article IV, Section 4.4 changed to Article IV, Section 4.5 effective 11-24-10)*

A. Purpose: The Community Business District is established to create, preserve and protect unincorporated villages, which have historically been places where retail stores and services have located. Lot area and dimensions requirements in the CB District are lower than in other districts in order to promote compact business district environments.

**B. Permitted Uses:**

1. Auto service stations.
2. Banks, credit unions and financial institutions.
3. Bed and breakfast establishments.
4. Building & trade contractors, general & special.
5. Eating and drinking establishments.
6. Essential services.
7. Health care facilities.
8. Home occupation.
9. Hotels and motels.
10. Indoor recreation facilities.
11. Professional offices.
12. Public and semi-public uses.
13. Retail sales and service.
14. Sales, service and repair, miscellaneous.
15. Storage Rental unit.
16. Single-family residence attached to a commercial use.

*History: (Amendment #85-267, Article IV, Section 4.5 B. effective 6-1-21)*

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## C. Conditional Uses:

1. Automotive and RV sales, service and repairs.
2. Body shops.
3. Marinas-commercial.
4. Parks, playgrounds and golf courses.
5. Private clubhouses.
6. Single-family mobile/manufactured home.
7. Multiple family dwelling units on second stories.
8. New Single-family residence.
9. Snowmobile sales and service.
10. Utility facilities.
11. Warehousing and wholesaling.

*History: (Amendment #85-267, Article IV, Section 4.5 C. effective 6-1-21)*

## D. Building Height Limits:

1. A principal building may not exceed 35 feet mean height.
2. Accessory buildings may not exceed 15 feet mean height, garages as specified in Article V, Section 5.9 B.

*History: (Amendment #85-267, Article IV, Section 4.5 D. effective 6-1-21)*

## E. Minimum Lot Areas:

1. Sewered back lots:
  - a. 6,000 square feet minimum lot area.
  - b. 4,500 square feet contiguous buildable lot area.
  - c. Additional contiguous units shall include the base minimum requirements for each structure plus an additional 50 percent of the base minimums.
2. Sewered lake lots:
  - a. 10,000 square feet minimum lot area and 65 feet of frontage width with;
  - b. 4,500 square feet minimum contiguous buildable lot area. As measured and required in Article IV, Section 4.3 Vilas County Shoreland Zoning Ordinance and;
  - c. Additional contiguous units shall include the base minimum requirements for each structure plus an additional 50 percent of the base minimums.
3. Unsewered back lots:
  - a. 20,000 square feet minimum lot area.
  - b. 10,000 square feet contiguous buildable lot area.
  - c. Additional contiguous units shall include the base minimum requirements for each structure plus an additional 50 percent of the base minimums.
4. Unsewered lake lots:
  - a. 20,000 square feet minimum lot area and 100 feet of frontage width with;
  - b. 16,500 square feet minimum contiguous buildable lot area. As measured and required in Article IV, Section 4.3 Vilas County Shoreland Zoning Ordinance and;
5. Additional contiguous units shall include the base minimum requirements for each structure plus an additional 50 percent of the base minimums.

*History: (Amendment #85-267, Article IV, Section 4.5 E. effective 6-1-21)*

## F. Minimum Lot Widths:

1. Sewered back lots:
  - a. 65 feet.
2. Sewered lake lots:
  - a. 65 feet, plus an additional 50 percent of the base minimums for each additional contiguous unit. As measured and required in Article IV, Section 4.3 Vilas County Shoreland Zoning Ordinance.
3. Unsewered back lots:
  - a. 100 feet.
4. Unsewered lake lots:
  - a. 100 feet, as measured and required in Article IV, Section 4.3 Vilas County Shoreland Zoning Ordinance, plus an additional 50 percent of the base minimums for each additional contiguous unit.

*History: (Amendment #85-267, Article IV, Section 4.5 F. effective 6-1-21)*

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## G. Road and Ordinary High-water Mark (OHWM) Setback Requirement:

1. No minimum public right-of-way setbacks are required.
2. The minimum setback for a structure is 75 feet from the OHWM and is regulated by the Vilas County Shoreland Ordinance, any exemptions are also covered there.

*History: (Amendment #85-267, Article IV, Section 4.5 G. effective 6-1-21)*

## H. Side Yard Setback Requirements:

No side yard setback requirements, except for Chapter 15 Vilas County Private Sewage System requirements.

## I. Rear Yard Setback Requirements: No rear yard setback requirements, except for Chapter 15 Vilas County Private Sewage System requirements.

*History: (Amendment #85-230, Article IV, Section 4.4 (I), effective 11-25-09)*

*History: (Amendment #85-199, Article IV, Section 4.4 (D)(1)(2), (F), (H)(1)(2)(3)(4) effective 5-11-05)*

## 4.6 RESIDENTIAL/ RECREATION DISTRICT (R/R):

A. Purpose: The Residential/ Recreation District is created to provide for areas of mixed uses including single and multi-family residences, and shoreland-related recreational uses. This district is designed to be more restrictive than the existing Recreation Zoning District in its types of uses and less restrictive than the Residential/ Lodging District.

## B. Permitted Uses:

1. All uses permitted in the R/L District, except Community Based Residential Facilities (CBRF).
2. Campgrounds & camping resorts.
3. Eating & drinking establishments.
4. Hotels & motels.
5. Multi-family residence/Mobile home park.
6. Multi-family residence on 2<sup>nd</sup> stories.
7. Public and semi-public uses.
8. Retail sales and service.
9. Roadside stand.

*History: (Amendment #85-267, Article IV, Section 4.6 B. effective 6-1-21)*

## C. Conditional Uses:

1. Community Based Residential Facilities (CBRF) as defined in Article V, Section 5.5 and Article XI of this Ordinance.
2. Group lodging.
3. Indoor recreation.
4. Marinas - commercial.
5. Outdoor amusement facilities.
6. Private clubhouses (over 1,000 sq. Ft.).
7. Professional offices.
8. Storage rental unit.
9. Utility facilities.

*History: (Amendment #85-267, Article IV, Section 4.6 C. effective 6-1-21)*

## D. Building Height Limits:

1. A principal building may not exceed 35 feet mean height.
2. Accessory buildings may not exceed 15 feet mean height, garages as specified in Article V, Section 5.9 B.

*History: (Amendment #85-267, Article IV, Section 4.6 D. effective 6-1-21)*

## E. Minimum Lot Areas:

1. Sewered Back lots:
  - a. 10,000 square feet minimum lot area.
  - b. 4,500 square feet contiguous buildable lot area.
  - c. Additional contiguous units shall include the base minimum requirements for each structure plus an additional 50 percent of the base minimums.
2. Sewered Lake lots:
  - a. 10,000 square feet minimum lot area and 65 feet of frontage width with;
  - b. 4,500 square feet minimum contiguous buildable lot area. As measured and required in Article IV, Section 4.3 Vilas County Shoreland Zoning Ordinance and;

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- c. Additional contiguous units shall include the base minimum requirements for each structure plus an additional 50 percent of the base minimums.
3. Unsewered Back lots:
  - a. 65,340 square feet.
  - b. 16,500 square feet minimum contiguous buildable lot area.
  - c. Plus, 20 percent, of the base minimums for each additional contiguous unit.
4. Unsewered Lake lots:
  - a. 20,000 square feet minimum lot area and 100 feet of frontage width with;
  - b. 16,500 square feet minimum contiguous buildable lot area. As measured and required in Article IV, Section 4.3 Vilas County Shoreland Zoning Ordinance and;
  - c. Additional contiguous units shall include the base minimum requirements for each structure plus an additional 50 percent of the base minimums.

*History: (Amendment #85-267, Article IV, Section 4.6 E. effective 6-1-21)*

### F. Minimum Lot Width:

1. Sewered back lots: 100 feet.
2. Sewered lake lots: 65 feet, plus an additional 50 percent of the base minimums for each additional contiguous unit. As measured and required in Article IV, Section 4.3 Vilas County Shoreland Zoning Ordinance.
3. Unsewered back lots: 100 feet.
4. Unsewered lake lots: 100 feet, as measured and required in Article IV, Section 4.3 Vilas County Shoreland Zoning Ordinance, plus an additional 50 percent of the base minimums for each additional contiguous unit.

*History: (Amendment #85-267, Article IV, Section 4.6 F. effective 6-1-21)*

### G. Road and Ordinary High-water Mark (OHWM)Setback Requirement:

1. Road setbacks for principal and accessory buildings shall be in accordance with Article III, Section 3.2, F. of this Ordinance.
2. The minimum setback for a structure is 75 feet from the OHWM and is regulated by the Vilas County Shoreland Ordinance, any exemptions are also covered there.

*History: (Amendment #85-267, Article IV, Section 4.6 G. effective 6-1-21)*

### H. Side Yard Setback Requirements:

1. Principal building: 15 feet.
2. Accessory buildings: 5 feet.

### I. Rear Yard Setback Requirements:

1. Principal building: 15 feet.
2. Accessory buildings: 5 feet.

*History: (Amendment #85-234, New Article IV, Section 4.6 Added effective 11-24-10)*

## 4.7 RECREATION DISTRICT (REC):

*History: (Amendment #85-234, Article IV, Section 4.5 changed to Article IV, Section 4.7 effective 11-24-10)*

- A. Purpose: The Recreation District is created to provide areas primarily for businesses oriented toward outdoor recreation. Examples of types of uses for which the REC District is created include, but are not limited to, commercial marinas, snowmobile facilities and motels. Property owners in this district should be prepared to accept inconveniences associated with mixing potentially non-compatible land uses.
- B. Permitted Uses: All uses permitted in GB District.
  1. Campground and camping resort.
  2. Kennels-commercial.
  3. Marina-commercial.
  4. Outdoor amusement facility.
  5. Riding stable.
- C. Conditional Uses: Airports and landing strip.
  1. Body Shop.
  2. Community Based Residential Facilities (CBRF) as defined in Article V, Section 5.5 and Article XI of this Ordinance.

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3. Gun club and shooting range.
4. Objectionable emission of odor, dust, fumes, smoke, noise. E.g., recycling business.
5. Utility facility.
6. Warehousing and wholesaling.

*History:* (Amendment #85-171, Article IV, Section 4.5 effective 9-17-02)

*History:* (Amendment #85-267, Article IV, Section 4.7 C. effective 6-1-21)

### D. Building Height Limits:

1. A principal building may not exceed 35 feet mean height.
2. Accessory buildings may not exceed 15 feet mean height, garages as specified in Article V, Section 5.9 B.

*History:* (Amendment #85-267, Section 4.7 D. effective 6-1-21)

### E. Minimum Lot Areas:

1. Sewered Back lots:
  - a. 10,000 square feet minimum lot area. 4,500 square feet contiguous buildable lot area.
  - b. Additional contiguous units shall include the base minimum requirements for each structure plus an additional 50 percent of the base minimums.
2. Sewered Lake lots:
  - a. 10,000 square feet minimum lot area and 65 feet of frontage width with;
  - b. 4,500 square feet minimum contiguous buildable lot area. As measured and required in Article IV, Section 4.3 Vilas County Shoreland Zoning Ordinance and;
  - c. Additional contiguous units shall include the base minimum requirements for each structure plus an additional 50 percent of the base minimums.
3. Unsewered Back lots:
  - a. 65,340 square feet.
  - b. 16,500 square feet minimum contiguous buildable lot area.
  - c. Plus, 20 percent, of the base minimums for each additional contiguous unit.
4. Unsewered Lake lots:
  - a. 20,000 square feet minimum lot area and 100 feet of frontage width with;
  - b. 16,500 square feet minimum contiguous buildable lot area. As measured and required in Article IV, Section 4.3 Vilas County Shoreland Zoning Ordinance and;
  - c. Additional contiguous units shall include the base minimum requirements for each structure plus an additional 50 percent of the base minimums.

*History:* (Amendment #85-267, Article IV, Section 4.7 E. effective 6-1-21)

### F. Minimum Lot Width:

1. Sewered back lots: 100 feet.
2. Sewered lake lots: 65 feet, plus an additional 50 percent of the base minimums for each additional contiguous unit. As measured and required in Article IV, Section 4.3 Vilas County Shoreland Zoning Ordinance.
3. Unsewered back lots: 100 feet.
4. Unsewered lake lots: 100 feet, as measured and required in Article IV, Section 4.3 Vilas County Shoreland Zoning Ordinance, plus an additional 50 percent of the base minimums each additional contiguous unit.

*History:* (Amendment #85-267, Article IV, Section 4.7 F. effective 6-1-21)

### G. Road and Ordinary High-water Mark (OHWM) Setback Requirement:

1. Road setbacks for principal and accessory buildings shall be in accordance with Article III, Section 3.2, F. of this Ordinance.
2. The minimum setback for a structure is 75 feet from the OHWM and is regulated by the Vilas County Shoreland Ordinance, any exemptions are also covered there.

*History:* (Amendment #85-267, Article IV, Section 4.7 G. effective 6-1-21)

### H. Side Yard Setback Requirements:

1. Principal building: 15 feet.
2. Accessory buildings 5 feet.

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## I. Rear Yard Setback Requirements:

1. Principal building: 15 feet.
2. Accessory buildings: 5 feet.

*History: (Amendment #85-230, Article IV, Section 4.5 (I)(1), effective 11-25-09)*

*History: (Amendment #85-199, Article IV, Section 4.5 (D)(1)(2), (E)(4), (F)(4) effective 5-11-05)*

## 4.8 **WOODED RESIDENTIAL DISTRICT (WR):**

A. Purpose: The Wooded Residential District is intended primarily for single and multifamily residential uses on standard size lots (1.5 acres or greater). With some additional uses allowed for Storage rental unit, building and trade contractors, and limited others that could be compatible as conditional uses. The conditions that could apply to any commercial uses could directly relate to the intensity of the proposed use, as the intent of this zoning district is primarily for residential uses. However, the occurrence of this type of preferred use being located along roads suggests that some mixing of residential and less-intensive commercial uses should occur due to road access and the existing mixed development pattern.

*History: (Amendment #85-267, Article IV, Section 4.8 A. effective 6-1-21)*

## B. Permitted Uses:

1. All uses permitted in the R-1 District.
2. Bed & breakfast.
3. Forest product industries.
4. Multi-family residential.
5. Multi-family residential units on 2<sup>nd</sup> stories.
6. Professional offices.
7. Roadside stands.

## C. Conditional Uses:

1. Building and trade contractors (general and special contractors).
2. Eating & drinking establishments.
3. Group lodging.
4. Indoor recreation.
5. Private clubhouses (over 1,000 sq. ft.).
6. Public and semi-public uses.
7. Resorts.
8. Storage rental unit.
9. Utility facilities.

*History: (Amendment #85-267, Article IV, Section 4.8 C. effective 6-1-21)*

## D. Building Height Limits:

1. A principal building may not exceed 35 feet mean height.
2. Accessory buildings may not exceed 15 feet mean height, garages as specified in Article V, Section 5.9 B.

*History: (Amendment #85-267, Article IV, Section 4.8 D. effective 6-1-21)*

## E. Minimum Lot Areas:

1. Sewered Back lots:
  - a. 10,000 square feet minimum lot area.
  - b. 4,500 square feet contiguous buildable lot area.
  - c. Additional contiguous units shall include the base minimum requirements for each structure plus an additional 50 percent of the base minimums.
2. Sewered Lake lots:
  - a. 10,000 square feet minimum lot area and 65 feet of frontage width with;
  - b. 4,500 square feet minimum contiguous buildable lot area. As measured and required in Article IV, Section 4.3 Vilas County Shoreland Zoning Ordinance and;
  - c. Additional contiguous units shall include the base minimum requirements for each structure plus an additional 50 percent of the base minimums.
3. Unsewered Back lots:
  - a. 65,340 square feet.
  - b. 16,500 square feet minimum contiguous buildable lot area.
  - c. Plus, 20 percent, of the base minimums for each additional contiguous unit.
4. Unsewered Lake lots:
  - a. 20,000 square feet minimum lot area and 100 feet of frontage width with;
  - b. 16,500 square feet minimum contiguous buildable lot area. As measured and required in Article IV, Section 4.3 Vilas County Shoreland Zoning Ordinance and;

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- c. Additional contiguous units shall include the base minimum requirements for each structure plus an additional 50 percent of the base minimums.

*History: (Amendment #85-267, Article IV, Section 4.8 E. effective 6-1-21)*

F. Minimum Lot Width:

- 1. Sewered back lots: 100 feet.
- 2. Sewered lake lots: 65 feet, plus an additional 50 percent of the base minimums for each additional contiguous unit. As measured and required in Article IV, Section 4.3 Vilas County Shoreland Zoning Ordinance.
- 3. Unsewered back lots: 100 feet.
- 4. Unsewered lake lots: 100 feet, as measured and required in Article IV, Section 4.3 Vilas County Shoreland Zoning Ordinance, plus an additional 50 percent of the base minimums for each additional contiguous unit.

*History: (Amendment #85-267, Article IV, Section 4.8 F. effective 6-1-21)*

G. Road and Ordinary High-water Mark (OHWM) Setback Requirement:

- 1. Road setbacks for principal and accessory buildings shall be in accordance with Article III, Section 3.2, F. of this Ordinance.
- 2. The minimum setback for a structure is 75 feet from the OHWM and is regulated by the Vilas County Shoreland Ordinance, any exemptions are also covered there.

*History: (Amendment #85-267, Article IV, Section 4.8 G. effective 6-1-21)*

H. Side Yard Setback Requirements:

- 1. Principal building: 15 feet.
- 2. Accessory buildings: 5 feet.

I. Rear Yard Setback Requirements:

- 1. Principal building: 15 feet.
- 2. Accessory buildings: 5 feet.

*History: (Amendment #85-234, New Article IV, Section 4.8 Added effective 11-24-10)*

## 4.9 RURAL RESIDENTIAL/ LIGHT MIXED-USE DISTRICT (RRL):

- A. Purpose: The Rural Residential/ Light Mixed-Use District is created to provide areas for low density single and multi-family residential uses on a larger lot (five acres Minimum), but with some mixed uses as conditional uses to reduce incompatibility. Examples of mixed uses expected to occur in this district are eating and drinking establishments, retail sales, building and trade contractors, heavy equipment storage and sales, service and repair. The intensity of some uses would be greater than the Wooded Residential District.

B. Permitted Uses:

- 1. All uses permitted in the R-1 District, except CBRF.
- 2. Agriculture.
- 3. Bed & breakfast.
- 4. Building and trade contractors (general and special contractors).
- 5. Eating & drinking establishments.
- 6. Forest product industries.
- 7. Multi-family residence.
- 8. Multi-family residence units on 2<sup>nd</sup> stories.
- 9. Professional offices.
- 10. Resorts.
- 11. Roadside stands.
- 12. Single-family residence attached to commercial uses.

C. Conditional Uses:

- 1. Community Based Residential Facilities (CBRF) as defined in Article V, Section 5.5 and Article XI of this Ordinance.
- 2. Group lodging.
- 3. Heavy equipment-storage yards.
- 4. Indoor recreation.
- 5. Kennels-commercial.
- 6. Objection emission of odor, dust fumes smoke and noise.
- 7. Outdoor amusement facilities.
- 8. Private clubhouses (over 1,000 sq. Ft.).
- 9. Public and semi-public uses.
- 10. Retail sales and service.
- 11. Riding stables.



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12. Sales, service and repair, (misc.)
13. Storage rental unit.
14. Utility facilities.

*History: (Amendment #85-267, Article IV, Section 4.9 C. effective 6-1-21)*

### D. Building Height Limits:

1. A principal building may not exceed 35 feet mean height.
2. Accessory buildings may not exceed 15 feet mean height, garages as specified in Article V, Section 5.9 B.

*History: (Amendment #85-267, Article IV, Section 4.9 D. effective 6-1-21)*

### E. Minimum Lot Areas:

1. Sewered Back lots:
  - a. 10,000 square feet minimum lot area.
  - b. 4,500 square feet contiguous buildable lot area.
  - c. Additional contiguous units shall include the base minimum requirements for each structure plus an additional 50 percent of the base minimums.
2. Sewered Lake lots:
  - a. 10,000 square feet minimum lot area and 65 feet of frontage width with;
  - b. 4,500 square feet minimum contiguous buildable lot area. As measured and required in Article IV, Section 4.3 Vilas County Shoreland Zoning Ordinance and;
  - c. Additional contiguous units shall include the base minimum requirements for each structure plus an additional 50 percent of the base minimums.
3. Unsewered Back lots:
  - a. 5-acre minimum.
  - b. 2-acre minimum contiguous buildable lot area.
  - c. Plus, 20 percent, of the base minimums for each additional contiguous unit.
4. Unsewered Lake lots:
  - a. 20,000 square feet minimum lot area and 100 feet of frontage width with;
  - b. 16,500 square feet minimum contiguous buildable lot area. As measured and required in Article IV, Section 4.3 Vilas County Shoreland Zoning Ordinance and;
  - c. Additional contiguous units shall include the base minimum requirements for each structure plus an additional 50 percent of the base minimums.

*History: (Amendment #85-267, Article IV, Section 4.9 E. effective 6-1-21)*

### F. Minimum Lot Width:

1. Sewered back lots: 100 feet.
2. Sewered lake lots: 65 feet, plus an additional 50 percent of the base minimums for each additional contiguous unit. As measured and required in Article IV, Section 4.3 Vilas County Shoreland Zoning Ordinance.
3. Unsewered back lots: 100 feet.
4. Unsewered lake lots: 100 feet, as measured and required in Article IV, Section 4.3 Vilas County Shoreland Zoning Ordinance, plus an additional 50 percent of the base minimums for each additional contiguous unit.

*History: (Amendment #85-267, Article IV, Section 4.9 F. effective 6-1-21)*

### G. Road and Ordinary High-water Mark (OHWM) Setback Requirement:

1. Road setbacks for principal and accessory buildings shall be in accordance with Article III, Section 3.2, F. of this Ordinance.
2. The minimum setback for a structure is 75 feet from the OHWM and is regulated by the Vilas County Shoreland Ordinance, any exemptions are also covered there.

*History: (Amendment #85-267, Article IV, Section 4.9 G. effective 6-1-21)*

### H. Side Yard Setback Requirements:

1. Principal building: 30 feet.
2. Accessory buildings: 10 feet.

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## I. Rear Yard Setback Requirements:

1. Principal building: 30 feet.
2. Accessory buildings: 10 feet.

*History: (Amendment #85-234, New Article IV, Section 4.9 Added effective 11-24-10)*

## 4.10 INDUSTRIAL DISTRICT (I):

*History: (Amendment #85-234, Article IV, Section 4.6 changed to Article IV, Section 4.10 effective 11-24-10)*

- A. Purpose: The Industrial District is created to provide areas for industrial and commercial activities, which are not compatible with residential uses. While the district does permit general commercial uses, such uses enter the district aware incompatibilities may affect their property.

