

**VILAS COUNTY, WISCONSIN
GENERAL ZONING ORDINANCE**

Contents

Revised May 11, 2005

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VILAS COUNTY GENERAL ZONING ORDINANCE

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.

VILAS COUNTY GENERAL ZONING ORDINANCE

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 any land or water, the size, shape and placement of lots, the use, size and locations of structures on lots, the installation and maintenance of water supply and waste disposal facilities, the filling, grading, lagooning, dredging of any land, the cutting of shoreland vegetation, the subdivision of lots, shall be in full compliance with the terms of this Ordinance and other applicable regulations. Section 9.3 (A) of this Ordinance specifies the uses which require issuance of a zoning permit.

2.2 INTERPRETATION:

In their interpretation and application, the provisions of this Ordinance shall be held to be 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, size or designated use of any building or 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.

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 the purpose of 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 the 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.

VILAS COUNTY GENERAL ZONING ORDINANCE

ARTICLE III: INTERPRETATIONS

Introduction and Explanation: Article III contains descriptions of how to interpret district boundaries, area requirements, highway setbacks, signs 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, 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 the 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. The maps on file in the office of the County Zoning Administrator shall be 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 the district map indicates that the various districts are bounded by a road or street line, the centerline of such road or street shall be the district boundary line.
- (B) Except where otherwise indicated on the map, it is intended that the district boundary line be measured at right angles to the nearest highway right-of-way line.
- (C) For subdivided property, where not otherwise indicated and where the designations on the Zoning Map are approximately bounded by lot lines, 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 shall be assumed to be the rear lines of the lots abutting such streets.
- (D) For un-subdivided property, where not otherwise indicated, the 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, the district boundary lines, where not otherwise indicated, shall be determined by use of the scale shown on the Zoning Map.

3.2 INTERPRETATIONS OF YARD REQUIREMENTS:

The regulations contained through this Ordinance related to the size of yard and other open space shall be subject to the following interpretations and exceptions:

- (A) No part of a yard or other open space provided about any building for the purposes of complying with the provisions of this Ordinance shall be included as a part of a yard or other open space required for another building.
- (B) When a lot has an area less than the minimum number of square feet as required for the district in which it is located, and was of record as such at the time of the passage of this Ordinance, such lot may be occupied subject to the setback(s), requirement(s) for the district in which it is located.
- (C) Every part of a required yard shall be open to the sky unobstructed, except for accessory buildings as permitted by this Ordinance.
- (D) Accessory buildings, which are not a part of the principal building, shall not occupy more than 30 percent of the area of the required yard area.
- (E) 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. Exceptions to this setback requirement shall be private easement roads, the 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, Section 3.2(E), effective 6-27-07)
- (F) The area within the established setback lines along Federal, State or County highways shall not be used for the storage of chattel.

3.3 INTERPRETATIONS OF BUILDINGS HEIGHT REQUIREMENTS:

History: (Amendment #85-165, 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 the 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.

For purposes of enforcement the building height for Mansard and Gambrel roofs shall be the mean height. Mean height being 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.

For purposes of enforcement the building height for Flat, A Frame style houses and Geodesic Dome style houses shall be measured from the lowest point of finished grade to the highest roof point.

(1) Height Increase Permitted

- (a) The mean height of detached garages shall not exceed 25 feet.
(b) All non-rental guest houses shall not exceed 25 feet in height measured from lowest point of finished grade to highest roof point and shall maintain a setback of 15 feet from side and rear yards.
(d) Mini Storage structure(s) not to exceed 15 feet mean height.

History: (Amendment #85-216, Section 3.3(A),(1) effective 6-27-07)

- (B) 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.

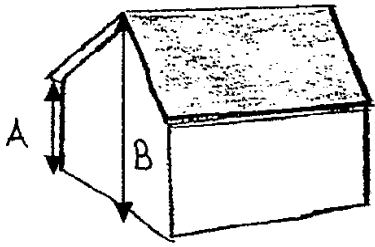
- (C) Facilities exceeding building height requirements, which are subject to Section 3.3 (B.) require a Zoning Permit to be issued by the County Zoning Administrator. Before issuing the permit, the Zoning Administrator shall investigate and determine whether any such facility, which is to exceed 35 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, Section 3.3 (D)(removed) effective 5-11-05)

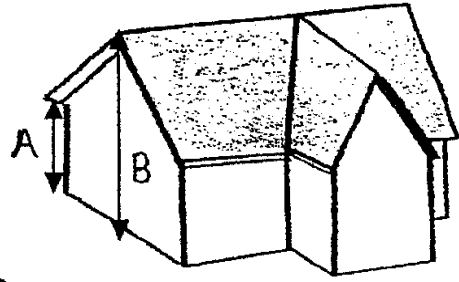
3.4 SIGNS: All signs shall be regulated by the local Town Board.