*History: (Amendment #85-267, Article IV, Section 4.10 A. effective 6-1-21)*

## B. Permitted Uses:

1. Agri-business. glass, leather, paper, plastics, textiles, metal, water & wood etc.
2. Auto & RV sales, service & repairs.
3. Auto service stations.
4. Body shops.
5. Building & trade contractors (general & special).
6. Essential services.
7. Forest product industries.
8. Heavy equipment storage yards.
9. Manufacture, processing, fabrication, packing, packaging & assembly of products from furs,
10. Motor freight transportation terminals.
11. Professional offices.
12. Retail sales & services.
13. Sales, service and repair, miscellaneous.
14. Storage rental unit.
15. Snowmobile sales & service.
16. Utility facilities.
17. Warehousing and wholesaling.
18. Bottled water source site.

*History: (Amendment #85-267, Article IV, Section 4.10 B. effective 6-1-21)*

## C. Conditional Uses:

1. Adult Use.
2. Airports and landing fields.
3. Non-metallic mining.
4. Objectionable emission of: odor, dust, fumes, smoke and noise. E.g., recycling business.
5. Salvage and junkyards.
6. Septage disposal sites.

*History: (Amendment #85-267, Article IV, Section 4.10 C. effective 6-1-21)*

## D. Building Height Limits:

Principal and accessory buildings may be erected to a height not exceeding 60 feet mean height, provided each building exceeding 35 feet mean height is located at least 60 feet from the nearest property line. Garages: as specified in Article V, Section 5.9 B.

*History: (Amendment #85-267, Article IV, Section 4.10 D. effective 6-1-21)*

## E. Minimum Lot Areas:

1. Sewered Back lots:
  - a. 3-acre minimum lot area.
  - b. 1½ -acre minimum contiguous buildable lot area.
  - c. Additional contiguous units shall include the base minimum requirements for each structure plus an additional 20 percent of the base minimums.
2. Sewered Lake lots:
  - a. 3-acre minimum lot area.
  - b. 1½ -acre minimum contiguous buildable lot area. As measured in Article IV, Section 4.3 Vilas County Shoreland Zoning Ordinance and;
  - c. Additional contiguous units shall include the base minimum requirements for each structure plus an additional 20 percent of the base minimums.
3. Unsewered Back lots:
  - a. 3-acre minimum lot area.
  - b. 1½ -acre minimum contiguous buildable lot area.
  - c. Additional contiguous units shall include the base minimum requirements for each structure plus an additional 20 percent of the base minimums.

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4. Unsewered Lake lots:
  - a. 3-acre minimum.
  - b. 1½ -acre minimum contiguous buildable lot area. As measured in Article IV, Section 4.3 Vilas County Shoreland Zoning Ordinance and;
  - c. Additional contiguous units shall include the base minimum requirements for each structure plus an additional 20 percent of the base minimums.

*History: (Amendment #85-267, Article IV, Section 4.10 E. effective 6-1-21)*

## F. Minimum Lot Width:

1. Sewered back lots: 300 feet.
2. Sewered lake lots: 300 feet, plus an additional 20 percent of the base minimums for each additional contiguous unit. As required in Article IV, Section 4.3 Vilas County Shoreland Zoning Ordinance.
3. Unsewered back lots: 300feet.
4. Unsewered lake lots: 300 feet, plus an additional 20 percent of the base minimums for each additional contiguous unit.

*History: (Amendment #85-267, Article IV, Section 4.10 F. effective 6-1-21)*

## G. Road and Ordinary High-water Mark (OHWM) Setback Requirement:

1. Road setbacks for principal and accessory buildings shall be in accordance with Article III, Section 3.2, F. of this Ordinance.
2. The minimum setback for a structure is 75 feet from the OHWM and is regulated by the Vilas County Shoreland Ordinance, any exemptions are also covered there.

*History: (Amendment #85-267, Article IV, Section 4.10 G. effective 6-1-21)*

## H. Side Yard Setback Requirements:

1. Principal building: 50 feet.
2. Accessory buildings: 30 feet.

*History: (Amendment #85-267, Article IV, Section 4.10 H. effective 6-1-21)*

## I. Rear Yard Setback Requirements:

1. Principal building: 50 feet.
2. Accessory buildings: 30 feet.

*History: (Amendment #85-230, Article IV, Section 4.6 (I)(1), effective 11-25-09)*

*History: (Amendment #85-199, Article IV, Section 4.6 (D), (E)(4) effective 5-11-05)*

*History: (Amendment #85-267, Article IV, Section 4.10 I. effective 6-1-21)*

## 4.11 FORESTRY DISTRICT (F):

*History: (Amendment #85-234, Article IV, Section 4.7 changed to Article IV, Section 4.11 effective 11-24-10)*

- A. Purpose: The Forestry District is created to set aside areas for forestry and other land uses. The purpose of the Forestry District is to reduce the public service demands, particularly school transportation and snow removal, in remote areas and to promote the preservation of forestlands for sustained yielded forestry, wildlife habitats, aesthetics and recreation.

## B. Permitted Uses:

1. All uses permitted in the RL district.
2. Agri-businesses.
3. Agriculture.
4. Auto: RV sales service and repairs.
5. Auto service stations.
6. Banks, credit unions and financial institutions.
7. Bed and breakfast.
8. Campground and camping resort.
9. Eating & drinking establishments.
10. Forest products industries.
11. Marina – commercial.
12. Private clubhouses (over 1,000 sq. Ft.).
13. Primitive Hunting Cabin
14. Resorts.
15. Retail sales and service.
16. Riding stables.
17. Roadside stands.
18. Storage rental unit.
19. Single family attached to a commercial use.
20. Snowmobile sales & service.

*History: (Amendment #85-267, Article IV, Section 4.11 D. effective 6-1-21)*

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## C. Conditional Uses:

1. Adult Use.
2. Airports and landing fields.
3. Gun clubs and shooting ranges.
4. Kennels – commercial.
5. Non-metallic mining.
6. Objectionable emission of: odor, dust, fumes, smoke and noise. E.g., recycling business.
7. Public and semi-public uses.
8. Septage disposal sites.
9. Utility facilities.
10. Warehousing and wholesaling.

*History:* (Amendment #85-267, Article IV, Section 4.11 C. effective 6-1-21)

## D. Building Height Limits:

1. A principal building may not exceed 35 feet mean height.
2. Accessory buildings may not exceed 15 feet mean height, garages as specified in Article V, Section 5.9 B, except farm buildings related to the production of agricultural products.

*History:* (Amendment #85-267, Article IV, Section 4.11D. effective 6-1-21)

## E. Minimum Lot Areas for Sewered and Unsewered Lots, Lake Lots and Back Lots:

1. 5 acres minimum lot area.
2. 2½ acres minimum contiguous buildable lot area.
3. Lots 5 acres or greater need 50 percent of the minimum lot area located outside of a wetland. As required in Section 3.4 Vilas County Subdivision Control Ordinance and;
4. Additional contiguous units shall include 20 percent of the base minimums.
  - a. Exception is water frontage width, see 4.11, F.2. below.

*History:* (Amendment #85-267, Article IV, Section 4.11 E. effective 6-1-21)

## F. Minimum Lot Width:

1. 300 feet of width and/or frontage width.
2. Lake lots require an additional 100 feet of frontage per each additional contiguous unit.

*History:* (Amendment #85-267, Article IV, Section 4.11 F. effective 6-1-21)

## G. Road and Ordinary High-water Mark (OHWM) Setback Requirement:

1. Road setbacks for principal and accessory buildings shall be in accordance with Article III, Section 3.2, F. of this Ordinance.
2. The minimum setback for a structure is 75 feet from the OHWM and is regulated by the Vilas County Shoreland Ordinance, any exemptions are also covered there.

*History:* (Amendment #85-267, Article IV, Section 4.11 G. effective 6-1-21)

## H. Side Yard Setback Requirements:

1. Principal building: 20 feet.
2. Accessory buildings: 10 feet.

*History:* (Amendment #85-267, Article IV, Section 4.11 H. effective 6-1-21)

## I. Rear Yard Setback Requirements:

1. Principal building: 20 feet.
2. Accessory buildings: 10 feet.

*History:* (Amendment #85-230, Article IV, Section 4.7(I)(1), effective 11-25-09)

*History:* (Amendment #85-199, Article IV, Section 4.7(D)(1)(2) effective 5-11-05)

*History:* (Amendment #85-267, Article IV, Section 4.11 I. effective 6-1-21)

## 4.12 AGRICULTURAL DISTRICT (A-EXCLUSIVE):

*History:* (Amendment #85-234, Article IV, Section 4.8 changed to Article IV, Section 4.12 effective 11-24-10)

- A. Purpose: The purposes of the Agriculture District are to preserve land and water resources for food and fiber production, and preserve productive farms by preventing land use conflicts between incompatible uses. The District is generally intended to apply to lands in productive farm operations including lands historically exhibiting good crop yields or capable of such yields; lands which have been demonstrated to be productive for dairying, livestock raising, and grazing; land suitable for specialty crops such as cranberry production, sod farms, Christmas trees and other types of food and fiber products. Wood lots and forested land, which are part of a commercial farm, operation may be included in the district.

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## B. Permitted Uses:

1. Agri-business.
2. Agriculture.
3. Bed and breakfast establishment.
4. Essential services.
5. Forest management & silviculture.
6. Forest product industries.
7. Hobby farm.
8. Home occupation.
9. Parks, playgrounds, & golf courses.
10. Riding stable.
11. Roadside stand.
12. Single-family residence.
13. Single-family mobile/manufactured home.
14. Structures and improvements consistent with and contributing to agricultural use.

*History:* (Amendment #85-267, Article IV, Section 4.12 B. effective 6-1-21)

## C. Conditional Uses:

1. (CAFO) Concentrated animal feeding operations may be required greater setbacks.
2. Multi-family residence.
3. Multi-family residence on 2<sup>nd</sup> stories.
4. Non-metallic mining.
5. Objectionable emission of: odor, dust, fumes, smoke and noise. E.g., recycling business.
6. Public and semi-public uses.
7. Community Based Residential Facilities (CBRF) as defined in Article V, Section 5.5 and Article XI of this Ordinance.
8. Single-family residence attached to a commercial use.
9. Utility facilities.
10. Warehousing and wholesaling.

*History:* (Amendment #85-267, Article IV, Section 4.12 C. effective 6-1-21)

## D. Building Height Limits:

1. A principal building may not exceed 35 feet mean height.
2. Accessory buildings may not exceed 15 feet mean height, garages as specified in Article V, Section 5.9 B, except farm buildings related to the production of agricultural products.

*History:* (Amendment #85-267, Article IV, Section 4.12 D. effective 6-1-21)

## E. Minimum Lot Areas:

1. 35 acres.
  - a. Additional contiguous units shall include the base minimum requirements for each structure plus an additional 43,560 square feet of buildable lot area.
2. Lake lots require an additional 300 feet of frontage per each additional contiguous unit.

*History:* (Amendment #85-267, Article IV, Section 4.12 E. effective 6-1-21)

## F. Minimum Lot Width:

1. 300 feet of width and/or frontage width.

*History:* (Amendment #85-267, Article IV, Section 4.12 F. effective 6-1-21)

## G. Road and Ordinary High-water Mark (OHWM) Setback Requirement:

1. Road setbacks for principal and accessory buildings shall be in accordance with Article III, Section 3.2, F. of this Ordinance.
2. The minimum setback for a structure is 75 feet from the OHWM and is regulated by the Vilas County Shoreland Ordinance, any exemptions are also covered there.

*History:* (Amendment #85-267, Article IV, Section 4.12 G. effective 6-1-21)

## H. Side Yard Setback Requirements:

1. Principal building: 20 feet.
2. Accessory buildings: 20 feet.

*History:* (Amendment #85-267, Article IV, Section 4.12 H. effective 6-1-21)

## I. Rear Yard Setback Requirements:

1. Principal building: 20 feet.
2. Accessory buildings: 20 feet.

*History:* (Amendment #85-230, Article IV, Section 4.8 (I)(1), effective 11-25-09)

*History:* (Amendment #85-199, Article IV, Section 4.8 (D)(1)(2) effective 5-11-05)

*History:* (Amendment #85-267, Article IV, Section 4.12 I. effective 6-1-21)

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## 4.13 ALL-PURPOSE DISTRICT (AP):

*History: (Amendment #85-234, Article IV, Section 4.9 changed to Article IV, Section 4.13 effective 11-24-10)*

A. Purpose: The All-Purpose District is created to provide areas for a variety of mixed uses. Land in this District may be used for mixed purpose; however, such uses are subject to the provisions of the Ordinance, and all other Local, State and Federal regulations.

B. Permitted Uses:

All uses permitted except for those uses requiring a conditional use permit.

C. Conditional Uses

1. Adult Use
2. Airports and landing fields.
3. Community Based Residential Facilities (CBRF) as defined in Article V, Section 5.5 and Article XI of this Ordinance.
4. (CAFO) Concentrated animal feeding operations may be required greater setbacks.
5. Gun club and shooting range.
6. Industrial Use. (Shall follow Industrial Use District requirements and any additional conditions.)
7. Non-metallic mining.
8. Objectionable emission of: odor, dust, fumes, smoke and noise. E.g., recycling business.
9. Outdoor amusement facility.
10. Salvage and junkyard.
11. Septage disposal site.
12. Utility facility.
13. Warehousing and wholesaling.

*History: (Amendment #85-171, Article IV, Section 4.9 effective 9-17-02)*

*History: (Amendment #85-267, Article IV, Section 4.13 C. effective 6-1-21)*

D. Building Height Limits:

1. A principal building may not exceed 35 feet mean height.
2. Accessory buildings may not exceed 15 feet mean height, garages as specified in Article V, Section 5.9 B, except farm buildings related to the production of agricultural products.

*History: (Amendment #85-267, Article IV, Section 4.13 D. effective 6-1-21)*

E. Minimum Lot Areas:

1. Sewered Back lots:
  - a. 10,000 square feet minimum lot area.
  - b. 4,500 square feet contiguous buildable lot area.
  - c. Additional contiguous units shall include the base minimum requirements for each structure plus an additional 50 percent of the base minimums.
2. Sewered Lake lots:
  - a. 10,000 square feet minimum lot area and 65 feet of frontage width with;
  - b. 4,500 square feet minimum contiguous buildable lot area. As measured and required in Article IV, Section 4.3 Vilas County Shoreland Zoning Ordinance and;
  - c. Additional contiguous units shall include the base minimum requirements for each structure plus an additional 50 percent of the base minimums.
3. Unsewered Back lots:
  - a. 65,340 square feet.
  - b. 16,500 square feet minimum contiguous buildable lot area.
  - c. Plus, 20 percent, of the base minimums for each additional contiguous unit.
4. Unsewered Lake lots:
  - a. 20,000 square feet minimum lot area and 100 feet of frontage width with;
  - b. 16,500 square feet minimum contiguous buildable lot area. As measured and required in Article IV, Section 4.3 Vilas County Shoreland Zoning Ordinance and;
  - c. Additional contiguous units shall include the base minimum requirements for each structure plus an additional 50 percent of the base minimums.

*History: (Amendment #85-267, Article IV, Section 4.13 E. effective 6-1-21)*

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F. Minimum Lot Width:

1. Sewered back lots: 100 feet.
2. Sewered lake lots: 65 feet, plus an additional 50 percent of the base minimums for each additional contiguous unit. As measured and required in Article IV, Section 4.3 Vilas County Shoreland Zoning Ordinance.
3. Unsewered back lots: 100 feet.
4. Unsewered lake lots: 100 feet, as measured and required in Article IV, Section 4.3 Vilas County Shoreland Zoning Ordinance, plus an additional 50 percent of the base minimums for each additional contiguous unit.

*History: (Amendment #85-267, Article IV, Section 4.13 F. effective 6-1-21)*

G. Road and Ordinary High-water Mark (OHWM) Setback Requirement:

1. Road setbacks for principal and accessory buildings shall be in accordance with Article III, Section 3.2, F. of this Ordinance.
2. The minimum setback for a structure is 75 feet from the OHWM and is regulated by the Vilas County Shoreland Ordinance, any exemptions are also covered there.

*History: (Amendment #85-267, Article IV, Section 4.13 G. effective 6-1-21)*

H. Side Yard Setback Requirements:

1. Principal building: 15 feet.
2. Accessory buildings: 5 feet.

I. Rear Yard Setback Requirements:

1. Principal building: 15 feet.
2. Accessory buildings: 5 feet.

*History: (Amendment #85-230, Article IV, Section 4.9 (I)(1), effective 11-25-09)*

*History: (Amendment #85-199, Article IV, Section 4.9 (D)(1)(2), (E)(4), (F)(4) effective 5-11-05)*

## 4.14 METALLIC MINERAL EXPLORATION DISTRICT (ME):

*History: (Amendment #85-234, Article IV, Section 4.10 changed to Article IV, Section 4.14 effective 11-24-10)*

A. Purpose: The Metallic Mineral Exploration District is an overlay district created to provide for the conduct of exploration for metallic minerals as defined in the Vilas County Metallic Mining Ordinance.

B. Description:

As an overlay district, the Metallic Mineral Exploration District exists concurrently with the original and underlying zoning district. As such, the regulations and standards affecting the underlying district shall be as set forth in this Ordinance, and the regulations and standards affecting metallic mineral exploration shall be as set forth in the Vilas County Metallic Mining Ordinance.

C. Permitted Districts:

The Metallic Mineral Exploration District shall only be permitted as an overlay district in the Forestry (F) and Industrial (I) districts as set forth in this Ordinance.

*History: (Amendment #85-139, Article IV, Section 4.10 effective 6-16-99)*

## 4.15 METALLIC MINING AND PROSPECTING DISTRICT (MM):

*History: (Amendment #85-234, Article IV, Section 4.10 changed to Article IV, Section 4.15 effective 11-24-10)*

A. Purpose: The Metallic Mining and Prospecting District is created to provide for the conduct of prospecting and/or mining for metallic minerals.

B. Creation:

Designation of an area as a Metallic Mining and Prospecting District shall be done in accordance with the rezoning requirements of this Ordinance and state law in conjunction with the requirements set forth in the Vilas County Metallic Mining Ordinance.

C. Description:

Mining and prospecting shall be allowed in the Metallic Mining and Prospecting District in accordance with the rules and regulations set forth in the Vilas County Metallic Mining Ordinance.

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D. Uses:

All uses allowed in the original zoning district from which the Metallic Mining and Prospecting District was created shall be allowed but only as conditional uses subject to the provisions of this Ordinance and the other regulations of the original zoning district.

*History: (Amendment #85-139, Article IV, Section 4.11 effective 6-16-99)*



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## ARTICLE V: REQUIREMENTS FOR SPECIFIC USES

Introduction and Explanation: Article V contains rules regulating certain specific uses which have potentially high impact in terms of health, safety and general welfare, the environment, aesthetics, traffic generation and valuation of adjacent and nearby properties. These requirements must be met regardless of whether the use is a permitted use requiring only a Zoning Permit or a conditional use requiring a Conditional Use Permit.

### 5.1 ADULT USE

- A. May be located in Industrial, Forestry & All Purpose.
- B. Shall not be located within (1) one mile of a school, religious institution, outdoor public recreation use, or any other adult use. Distances shall be measured in a straight line without regard to intervening structures or objects from the closest point of the structure or portion of the structure occupied or proposed for occupancy by the adult use to the nearest point of the lot of the other referenced land use.
- C. Shall require a Conditional Use Permit.

*History: (Amendment #85-267, Article V, Section 5.1 New effective 6-1-21)*

### 5.2 CAMPING

#### A. Campgrounds, Camping Resorts and Primitive Campgrounds

**Chapter ATCP 79** Campgrounds is promulgated under the authority of Wisconsin State Statute 97.67 to regulate the maintenance and operation of campgrounds in order to protect the health and safety of the public. These regulations contain the state requirements. All State requirements must be met.

1. Minimum lot area five (5) acres.
2. A minimum width of 300 feet road frontage and 300 feet water frontage is required. For every acre over five (5) an additional 75 feet of water frontage is required.
3. Maximum density shall be 15 campsites per acre.
4. Maximum of two vehicular access points from public roads, streets or highways.
5. Outer boundaries shall contain 30 feet of a buffer zone consisting of a greenbelt with coniferous trees and shrubs.
6. No campsites shall be within 30 feet of the campground or camping resort outside boundary.
7. No campsites shall be within 75 feet of the Ordinary High Watermark of a navigable body of water.
8. Campsite Dimensions and Identification.
  - a. A minimum dimension of 40 feet wide and 50 feet long.
  - b. Corners of sites shall be marked by permanent markers and numbered.
9. Individual campsites within a campground or camping resort shall not be sold or transferred.
10. Retail Sales: Convenience establishments of a commercial nature, such as gasoline and grocery sales, are permitted in a campground providing such establishments and their related parking areas shall not occupy more than 10 percent of the total campground area.
  - a. They shall be subordinate to the recreational character of the camp, and;
  - b. They shall be located, designed and intended to serve the needs of the campground occupants.
11. Drainage
  - a. All parks shall be located on a well-drained area, not subject to intermittent flooding.
  - b. The premises shall be graded to prevent accumulation of drainage or storm water.
  - c. Exposed ground surfaces in a parking area shall be paved or covered with stone screening, other solid materials, or protected with vegetative growth capable of preventing soil erosion and eliminating objectionable dust.
12. Parking
  - a. Every campsite shall be provided with two off-street parking spaces.
13. Permit Required
  - a. A Zoning Permit submitted to the Vilas County Zoning Office showing plan drawings of proposed campgrounds and/or camping resorts with all sites, roads, location of water sources and sanitation facilities.

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- b. Any future accessory improvements to the campgrounds and/or camping resort or proposed sites will require a Zoning permit. (Example: Decks, sheds, garages, etc.)

*History:* (Amendment #85-199, Section 5.2(K)(L)(M)(N)(O)(P) effective 5-11-05)

- c. Expansion of a campground, camping resort or primitive campground/campsites will require a Zoning Permit and:
  - i. All other applicable requirements for campgrounds, camping resorts or primitive campgrounds/campsites are to be met.

### 14. Sewage System:

- a. A safe community sewage system or public sewer shall be provided in all campgrounds.
- b. Systems shall be designed, constructed and maintained in accordance with the Vilas County Private Sewage System Ordinance and any other applicable Local or State codes.
- c. Private septic systems or holding tanks serving individual campsites shall not be permitted in campgrounds or camping resorts.

*History:* (Amendment #85-267, Article V, Section 5.2 A. effective 6-1-21)

### **B. Camping on Lots Not Within a Campgrounds or Camping Resort**

- 1. Camping is only allowed on an undeveloped lot not within a campground or camping resort with a permit provided:
  - a. All requirements of the Vilas County Private Sewage System Ordinance are fully complied with and;
  - b. No use for camping or housekeeping purposes when parked or stored on a lot containing a habitable structure, or in any location not approved for such use.
  - c. No more than one campsite per lot.
  - d. Written permission has been granted by the Town Board/Authorized Town Board Official or by a Town Ordinance.
  - e. All setback and lot requirements for a structure are met.
  - f. A Zoning Permit is required.

*History:* (Amendment #85-267, Article V, Section 5.2 B. effective 6-1-21)

## 5.3 CLUBHOUSES

- A. Parks, playgrounds, golf courses and other clubhouse facilities. No structure of more than 1,000 square feet may be associated with such uses. Larger structures require conditional use permits.
- B. Private clubhouses exceeding 1,000 square feet owned by condominium associations or other types of non-profit associations consisting of owners of adjacent or nearby properties.

## 5.4 COMMERCIAL MARINAS:

- A. Marina Location: Shall be located more than 500 feet from any public bathing beach or park.
- B. Compatibility: Shall be designed and constructed so as not to interfere with adjacent riparian owner's uses of the water for swimming, fishing or boating, nor interfere with the public's free navigation.
- C. Location of Fuel: Fueling pumps and tanks shall be located two feet above the normal water elevation, and no fuel hose shall extend beyond a point necessary to fuel boats at the closest proximity to land.
- D. Waste Disposal: All commercial marinas shall be equipped with facilities for the disposition of domestic wastes, including septage waste, from boats.
- E. Dimensional Requirements: For commercial marinas and boat liveries.
  - 1. Minimum lot area requirement - 60,000 sq. ft.
  - 2. Minimum lot width at the waterline - 200 ft.
- F. Marinas Prohibited: Commercial marinas on lakes of less than 200 surface acres are prohibited unless the lake is part of a chain of two or more connecting bodies of water.

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## 5.5 COMMUNITY BASED RESIDENTIAL FACILITIES

*History: (Amendment #85-267, Article V, Section 5.5 New effective 6-1-21)*

### A. Community Based Residential Facilities.

1. A place providing care and maintenance, and up to three hours of intermediate nursing care per week per person, to five or more adults not related to the care provider or facility administrator governed by provisions in Wisconsin Statutes.
2. A place providing room and board.

### B. CBRF and Community Living Arrangements.

Community living arrangements (group homes) as defined in 46.03(22) including the following:

1. Community living arrangement means any of the following facilities licensed or operated, or permitted under the authority of the Department of Health Services:
  - a. Residential care centers for children and youth, as defined in s. 48.02 (15d), operated by child welfare agencies licensed under s. 48.60;
  - b. Group homes for children, as defined in s. 48.02 (7), and community-based residential facilities, as defined in s. 50.01 (1g);
  - c. Does not include adult family homes, as defined in s. 50.01 (1), day care centers, nursing homes, general hospitals, special hospitals, prisons, and jails.
2. Community living arrangements shall be subject to the same building and housing ordinances, codes and regulations of the municipality or county as similar residences located in the area in which the facility is located.
3. The Department of Health Services shall designate a subunit to keep records and supply information on community living arrangements under ss. 59.69 (15) (f), 60.63 (7) and 62.23 (7) (i) 6. The subunit shall be responsible for receiving all complaints regarding community living arrangements and for coordinating all necessary investigatory and disciplinary actions under the laws of this state and under the rules of the Department of Health Services relating to the licensing of community living arrangements.
4. A community living arrangement with a capacity for 8 or fewer persons shall be a permissible use for purposes of any deed covenant which limits use of property to single-family or 2-family residences. A community living arrangement with a capacity for 15 or fewer persons shall be a permissible use for purposes of any deed covenant which limits use of property to more than 2-family residences. Covenants in deeds which expressly prohibit use of property for community living arrangements are void as against public policy.
5. If a community living arrangement is required to obtain a Conditional Use Permit, as defined in s. 59.69 (15) (g), the Department of Health Services shall, at the request of the unit of government responsible for granting a Conditional Use Permit permission, inspect the proposed facility and review the program proposed for the facility. After such inspection and review, the Department of Health Services shall transmit to the unit of government responsible for granting the Conditional Use Permit a statement that the proposed facility and its proposed program have been examined and are either approved or disapproved by the Department of Health Services.

## 5.6 CONDOMINIUMS:

### A. Introduction, Special and General Requirements.

1. Intent
  - a. This section is created to clarify the application of zoning requirements, density requirements and legal descriptions on parcel(s) to be covered by a condominium plat and condominium declaration.
  - b. Condominiums are regulated in Vilas County to:
    - i. Protect residents and non-residents and their use, values and enjoyment of property;
    - ii. Protect public health, safety, comfort and general welfare;
    - iii. Minimize traffic congestion through proper ingress and egress; and,
    - iv. Ensure conformance with applicable uses within the zoning districts in which a condominium is located.

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## 2. Condominium Creation

A condominium may be created within Vilas County pursuant to the procedures set forth in Chapter 703 of the Wisconsin Statutes.

## 3. Condominium Final Plat Approval and Condominium Preliminary Plat Review and Approval:

- a. Chapter 703, Condominium Law;
- b. Vilas County General Zoning Ordinances, Sanitary Ordinance, and Subdivision Control Ordinance.
  - i. Prior notification of a Condominium review shall be sent to the Town Clerk of all Towns which do not have their own zoning ordinance. The County Board Supervisor of jurisdiction shall be notified in all instances of a review of a proposed condominium.
  - ii. Preliminary Condominium Plat, shall be submitted for review and approval by the Vilas County Zoning Administrator, and Vilas County Zoning Committee.
  - iii. The Vilas County Zoning Committee after initial review may provide, for the public, an informational meeting prior to preliminary approval.
  - iv. Final Condominium plat, Final and Preliminary Condominium plat addenda, declaration, and declaration amendment, shall be submitted and approved by the Vilas County Zoning Administrator, prior to recording condominium instruments with the Vilas County Registrar of Deeds.

4. An addendum is required any time the condominium plat is substantially altered. A substantial alteration would include any encroachment into the common area or limited common element unless the plat specifies the common or limited common element may be used in another particular manner.

## 5. Consecutively Numbered Units

All units shall be consecutively numbered on the plat. (Unit numbers may not contain more than 8 numerals and must be unique throughout the condominium.)

## 6. Statutory Requirements

The final condominium plat shall be drafted in compliance with the requirements of Chapter 703, Wisconsin Statutes.

## 7. Unit Compliance with Zoning and Sanitary Ordinances

Each individual unit, when constructed, expanded or altered shall conform to the current applicable Vilas County Ordinances.

## 8. Expansion Areas

All expansion areas shall be noted on face of plat.

*History:* (Amendment #85-199, Section 5.8(A)(3)(4)(5)(6)(7)(8)(9) effective 5-11-05), (Amendment #85-209, Section 5.8(A)(1)(a)(b), (3)(4)(5)(7) effective 8-30-06)

*History:* (Amendment #85-267, Article V, Section 5.6 A. effective 6-1-21)

## B. Definitions, as set forth in Wisconsin State Statues, Chapter 703, Condominiums

*History:* (Amendment #85-209, Section 5.8(B) effective 8-30-06)

## C. Standards for New Construction:

### 1. Introduction

Construction of new units on property to be part of a new condominium shall conform to the current Vilas County General and Shoreland Zoning, Private Sewage System and Subdivision Control Ordinances.

### 2. Alternative Suitability Requirement

- a. Proof of the availability of primary and alternate system areas for privately owned wastewater treatment systems are be provided and shown on the plat.
- b. Soils information including profile descriptions and suitable POWTS areas shall be provided on standard forms. All non-conventional POWTS areas shall be pre-planned.

### 3. Height Limitation

- a. All proposed structures, shall meet the requirements of the Vilas County General Zoning Ordinance.

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4. Minimum Parcel Size
  - a. All new condominium parcels shall meet the minimum lot area requirements as described in Vilas County General Zoning Ordinance Article IV, Zoning District Regulations and Vilas County Shoreland Zoning Ordinance, Article IV.
5. Frontage and/or Width Requirements
  - a. All new condominium parcels shall meet the minimum frontage width and minimum lot width requirements as described in Vilas County General Zoning Ordinance Article IV, Zoning District Regulations and Vilas County Shoreland Zoning Ordinance, Article IV.

*History: (Amendment #85-209, Section 5.8(C)(1)(3) effective 8-30-06)*

*History: (Amendment #85-267, Article V, Section 5.6 C. effective 6-1-21)*

## D. Standards for Condominium Expansion:

1. Introduction

Expansion condominium allows additional unit(s), additional property or both to be added to a condominium provided the additions are in accordance with the declaration, the Vilas County Zoning and Subdivision Control Ordinances, and Wisconsin Statutes.
2. Alternative Suitability Requirement
  - a. Proof of the availability of primary and alternate system areas for privately owned wastewater treatment systems (POWTS) complying with the requirements of the Vilas County Private Sewage System Ordinance Chapter 15 and Wisconsin Administrative Code Chapter SPS383 shall be provided and shown on the plat.
  - b. Provide soils information including profile descriptions and suitable POWTS areas shall be provided on standard forms. All non-conventional POWTS areas shall be pre-planned.
  - c. All existing structures shall have their POWTS checked for compliance with the three-foot vertical separation requirement, as well as determining if the system is functioning properly.
  - d. All existing systems not meeting the requirements need replacement within one year of the preliminary approval.
3. Height Limitation
  - a. All newly constructed structures shall meet the requirements of the Vilas County General Zoning Ordinance.
  - b. All previously, constructed structures shall meet the minimum requirements of the Vilas County General Zoning Ordinance at the time each structure was constructed.
4. Minimum Parcel Size
  - a. All expandable condominium parcels shall meet the minimum lot area requirements as described in the Vilas County General Zoning Ordinance Article IV, Zoning District Regulations and Vilas County Shoreland Zoning Ordinance, Article IV.
5. Frontage and/or Width Requirements
  - a. All new condominium parcels shall meet the minimum frontage width and minimum lot width requirements as described in the Vilas County General Zoning Ordinance Article IV, Zoning District Regulations and Vilas County Shoreland Zoning Ordinance, Article IV.
6. Expansion Requirements
  - a. All expandable condominiums must indicate the final total number and the approximate placement of the condominium units anticipated for the parcel.
  - b. Expandable condominiums cannot be added to conversion condominiums unless the combined conversion and expandable condominium complies with the minimum requirements for area, frontage width and lot width requirements for the total number of units proposed.
  - c. Each expansion phase must receive both preliminary and final plat approval by the Vilas County Zoning Administrator to ensure that the expansion complies with the current ordinances in effect at the time of expansion.
  - d. If the final condominium plat for the expansion area substantially conforms to the layout and approved on the preliminary expansion approval, it shall be entitled to approval with respect to such layout.

*History: (Amendment #85-209, Section 5.8(D)(4)(a)(b) effective 8-30-06)*

*History: (Amendment #85-267, Article V, Section 5.6 D. effective 6-1-21)*

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## E. Standards for Conversion Condominium(s):

1. Introduction
  - a. Conversion condominiums allow for a parcel of land with one or more existing structures to be converted to a condominium form of ownership.
  - b. Licensed resorts are allowed to maintain the dwelling unit density that may exist on a resort property.
2. Alternative Suitability Requirement
  - a. Proof of the availability of primary and alternate system areas for privately owned wastewater treatment systems (POWTS) complying with the requirements of the Vilas County Private Sewage System Ordinance Chapter 15 and Wisconsin Administrative Code Chapter SPS 383 shall be provided and shown on the plat.
  - b. Soils information including profile descriptions and suitable POWTS areas shall be provided on standard forms. All non-conventional POWTS areas shall be pre-planned.
  - c. All existing structures shall have their POWTS checked for compliance with the three (3) ft. vertical separation requirement as well as determining that the system is functioning properly. All existing systems that do not meet this requirement shall be replaced within one year of the preliminary approval.
3. Height Limitation
  - a. All newly constructed structures shall meet the requirements of the Vilas County Zoning Ordinance.
  - b. All previously constructed structures shall meet the minimum requirements of the Vilas County Zoning Ordinance at the time each structure was constructed.
4. Parcel Size and Frontage Requirements
  - a. Where existing single dwelling unit structure(s), and/or existing multiple-family dwelling unit structure(s), rental or non-rental, not part of a resort, are to be part of a condominium declaration, such property shall not be converted until a final condominium plat is approved by the Vilas County Zoning Administrator.
    - i. All conversion condominium parcels shall meet the minimum lot area, minimum frontage width and minimum lot width requirements as described in the Vilas County General Zoning Ordinance Article IV, Zoning District Regulations, Vilas County Shoreland Zoning Ordinance, Article IV and the Vilas County Subdivision Control Ordinance.
    - ii. Zoning Compliance  
A condominium plat shall not be approved for a resort, which was not constructed in compliance with the County Zoning Ordinances applicable at the time such resort a) was constructed, b) made such alterations, or c) made such additions, UNLESS corrections are made to comply with the applicable zoning regulation.
    - iii. Resorts shall not be converted until a final condominium plat, is approved by the Vilas County Zoning Administrator.

**History:** (Amendment #85-199, Section 5.8 (D)(5)(b)1. a. b. c. effective 5-11-05), (Amendment #85-209, Section 5.8(E)(1)(b), (3)(a)(b), (4)(a)2. effective 8-30-06)

**History:** (Amendment #85-267, Article V, Section 5.6 E. effective 6-1-21)

## F. Commercial (Non-Residential) Condominiums:

1. Will subject to the requirements of the Vilas County Ordinances. They will be treated as principal structures.
2. Will be limited to 50 percent impervious surface area off water, except in Community Business District. Impervious surface requirements see Article III Section 3.2 E.
3. Lot areas and widths, structure sizes, setbacks, impervious areas, mitigation requirements, land disturbance areas, privately owned wastewater treatment system requirements, parking requirements, and any other construction or improvement shall conform to the requirements of any and all other applicable Vilas County Ordinances.

**History:** (Amendment #85-209, Section 5.8(F)(2) effective 8-30-06)

**History:** (Amendment #85-267, Article V, Section 5.6 F. effective 6-1-21)

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## G. Land-Only Unit(s) (Building Pad Condominium)

1. Land-only units of property to be part of a condominium shall conform to Vilas County Ordinances.
2. Land-only condominium regulations apply only where no structures have been constructed prior to recording the condominium declaration and plat.
3. Land-only condominium does not apply where any unit is located above or below any other unit.
4. POWTS Requirement.
  - a. Proof of the availability of primary and alternate system areas for privately owned wastewater treatment systems (POWTS) complying with the requirements of the Vilas County Private Sewage System Ordinance Chapter 15 and Wisconsin Administrative Code Chapter SPS 383 shall be provided and shown on the plat.
  - b. Soils information including profile descriptions and suitable POWTS areas shall be provided on standard forms. All non-conventional POWTS areas shall be pre-planned.
5. Minimum Parcel Size
  - a. Lake Lots and Non-Lake Lots  
All new condominium parcels shall meet the minimum lot area requirements as described in the Vilas County General Zoning Ordinance Article IV, Zoning District Regulations and the Vilas County Shoreland Zoning Ordinance, Article IV.
6. Frontage and/or Width Requirements
  - a. Lake Lots and Lake Lots  
All new condominium parcels shall meet the minimum frontage width and minimum lot width requirements as described in the Vilas County General Zoning Ordinance Article IV, Zoning District Regulations and the Vilas County Shoreland Zoning Ordinance, Article IV.

*History: (Amendment #85-209, Section 5.8(G) effective 8-30-06)*

*History: (Amendment #85-267, Article V, Section 5.6 G. effective 6-1-21)*

## H. Condominium Preliminary and Final Approval (Platting) Requirements:

1. Are subject to the requirements in this Ordinance, Wisconsin State Statute, Chapter 703 and the Vilas County Subdivision Control Ordinance. All Preliminary Plats must be reviewed by the Zoning Administrator and shall meet the following requirements:

The Name of condominium shall be unique and shall match word for word on the Declaration.  
The County and the municipality in which the property is located shall be provided on each sheet of the plat. Each sheet shall be consecutively numbered and show the relation of that sheet number to the total number of pages.  
Name and address of property owner(s)  
The plat shall show adjacent water bodies, section corners, and roads, both public and private.

  - a. Boundary of the parcel to be dedicated as common areas for the condominium complex. Include any expansion areas for expandable condominiums.
  - b. The location of all existing structures on the property. (Include the general location of any proposed structures to be constructed on the property.)
  - c. Area of the total parcel (square feet). (Include individual areas of each expansion area as well as the total.)
  - d. Area calculation and location of all wetlands on the parcel. (Include individual wetland areas for each expansion area as well as the total.)
  - e. The linear footage (water frontage width) of lake, pond, stream or watercourse frontage. (Include individual measurements for each expansion area as well as the total.)
  - f. Required minimum area.
  - g. Computations shall be shown on the plat, which verify compliance with the parcel size required by this ordinance.
  - h. Plans that show the location of each structure located or to be located on the property, which show the approximate dimensions, floor area and location of each unit in it.
    - i. Conversion condominium requirements
    - i. First floor square footage
    - ii. Photocopy of resort license or proof of existing resort
  - n. Soils & septic information

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- i. Soil and site evaluation reports shall accompany the preliminary plat for the Vilas County Zoning Administrator's review.
- ii. Location and proof of soil suitability for all existing and replacement septic systems shall accompany the preliminary plat for review.
- o. Roads, which provide access, to the condominium shall be shown, and if necessary driveway access approval from D.O.T.
- p. Existing easements, which affect the condominium property.
- q. A minimum of two (2) off-street parking spaces per unit.
- r. First Floor Area (square footage) of each existing structure.
- s. The number of bedrooms per dwelling unit.
- t. The size and location of any limited common elements.
- u. Existing structure expansion area showing dimensions.
- v. Whether the condominium is an expandable condominium.  
If the condominium is an expandable condominium, then, the plat shall indicate:
  - i. Final total number of units;
  - ii. Subsequent total number of units, if phased;
  - iii. Approximate placement of the condominium units in each of the phases;
- w. Existing and proposed water supply systems;
- x. Areas of slopes greater than 20percent;
- y. Impervious surface calculations
- z. Certificate by Registered Land Surveyor.

**History:** (Amendment #85-199, Section 5.8 (F)(1) effective 5-11-05), (Amendment #85-209, Section 5.8(H)(1), (1)(a)(b)(d)(f)(h)(l)(o)(s)(y)(z) effective 8-30-06)

**History:** (Amendment #85-267, Article V, Section effective 6-1-21)

## 2. Final Platting Requirements

- a. Time Period for Submitting Final Condominium Plat  
Upon approval of the preliminary condominium plat by the Vilas County Zoning Administrator and Zoning Committee, the applicant shall submit a final condominium plat, within one, (1) year, unless, a written request of an extension is acted upon favorably by the Vilas County Zoning Administrator. The extension shall not be for more than 180 days.
- b. The final plat shall include:
  - i. The name of the Condominium
  - ii. The legal description of the property
  - iii. Shall show a boundary survey of the condominiums
  - iv. The location of all structures;
  - v. The size and location of any limited common elements;
  - vi. The area available in square feet;
  - vii. The water frontage width;
  - viii. The size and location of the alternate POWTS area(s)
  - ix. All units shall be consecutively numbered on the plan;
  - x. Roads, which provide access to the condominium;
  - xi. Existing Easements;
  - xii. Two off-street parking spaces per dwelling unit;
  - xiii. The number of bedroom units per dwelling;
  - xiv. Wetland Boundary and areas;
  - xv. Existing POWTS and Water Supply systems;
  - xvi. Certificate, by Owner and Registered Land Surveyor;
  - xvii. Plans that show the location of each structure located or to be located on the property, which show the approximate dimensions, floor area and location of each unit in it.
  - xviii. On the first sheet of the plat, a blank area of at least 3" X 3" shall be left for the register of deeds recording purposes.

**History:** (Amendment #85-199, Section 5.8 (F)(2)(b)17 effective 5-11-05), (Amendment #85-209, Section 5.8(H)(2)(a)(b)17.,18. effective 8-30-06)



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3. Condominium Plat Amendments
  - a. A condominium plat amendment may be made to any recorded condominium plat pursuant to the procedures set forth in Chapter 703 of the Wisconsin Statutes provided, the amendment is approved by the Vilas County Zoning Administrator and that the amendment does not create any additional non-conformity with the current Vilas County Zoning Ordinances.
  - b. If the condominium plat amendment amends a final condominium plat without providing substantial changes, the amended plat shall be submitted as a final plat.
  - c. If the condominium plat amendment amends a preliminary condominium plat without providing substantial changes, the amended plat shall be submitted as a final plat of the preliminary plat.
  - d. If the condominium plat amendment amends a preliminary or final condominium plat while providing substantial changes to the preliminary plat, the amended plat shall be submitted as a preliminary plat.
4. Administrator Requirements
  - a. The Vilas County Zoning Administrator shall act upon the final plat within ten (10) working days of receiving the final plat by registered mail, certified mail, or receipted delivery to the Zoning Office.
  - b. The Vilas County Zoning Administrator may extend the review period upon by written notice to the owner of the property or his agent.
  - c. Failure of the Vilas County Zoning Administrator to act upon the plat within ten (10) working days, or extension thereof, shall constitute an approval of the condominium plat submittal.
  - d. The Vilas County Zoning Administrator shall act to approve, approve conditionally, or reject the submitted plat. The Vilas County Zoning Administrator shall state in writing any conditions for approval or reasons for rejection unless the review period is extended.
  - e. The Vilas County Zoning Administrator may give final approval only to that portion of an expandable condominium, which is to be recorded initially, and may give tentative approval to the expansion portion of the condominium.

*History: (Amendment #85-199, Section 5.8 (F)(4)(a) effective 5-11-05), (Amendment #85-199, Section 5.8 (F)(4)(c) effective 5-11-05), (Amendment #85 209, Section 5.8(H)(4)(a) effective 8 -30-06)*

*History: (Amendment #85-267, Article V, Section 5.6 H. effective 6-1-21)*

## I. Upon Final Condominium Approval:

The following shall be provided prior to recording condominium instruments or plats with the Registrar of Deeds.

### 1. Owner's and Surveyor's Certificate.

The plat shall show an Owner's and a Surveyor's Certificate which indicates:

- a. The plat is a correct representation of the condominium;
  - b. The identification and location of each structure, area and common area are correctly shown on the plat;
  - c. The plat shall contain the surveyor's original signature and seal.
  - d. The plat shall provide a place for the approval of the appropriate Town Board Chairman and Clerk signatures (if approval is necessary by the Town).
2. The plat shall provide a place for the approval of the Vilas County Zoning Administrator.
  3. The plat shall be:
    - a. Submitted for filing per Wis. Stat. 703.11.
    - b. On a legible scale of not more than 200 feet to an inch. The scale used shall be indicated on the plat graphically.