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

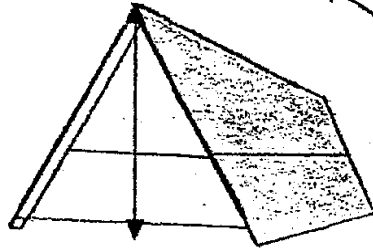
INTERPRETATIONS OF BUILDING HEIGHT REQUIREMENTS



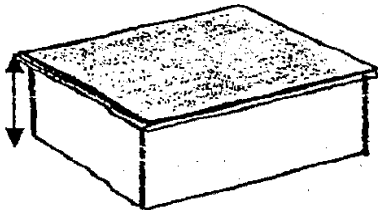
GABLE



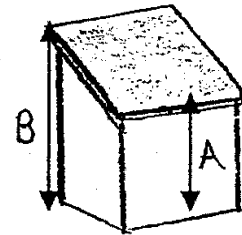
CROSS-GABLE



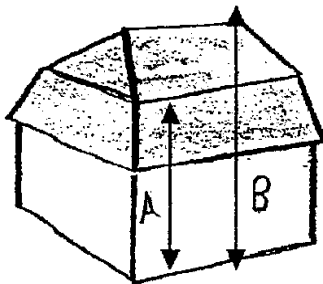
A-FRAME



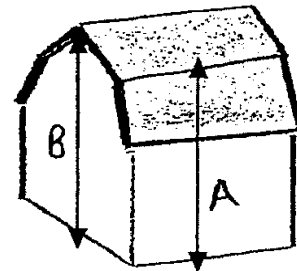
FLAT



LEAN-TO



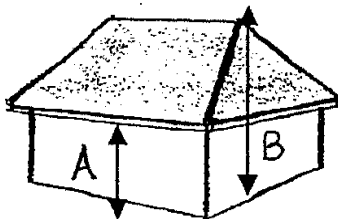
MANSARD



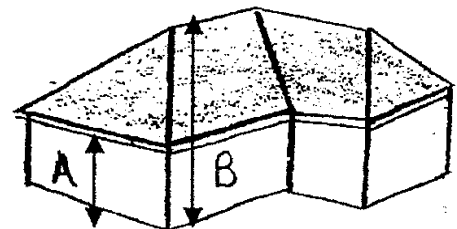
GAMBREL



GEODESIC
DOME



HIP



CROSS-HIPPED

VILAS COUNTY GENERAL ZONING ORDINANCE

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 uses, conditionally permitted uses. Table 1 at the end of this Ordinance summarizes the requirements for each district. Readers are referred to the Official Zoning Map, which is on file at the Zoning Administrator's office for 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.

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 and prohibit the intrusion of uses incompatible with the quiet and comfort of such areas.
- (B) Permitted Uses:
- (1) Single-family detached dwelling units, including individual mobile homes, which meet the yard requirements of the district.
 - (2) One non-rental guesthouse, which may be occupied on a temporary basis.
 - (3) Parks, playgrounds, golf courses and other recreation facilities. No structure of more than 1,000 square feet may be associated with such uses. Larger structures require conditional use permits.
 - (4) Home occupations as defined in Article XI of this Ordinance.
 - (5) Essential services.
 - (6) Hobby farms.
- (C) Conditional Uses:
- (1) Airports and landing strips.
 - (2) Public and semi-public uses.
 - (3) Utility facilities.
 - (4) Private club houses exceeding 1,000 square feet in area which are owned by condominium associations or other types of non-profit associations consisting of owners of adjacent or nearby properties.
 - (5) Bed and breakfast establishments as defined in Article XI of this Ordinance.
 - (6) Community based residential facilities (community living) as defined in Article XI of this Ordinance.
- (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 III, 3.3, A, (1).
- (E) Minimum Lot Areas:
- (1) Sewered back lots: 10,000 square feet. One non-rental guest house 6,000 square feet.
 - (2) Sewered lake lots: 20,000 square feet. One non-rental guest house 6,000 square feet.
 - (3) Unsewered back lots: 65,340 square feet. One non-rental guest house 12,000 square feet.
 - (4) Unsewered lake lots: As required in Section 4.3 Vilas County Shoreland Zoning Ordinance. One non-rental guest house 6,000 square feet.
- (F) Minimum Lot Width:
- (1) Sewered back lots: 100 feet.
 - (2) Sewered lake lots: 100 feet.
 - (3) Unsewered back lots: 163 feet.
 - (4) Unsewered lake lots: As required in Section 4.3 Vilas County Shoreland Zoning Ordinance.
- (G) Building Setback Requirement: Setbacks for principal and accessory buildings shall be in accord with Section 3.2, E of this Ordinance. The minimum setback for both principal and accessory buildings shall be 75 feet from the ordinary high watermark of all navigable waters, except for boathouses.