## J. Town Ordinance Regulating Condominiums:

Nothing contained herein shall be construed to prohibit any town from enacting any Ordinance that would be more restrictive than the provisions contained herein provided the town Ordinance is not in conflict with any provisions hereof or any provisions in Chapter 703 of the Wisconsin Statutes and that the Ordinance is properly drawn up in compliance with Section 60.74 of Wisconsin Statutes.

*History: (Amendment #85-134 Section 5.8 effective 5-17-99, Amendment #85-146, Section 5.8 effective 12-19-99)*

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## 5.7 FENCES:

### A. Fence Permits

1. Zoning Permit Required.
  - a. All permanent fences 6 feet in height or less.
  - b. All permanent fences up to 12 feet in height and located greater than or equal to 15 feet from property line.
2. Conditional Use Permit Required.
  - a. All permanent fences over 6 feet in height and located less than 15.0 feet from the property boundary line.
  - b. All permanent fences greater than 12 feet in height.
3. Exception:

No permit will be required for a farm fence. A farm fence may be constructed of woven or barbed wire, according to Wisconsin State Statutes. Garden fences, in order to restrict animals, have no height limitation.
4. Fence Provisions:
  - a. A solid or privacy fence can be a maximum of 6 (six) inches off the ground for sites with uneven landscape.

*History: (Amendment #85-267, Article V, Section 5.7 A. effective 6-1-21)*

### B. Fence Measurements

Fence height and setback measures shall be as follows:

1. Fence Height Measurements.
  - a. Fence height shall be measured from the ground surface to the top of fence along length of fence for level ground.
  - b. For sloping sites or uneven ground please contact the Zoning Office and Zoning staff will review documentation, fence location and provide a basis on how to measure for a height determination.
2. Setback Measurements.
  - a. Shoreline setback shall be measured from the closest point of the ordinary high-water mark (OHWM) landward to the location of the fence.
    - i. No fences are permitted between 0 and 75 feet from the shoreline. (Exception 5.7 A. 3.)
  - b. Side yard setbacks shall be measured from the property boundary line.
    - i. Fences 6 feet or less in height may be located on the property line. It is important to erect fences so they are maintained without trespass.
  - c. For lots abutting roads, setbacks shall be measured and established according to local, county or state regulations.

*History: (Amendment #85-267, Article V, Section 5.7 B. effective 6-1-21)*

### C. Temporary Fences

Temporary Fences are allowed without obtaining a zoning permit provided they comply with the requirements of Section 5.7 A. 3. and Section 5.7 C. 2. and meet all requirements of permanent fences. All other temporary fences require a zoning permit as a minimum requirement and may require a conditional use permit if the use of the temporary fence is detrimental to or endangers the public health, safety, comfort, or general welfare.

1. Temporary Fence Height.
  - a. Temporary fences are limited to a maximum of 6.0 feet in height.
2. Removal of Temporary Fences.
  - a. Temporary fences shall be removed on an annual basis and shall remain removed compatible with the purpose of the fence.
3. Determination of Permanent Use vs. Temporary Use.
  - a. In cases where the use of a fence has appeared to change from a temporary use to a permanent use, the Zoning Administrator has the responsibility and authority to determine whether the use is temporary or permanent and can:
    - i. Require removal of the fence; and/or,
    - ii. Require the owner of the property to properly permit the fence provided the fence can meet all requirements to be permitted.

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- iii. When determining whether a fence is permanent or temporary, the Zoning Administrator and/or his assistants or deputies shall document the fence, location and circumstances surrounding the fence and provide a basis as to how the determination was made.

*Note: This is to allow discretion out of the ordinary.*

**History:** (Amendment #85-113, Section 5.6 effective 1-20-98), (Amendment #85-199, Section 5.6(B)(3) (Amendment #85-209, Section 5.6(A)(3), (B)(1) effective 8-30-06)

## 5.8 FOREST MANAGEMENT AND TREE REMOVAL:

### A. Follow: The Best Management Practices (BMP's).

#### 1. **Best Management Practices (BMP):**

Manual titled "Wisconsin's Forestry Best Management Practices for Water Quality" provides guidance for protecting water quality during forest management activities. Although only a guide, the BMPs are standard practices throughout the State of Wisconsin. The use of, BMPs in Vilas County are considered minimum standards in Forest Management.

#### 2. **Forest Law Programs:**

Wisconsin managed forest tax programs including Forest Crop Law, Woodlands Tax Law, and Managed Forest Law.

### B. Notice to Vilas County Clerk of cutting as required by 26.03 Wis. Stats.

#### 1. Wisconsin Statute Chapter 26: Protection of Forest Lands and Forest Productivity 26.03 Cutting forest products.

##### a. Notice: Filing conveyance.

- i. Before any person cuts, or causes to be cut any logs, piling, poles, posts, pulpwood, Christmas Trees or other forest products, except fuel wood for personal home consumption, in upon or adjoining any forest or wild land area the person shall pay all delinquent taxes on the land and each year shall mail a notice in the English language giving his or her name and post office address, and listing all the lands upon which cutting is to be done, designating the lands upon which cutting is to be done by each 40 acre governmental subdivision or fraction of a 40 acre governmental subdivision with the proper section, town and range, by registered letter addressed to the county clerk of each county in which the land is located.

**History:** (Amendment #85-199, Section 5.13(A), (B), (C) effective 5-11-05)

## 5.9 GARAGES

**History:** (Amendment #85-267, Article V, Section 5.9 New effective 6-1-21)

### A. No habitation is permitted. A change of use permit and conformance with Zoning District requirements are required to convert a garage to a habitable structure.

### B. Height Requirements for Garages.

1. Detached garages 25 feet mean height.
2. Attached to habitable structure 35 feet mean height.

### C. Setbacks

1. 5 feet from side and rear lot lines, detached garage.
2. 15 feet from side and rear lot lines, garage attached to habitable structure.
3. 75 feet from Ordinary High Watermark.
4. Road & highway setbacks per Article III, Section 3.2, F. of this Ordinance.

### D. Garages on lots with no principal structure.

1. One garage or accessory storage building permitted prior to the erection of a principal structure.
2. No private onsite waste treatment system, (septic system), may be connected to the building.
3. There shall be no patio doors, garage and service doors only.
4. No decks, dormers, patios or porches are permitted.

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## 5.10 GUN CLUBS AND SHOOTING RANGES:

### A. Conditional Use Permit Required:

All gun clubs and shooting ranges are conditional uses, the applicant will be required to provide a site and operation plan with setbacks and a narrative considering the following:

1. Potential hazards to adjacent uses.
2. Topography and ground cover.
3. Noise.
4. Parking.
5. Hours of operation.
6. Location to residences and other structures.

*History: (Amendment #85-267, Article V, Section 5.10 A. effective 6-1-21)*

B. Location: The firing of rifles, shotguns or dangerous weapons within a gun club or shooting range shall not be permitted directly towards or over navigable waters, public or private roads or drives, towards any building or structure nor directly towards any population concentration located within one and a half miles. There shall be:

1. An adequate shortfall or bullet/ impact of rifled arms and all dangerous weapons area.
2. A defined firing line or firing direction.
3. Adequate target backstops for firing of rifled arms and all dangerous weapons.

*History: (Amendment #85-267, Article V, Section 5.10B. effective 6-1-21)*

C. Posting: Shooting ranges shall be clearly identified by signs not less than four square feet in gross area at intervals of not less than 25 yards around the perimeter and shall be maintained in a legible condition.

D. Indoor gun clubs and shooting ranges: Indoor gun clubs and shooting ranges shall meet the requirements for indoor recreation and all State and Federal requirements.

*History: (Amendment #85-267, Article V, Section 5.10 D. effective 6-1-21)*

E. All Structures require a Zoning Permit.

## 5.11 HOTELS AND MOTELS:

A. Lot size for hotels and motels shall have a minimum of 60,000 square feet.

*History: (Amendment #85-267, Article V, Section 5.11 A. effective 6-1-21)*

B. Hotels/Motels shall include the base minimum requirements for each motel and/or hotel structure. Sizing of a Hotel/Motel is based on 2 percent of the base minimum for each bedroom created. A single motel/hotel room shall be considered a single bedroom.

*History: (Amendment #85-267, Article V, Section 5.11 B. effective 6-1-21)*

C. The square foot base area of a single-story structure and parking area shall not exceed 50 percent of the required minimum lot area.

*History: (Amendment #85-209, Section 5.9(A) effective 8-30-06)*

## 5.12 JUNK AND SALVAGE YARDS:

### A. Conditional Use Permit Required:

1. All junk and salvage yards are Conditional Uses and require a Conditional Use Permit.

### B. Setbacks:

1. Junk and salvage materials shall not be located within:
  - a. 60 feet from a public road, street or highway right-of-way;
  - b. 20 feet from an easement road.
  - c. 100 feet from a side or rear property line.
  - d. 300 feet from a lake, pond, stream or any watercourse.

*History: (Amendment #85-267, Article V, Section 5.12 B. effective 6-1-21)*

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## C. General Provisions:

1. All junk and salvage yards shall be enclosed by a berm with a fence, thick vegetated screen or screening from a tall solid fence.
2. Materials shall not be visible from other properties in the vicinity of the site and also not visible from a public right-of-way such as roads, streets, highways and waterways.
3. A fence and/or vegetated screen shall be maintained.
  - a. Screening can be made of natural plants or constructed of wood or plastic, or any other recognized blocking/ fencing materials that form a solid barrier.
4. Junkyards and recycling centers shall have a minimum fence height of 10 feet and maximum of 20 feet and will not require a separate conditional use permit.

*History: (Amendment #85 –119, Section 5.4(C), effective 4-2-98)*

5. Junk and/or Salvage materials shall not be piled higher than fence height.

*History: (Amendment #85-267, Article V, Section 5.12 C. effective 6-1-21)*

## D. Firebreak:

1. Any unobstructed firebreak shall be maintained 20 feet in width surrounding any junk and salvage yard.
2. For purposes of enforcement, a firebreak shall be an area void of vegetation over 12" in height or any manufactured combustible materials.

## E. Zoning Permits are required for all structures and fences.

*History: (Amendment #85-267, Article V, Section 5.13 E. effective 6-1-21)*

## **5.13 LAND SPREADING OF PETROLEUM CONTAMINATED SOILS--PROHIBITED:**

- A. No person shall deposit on lands located in Vilas County any soil, contaminated by petroleum products. These restrictions do not apply to:
  1. The temporary stockpiling of petroleum contaminated soil prior to approved remediation or disposal. Temporary stockpiling may only be allowed at the site where the contamination occurred.
  2. The stockpiling of petroleum contaminated soil at the site where the contamination occurred, for purposes of Wis. DNR approved bio-remediation.
  3. Landfills and Asphalt Hot Mix plants properly licensed for the disposal or remediation of petroleum-contaminated soils.
- B. Any person violating this section shall cease such activity and shall remove any soil placed in violation of this ordinance.
- C. Any person violating this section shall also be subject to a forfeiture of no less than \$1,000.00 plus costs.

## **5.14 MANUFACTURED HOMES AND MOBILE HOMES:**

*History: (Amendment #85-267, Article V, Section 5.13 New effective 6-1-21)*

- A. Individual manufactured homes and mobile homes, are permitted in all residential classifications of the Vilas County Zoning Ordinance, subject to the requirements of those classifications, and subject to the following minimum requirements:
  1. All manufactured homes must be constructed with a pitched roof.
  2. The structure shall be anchored per manufacturer recommended requirements.
  3. Subject to requirements set forth in the provisions of the Wisconsin Administrative Code, 42 U.S.C.5401-5426 and the Manufactured Housing Improvement Act of 2000.
  4. The space between the ground and first level occupied or used for living purposes shall be enclosed with properly treated all-weather materials compatible in design and appearance with the exterior of the structure.
  5. Placement Requirements:
    - a. Manufactured homes to which a garage, carport, or enclosed space has been attached shall be permanently attached to footings on foundations which meet the requirements of:
      - i. If the manufactured home was built prior to April 1, 2007 then installation standards are governed by provisions of SPS 321.40.

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- ii. If the home was built on or after April 1, 2007 then the federal model installation standard as adopted by Wisconsin applies.
- iii. Wisconsin Administrative Code Chapter SPS 321. Such homes shall be permanently attached to their footings or foundations pursuant to the manufacturer's installation instructions.
- b. Mobile homes and manufactured homes to which a carport, garage or other enclosed space has not been attached shall be set in place at the site in accordance with the manufacturer's installation instructions, if available, otherwise pursuant to accepted industry standards.
- 6. All manufactured homes shall have as exterior siding, any material that is non-corrosive.

### B. Requirements for Manufactured Home Parks and Mobile Home Parks or a Manufactured Home Community:

- 1. Minimum Lot Area:
  - a. Minimum lot area shall be five (5) acres.
- 2. Density:
  - a. Sewered Lot:
    - i. 6 Manufactured Homes/Mobile Homes per acre
  - b. Unsewered Lot
    - i. 4 Manufactured Homes/Mobile Homes per acre
- 3. Minimum width:
  - a. 300 feet road and/or water frontage
- 4. Access:
  - a. Minimum of 2 vehicular access points from public roads, streets or highways.
- 5. Buffer Zone:
  - a. The outer boundaries shall contain a 20-foot buffer zone, consisting of a greenbelt with trees and shrubs.
  - b. No manufactured home or mobile home shall be placed within 20 feet of the park boundary line.
- 6. Site Numbering:
  - a. All sites shall be numbered and corners marked so setbacks can meet site plan requirements and compliance with SPS 326.12, SPS 381 to SPS 387 and Vilas County Ordinances.
- 7. Setbacks:
  - a. Side Yard or lot Setback Requirements:
    - i. Principal building: 15 feet from buffer zone or side lot.
    - ii. Accessory buildings: 5 feet from buffer zone or side lot.
  - b. Rear Yard Setback Requirements:
    - i. Principal building: 15 feet from buffer zone or side lot.
    - ii. Accessory buildings: 5 feet from buffer zone or side lot.
- 8. Road Setback:
  - a. Road setbacks for principal and accessory buildings in accordance with Article III, Section 3.2, F. of this Ordinance.
- 9. Ordinary High Watermark Setback of a Navigable Body of Water:
  - a. 75 feet
- 10. Building Height Limits:
  - a. A principal building may not exceed 35 feet mean height.
  - b. Accessory buildings may not exceed 15 feet mean height, garages as specified in Article V, 5.9.
- 11. Occupied area of the home and accessory buildings:
  - a. 40 percent of the site area unsewered lot.
  - b. 50 percent of the site area sewerred lot.
- 12. Recreation Areas:
  - a. In all parks, there shall be one or more recreation areas, easily accessible to all park residents and maintained by the park owner.
  - b. Recreation areas shall not be less than 8 percent of the gross site area.
- 13. Sale of Sites Prohibited:
  - a. Individual home sites shall not be sold or transferred.

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14. Home Sales:
  - a. Commercial home sales are prohibited unless a home is located on a separate home site.
15. Other Structures:
  - a. The park management may construct a structure for:
    - i. Storage of service equipment.
    - ii. Park office; and,
    - iii. Other purposes accessory to the operation of the park.
16. Drainage:
  - a. All parks shall be located on a well-drained area, not subject to intermittent flooding.
  - b. The premises shall be graded to prevent accumulation of drainage or storm water.
  - d. Exposed ground surfaces in a parking area shall be paved or covered with stone screening, other solid materials, or protected with vegetative growth capable of preventing soil erosion and eliminating objectionable dust.
16. Parking:
  - a. Every home site shall be provided with two (2) off-street parking spaces.
17. Utilities:
  - a. Control instrumentation and substations shall be screened.

### C. Responsibilities of the Park Management:

1. The person to whom a permit for a park is issued shall operate the park in compliance with this Ordinance, Vilas County Private Sewage System Ordinance, SPS 381 to SPS 387 and Chapter SPS 326 of the Wisconsin Administrative Code, shall provide adequate supervision and shall maintain the park and its facility in a clean and sanitary condition.
2. The park management shall notify the park occupants of all provisions of this Ordinance. A copy Article V, Sections 5.14 of the Vilas County General Zoning Ordinance and Chapter SPS 326 of the Wis. Administrative Code shall be available for inspection by park residents in the park's office.
3. The park management shall be responsible for the securing of any tie-down anchors for each home.
4. The park management shall be responsible for maintaining all private roads and drives within the park in a safe and dust-free condition.

### D. Zoning Permit and Plan Drawing:

1. Zoning Permit and Plan drawings of proposed park must be submitted to the Vilas County Zoning office with an application showing the lot, lot sites, roads, location of water sources and sanitation facilities.

### E. No individual sanitary systems or individual wells for unsewered lots.

1. This does not apply to clubhouses, offices, pool and shower houses, park facilities etc.

## 5.15 METALLIC AND NON-METALLIC MINERAL EXTRACTION:

- A. Metallic Mineral Extraction: All exploration, prospecting, and mining activities and any other activities related to metallic mineral extraction are subject to the requirements specified in this Ordinance and in the Vilas County Metallic and Non-Metallic Mining Ordinance.

*History: (Amendment #85-267, Article V, Section 5.15 A. effective 6-1-21)*

### B. Non-Metallic Mineral Extraction:

1. Conditional Use Permit Required: All non-metallic mineral exploration, extraction and processing operations including, but not limited to, exploration drilling, blasting, excavating, and other types of removal of mineral resources, and washing, crushing and processing of mineral resources, the erection of buildings and the installation of necessary machinery used in said extraction or processing, and the preparation of hot blacktop mix and ready-mix concrete are conditional uses and require Conditional Use Permits unless subject to paragraph nine 9 or ten(10) below.
2. District Requirements: All activities as set forth in paragraph one 1. above shall conform to the permitted or conditional uses for the applicable Zoning District as set forth in Article IV of this Ordinance.
3. Lot Size Requirement: The minimum lot size for all non-metallic mines shall be five (5) acres

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4. Plan: An application for a Conditional Use Permit for non-metallic mineral extraction shall be submitted by the owner or their agent and shall include the following:
  - a. An adequate description of the operation;
  - b. A plan of the site showing the proposed and existing roads;
  - c. A plan showing the sources, quantity and disposition of water to be used;
  - d. Estimated dates for commencement and completion of the extraction;
  - e. Estimated commencement and completion dates for the reclamation;
  - f. Any other information as may be necessary to determine the nature of the operation and the effect to the surrounding area.
5. Reclamation Plan: A reclamation plan shall be submitted which is in accordance with all applicable requirements of:
  - a. Vilas County Non-Metallic Mining Reclamation Ordinance;
  - b. Wisconsin Administrative Code NR 135;
  - c. Wisconsin Administrative Code NR 340;
  - d. Chapter 30 of Wisconsin Statutes.
6. Financial Assurance:

Financial Assurance shall be provided in accordance with all applicable requirements of:

  - a. Vilas County Non-Metallic Mining Reclamation Ordinance;
  - b. Wisconsin Administrative Code NR 135;
  - c. Wisconsin Administrative Code NR 340;
  - d. Chapter 30 of Wisconsin Statutes.
  - e. Financial Assurance shall be submitted to the Vilas County Zoning and Planning Department.
7. Length of Operation: Application for a Conditional Use Permit for a non-metallic mineral extraction operation or for a hot mix blacktop mix plant or ready-mixed concrete plant, shall be for a period of time stated in the application or as modified by the Zoning Committee. Modification of the application or reclamation plan may be permitted or additional conditions may be required upon application.

The Committee shall consider the effect of the proposed operation and the proposed reclamation upon existing and future conditions, including streets, neighboring land development, land use drainage, water supply, water pollution, air pollution, soil erosion, natural beauty and land value of the locality.
8. Non-conforming Uses: All existing non-metallic mineral extraction operations shall be considered non-conforming uses and may be continued providing that they have been worked prior to the date of adoption of this Ordinance and they have been registered with the Vilas County Zoning office within one year of the date of the adoption of the Non-Metallic Mining Ordinance.
9. Exceptions for Agricultural Practices: Conditional Use Permits are not required for land leveling activities or conservation practices on agricultural land and where fill material or aggregate is removed from the property as an incidental activity.
10. Portable Mixing Plants: Portable cement batch or mixing plants, or portable hot mix blacktop plants used in connection with a highway improvement or construction project does not require a Conditional Use Permit. Material produced by such a plant shall be used only for the designated project, and sale or use of material for any other location will require a separate Conditional Use Permit.
11. Buffer Strips: The outer boundaries of all non-metallic mineral extraction sites shall include a 50-foot buffer zone consisting of a landscaped greenbelt of coniferous trees. Where mature existing vegetation presently screening the site exists, the non-coniferous species do not need to be removed, but any new planting shall be coniferous species.

*History: (Amendment #85-139, Section 5.6 effective 6-16-99)*

*History: (Amendment #85-267, Article V, Section 5.15 B. effective 6-1-21)*

### **5.16 PONDS, (ARTIFICIALLY CREATED)**

*History: (Amendment #85-267, Article V, Section 5.16 New effective 6-1-21)*

- A. A zoning permit shall be required for ponds in the following cases:
  1. Any pond greater than 1,600 square feet shall require a zoning permit and shall comply with setbacks for structures as required in this Ordinance.



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2. For any pond which, through the process of digging, excavating or scraping, creates spoils which are stockpiled on-site or removed from the property, and affect more than one acre of area shall require a nonmetallic mining permit and must comply with all mining regulations within this Ordinance, the Vilas County Nonmetallic Mining Reclamation Ordinance, and Wis. Admin. Code Ch. 135.
  3. For any pond constructed within a Shoreland area a Shoreland Alteration Permit and Erosion Control Plan shall be required.
- B. Construction of Ponds.
1. All spoil material removed from the pond shall be thin spread, less than 12 inches in thickness, on upland portions of the parcel.
  2. All disturbed areas associated with pond construction shall be stabilized.
  3. Sites within the jurisdiction of shoreland/wetland and/or floodplain zoning regulations shall have to comply with said regulations.
- C. Pond construction proposal. All ponds which require a zoning permit shall submit a plan and description. Plans and descriptions shall include:
1. Size of pond.
  2. Location on site.
  3. Setbacks.
  4. Other existing or planned water features on the site.
  5. Spoil spreading locations.
  6. Disturbed land reclamation.
  7. Property description.
  8. Site stability.
  9. Erosion control plan & Stormwater if needed.
  10. Construction timing.

### 5.17 PRIVATE EASEMENT ROADS:

*History: (Amendment #85-267, Article V, Section 5.17 New effective 6-1-21)*

- A. A setback from a private driveway easement and/or a private road, used for ingress and egress easement to a structure or tax parcel for building purposes will be 15 feet from the traveled center line of the easement road or 15 feet from the edge of easement whichever is greater.

### 5.18 PRIVIES:

*History: (Amendment #85-267, Article V, Section 5.18 New effective 6-1-21)*

- A. Privies must meet the following requirements:
  1. Have an enclosed structure.
    - a. Minimum height: 6 ft.
    - b. Minimum width: 4 ft.
    - c. Must have a floor, a roof and (4) four walls, one of the walls with a door.
    - d. Be provided with a suitable approach such as concrete, gravel or cinder walk.
    - e. Meet all requirements under SPS 391.12 Plumbing Code and Chapter 15, Vilas County Private Sewage System Ordinance.
  2. Setback Requirements.

a. Well setback:	50 ft.
b. Dwelling:	25 ft.
c. Lot line:	25 ft.
d. A slope 20 percent or greater:	20 ft.
e. Ordinary High-water Mark of a water body:	75 ft.
f. Another property owner's residence or dwelling:	250 ft.
  3. A Vilas County Sanitary Permit is required in accordance with Chapter 15, Vilas County Private Sewage System Ordinance 15.22.
  4. A Vilas County Zoning Permit to build a Privy structure.

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## 5.19 RELAXATION OF STANDARDS FOR PERSONS WITH DISABILITIES:

*History: (Amendment #85-267, Article V, Section 5.19 New effective 6-1-21)*

The Zoning Administrator or their designee may issue a permit to relax dimensional standards of this Ordinance in order to provide a reasonable accommodation of persons with disabilities as required by provisions of Federal and State law. Such a relaxation is to be consistent with federal guidelines for accommodation of persons with disabilities and where practicable, terminated when no longer used by the disabled person, or the person vacates the property or the structure ceases to be a public accommodation. A person applying for a permit for construction under this section shall establish:

- A. Prove the facility or premises are routinely used by a disabled person;
- B. Communicate the nature and extent of the disability; and
- C. Relaxation of the request is the minimum necessary to provide reasonable use of the facility by a disabled person.
- D. An affidavit for the reasonable accommodation shall be filed with the Register of Deeds.
- E. If the Zoning Administrator or their designee denies a permit requesting an accommodation under this subsection, the denial may be appealed to the Board of Adjustment pursuant to Article X.

## 5.20 STORAGE RENTAL UNITS

*History: (Amendment #85-267, replacement of mini storage with storage rental units, Article V, Section 5.20 New effective 6-1-21)*

Storage rental units shall meet the following requirements:

- A. Indoor Storage Space. (Structures).
  1. 15-foot vegetative buffer on side and rear lot lines.
  2. 15-foot setback from side and rear lot lines.
  3. 20-foot setback from other buildings.
  4. Maximum impervious surface 50 percent on non-shoreland lots.
    - i. Exemption to impervious surface limits, requires submission of a storm water mitigation management plan. Impervious surface requirements, see Article III Section 3.2 E.
  5. 25 feet mean height restriction.
  6. No habitation allowed.
- B. Outdoor Storage Space.
  1. A 6-foot security-fence minimum height, surrounding outdoor storage area.
  2. 15-foot setback vegetative buffer on side and rear lot lines.
  3. Maximum impervious surface 50 percent on non-shoreland lots. See Article III Section 3.2 E.
  4. 20 feet height stacking restriction.
  5. Outdoor storage is limited to licensed operable vehicles.
  6. Outdoor storage spaces/units cannot be sold.
  7. Outdoor storage shall be kept neat, clean and in an orderly manner.
  8. No habitation allowed.
- C. No other activity other than storage rental is to take place, without meeting Vilas County Ordinances.

## 5.21 SEPTAGE DISPOSAL SITES AND TOXIC WASTE DISPOSAL:

### A. Conditional Use Permit Required:

1. All septage disposal sites are conditional uses and require a Vilas County Conditional Use Permit.

### B. Setbacks:

1. Minimum of 250 feet from any public right-of-way, other than the access road and;
2. All other minimum setbacks specified in NR113 of the Wis. Administrative Code.

*History: (Amendment #85-267, Article V, Section 5.21 B. effective 6-1-21)*

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## C. Toxic Wastes:

1. Toxic and/or hazardous wastes such as: Pesticides, acids, caustics, and pathological radioactive, flammable, explosive or similar harmful chemical wastes requiring special handling and disposal shall not be permitted to be transported into Vilas County from other counties in Wisconsin or from other states for disposal or storage.

*History: (Amendment #85-267, Article V, Section 5.21 C. effective 6-1-21)*

## 5.22 SIGNS & LIGHTING

### A. Signs may be regulated by the following:

1. Wisconsin Federal and State Highways by the Department of Transportation.
2. Vilas County Highways, (Lettered, example County trunk G) – County Highway Office.
3. Town Roads - Town Board

### B. Lighting

1. Towns may regulate lighting within their boundaries.

*History: (Amendment #85-199, Section 3.4 (added) effective 5-11-05)*

*History: (Amendment #85-267, Article V, Section 5.22 A. & B. effective 6-1-21)*

## 5.23 TREEHOUSES:

*History: (Amendment #85-267, Article V, Section 5.23 New effective 6-1-21)*

### A. Prohibited if tree is on a protected list, (This restriction is also called a Tree Preservation Order.)

B. Maximum mean height: 20 feet measured from grade.

C. Maximum size: 256 sq. ft.

D. Setback from lot line: 20 ft.

E. Permanent electrical or water connections are prohibited, without a change of use permit. Installation of these connections will cause a structure to become a principal structure and all requirements of the district in which it is located will become effective.

F. Setback from OHWM: 75ft

G. Road setback shall be in accordance with Article III Section 3.2, E of this Ordinance.

H. Structures less than 64 square feet do not require a Zoning permit

## 5.24 WAREHOUSES

### A. Warehouse Classifications, Wisconsin Statutes 99.015

1. Class I - Less than 10,000 square feet of floor space.
2. Class II - 10,000 square feet or over, but less than 50,000 square feet of floor space.
3. Class III - 50,000 square feet or over, but less than 100,000 square feet of floor space.
4. Class IV - 100,000 square feet or over, but less than 150,000 square feet of floor space.
5. Class V - 150,000 square feet or over of floor space.

### B. Setbacks

1. Class I - 15-foot setback from side and rear lot lines.
2. Class II - 20-foot setback from side, and rear lot lines.
3. Class III - 25-foot setback from side, and rear lot lines.
4. Class IV - 30-foot setback from side, and rear lot lines.
5. Class V - 50-foot setback from side, and rear lot lines.

*History: (Amendment #85-267, Article V, Section 5.24 B. effective 6-1-21)*

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C. Warehouses are not permitted in Single Family, Residential/Lodging, Multiple Family Residential, Residential/Recreation, Wooded Residential and Rural Residential/Light Mixed Use. They are permitted in other zoning districts with a Conditional Use Permit, except Industrial where they are a permitted use.

*History: (Amendment #85-267, Article V, Section 5.24 C. effective 6-1-21)*

D. Height Requirements

1. If a warehouse is a principal structure the maximum height shall be thirty-five (35) feet.
2. In all other instances, the maximum height shall be twenty-five (25) feet.

E. The operator shall obtain a warehouse keepers license as set forth in Wisconsin State Statutes.

*History: (Amendment #85-267, Article V, Section 5.24 E. effective 6-1-21)*

### **5.25 WETLAND STEBACK**

A. 10-foot setback is required for all structures from a wetland.

*History: (Amendment #85-267, Article V, Section 5.25 New effective 6-1-21)*

## **ARTICLE VI: PUBLIC HEALTH ORDINANCE REMOVED**

Responsibilities Placed in Vilas County Department of Health, (Human Health Hazard Ordinance).

*History: (Amendment #85-199, Article VI Removed effective 5 -11-05)*

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## ARTICLE VII: OFF-STREET PARKING AND DRIVEWAYS

Introduction and Explanation: Article VII minimum requirements for off-street parking and driveways.

### 7.1 GENERAL RULES:

- A. Off-street parking spaces for single-family residences or second spaces for dwelling units in multi-family residential buildings may be provided in tandem or parallel. A parking space occupying a portion of driveway shall be at least 20 feet by 10 feet.
- A. Whenever a lot used for business or industrial purposes abuts upon a public or private alley, street, road or highway, sufficient loading space shall be provided on the lot or adjacent thereto in connection with any business or industrial use so the alley, street, road or highway shall at all times be free and unobstructed to the passage of traffic.
- B. One off-street parking space in a lot shall be two hundred (200) square feet of area, exclusive of adequate ingress and egress driveway to connect with a public thoroughfare. The dimensions of a parking space on a lot shall be 20 feet by 10 feet. A single stall in a garage may replace a single parking space.
- C. No building for which off-street parking space is required may be added to, structurally altered or converted in use so as to encroach upon or reduce the parking space below the required minimum.
- D. No parking spaces required under this ordinance may be used for another purpose with the exception of an occasional yard sale, business sale or during town festivities, provided however, that open spaces required by this ordinance for setback and side yards may not be used for such parking spaces or approaches thereto. There shall be no parking on corner lots within the visual clearance triangle.
- F. Parking/parking lots containing five (5) or more parking spaces which are located in the Residential Districts or adjacent to residential lots shall be:
  - 1. Screened along the side or sides of such lots which abut the lot lines of residential lots by a solid wall, fence or evergreen planting of equivalent capacity or other equally effective means built or maintained at a minimum height of four (4) feet.
  - 2. If parking/parking lots so located are lighted, the lights shall be shielded as to prevent undesirable glare or illumination of adjoining residential property.
- G. The parking/storage of one unoccupied travel trailer, or camper or other habitable recreation vehicle may be located on a lot provided it meets the setback requirements in the district in which it is located and is not used for human habitation. Travel trailers, campers, or recreation vehicles may not be utilized for dwelling or sleeping purposes, except for temporary occupancy during construction of a home or cottage, providing it is on the same lot where a zoning permit and building permit has been issued for the building of a home or cottage. Such temporary dwellings occupancy shall be used for a period of no longer than one year and shall be connected to adequate sanitary facilities, and require a permit. Exception: A one-week occupation for 1 habitable camper, travel trailer, recreational vehicle, (7-day period is allowed), once a year for the convenience of a property owner, on lots with a habitable structure. All sanitary hook up requirements are required as if it were in a campground. This exception is not allowed for habitable structures rented under a Tourist Rooming House License.

*History:* (Amendment #85-267, Article VII Section 7.1 G. effective 6-1-21)

### 7.2 REQUIRED OFF-STREET PARKING SPACES FOR SPECIFIC USES. EXCEPT IN THE DESIGNATED DOWNTOWN COMMUNITY BUSINESS DISTRICTS:

- A. Single-family dwellings shall provide two spaces.
- B. Multiple-family dwellings shall provide two (2) off-street spaces for each family for which accommodations are provided in the building plus two (2) spaces per building.

*History:* (Amendment #85-267, Article VII Section 7.2 B. effective 6-1-21)

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- C. Roadside stands shall provide not less than five (5) parking spaces at the place of business off the right-of-way of the highway.
- D. Establishments offering curb service to customers, who remain in their vehicles, shall provide at least five (5) off-street parking spaces for each person employed to serve such customers.
- E. New retail or local business places, banks, offices and professional offices and personal service shops shall provide at least one off-street parking space for each two hundred (200) square feet of ground floor area plus at least one additional parking space for each five hundred (500) square feet of upper floor area.
- F. Buildings combining business and residential use shall provide at least one off-street parking space for each three hundred (300) square feet of area devoted to business use, plus at least two (2) parking spaces for each family for which accommodations are provided on the premises.  
*History: (Amendment #85-267, Article VII Section 7.2 F. effective 6-1-21)*
- G. Theaters, churches, auditoriums, lodges or fraternity halls and similar places of public assemblage shall provide at least one parking space for each seven (7) seats.
- H. Motels, lodging houses and dormitories shall provide at least one parking space for each guestroom.
- I. Restaurants, taverns and similar places for eating and for refreshments, except curb service establishments, shall provide at least one parking space for each fifty (50) feet of floor space devoted to the use of the patrons.
- J. Funeral homes and mortuaries shall provide at least one parking space for each fifty (50) feet of space devoted to parlors.
- K. Bowling alleys shall provide at least five (5) parking spaces for each alley.
- L. Service stations shall provide parking for all vehicles used directly in the conduct of the business, plus two (2) spaces for each gas pump, plus three spaces for each service bay.  
*History: (Amendment #85-267, Article VII Section 7.2 L. effective 6-1-21)*
- M. Industrial uses shall provide at least one (1) parking space for each employee on the premises at any one time, plus at least one additional space for each vehicle operated in connection with such use for which parking on the premises is required.
- N. Any use not specifically named shall be assigned to the most appropriate classification by the Zoning Administrator.

### **7.3 DRIVEWAYS AND PRIVATE ROADS:**

- A. No driveways or private roads constructed within 5 feet of an adjoining property owner's lot line unless:
  - 1. The adjoining property owner(s) affected by such road give written consent to the effect they do not object to construction of a driveway or private road being closer than 5 feet from the lot line.
  - 2. A copy of the letter shall be forwarded to the Vilas County Zoning Office to be kept on file.
  - 3. A drive way may be allowed to straddle lot lines on a new subdivision provided an easement and a maintenance agreement for the driveway straddling lot lines be filed with the subdivision and recorded with the Register of Deeds.

*History: (Amendment #85-267, Article VII Section 7.3 A. effective 6-1-21)*

# VILAS COUNTY ZONING ORDINANCE

## ARTICLE VIII: NONCONFORMING USES, STRUCTURES AND LOTS

*History: (Amendment #85-199, Article VIII Heading effective 5-11-05)*

Introduction and Explanation: Article VIII contains rules pertaining to uses, structures and lots which existed before the effective date of this ordinance which may not be in full compliance with the provisions of this ordinance. The practice of accepting nonconforming uses, dwellings, non-conforming trade and industry and nonconforming lots is commonly referred to as "grandfathering" or accepting under a "grandfather clause." Nonconforming uses, dwellings, trade and industry existing at the time of the adoption of this ordinance are permitted to continue. Nonconforming lots existing at the time of the adoption of this ordinance may generally be constructed upon, providing minimum requirements are met.

### 8.1 GENERAL LIMITATIONS ON NONCONFORMING STRUCTURES OR USE:

When any structure, or the use of any structure or premise, has become nonconforming as defined in Article XI of the Ordinance, such nonconformity may continue subject to the following limitations:

A. A non-conforming use shall not be changed to another nonconforming use. There shall be no structural alterations, additions or major repairs made to a nonconforming structure until a zoning permit has been issued.

*History: (Amendment #85-267, Article VIII Section 8.1 A. effective 6-1-21)*

B. Structures which existed before the effective date of this ordinance which may not be in full compliance with the provisions of this ordinance may be reconstructed or repaired to the size, footprint, location and use it had immediately prior to repair or reconstruction. Any additions shall conform to current ordinance language. In addition, the septic system servicing the structure or use will be brought up to code in compliance with Vilas County Private Sewage System Ordinance Chapter 15, SPS 383, Wisconsin Administrative Code and a county zoning permit has been issued.

*History: (Amendment #85-267, Article VIII Section 8.1 B. effective 6-1-21)*

C. A nonconforming structure and or existing use may be expanded, provided the expansion does not encroach into any required side or rear yard setback(s) beyond any existing encroachment and it meets all other current zoning requirements. In addition, the septic system serving the structure or use will be brought up to code in compliance with SPS 383, Wisconsin Administrative Code and a county zoning permit has been issued.

*History: (Amendment #85-267, Article VIII Section 8.1 C. effective 6-1-21)*

D. Where an expansion of a nonconforming structure is proposed which will encroach into a minimum setback(s), not covered by C. above, the granting of a variance by the Board of Adjustment and the issuance of a zoning permit shall be required.

*History: (Amendment #85-267, Article VIII Section 8.1 D. effective 6-1-21)*

E. If a structure or use nonconforming to 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 form of litigation, or on the market.

F. Septage effluent, waste disposal or any other use found not in compliance with County, State or Federal law shall not be permitted to continue as a nonconforming use, and upon written notice to the property owner(s) shall be corrected within thirty (30) days of receiving such notice.

*History: (Amendment #85-267, Article VIII Section 8.1 F. effective 6-1-21)*

### 8.2 GENERAL LIMITATIONS OF NONCONFORMING LOTS.

Nothing in this Ordinance will prohibit the lawful use of a sub-standard sized lot for the erection of a structure that can conform to the minimum setback(s), requirements of this Zoning Ordinance, provided the lot was described and recorded in the Vilas County Register of Deed's office or Vilas County Surveyor's office prior to the effective date of this Ordinance. Any deviation from the setback(s) requirements shall require issuance of a variance by the Board of Adjustment as provided in Article X of this Ordinance.

*History: (Amendment #85-199, Section 8.2 effective 5-11-05)*

*History: (Amendment #85-267, Article VIII Section 8.2 effective 6-1-21)*

## VILAS COUNTY ZONING ORDINANCE

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### 8.3 EXISTING LOTS.

A. Existing lots are defined as follows:

1. All lots recorded or filed with the Vilas County Register of Deeds office prior to the enactment of this ordinance.
2. All lots created prior to the Vilas County Subdivision Control Ordinance and on file in the Vilas County Surveyor's Office prior to the enactment of this ordinance.
3. All single lots and splits created where Vilas County Planning and Zoning approval was not required, but the lots meet the minimum standards set forth in the Vilas County Subdivision Control Ordinance at the date on which they were created, and the map is filed in the Vilas County Surveyor's Office prior to the enactment of this ordinance.

*History: (Amendment #85-267, Article VIII Section 8.3 A. effective 6-1-21)*

B. Existing lots are subject to the requirements in Section 8.1.

*History: (Amendment #85-199, Article VIII Section 8.3 B. added effective 5-11-05)*



# VILAS COUNTY ZONING ORDINANCE

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## ARTICLE IX: ADMINISTRATION

Introduction and Explanation: Article IX describes how the Ordinances are administered and enforced. This Article creates and defines the Vilas County Zoning Administrator's Office. The Administrator is a county officer who advises citizens and landowners of their rights and obligations under these Ordinances, who supervises Zoning Staff, Deputy Zoning Administrators in issuing permits and making inspections to determine compliance with these Ordinances. They can issue compliance orders and recommend actions to obtain compliance with the Ordinances. The Administrator acts under authority delegated by County Board. Zoning Permits may be obtained from the Vilas County Zoning Department. Zoning Administrator, Assistant Zoning Administrator or Deputy may issue Zoning Permits, when the use is listed in the Ordinances as a permitted use and all other ordinance requirements are met. Conditional Use Permit applications must be decided upon by the Zoning Committee. Zoning Text Amendments and Re-zonings must be approved by the County Board after review and recommendation by the Zoning Committee. Variances and Appeals of Administrative Decisions must be decided upon by the Board of Adjustment under procedures described in Article X of this Ordinance.

*History: (Amendment #85-267, Article IX Administration effective 6-1-21)*

### 9.1 CREATION OF THE ZONING COMMITTEE.

The Zoning Committee shall be created and constituted by the County Board as provided in Section 59.69 of the Wisconsin Statutes. The Zoning Committee shall have the following duties and responsibilities:

A. Supervise the administration of the Vilas County General Zoning Ordinance and all other Ordinances administrated by the Vilas County Zoning Office as approved by the County Board.

*History: (Amendment #85-267, Article IX Section 9.1 A. effective 6-1-21)*

B. To hold public hearings and decide upon the issuance of Conditional Use Permits.

C. To hold public hearings on all proposed Ordinance Amendments administrated by the Vilas County Zoning Office and to make recommendations on such Amendments to the County Board.

*History: (Amendment #85-267, Article IX Section 9.1 C. effective 6-1-21)*

D. Assume responsibility for the office of County Zoning and Planning.

*History: (Amendment #85-267, Article IX Section 9.1 D. effective 6-1-21)*

E. To perform other such duties in connection with zoning or land use planning as may be delegated to it by the County Board.

*History: (Amendment #85-267, Article IX Section 9.1 E. effective 6-1-21)*

F. Supervise a County Zoning Administrator and staff as may be approved by the County Board, and prescribe their duties and activities and have full direction and supervision thereof.

*History: (Amendment #85-267, Article IX Section 9.1 F. effective 6-1-21)*

### 9.2 OFFICE OF THE ZONING & PLANNING ADMINISTRATOR.

There is hereby created the office of the Zoning & Planning Administrator, hereafter referred to as Zoning Administrator. The Zoning Administrator and all other Zoning personnel shall be approved by the rules set forth by Vilas County. The Zoning Administrator shall perform duties under guidelines and supervision of the Zoning Committee. The duties and responsibilities of the Zoning Administrator shall include:

*History: (Amendment #85-267, Article IX Section 9.2 Office of the Zoning & Planning Administrator effective 6-1-21)*

A. Administer the provisions of the Vilas County Zoning Ordinances and assist in preparing them.

*History: (Amendment #85-267, Article IX Section 9.2 A. effective 6-1-21)*

B. Aide in issuance of Zoning Permits as provided in this Ordinance.

C. Keep records of all permits issued, inspections made, work approved and other official actions.

## VILAS COUNTY ZONING ORDINANCE

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D. Determine questions of the exact location of district boundaries.

*History:* (Amendment #85-267, Article IX Section 9.2 D. effective 6-1-21)

E. Supervise the staff of the Zoning Department subject to guidelines set forth by the Zoning Committee.

*History:* (Amendment #85-267, Article IX Section 9.2 E. effective 6-1-21)

F. Serve as staff to the Zoning Committee. In this capacity the Zoning Administrator may present staff reports on all applications for Zoning Amendments, Conditional Use Permits, and other matters requiring Zoning Committee action.

### 9.3 RULES AND PROCEDURES FOR ISSUANCE OF A ZONING PERMIT.

A. No new building or structure, having a permanent or temporary location on the ground, shall hereafter be erected, and no existing building or structure shall be added to in a manner altering its exterior dimensions, moved, demolished or changed in use until a zoning permit has been issued.

Exceptions to this requirement are:

1. Public telephone and electrical service equipment as sited in Section 3.2, E, of this Ordinance.

*History:* (Amendment #85-267, Article IX Section 9.3 A. effective 6-1-21)

B. Application for Zoning Permit must contain the following:

1. Property owner's name and address;
2. Actual property address, (if applicable);
3. Computer number;
4. Legal description of the parcel;
5. Size and location of the structure to be erected or moved, (on or off), or relocated, on the property;
6. Proposed use of the building or premises;
7. Type of construction and any other applicable information;
8. Sanitary permit number.
9. The permit application shall be accompanied with the appropriate fee.

*History:* (Amendment #85-267, Article IX Section 9.3 B. effective 6-1-21)

C. The Zoning Administrator or their designee may require:

1. A scale drawing of the premises, showing the dimensions of the lot or parcel;
2. Dimensions of the proposed structure, the distance in feet from the abutting street or highway, side and rear lot line
3. Size and location of any existing structures and any other information deemed necessary.
4. Compliance with the Vilas County Private Sewage System Ordinance;
5. Vilas County Subdivision Control Ordinance;
6. Vilas County Shoreland Ordinance;
7. Vilas County Trunk Highway Access Control Regulations or any other Federal, State, County or Town requirements as a condition precedent to the issuance of a Zoning Permit.
8. Any additional information necessary to decide upon the issuance of a Zoning Permit including proof of State approval for buildings of public use.
9. The Zoning Administrator or their designee shall not be responsible for determining the location of lot lines and may require the applicant to furnish a land survey of such lines.

*History:* (Amendment #85-267, Article IX Section 9.3 C. effective 6-1-21)

D. The application shall be signed by the owner, when submitted electronically, an electronic or scanned signature will be accepted.

*History:* (Amendment #85-267, Article IX Section 9.3 D. effective 6-1-21)

## VILAS COUNTY ZONING ORDINANCE

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E. Coincident with the issuing of a Zoning Permit the Zoning Administrator or designated employee shall prepare a card, certifying 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. This card shall be posted in a conspicuous place on the premises during the construction, and no construction shall begin until this card has been posted. For purposes of this Ordinance, start of construction shall be 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.

F. Any permit obtained through material misrepresentation on the permit application shall be null and void immediately upon discovery. Any corrections, anticipated changes, or other amendments to the original permit will require approval by the Zoning Administrator or designated employee prior to starting construction.

*History: (Amendment #85-199, Section 9.3(F) effective 5-11-05)*

G. A permit issued pursuant to the provisions of this section shall expire one year from the date of issuance if construction is not started within that time. Such a permit will expire if construction, once started, does not diligently proceed to completion within two years of starting time. Zoning Permits may be renewed one time after issuance. A new Zoning Permit must be obtained after one renewal and any and all new Zoning requirements shall be met.

*History: (Amendment #85-267, Article IX Section 9.3 G. effective 6-1-21)*

H. No Zoning Permit, Conditional Use, Re-zone, Subdivision, or Variance shall be issued or considered when requested, if a violation of any regulation enforced by Vilas County Zoning exists on the property, unless the above listed items requested is necessary to correct the violation.

*History: (Amendment #85-267, Article IX Section 9.3 H. effective 6-1-21)*

I. Temporary Permit. 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:

1. For the storage of chattel on a County highway right-of-way.
2. For any temporary structures or uses inadvertently omitted from this Ordinance.
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 waste water and sewage enters the septic system that will serve the dwelling.
4. In order to accommodate individuals in emergency situations.
5. Provided the uses are allowed in the district and do not conflict with existing legal uses on or around the affected lot.

*History: (Amendment #85-141, Article IX Section 9.3(B) effective 11-8-99)*

*History: (Amendment #85-267, Article IX Section 9.3 I. effective 6-1-21)*

### **9.4 RULES AND PROCEDURES FOR ISSUANCE OF CONDITIONAL USE PERMITS.**

A. A Conditional Use Permit request is as follows:

1. Any person, firm, corporation, organization 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 to use such land for one or more of the conditional uses provided for in this Ordinance provided the use is one which is conditionally permitted by the Zoning Ordinance in the zoning district where the parcel is located.

B. Conditional Use Permit Review Process:

1. 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 Conditional Use application shall be accompanied by plans and other information as may be prescribed by the Zoning Administrator, Assistant Zoning Administrator, or the Zoning Committee.

# VILAS COUNTY ZONING ORDINANCE

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## C. Town Recommendation:

1. The Committee shall seek an advisory recommendation from the town board prior to the date of the public hearing of the town in which the proposed conditional use is located.
2. A written and electronic notice of application and public hearing shall be sent at least 10 days prior to the date of the public hearing to the clerk of the town where the proposed conditional use is located.

*History: (Amendment #85-267, Article IX Section 9.4.C. effective 6-1-21)*

## D. Hearing an Application:

1. Upon receipt of the application, the Zoning Committee shall hold a public hearing on each application for Conditional Use Permit at such time and place as shall be established by the Vilas County Zoning Office.
2. The hearing shall be conducted and a record of the proceedings preserved in such a manner and according to such procedures as the Zoning Committee shall, by rule, prescribe from time to time.
  - a. The Chairperson, or the Chairperson's designee, may administer oaths and compel the attendance of witnesses.
3. Notice of public hearing shall be given by publication as a Class 2 notice as provided for in section 985 of the Wisconsin Statutes.

*History: (Amendment #85-267, Article IX Section 9.4 D. effective 6-1-21)*

## E. Basis of Approval:

1. Applicant for a Conditional Use Permit meets or agrees to meet all of requirements and conditions specified in this Ordinance and all other governing ordinances, statutes and regulations, and those conditions imposed by the Zoning Committee, the Committee shall grant the conditional use permit.
2. Any condition imposed must be related to the purpose of the Ordinance and be based on substantial evidence.
3. The burden of proof is on an applicant that the application and all requirements and conditions established by the County relating to the conditional use are or shall be satisfied.
4. The Zoning Committee's decision to approve or deny a Conditional Use Permit application must be supported by substantial evidence.

*History: (Amendment #85-267, Article IX Section 9.4 E. effective 6-1-21)*

## F. Standards: A Conditional Use Permit shall not be granted by the Zoning Committee unless such Committee shall find that all of the following conditions are present:

1. The establishment, maintenance, or operation of the conditional use will not be detrimental or endanger the public health, safety, comfort, or general welfare.
2. The uses, values and enjoyment of property in the neighborhood for purposes already permitted shall not be substantially impaired, diminished and it will not impede the normal development and improvement of the surrounding property for uses permitted in the district.
3. That adequate utilities, lighting, stormwater management plan, and necessary site improvements have or will be provided.
4. Measures have or will be taken to provide ingress and egress, designed to minimize traffic congestion in the public streets.
5. The conditional use shall conform to all applicable regulations of the district in which it is located.

*History: (Amendment #85-267, Article IX Section 9.4 F. effective 6-1-21)*

## G. Conditions and Guarantees:

1. Prior to the granting of a Conditional Use Permit, the Zoning Committee may stipulate such conditions and restrictions upon the establishment as to; location, construction, maintenance, and operation of the conditional use as deemed necessary to promote the public health, safety, and general welfare of the community, to secure compliance with the standards and requirements specified in subsection 9.4 D above.
2. In all cases in which conditional uses are granted; the committee shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

## VILAS COUNTY ZONING ORDINANCE

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3. Once a conditional use permit is granted, additional permit(s) including but not limited to sanitary, zoning, shoreland alteration and etc. may be required.

*History: (Amendment #85-267, Article IX Section 9.4 G. effective 6-1-21)*

### H. A Denied Conditional Use Permit (2 Options):

1. Appeal from Action by Zoning Committee:

A decision of the Zoning Committee may be appealed to Circuit Court by a person aggrieved by the decision of the Zoning Committee, or a taxpayer, or any officer, department, board or bureau of the municipality, may within 30 days after the filing of the decision, commence an action seeking the remedy available by certiorari in accordance with Wisconsin Statutes 59.69(5e).

2. Intermediate Appeal from Action by Zoning Committee:

A decision of the Zoning Committee may be appealed to the Board of Adjustment by the applicant for the Conditional Use Permit or by the owners of 50 percent or more of the property within 300 feet of the parcel affected. Such appeal must specify the grounds thereof in respect to the findings of the Zoning Committee and must be filed with the Board of Adjustment within 30 days of the final action of the Zoning Committee. The Board of Adjustment 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 Zoning Committee shall be deemed just and equitable unless the Board of Adjustment by a favorable vote reverses or modifies the action of the Zoning Committee.

Note: An Ordinance providing for an intermediate appeal should still be acceptable under an argument that if the applicant succeeds in the appeal it saves the time and expense of having to bring a lawsuit in a court of law.

*History: (Amendment #85-267, Article IX Section 9.4 H. effective 6-1-21)*

### I. Effect of Denial of Application:

1. No application for a Conditional Use which has been denied wholly or in part by the Zoning Committee shall be resubmitted for a period of one year from the date of said denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Zoning Committee.
2. In any case, where a Conditional Use Permit, issued under this Ordinance, has not been instituted or construction begun within one year of the date of approval, shall be null and void without further action by the Zoning Committee.

### J. Revocation of a Conditional Use Permit:

1. If the Zoning Committee finds that the standards and the conditions stipulated in a Conditional Use Permit are not being complied with, the Committee, after a public hearing, may revoke the Conditional Use Permit.
2. Appeals from the action of the Zoning Committee may be as provided above in Subsection 9.4, G.

### K. Ceased Conditional Uses:

A Conditional Use Permit for any use which has been ceased for a period of one year will be deemed to have been terminated and any future use shall be in conformity with these Ordinances.

## 9.5 RULES AND PROCEDURES FOR RECOMMENDING AMENDMENTS IN THE ZONING ORDINANCE TEXT OR ZONING MAP.

- A. The County Board of Vilas County may alter, supplement, or change the boundaries and regulations contained in this Ordinance in the manner provided by Section 59.69 of the Wisconsin Statutes.
- B. Petitions for amendments of the Zoning Ordinance text or map may be made by any property owner in the area to be affected by the amendment, by the Town Board, by any member of the County Board or by the Zoning Committee. Forms for submitting petitions are provided by the Zoning Administrator.
- C. Completed petition forms are filed with the County Clerk who shall immediately refer the petition to the Zoning Committee.

## VILAS COUNTY ZONING ORDINANCE

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D. Upon receipt of the petition the Zoning Committee shall schedule a public hearing thereon. Notice of the time and place of such hearing shall be given by publication of Class 2 Notice as provided under Section 985 of the Wisconsin Statutes. A copy of such notice shall be mailed by ~~registered~~ certified mail to the Town Clerk for each town affected by the proposed amendment at least 10 days prior to the date of such hearing. In the case of a proposed change in zoning district boundaries a copy of such notice shall also be sent to the local County Board Supervisor.

*History: (Amendment #85-267, Article IX Section 9.5 D. effective 6-1-21)*

E. As soon as possible after the public hearing, the Zoning Committee shall act on the petition either recommending approval, modification, or disapproval. If its action is favorable to granting the requested change or any modification thereof, it shall cause an Ordinance to be drafted effectuating its determination and shall submit such proposed Ordinance directly to the County Board with its recommendation. If the Zoning Committee recommends denial of the petition it shall report its recommendations directly to the County Board with its reasons for such action.

F. Upon receipt of the recommendation of the Zoning Committee the County Board may adopt, modify, or deny the petition. Actions of the County Board are subject to protest or town veto as provided in Section 59.69 of the Wisconsin Statutes, with the exception of those changes relative to shorelands per Wisconsin Statute 59.692(2)(a).

G. The office of the Zoning Administrator shall submit copies of all shoreland amendments to the Department of Natural Resources for any required approval.

*History: (Amendment #85-267, Article IX Section 9.5 G. effective 6-1-21)*

### 9.6 ENFORCEMENT.

#### A. Violations and Penalties:

1. Any violation of the terms of this Ordinance not corrected on the written order of the Zoning Department within the time specified shall be referred to the Zoning & Planning Administrator who shall determine the further action to be taken.
2. The violation of any condition attached by the Zoning & Planning Department to a Zoning Permit approval shall constitute a violation of this Ordinance.
3. Penalties:
  - a. Penalty: Any person, firm, corporation or entity including those doing work for others, who violates any of provisions of this Ordinance shall be subject to a forfeiture of \$100.00 for the first violation, \$250.00 for the second violation, and \$500.00 for all subsequent violations of this Ordinance, plus cost of prosecution. Each day a violation exists shall constitute a distinct and separate violation of this Ordinance and as such, forfeitures shall apply accordingly. The Zoning Department shall refer violations to the Corporation Counsel who shall prosecute violations.
  - b. Injunction: As a substitute for or in addition to forfeiture actions, the Corporation Counsel may, on behalf of the County, seek enforcement of any or all parts of this Ordinance by a court action seeking injunctive relief.

*History: (Amendment #85-267, Article IX Section 9.6. A. effective 6-1-21)*

#### B. Property Owners and Agents.

It shall be the responsibility of the property owners and their agents or other persons acting on their behalf including builders and contractors to comply with the terms of this ordinance. Any person failing to comply with this Ordinance is subject to enforcement under Article 9.6 A.

*History: (Amendment #85-267, Article IX Section 9.6 B. effective 6-1-21)*

#### C. Governmental Bodies.

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this Ordinance and obtain all necessary permits. Unless specifically exempted by law, state agencies are required to comply if Wis. Stats. 13.48(13) applies. Unless specifically exempted by law, federal agencies are required to comply with this ordinance.

*History: (Amendment #85-267, Article IX Section 9.6 C. effective 6-1-21)*

# VILAS COUNTY ZONING ORDINANCE

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## D. Suspension of Permit:

Whenever the Zoning Administrator, Assistant Zoning Administrator or Deputy Zoning Administrator, determines there are reasonable grounds for believing there is a violation of any provision of this Ordinance, the Zoning Administrator, Assistant Zoning Administrator or Deputy 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 reason of hardship prevails 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 registered mail to owner's last known address or when the owner has been served by such notice by any method authorized by the laws of Wisconsin. The owner of record has the right to appeal any decision by the Zoning Administrator, Assistant Zoning Administrator or Deputy Zoning Administrator or apply to the Vilas County Board of Adjustment for a Variance from the strict rule of the Ordinance within 30 days of receipt of a notice or order.

*History: (Amendment #85-199, Article IX Section 9.6(D) effective 5-11-05)*

## E. Emergency Conditions:

Whenever the Zoning Administrator finds that an emergency exists such as sudden, unexpected occurrences or combinations thereof, 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 or 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. The Administrator shall notify the Chairperson of the Zoning Committee within 24 hours of such situations. Notwithstanding any other provisions of this Ordinance such order shall become effective immediately. Any person to whom such order is directed shall comply therewith immediately. Appeals or challenges to emergency orders may be brought after emergency conditions have ceased, to the Board of Adjustment.

*History: (Amendment #85-141, Article IX Section 9.6 (E) effective 11-8-99)*

## **9.7 NOTIFICATION TO WISCONSIN DEPARTMENT OF NATURAL RESOURCES.**

Written notice shall be given to the appropriate district office of the Department of Natural Resources at least 10 days prior to hearings on proposed variances, conditional uses, appeals for map or text interpretations, and map or text amendments, and submission shall be made to the same office of copies of decisions on variances, conditional uses, appeals for map or text interpretations, and map or text amendments within 10 days after they are granted or denied.

*History: (Amendment #85-141, Article IX Section 9.7 effective 11-8-99)*





# VILAS COUNTY ZONING ORDINANCE

## ARTICLE X: BOARD OF ADJUSTMENT

Introduction and Explanation: This Article describes the Board of Adjustment. This five (5) member Board has powers directly granted to it by the State Legislature. The statutory duties of the Board are to hear and decide appeals from decisions of the Administrator Assistant Zoning Administrator or Deputies and to consider variances from the strict requirements of the Ordinances where a unique hardship exists and where a waiver of the strict rule of the Ordinance can be granted without destroying the purpose and intent of the Ordinance.

*History: (Amendment #85-199, Article X Introduction effective 5-11-05)*

### 10.1 CREATION OF THE BOARD OF ADJUSTMENT:

A Board of Adjustment is hereby created as authorized by the applicable Wisconsin Statute, section 59.694.

A. The Board of Adjustment shall consist of five (5) members who shall be appointed by the Vilas County Board Chairperson and approved by the County Board for terms of three (3) years. Alternates shall be designated by the County Board as the first alternate and second alternate, pursuant to WI. Stat. 59.694(2),(bm).

B. The Board of Adjustment may choose its own chairperson.

C. The County Board may employ a secretary to provide supplies and office space to assist them in the administration of their duties, and may pay the actual and necessary expenses incurred by the Board in the performance of its duties.

D. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

*History: (Amendment #85-199, Section 10.1 effective 5-11-05)*

### 10.2 JURISDICTION AND AUTHORITY:

A Board of Adjustment shall have the following powers:

A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of s. 59.69 or of any Ordinance adopted pursuant thereto.

B. To hear and decide appeals of Conditional Use decisions by the Zoning Committee if 9.4, G.2. Intermediate Appeal from Action by Zoning Committee applies.

*History: (Amendment #85-267, Article X Section 10.2 B. effective 6-1-21)*

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

### 10.3 MEETINGS AND RULES:

Meetings of the Board of Adjustment shall be held at the call of the Chairperson and at such other times as the Board may determine. The Chairperson, or in the Chairperson's absence, the Acting Chairman may administer oaths and compel the attendance of witnesses. All meetings of said 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 official actions, all of which shall be immediately filed in the office of the Board of Adjustment 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 Adjustment shall adopt further rules as necessary to carry into effect the regulations of the County Board, which are not in conflict with the Wisconsin Statutes.

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## 10.4 PROCEDURES FOR HEARING APPEALS:

A. Filing Appeals: Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of Vilas County affected by a decision of the office of the Zoning Administrator, Assistant Zoning Administrator or designated Deputies. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the secretary to the Board of Adjustment 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.

*History: (Amendment #85-199, Section 10.4(A) effective 5-11-05)*

- B. Stay of Proceedings: An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Adjustment 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 Adjustment or by a court of law.
- C. Notice of Hearing: The Board of Adjustment 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 section 985 of the Wisconsin Statutes. Notice of time, place and purpose of such hearing shall also be given to the applicant or appellant, Zoning Administrator, Town Clerk and the County Board Supervisor for the district in which the property is located. If the appeal involves area subject to the Shoreland Ordinance or within a 100-year flood plain, notice of the public hearing and a copy of the Board's decision shall be provided to the Wisconsin Department of Natural Resources district office.
- D. Findings of the Board: The Board of Adjustment, upon its findings, shall render a decision on the appeal within a reasonable time. The Board, upon the majority vote, may reverse, affirm, 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 all the powers of the officer from whom the appeal is taken. All decisions and findings of the Board of Adjustment on appeal shall in all instances be final administrative determination and shall thereafter be only subject to review by a court of law upon the filing of a writ of certiorari within 30 days of the Board's decision.

## 10.5 PROCEDURE FOR HEARING VARIANCE REQUESTS:

- A. Application for Variance: An application for variance may be filed by a property owner or owner's agent with the Board of Adjustment, on forms provided by the County.
- B. Notice of Hearing: The Board of Adjustment 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 section 985 of the Wisconsin Statutes. Notice of time, place and purpose of such hearing shall also be given to the applicant or appellant, Zoning Administrator, Town Clerk and the County Board Supervisor for the district in which the property is located. If the variance request involves area subject to the Shoreland Ordinance or within 100-year flood plain notice of the public hearing and of the Board's decision shall be provided to the Wisconsin Department of Natural Resources district office.
- C. Findings of the Board: The Board of Adjustment, upon its findings, shall render a decision on the variance request within a reasonable time. A Board decision requires a majority vote. All decisions and findings of the Board of Adjustment on variance requests shall in all instances be final administrative determinations and shall thereafter be only subject to review by a court of law.
- D. Standards for Variances: The Board of Adjustment may authorize such variances from the terms of the Ordinance to dimensional standards which will not be contrary to the public interest, where, owing to special conditions a literal enforcement of the Ordinance will result in unnecessary hardship, and so that the spirit of the Ordinance shall be observed and substantial justice done. The Board of Adjustment shall use the following guidelines in interpreting this standard:

## VILAS COUNTY ZONING ORDINANCE

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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 Ordinance 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.
  7. No variance shall have the effect of allowing, in any district, uses not permitted in that district. The Board of Adjustment may impose such conditions and restrictions upon the premises benefited by the variance as may be necessary to comply with the above standards and to better carry out the general intent of this Ordinance.
- E. Length of Validity: No order of the Board of Adjustment 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.
- F. Standards for Variances Act 67
1. A variance granted under this Section, after April 5, 2012, shall be deemed expired if the land use or development so approved has not obviously and substantially commenced and completed within two years of the date on which the variance was granted.
  2. A variance granted and completed in compliance with this Ordinance runs with the land.

*History: (Amendment #85-267, Article X Section 10.5 F. effective 6-1-21)*



# VILAS COUNTY ZONING ORDINANCE

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## ARTICLE XI: DEFINITIONS

Introduction and Explanation: Article XI contains brief definitions of key words and phrases used throughout the Ordinance. For the purpose, intent, understanding and clarification of this Ordinance the following definitions shall apply. In the instance where a word is not defined, the latest edition of Webster's Unabridged Dictionary shall be used to define a word.

1. Accessory: A subordinate non-habitable, detached building which; is clearly incidental to, and customarily found in connection with, the principal structure to which it is related, and which is located on the same lot as the principal structure.
2. Adult Use: A type of use having its business distinguished or characterized by their emphasis on matters depicting, describing or related to specific sexual activities or specified anatomical areas for adult patrons.  
*History: (Amendment #85-267, Article XI 2. New effective 6-1-2021)*
3. Agriculture: For purposes of enforcement of this Ordinance agricultural use includes, but is not limited to, beekeeping, commercial feedlots, dairying, egg production, floriculture, fish and fur farming, forest and game management, grazing, livestock raising, orchards, plant greenhouses and nurseries, poultry raising, raising of grain, grass, mint and seed crops, raising of fruits, nuts and berries, sod farming and vegetable raising.
4. Antenna: See Structure.
5. Arterial Street: A public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways as well as arterial streets, highways and parkways.
6. Automobile Salvage Yard: Any area of land where two or more unlicensed vehicles, and/or accumulation of parts thereof, are stored in the open and are not being restored to operation; or any land, building, or structure used for the wrecking or storing of such motor vehicles.
7. Automobile Service Station: Any building or premises, which sells gasoline, oil and related products to the motoring public. This shall include repairs, washing and lubrication, but shall not include body work, painting or dismantling.
8. Backland: Any land located greater than 200 feet back from the ordinary high-water mark of a navigable body of water.
9. Back Lots: Lots which do not front on a navigable body of water or which do not have 50 percent or more of their total area within 200 feet of a navigable body of water.
10. Basement: A story partly or wholly underground which, if occupied for living purposes shall be counted as a story.
11. Bed and Breakfast: Any place of lodging that provides four or less rooms for rent to transient guests, within owner's personal residence, and licensed by the State of Wisconsin, and the only meal served is breakfast.
12. Boarding House: A building other than a hotel where meals or lodging and meals are furnished for compensation for three (3) or more persons not members of a family, not open to daily transients as a hotel or restaurant.
13. Boathouse: A structure located on a lot and used for protecting or storing boats, marine motors, fishing and boating paraphernalia, and/or other water related equipment.

*History: (Amendment #85-177, Article XI effective 11-12-2002)*

## VILAS COUNTY ZONING ORDINANCE

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14. **Body Shop:** A business for the repair of automobile and other motor vehicle bodies.
15. **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 the building and all its appendages.  
*History: (Amendment #85-230, Article XI effective 11-25-2009)*
16. **Building Area:** The specified portion of a lot which; meets all of the yard and setback requirements of this Ordinance and other applicable Ordinances and regulations.
17. **Building Height:** The vertical distance, measured from the mean elevation of the finished grade along the front of the building to the highest point on the roof or flat roofs; to the mean height level between the eaves and the ridge for gable and hip roofs; to the deck line for mansard roofs. (See article III)
18. **Building Setback Line:** A line measured across the width of the lot at that point where the main structure, including any overhang, is in accordance with setback provisions.
19. **Bulkhead Line:** A shoreline legislatively established by the municipal ordinance under section 30.11, Wisconsin Statutes, and approved by the Department of Natural Resources.
20. **Campground** means any of the following: Primitive Campground means two or more sites owned by a person, state or local government designated, maintained, intended or used for the purpose of supplying a location for overnight camping where locations are accessible by canoe, boat or by hiking, but not by campers' motor vehicles. Such areas open to the public and designated as usable by the public as primitive campground areas may be set aside for free or pay camping purposes.
- Developed campground and camping resort means any parcel or tract of land of five acres or more, containing two or more sites, and owned by a person, state or local government accessible by automobile, or other engine driven vehicle designed, maintained, intended or used for the purpose of supplying accommodations for overnight use, open to the public and designated as a developed camp area and set aside for free or paying camping purposes.
  - Walk-in Camp means a facility equivalent to a developed campground or camping resort of two or more sites except that it is not accessible by campers' motor driven vehicles.
21. **Camping Unit:** A structure, including a tent, camping cabin, yurt, recreational vehicle, bus, van, or pickup truck or a tree house without plumbing or electric. (Camping cabin max size 400 square feet in a campground.)  
*History: (Amendment #85-267, Article XI 21. New effective 6-1-2021)*
22. **Campsite:** A designated area within a campground, which is designed as a site by an individual, family unit or group using a camping unit.  
*History: (Amendment #85-267, Article XI 22. effective 6-1-2021)*
23. **Community Based Residential Facilities, (CBRF):** Community-based residential facility" means 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. See Wis. Stats. 50.01 (1g) for further definition).  
*History: (Amendment #85-267, Article XI 23. New effective 6-1-2021)*
24. **Club:** An association of persons organized for a common purpose but not including any group organized primarily to render a source, which is customarily carried on as a business.
25. **Clubhouse:** A structure occupied by a club or used for club activities.  
*History: (Amendment #85-267, Article XI 25. New effective 6-1-2021)*
26. **Communal:** Two or more.

## VILAS COUNTY ZONING ORDINANCE

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27. (CAFO's) Concentrated Animal-Feeding Operations: Have a combined meaning with (AFOs) Animal Feeding Operations  
AFO'S
- Animals are kept and raised in confined situations.
  - Feed, waste, animals and production operations on a small land area.
  - Animals confined at least 45 days in a 12-month period.
  - No grass or other vegetation in the confinement area.
- CAFO's
- AFOs that meet EPA regulatory definitions: number of animals; waste handling.
  - Have a 200-day manure storage capacity.
  - Meet all DNR and EPA requirements.
- History: (Amendment #85-267, Article XI 27. New effective 6-1-2021)*
28. Commercial: Occupied with or engaged in commerce or work intended for commerce.
- Commerce, the buying and selling of goods, retail.
- History: (Amendment #85-267, Article XI 28. New effective 6-1-2021)*
29. Commercial Property: Property used for retail or trade.  
*History: (Amendment #85-267, Article XI 29. New effective 6-1-2021)*
30. Commercial Services: A use comparable to retail, the buying and sale of goods and services.  
*History: (Amendment #85-267, Article XI 30. New effective 6-1-2021)*
31. Condominium: A building, a part of a building, or a group of buildings, including associated land, jointly owned and operated under Chapter 703 of the State of Wisconsin for the mutual protection and benefit of an association of owners. The operations of a condominium unit are described in a condominium declaration.
32. Condominium Conversion: A parcel of land with an existing structure or structures converted to a condominium form of ownership.
33. Condominium, Expandable: A condominium to which additional units or property may be added.
34. Conditional Uses: Certain land uses which are specifically mentioned in this Ordinance, which may have impacts dependent upon specific circumstances. Conditional uses as specified in this Ordinance require issuance of Conditional Use Permits approved by the Vilas County Zoning Committee
35. Contiguous: Touching, meeting or joining at the surface, close together, bordering or adjoining, as two contiguous bodies, houses or countries. Actual contact of bodies, a touching, a continuity, in a manner to touch without intervening space, a state of contact close union of surfaces or borders.
36. Convenience Bathroom: a bathroom located inside a non-habitable structure which consists of a toilet and a sink only, with no provisions for bathing or showering. No convenience bathrooms are allowed on lots without a principal structure.  
*History: (Amendment #85-267, Article XI 36. New effective 6-1-2021)*
37. Days: For enforcement purposes, a day is any portion of a 24-hour period commencing at 12-midnight.

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38. **Deck:** A structure attached or adjacent to a dwelling, or anything with form, shape or utility made of posts, beams, joists, a wooden floor joined together in order to create an elevated surface area.  
*History: (Amendment #85-230, Article XI, effective 11-25-2009)*
39. **Density:** The number of buildings/structures located within a specific land area, expressed as the number of units per acre(s) or square feet. For the purpose of this Ordinance, minimum density required or maximum density allowed is calculated based on gross acreage of parcel(s). Existing buildings/structures within the parcel are included in the calculation. Type & size of structure is determined by district and impervious surface requirements.  
*History: (Amendment #85-267, Article XI 39. New effective 6-1-2021)*
- 39a. **Department:** The Vilas County Zoning & Planning Department.  
*History: (Amendment #85-276, Article XI 39a. New effective 1-1-2024)*
40. **Development:** Any man-made change to improved or unimproved real estate, including but not linked 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 deposition or extraction of earthen materials.
41. **Drainage System:** One or more artificial ditches, tile drains or similar devices, which collect surface runoff or groundwater and convey it to a point of discharge.
42. **Driveway:** A private road which provides access to a lot, or to a use located on a lot, from a public way.  
*History: (Amendment #85-267, Article XI 42. New effective 6-1-2021)*
43. **Dwelling:** A structure or place of shelter to live in; place of residence.
44. **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, storm water 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.
45. **Family:** One or more persons related by blood, marriage or adoption, or a group of not more than five persons not so related, maintaining a common household in a dwelling unit.
46. **Farming, Tree:** Land used to grow, manage and harvest wood.
47. **Fence:** Structure or barrier making a boundary constructed of link or woven wire, post, wood, plastic, fiberglass, concrete products and commonly accepted practices within the community.  
*History: (Amendment #85-199, Article XI ~~flood fringe, floodplain, flood proofed, flood way~~ removed effective 5-11-2005)*
48. **Floor Area, Gross:** The sum of the gross horizontal areas of all occupied stories of a building.
49. **Forestry:** The production and/or management of trees as a crop.
50. **Frontage:** That side of a lot abutting on a street or waterway and ordinarily regarded as the front of the lot.  
*History: (Amendment #85-199, Article XI effective 5-11-2005)*
51. **Frontage Street:** Any street to be constructed by the developer or any existing street in which development shall take place.

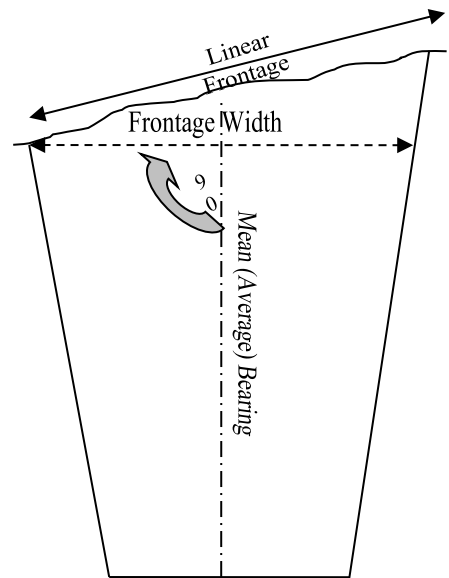


# VILAS COUNTY ZONING ORDINANCE

## 52. Frontage Width:

**Frontage Width:** The frontage width shall be measured perpendicular to the mean (average) bearing of the side lot lines. This measurement shall start at the point where the side lot line intersects the OHWM and then measured on the perpendicular mean (average) to intersect the opposing side lot line.

OHWM →



*History: (Amendment #85-216, Article XI effective 6-27-2007)*

53. Fur Farm: A parcel of land or buildings devoted in whole or in part to the raising of fur bearing animals for commercial purposes.

54. Garage, Private: A non-habitable structure primarily intended for and used for the enclosed storage or shelter of the private motor vehicles of the families residing upon the premises. Carports are considered garages.

55. Habitable: The three-dimensional space enclosed floor area arranged for living, sleeping or the preparation of meals. The area can include multiple levels of an existing structure and covered/screened porches/decks. The area does not include decks, open porches, garages, or overhangs. All habitable living areas, including kitchens, hallways, bathrooms and corridors shall have a ceiling height of at least 7 feet. Habitable rooms may have ceiling heights of less than 7 feet provided at least 50 percent of the room's floor area has a ceiling height of at least 7 feet. Beams and girders or other projections shall not project more than 8 inches below the required ceiling height.

*History: (Amendment #85-199, Article XI New effective 5-11-2005)*

*History: (Amendment #85-267, Article XI 55. effective 6-1-2021)*

56. Habitable Structure: Any three-dimensional space enclosed structure arranged for living or sleeping purposes.

*History: (Amendment #85-267, Article XI 56. New effective 6-1-2021)*

57. Habitation: a place of residence; dwelling; abode.

*History: (Amendment #85-267, Article XI 57. New effective 6-1-2021)*

58. Heavy Equipment: For purposes of enforcement heavy equipment shall be considered any vehicle or piece of movable machinery weighing eight (8) tons or more.

59. Hobby Farm: A pass time not for income. One (1) livestock animal requiring pasture land will be allowed for each acre of land up to 5 acres.

*History: (Amendment #85-199, Article XI effective 5-11-2005)*

## VILAS COUNTY ZONING ORDINANCE

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60. **Home Occupation:** A gainful occupation engaged in by persons residing in their dwelling, which is conducted in the principal or accessory structure and meets the following criteria:
- The total space on a lot used for the home occupation shall not exceed 50 percent of the gross floor area of the principal building.
  - There shall not be more than three (3) employees other than members of the family.
  - There shall not be any outside storage associated with the home occupation and all occupations shall be conducted entirely within a building.
61. **Hotel:** A building containing lodging rooms, a common entrance lobby, halls, and a stairway; where each lodging room does not have a doorway opening directly to the outdoors, except for emergencies, and where more than 50 percent of the lodging rooms are for rent to transient guests, with or without meals, for a continuous period of less than 30 days.
- History: (Amendment #85-267, Article XI Hunting or Fishing Shelter Removed effective 6-1-2021)*
62. **Impervious Surface Areas:** An area that releases as runoff all or a majority of the precipitation that falls on it. Impervious surface includes, but is not limited to rooftops, sidewalks, structures, decks, walkways, driveways and parking areas, (including graveled areas) unless specifically designed, constructed, and maintained to be pervious. "Impervious surface" excludes frozen soil, streets and Roadways as defined in Wis. Stats. 340.01(54), Wis. Adm. Code, or sidewalks as defined in Wis. Stats. 340.01(58), Wis. Adm. Code, are not considered impervious surfaces.
- Note: Gravel -- Typical gravel materials used for roads and parking lots are engineered and compacted to withstand heavy loads. These compacted gravel materials form a seal through which water will not readily infiltrate. Runoff from gravel is similar to paved surfaces with only a slight reduction in runoff. Gravel driveways are therefore considered impervious.*
- History: (Amendment #85-267, Article XI 62. New effective 6-1-2021)*
- 62a. **Initial TRH permit:** A permit secured under Article XII of this Ordinance by an owner who has not had a valid TRH permit for or during the last twelve (12) months, or the first TRH permit secured under Article XII by an owner after a deed has been recorded to change or alter the name of the property owner.
- History: (Amendment #85-276, Article XI 62a. New effective 1-1-2024)*
63. **Junk and/or Salvage Yard:** An area or premises consisting of the following, but not limited to, salvage materials, scrap metal, paper, rags, glass, plastic, used lumber, oil, oil or gasoline containers, used tires, household furnishings, household appliances. Two (2) or more unlicensed vehicles and parts thereof and machinery no longer used for the primary purpose for which it was intended. No Junk and/or Salvage Yard shall be permitted in Vilas County, except in conformance with a plan approved by the Vilas County Zoning Committee. See Article V, Section 5.12.
- History: (Amendment #85-267, Article XI 63. effective 6-1-2021)*
- 63a. **Keyed Unit:** A structure or room within a structure arranged for sleeping which has a unique key or access code.
- History: (Amendment #85-276, Article XI 63a. New effective 1-1-2024)*
64. **Lake Lots:** Lots with frontage on a lake, pond, or flowage or with 50 percent or more of their area within 200 feet of a lake, pond, or flowage.
65. **Land Division:** Any division of a lot, parcel, tract or block by the owner thereof or his agent, for the purpose of transfer of ownership or building development which creates one or more parcels or building sites of five acres or less.
66. **Land Parcel:** An identified section: fractional section or government lot.
67. **Local Government:** For the purposes of these regulations: any city, town, village or county authorized by law to enforce subdivision, sanitation and zoning regulations.
68. **Local Ordinances:** Any town or municipal Ordinance, portion of an Ordinance, or amendments thereto, adopted by a local unit of government with authority contained in Chapter 60.74 of the Wisconsin Statutes.

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69. Lot: A parcel, piece or portion of land, defined by metes and bounds, certified survey, recorded land subdivision plat or other means and separated from other lots, parcels or similar units by such description, and where applicable having its principal frontage upon a street, road or waterway.
70. Lot Area: The area of contiguous land bounded by lot lines, exclusive of land provided for public thoroughfares.
71. Lot Depth: The average horizontal distance between the front lot line and the rear lot line measured within the lot boundaries.
72. Lot Lines: A property boundary line of any land parcel held in single or separate ownership; except that where any portion of the property boundary line extends into the abutting street or alley, the property boundary line shall be deemed to be the street or alley right-of-way line.
73. Lot, Through: A lot which has a pair of opposite lot lines along two substantially parallel streets, and which is not a corner lot. On a "through lot" both street lines shall be deemed front lot lines.
74. Lot, Width: The average horizontal distance between the side lot line of a lot measured within the lot boundaries or the minimum distance between the side lot lines within the buildable area at right angle to the length.
75. Manufactured Buildings: Any structure covered under the Wisconsin Manufactured Building code Section 101.70 Wis. State Statutes, which is used or intended, to be used primarily for human habitation, whether temporary or permanent.
76. Manufactured Home: A structure transportable in one or more sections, which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on-site is three hundred twenty (320) 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 and which complies with all manufactured home construction and safety standards established under 42 U.S.C. 5401-5426, which became effective June 15, 1976.
77. Manufactured Home Park, Mobile Home Park, Manufactured Building Park or Manufactured Home Community: "Manufactured home community" means any plot or plots of ground upon which 3 or more manufactured homes that are occupied for dwelling or sleeping purposes are located, together with necessary accessory buildings, driveways, walks or other required adjuncts using a common septic system. "Manufactured home community" does not include a farm where the occupants of the manufactured homes are the father, mother, son, daughter, brother or sister of the farm owner or operator or where the occupants of the manufactured homes work on the farm. Wis. Stats 101.91(5m).
78. Marina, Commercial: A harbor, boat basin or dry dock area providing dockage, supplies, and services for pleasure craft for pay.

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79. Mineral Exploration: The on-site geographic examination from the surface of an area by core, rotary, percussion, or other drilling where the diameter of the hole does not exceed 18 inches for the purpose of searching for metallic minerals or establishing the nature of a known metallic mineral deposit and includes associated activities such as clearing and preparing sites or constructing roads for drilling. For the purposes of this section, exploration does not include drill holes constructed for the purpose of collecting soil samples or for determining radioactivity by means of placement of radiation-sensitive devices.
80. Mineral Prospecting: Engaging in the examination of an area for the purpose of determining the quality and quantity of minerals other than for exploration, but including the obtaining of an ore sample by such physical means as excavating, drilling, construction of shafts, ramps, tunnels, pits and the production of refuse and other associated activities.
81. Mineral Prospecting Site: The lands on which, prospecting is actually conducted as well as those lands on which physical disturbance will occur as a result of such activity.  
*History: (Amendment #85-267, Article XI Mini Storage Removed and Storage Rental Unit added in Replacement effective 6-1-2021)*
82. Mining: All or part of the processes of obtaining metallic minerals other than for exploration or prospecting including commercial extraction, agglomeration, beneficiation, construction of roads, removal of over-burden, and the production of refuse.
83. Mining Site: The surface area from which the minerals or refuse or both have been removed, the surface area covered by refuse or lands distributed by the construction or improvement of haulage-ways, and any surface areas on which structures, equipment, materials and any other things used in the mining operation are situated.
84. Mobile Home: A vehicle manufactured or assembled prior to June 15, 1976, designed to be transported to its placement as a single unit or in sections and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid un-collapsible construction which has an overall length in excess of 45 feet. "Mobile home" includes the mobile home structure, its plumbing, heating, air-conditioning and electrical systems and all other equipment carrying a manufacturer's warranty.
85. Mobile Home Park: Any plot or plots of ground owned by a person, state or local government upon which 2 or more units, occupied for dwelling or sleeping purposes regardless of mobile home ownership, and whether or not a charge is made for such accommodation.
86. Mobile Home Stand: That part of an individual mobile home lot, which has been reserved for the placement of one mobile home unit and the exclusive use of its occupants.
87. Motels: A building or group of buildings containing rooms which are offered for compensation for the temporary accommodations of transients, where there is no permanent occupancy of any unit except by the owner, his agent or his employees.  
*History: (Amendment #85-199, Navigable Waters removed effective 5-11-2005)*
88. Motor Freight Transportation Terminal: A place where goods are loaded or unloaded onboard a vehicle for transport.  
*History: (Amendment #85-267, Article XI 88. New effective 6-1-2021)*
89. Nonconforming Lot: Any lot created and recorded prior to the effective date of this Ordinance or amendment thereto, which does not conform to the size or lot dimension requirements herein.
90. Nonconforming Dwelling: Any dwelling, lawfully existing at the time of the effective date of this Ordinance or amendments thereto, which does not conform to the regulations herein.
91. Nonconforming Trade or Industry: Any business lawfully conducted on a premise at the time of the effective date of this Ordinance, or amendment thereto, which does not conform to the regulations herein.

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92. Nonconforming Uses and Structures: The lawful use of a building, structure, or property, which existed at the time this Ordinance; (or an applicable amendment to this, Ordinance) took effect and which is not in conformity with the provisions of this Ordinance.  
*History: (Amendment #85-199, Ordinary High-Water Mark removed effective 5-11-2005)*
93. Non-rental Guesthouse: A habitable building to be used occasionally by guests of the owner of the principal house located on the same lot. Permits issued for a non-rental guest house prior to, June 1, 2021 will continue to be regarded as non-rental structures. To be considered for a rental structure or a condominium unit an existing non-rental guesthouse must meet all current district zoning requirements and apply for a change of use permit.  
*History: (Amendment #85-216, Article XI effective 6-27-2007)*  
*History: (Amendment #85-267, Article XI 93. effective 6-1-2021)*
94. Patio: A designated area constructed of materials embedded in the ground. Such as: asphalt, concrete, block, tile, flagstone, crushed rock, brick, wooden block, etc.  
*History: (Amendment #85-199, Article XI Pier removed effective 5-11-2005)*
- 94a. Person: Any individual, corporation, firm, partnership, association, organization, any group acting as a unit, or personal representatives appointed according to law, including all partners, officers, agents, or members thereof.  
*History: (Amendment #85-276, Article XI 94a. New effective 1-1-2024)*
95. Pond, Artificially Created: An area of water artificially created that is surrounded by land, not hydrologically connected to a natural navigable water body and smaller than a lake.  
*History: (Amendment #85-267, Article XI 95. New effective 6-1-2021)*
96. Primitive Hunting Cabin: A structure which is not used as a home or residence, used principally for recreational hunting activity constructed before December 31, 1997. Primitive hunting cabins are only permitted in the Forestry District (F) and all provisions of Wisconsin Statutes 101.61(3) and 101.65(1g) apply.  
*History: (Amendment #85-267, Article XI 96. New effective 6-1-2021)*
97. Principal Structure: The building on a lot intended for primary use as permitted by the regulations of the zone in which it is located.
98. Private Onsite Wastewater Treatment System (POWTS): A sewage disposal system other than a public sewage system, including septic tanks, soil absorption systems, privies, holding tanks and privately-owned common sewerage facilities including package treatment plants, lagoons and irrigation systems.  
a. All sanitary systems new or replacement shall be sized in accordance with SPS 383.43.  
*History: (Amendment #85-199, Article XI Private Sewage Disposal System nomenclature revised effective 5-11-2005)*
99. Public and Semi-Public Uses: Public and semi-public uses in the sense of this Ordinance are uses principally of an institutional nature and serving a public need, such as: private and nursery schools, libraries, museums, post offices, police and fire stations, government offices, town halls and public garages.
100. Public Open Space: Any publicly owned open area, including, but not limited to the following: parks, playgrounds, forest preserves, beaches, waterways, parkways and streets.
101. Public Way: Any public road, street, highway, drainage-way or part thereof.
102. Quarrying: The removal of rock, slate, gravel, sand, topsoil or other natural material from the earth: by excavating, stripping, leveling or any other such process.

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103. **Reclamation:** The process by which an area physically or environmentally affected by mining is rehabilitated to either its original state, or is shown to be physically or economically impractical or environmentally or socially undesirable to a state that provides long-term environmental stability.
104. **Recreational Area:** Any park, playground, ball-field, ski hill, sport field, swimming pool, riding stable or riding academies or other facilities and area constructed for recreational activities and open for use by public or private organizations.
105. **Recreational Vehicle:** Any of the following:
- Travel Trailer:** A vehicular, portable structure built on a chassis, designed to be used as temporary dwelling for travel, recreational and vacation uses and identified as a travel trailer by the manufacturer.
  - Pick-Up Coach:** A structure designed to be mounted on a truck, chassis for use as a temporary dwelling for travel, recreation and vacation.
  - Motor-Home:** A portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.
  - Camping Trailer:** A canvas or folding structure mounted on wheels and designed for travel, recreation and vacation use.
  - Tent:** A portable lodge of canvas or strong cloth stretched and sustained by poles or by other means of support.
106. **Recreational Vehicle Parking Area:** A parcel of land on which two or more spaces are temporarily occupied or intended for temporary occupancy by recreational vehicles for transient dwelling purposes.

*History:* (Amendment #85-267, Article XI Residence, Single Family Dwelling Attached- Removed & Revised effective 6-1-2021)

*History:* (Amendment #85-267, Article XI Residence, Single Family Dwelling, Detached- Removed & Revised effective 6-1-2021)

- 106a. **Renewal TRH Permit:** A permit secured under Article XII of this Ordinance by an owner who has had a valid TRH permit during the last twelve months.

*History:* (Amendment #85-276, Article XI 106a. New effective 1-1-2024)

107. **Residence, Duplex (two family):** A habitable structure containing two (2) single-family residential units within or attached, are considered multi-family for administration of this ordinance.

*History:* (Amendment #85-267, Article XI 107. effective 6-1-2021)

108. **Residence, Multiple Family:** A habitable structure containing three or more single-family residential units within or attached. A single-family residence, which is attached by same wall construction to another dwelling unit. Attached dwelling units includes duplexes, triplexes, townhouses and row houses.

*History:* (Amendment #85-267, Article XI 108. effective 6-1-2021)

109. **Residence, Single-Family:** A detached habitable structure which is entirely surrounded by open space containing one single-family dwelling unit. May have attached accessory structures such as decks, garages, patios, porches and similar structures, attached structures must maintain setbacks for a principal structure.

*History:* (Amendment #85-267, Article XI 109. effective 6-1-2021)

110. **Residence, Single-Family Unit:** A habitable structure or portion thereof; with rooms arranged, designed, used or intended to be used for one family.

*History:* (Amendment #85-267, Article XI 110. effective 6-1-2021)

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- 110a. **Resident Agent:** A person appointed by the owner of a tourist rooming house to act as an agent on their behalf to ensure compliance with this Ordinance.  
*History: (Amendment #85-276, Article XI 110a. New effective 1-1-2024)*
111. **Resort:** A parcel or condominium containing three (3) or more keyed units in separate structures owned by the same person for accommodation of tourists or transients, not including a hotel, motel, or bed and breakfast establishment.  
*History: (Amendment #85-267, Article XI 111. effective 6-1-2021)*  
*History: (Amendment #85-276, Article XI 111. effective 1-1-2024)*
112. **Riding Stables or Riding Academies:** For the purpose of this Ordinance, shall include buildings or premises used for the rent or lease of horses or animals for riding.
113. **Right-of-Way:** A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main. The usage of the term "right-of-way" for zoning purposes shall mean every right-of-way hereafter established and shown on a plat or certified survey map which is separate and distinct from the lots or parcels adjoining such right-of-way and not including within the dimensions or areas of such lots or parcels.
114. **Roadside Stand:** A farm building used or intended to be used solely by the owner or tenant of the farm on which such building is located for the sale of farm products.
115. **Sales, Service, Repairs, Miscellaneous:** Means any of the mixed uses related to sales, services or repairs.  
*History: (Amendment #85-267, Article XI 115. New effective 6-1-2021)*
116. **Sanitary Landfill:** A waste disposal operation which consists of dumping garbage, rubbish and other debris into a depression or trench, compacting it and promptly covering it with a layer of earth of suitable thickness.
117. **Sanitary Station:** A facility used for removing and disposing of wastes from recreational vehicle holding tanks.
118. **Satellite Dish:** See Structure.
119. **Setback Lines:** Lines established adjacent to highways, shorelines and side lot lines for the purpose of defining limits within which no building or structure or any part thereof shall be erected or permanently maintained. For purposes of enforcement, all measurements are to be taken horizontally.
120. **Sewered:** A structure, which is connected to and served by a sewerage system as defined and regulated by Wisconsin Administrative Code Chapter NR 110.
121. **Shooting Range:** Public or private structures, parking areas, and other associated improvements, designed and constructed for the purpose of providing a place for the discharge of various types of firearms or dangerous weapons and is open to club members or public use. Shooting ranges shall encompass shooting stations or firing lines, target areas, berms and baffles, and other related components.  
*History: (Amendment #85-267, Article XI 121. effective 6-1-2021)*  
*History: (Amendment #85-199, Article XI Shorelands, Shoreland Wetland Zoning District, Sign, Sign Gross Surface Area Of, Special Exception removed effective 5-11-2005)*
122. **Site Plat:** A drawing or design, which shows the proposed land use, construction or practice as set forth by the County Zoning Committee.
123. **Storage Rental Unit:** A storage rental unit may also be known as self-service storage, mini storage or individual storage space. A location or structure in which **storage** space, (such as large or small areas

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within a structure, lockers, containers, and/or outdoor space), is rented to tenants, usually on a short-term basis (often month-to-month).

*History: (Amendment #85-267, Article XI 123. New effective 6-1-2021)*

124. **Street (Avenue, Place, Road, Terrace, Parkway, Boulevard or Court):** A right-of-way of a required width, which affords a primary means of access to abutting property.

125. **Structure:** Any construction, production or piece of work artificially built up or down composed of parts purposefully joined together in some definite manner; a combination of materials installed on, above, or below the surface of a parcel of land, the use of which requires location on the ground or attached to something on the ground.

*History: (Amendment #85-216, Article XI effective 6-27-2007)*

*History: (Amendment #85-234, Section 11.0, effective 11-24-2010)*

126. **Structural Alteration:** Any change in the supporting members of a building such as bearing walls, columns, beams or girders, or any substantial changes in the roof and exterior walls.

127. **Substantial Evidence:** Facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

*History: (Amendment #85-267, Article XI 127. New effective 6-1-2021)*

128. **Temporary or Temporary Use:** Any period of time or use not to exceed (30) thirty consecutive calendar days.

129. **Tiny Houses:** Houses of less than 1,000 square feet. Frequently, the distinction is made between small 400 sq. ft. and 1,000 sq. ft. and **tiny** houses less than 400 sq. ft., with some as small as 80 square feet. Regulated in all districts like single-family homes unless located in an RV park or campground, where they have to meet camping unit requirements.

*History: (Amendment #85-267, Article XI 129. New effective 6-1-2021)*

129a. **Tourist or Transient:** A person who travels from place to place away from his or her permanent residence for vacation, pleasure, recreation, culture, business, or employment.

*History: (Amendment #85-276, Article XI 129a. New effective 1-1-2024)*

130. **Tourist Rooming House (TRH):** A single keyed unit in which sleeping accommodations are offered for pay to tourists or transients. Not including private boarding or rooming houses not accommodating tourists or transients, hotels and motels, or bed and breakfast establishments.

*Note: In general, TRH establishments are vacation homes, cabins and cottages that are rented out to tourists and transients.*

*History: (Amendment #85-267, Article XI 130. New effective 6-1-2021)*

*History: (Amendment #85-276, Article XI 130, effective 1-1-2024)*

131. **Town:** Reference to town shall mean any town of the county including the town board, town clerk or any designated town committee.

132. **Toxic Materials:** Materials, which are capable of causing injury to living organisms by chemical means.

133. **Tract:** An area of land not definitely bounded and referred to as a general location.

134. **Transient Lodging:** A commercial lodging establishment, which rents sleeping quarters or dwelling units for periods of less than one month, (30 days).

*History: (Amendment #85-267, Article XI 134. effective 6-1-2021)*

135. **Travel Trailer Park:** Any public or private premises having two or more travel trailers including buildings established for temporary day and overnight habitation by persons other than the owner of the parcel using



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travel trailers or similar recreation vehicles for the purposes of camping. For enforcement purposes travel trailer parks are considered park-grounds.

136. Tree House: Defined as a tree house, tree fort or tree shed is a platform or building constructed around, next to or among the trunk or branches of one or more mature trees while above ground level. Tree houses can be used for recreation, work space, a hangout space and observation.

*History: (Amendment #85-267, Article XI 136. New effective 6-1-2021)*

136a. TRH permit: A permit obtained under Article XII of this Ordinance to operate a Tourist Rooming House. A TRH permit may be an initial TRH permit or a renewal TRH permit.

*History: (Amendment #85-276, Article XI 136a. New effective 1-1-2024)*

136b. TRH permit year: A one-year period beginning February 1, and ending the following January 31.

*History: (Amendment #85-276, Article XI 136b. New effective 1-1-2024)*

137. Unnecessary Hardship: That circumstance where special conditions which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this Ordinance.

138. Unsewered: A structure or parcel where the domestic sewage is treated by means of a private sewage system as defined by Wisconsin Statutes Chapter 145. Private sewage systems include, but are not limited to, septic tanks, soil absorption fields, and holding tanks.

139. Use, Accessory: A subordinate use which is clearly and customarily incidental to the principal use of a building or premises and which is located on the same lot as the principal building or use except for such accessory parking facilities as are specifically authorized to be located elsewhere.

140. Use, Principal: The primary use of a property or structure.

141. Utility Facilities: Utility owned structures not related to the direct delivery of utility service to households or businesses. Utility facilities include power generating plants, electrical utility substations, utility offices, treatment plants, sanitary stations, and sanitary landfills.

142. Variance: An authorization granted by the Board of Adjustment to construct, alter or use a building or structure in a manner that deviates from the dimensional standards of this Ordinance.

143. Warehouse: A structure used for the reception and storage of raw materials, manufactured goods and merchandise temporarily before export or distribution for sale.

*History: (Amendment #85-267, Article XI 143. effective 6-1-2021)*

144. Wetlands: Those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation, and which have soils indicative of wet conditions.

145. Yard: A yard is an open space on a zoning lot, which is unoccupied or unobstructed from its lowest level to the sky, except as, otherwise provided herein. For the purpose of this Ordinance, a "yard" extends along a lot line to a depth or width specified in the yard regulations for the zoning district in which such zoning lot is located.

146. Yard, Front: A front yard is a yard paralleling along the full length of the front lot line between the side lot lines. For purposes of enforcement, the front lot line shall be considered the lot line bordering a public or private vehicular right-of-way or a navigable body of water.

147. Yard, Rear: A rear yard is a yard paralleling along the full length of the rear lot line between the side lot lines.

148. Yard, Side: A side yard is a yard paralleling along a side lot line from the front yard to the rear yard.



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## ARTICLE XII: OPERATION OF A TOURIST ROOMING HOUSE

*History: (Amendment #85-276, Article XII. New effective 1-1-2024)*

Introduction and Explanation: Article XII contains rules, regulations, and permitting requirements for tourist rooming houses in Vilas County. It is adopted to ensure that tourist rooming houses in Vilas County are appropriately managed to protect the public health, safety, general welfare, environment, character and stability of all areas within the County.

### 12.1 APPLICABILITY

This article shall apply to all rentals of a single-family dwelling, tourist rooming house or other structure for a term of twenty-nine (29) days or less unless specifically exempted by Section 12.2 below.

### 12.2 EXEMPTIONS

The following operations are exempt from complying with the requirements of this Article:

- (A) A private boarding or rooming house, not accommodating tourists or transients.
- (B) Hotels and motels as defined in Article XI and licensed by the State of Wisconsin or its agents under Wis. Stats. §97.605 or §97.625.
- (C) Resorts as defined in Article XI and licensed by the State of Wisconsin or its agents under Wis. Stats. §97.605 or §97.625
- (D) Bed and breakfast establishments as defined in Article XI and licensed by the State of Wisconsin or its agents under Wis. Stats. §97.605 or §97.625
- (E) Campgrounds as defined in Article XI and licensed by the State of Wisconsin or its agents under Wis. Stats. §97.605 or §97.625
- (F) February monthly rental of a single-family dwelling or multi-family dwelling unit which is normally and regularly offered for monthly rentals.

### 12.3 PROHIBITIONS

- (A) Any advertisement, offer, or execution of a rental for a term of less than seven (7) consecutive days, regardless of whether additional rentals occur within the seven (7) day period, are prohibited in the Single Family Residential (R-1) zoning district unless the tourist rooming house meets the requirements of Article VIII, Section 8.1(E) of this Ordinance.
- (B) Tourist rooming house rentals are prohibited in manufactured home parks, mobile home parks, manufactured building parks, or manufactured home communities as defined in Article XI.
- (C) Camping units located outside of a campground licensed by the State of Wisconsin or its agents under Wis. Stats. §97.605 or §97.625 are prohibited from being offered or used as tourist rooming houses.
- (D) No flows and loads affidavit, affidavit regarding private on-site waste treatment system (POWTS) size based on occupancy, or other affidavit shall be used to determine or affect the occupancy requirements set forth in this Ordinance.
- (E) No tourist rooming house may be served by a sanitary facility which does not meet the requirements of Wisconsin Administrative Code SPS 383.32.

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- (F) No tourist rooming house may be served by a non-plumbing sanitary system as its primary method of black water disposal.

### 12.4 PERMIT REQUIRED

- (A) No person, agent, or others acting on their behalf, shall operate or offer a tourist rooming house without having obtained a permit from the Department in accordance with the provisions of this Article.
- (B) Initial TRH Permit
- (1) Any property owner, agent, or other person having a contractual interest in any residential dwelling or other structure may apply for a permit to operate a tourist rooming house.
  - (2) Initial applications must be submitted at least thirty (30) days in advance of the date the property is first offered for rent.
- (C) Renewal TRH permit
- (1) Any property owner, agent, or other person having a contractual interest in any residential dwelling or other structure may apply for a renewal of a permit to operate a tourist rooming house.
  - (2) Renewal applications must be submitted no later than thirty (30) days prior to their expiration date.
- (D) Permit Expiration
- (1) Initial TRH Permits issued prior to November 1 shall expire at the end of the TRH permit year during which they are issued.
  - (2) Initial TRH Permits issued on November 1 or later shall expire at the end of the next TRH permit year.
  - (3) Renewal TRH permits shall expire at the end of the next TRH permit year.
  - (4) Both Initial and Renewal TRH permits shall expire upon such time as a document is recorded with the Vilas County Register of Deeds which changes or alters the name of the person, firm, corporation, or entity which owns the property.
- (E) Permit Revisions
- (1) Any property owner, agent or resident agent listed on an existing Initial or Renewal TRH permit may apply for a revision to said permit.
  - (2) All permit revisions shall be submitted to the Department on forms supplied by the Department. All requirements of the existing permit shall be in force until such time as the revisions are approved by the Department.

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- (F) Initial TRH Permit, Renewal TRH permit, and Permit Revision Application Requirements  
Applications for Initial TRH Permits, Renewal TRH permits, or revisions to existing permits, shall include the following information:
- (1) Address and tax parcel number;
  - (2) Name, address, telephone number, and e-mail address of property owner;
  - (3) Name, address, telephone number, and e-mail address of applicant;
  - (4) Name, address, telephone number, and e-mail address of resident agent;
  - (5) Signature of applicant and resident agent.
  - (6) Legal description of property;
  - (7) Proposed occupancy of the tourist rooming house;
  - (8) Proof of adequate sewage disposal facilities (POWTS);
  - (9) Proof of licensure through the State of Wisconsin or its agents under Wis. Stats. §97.605 or §97.625 or a copy of the application for said license;
  - (10) A copy of the property rules required under Paragraph 12.7(B), unless already on file;
  - (11) Permit fees as set forth in the Vilas County Zoning & Sanitary Fee Schedule.
- (G) The Zoning Administrator or their designee may require any additional information necessary to decide upon the issuance of a permit under this Article including but not limited to detailed site plans, floor plans and parking area diagrams.
- (H) Issuance of a permit under this Article does not exempt a property owner from obtaining a permit or license from a local municipality under a local municipal ordinance, the Vilas County Public Health Department under Chapter 8 of the Vilas County Code of Ordinances, or the State of Wisconsin or their agents under Wis. Stat. §97.605 or §97.625.
- (I) No permit to operate a tourist rooming house shall be issued or considered when requested if three (3) or more violations of this Article resulting in forfeitures have occurred on a property, or if the owner or designated agent receives six (6) or more notifications of substantiated violations in accordance with Section 12.10(D) have occurred within the twelve (12) month period prior to application.
- (J) No permit to operate a tourist rooming house shall be issued or considered when requested, if a violation of any regulation enforced by the Department exists on the property, or any violation of Chapter 8 of the Vilas County Code of Ordinances exists on the property, unless the above requested permit is required to abate the violation.
- (K) Permits issued under this Article are non-transferable, and the owner or resident agent shall notify the Department in writing of any transfer of legal control of any property covered by permit.
- (L) A separate permit under this Article shall be required for each structure to be used as a tourist rooming house.

### 12.5 OCCUPANCY

- (A) The maximum occupancy of a tourist rooming house served by a POWTS shall be limited to the number of occupants for which the POWTS was designed, or the number of occupants authorized by the State of Wisconsin or its agents under Wis. Stats. §97.605 or §97.625, whichever is less.
- Note: Residential septic systems are considered to be designed to accommodate two (2) occupants per bedroom.*
- (B) The maximum occupancy of a tourist rooming house served by a public or municipal sewer system is limited to the number of occupants authorized by the State of Wisconsin or its agents under Wis. Stats. §97.605 or §97.625.

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- (C) The maximum occupancy allowed on a property being utilized as a tourist rooming house shall not exceed the allowed maximum of the tourist rooming house.
- (D) No camping units, recreational vehicles, or other temporary lodging arrangements shall be permitted onsite as a means of providing additional accommodation for paying guests or other invitees.

### 12.6 PARKING

- (A) Tourist Rooming Houses located in all zoning districts shall comply with this Section. Tourist Rooming Houses located in the Community Business (CB) zoning district are not exempt from the parking requirements in this Section.
- (B) Each tourist rooming house shall provide a minimum of one (1) off-street parking space for each two (2) occupants plus one (1) additional parking space per habitable structure.
- (C) Parking spaces as required by this section shall meet the requirements of Article VII, Section 7.1(A) of this Ordinance.
- (D) Garage areas may count as parking spaces for purposes of this Ordinance provided each space meets the size requirements of Article VII, Section 7.1(A) and the garage areas are made available to renters as part of the rental contract.
- (E) Areas located above, or within fifteen (15) feet of any POWTS component may not be used as parking areas to satisfy the requirements of this Article.
- (F) Areas located within road, access, or utility easements may not be used as parking areas to satisfy the requirements of this Article unless expressed written consent is given by all entities which have access to said easement provide written approval.
- (G) Wetland areas, mapped Special Flood Hazard areas, areas subject to a Mitigation Agreement which is already on file or otherwise reserved for compliance with Article XI of the Vilas County Shoreland Zoning Ordinance, areas within seventy-five (75) feet of the ordinary high-water mark (OHWM) of a navigable waterway, and areas located within five (5) feet of a lot line shall not be used as parking areas to satisfy the requirements of this Article.
  - (1) Existing garages, improved driveways, and improved parking areas located within seventy-five (75) feet of the OHWM of a navigable waterway or within five (5) feet of a lot line may be used to satisfy the parking requirements of this Article if they are considered legal, non-conforming structures under Article VIII of this Ordinance.
- (H) Areas located within the right-of-way of a public road or highway may not be used as parking areas to satisfy the requirements of this Article.
- (I) The total number of vehicles and trailers allowed on site shall not exceed the number of parking spaces provided.

### 12.7 RESIDENT AGENT REQUIRED

- (A) A resident agent is required for all tourist rooming houses. The owner may be the resident agent if they meet all requirements of this section.
- (B) The resident agent must be an adult person residing within Vilas County or within a forty (40) mile radius of the subject tourist rooming house or a corporate entity with physical offices located within Vilas County or within a forty (40) mile radius of the subject tourist rooming house.

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- (C) The resident agent must be authorized by the owner to act as the agent for the owner for the following purposes:
- (1) Receipt of service of notice of violation of the provisions of this Ordinance;
  - (2) Service of process pursuant to this Ordinance; and
  - (3) Granting permission for Vilas County or its agents to enter the property permitted under this Article for the purpose of inspection and enforcement of all Ordinances for which the Department is responsible.

### 12.8 OTHER REQUIREMENTS

- (A) A list of property rules must be posted at the property, provided to the guests and copy submitted with the application for a license. The property rules must include the following:
- (1) Maximum occupancy of the property as permitted by this Article.
  - (2) Contact information for the designated agent.
  - (3) The number of vehicles and trailers permitted and the location of the designated parking spaces.
  - (4) Non-emergency contact information for law enforcement, fire department, and EMS services.
  - (5) If applicable, information on the location of the high-water alarm for the POWTS, and procedures to follow if the alarm is activated.
  - (6) Where to locate applicable outdoor burning regulations, hunting/fishing regulations, and local off-road vehicle, snowmobile, and boating regulations.
- (B) If a tourist rooming house is not served by a public sanitary sewer, a POWTS in full compliance with this article, the Vilas County Private Sewage System, and Wisconsin Administrative Code must serve the property.
- (C) A tourist rooming house which proposes to utilize a POWTS system which was not installed using a valid soil & site evaluation report as defined in the Vilas County Private Sewage System Ordinance, Section 15.07(38) shall provide the documentation required under the Vilas County Private Sewage System Ordinance, Section 15.25(3)(b-d).

### 12.9 EXISTING TOURIST ROOMING HOUSES

Tourist rooming houses which were licensed by the State of Wisconsin or its agents under Wis. Stats. §97.605 or §97.625 prior to the enactment of this Article shall be permitted to retain the maximum occupancy as permitted under such license, shall be exempted from the parking requirements of this Article, and shall be exempted from the requirements of Section 12.8(C) until the expiration of their Initial TRH Permit. Any subsequent Initial TRH Permit, Renewal TRH permit, or revision to an existing permit shall conform to the requirements of this Ordinance.

### 12.10 ENFORCEMENT AND PENALTIES

- (A) Enforcement of this section shall be in accordance with the provision of Section 9.6 of this Ordinance unless otherwise set forth in this Article.
- (B) Tourist rooming house designated agents and renters shall be considered to be acting on the owners' behalf for the purposes of enforcement under this Article and Section 9.6(B) of this Ordinance.
- (C) Advertising, offering, or operating a tourist rooming house which does not meet the requirements of this Article shall be considered a violation of this Article and be subject to the procedures and penalties set forth in Paragraphs D & E below.

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- (D) Upon notification of a substantiated violation of this Article, the owner, or those acting on their behalf shall abate the violation within forty-eight (48) hours to the satisfaction of the Zoning Administrator or their designee. Failure to do so shall result in forfeitures as set forth in Section 12.4(I) of this Article and Paragraph E below
- (E) Penalties:
- (1) Forfeitures  
Any person, firm, corporation, or other entity including but not limited to contractors or those acting on behalf of the property owner who violated any provision of this Article shall be subject to a forfeiture of \$1000.00 for the first violation, \$1500.00 for the second violation, and \$2000.00 for the third and all subsequent violations of this Article, plus the cost of prosecution. Each day a violation exists shall constitute a distinct and separate violation of this Article, and as such, forfeitures shall apply accordingly. The Zoning Administrator or their designee may seek remedy through citation or any other legal means available.
- (2) Injunctions  
As a substitute for or in addition to forfeiture actions, Vilas County may seek enforcement of any or all parts of this Article by a court action seeking injunctive relief.