(H) Side Yard Requirements:
(1) Principal building: 15 feet. (2) Accessory buildings: 5 feet.

(I) Rear Yard Requirements:
(1) Principal building: 15 feet. (2) Accessory buildings: 5 feet.

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

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

4.2 MULIT-FAMILY RESIDENTIAL DISTRICT (R-2):

(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 the R-1 District.
- (2) Multiple family dwelling units.
- (3) Apartments, townhouses and condominiums for rent.
- (4) Bed and breakfast establishments.
- (5) Boarding houses and other types of group lodging.
- (6) Community living (CBRF).
- (7) Dwelling units on second stories.
- (8) Mobile home parks.
- (9) Resorts.
- (10) Private clubhouses, which are owned by condominium associations or other types of non-profit associations consisting of owners of adjacent or nearby properties.
- (11) Hobby farms.

(C) Conditional Uses:

- (1) Airports and landing strips.
- (2) Public and semi-public uses.
- (3) 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 III, 3.3, A, (1).

(E) Minimum Lot Areas:

- (1) Sewered Back lots: 10,000 square feet plus 6,000 square feet for each additional contiguous dwelling unit. One non-rental guest house 6,000 square feet.
- (2) Sewered Lake lots: 20,000 square feet plus 6,000 square feet for each additional contiguous dwelling unit. One non-rental guest house 6,000 square feet.
- (3) Unsewered Back lots: 65,340 square feet plus 12,000 square feet for each additional contiguous dwelling unit. One non-rental guest house 12,000 square feet.
- (4) Unsewered Lake lots: As required in Section 4.3 Vilas County Shoreland Zoning Ordinance, plus 6,000 square feet for each additional contiguous dwelling unit. One non-rental guest house 6,000 square feet.

(F) Minimum Lot Width:

- (1) Sewered back lots: 100 feet.
- (2) Sewered lake lots: 100 feet plus 30 feet for each additional contiguous unit.
- (3) Unsewered back lots: 163 feet.
- (4) Unsewered lake lots: As required in Section 4.3 Vilas County Shoreland Zoning Ordinance, plus 30 feet for each additional contiguous unit.

(G) Building Setback Requirement: Setbacks for principal and accessory buildings shall be in accordance with Section 3.2, E of this Ordinance. The minimum setback for both principal and accessory buildings shall be 75 feet from the ordinary high water mark of all navigable waters, except for boathouses.

- (H) Side Yard Requirements:
(1) Principal building: 15 feet. (2) Accessory buildings: 5 feet.

- (I) Rear Yard Requirements:
(1) Principal building: 15 feet. (2) Accessory buildings: 5 feet.

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

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

4.3 GENERAL BUSINESS DISTRICT (GB):

- (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 the R-1 and R-2 Districts.
- (2) Agri-business (forest crop).
- (3) Auto & RV sales, service and repair, except body shops.
- (4) Auto service stations.
- (5) Building and trade contractors, general and special.
- (6) Eating and drinking establishments.
- (7) Financial institutions.
- (8) Forest products industries.
- (9) Health care facilities.
- (10) Hotels and motels.
- (11) Indoor recreation establishments.
- (12) Mini storage buildings.
- (13) Professional offices.
- (14) Public and semi-public uses.
- (15) Retail stores and commercial services.
- (16) Sales, service and repair, misc.
- (17) Snowmobile sales and service.
- (18) Hobby farms.

(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 III, 3.3, A, (1).

(E) Minimum Lot Areas:

- (1) Sewered back lots: 10,000 square feet. For each additional contiguous dwelling unit 6,000 square feet. One non-rental guest house 6,000 square feet.
- (2) Sewered lake lots: 20,000 square feet. For each additional contiguous dwelling unit 6,000 square feet. One non-rental guest house 6,000 square feet.
- (3) Unsewered back lots: 65,340 square feet. For each additional contiguous dwelling unit 12,000 square feet. One non-rental guest house 12,000 square feet.

- (4) Unsewered lake lots: As required in Section 4.3 Vilas County Shoreland Zoning Ordinance, for each additional contiguous dwelling unit 6,000 square feet. One non-rental guest house 6,000 square feet.

(F) Minimum Lot Widths:

- (1) Sewered back lots: 100 feet.
- (2) Sewered lake lots: 100 feet plus 30 feet for each additional contiguous unit.
- (3) Unsewered back lots: 163 feet.
- (4) Unsewered lake lots: As required in Section 4.3 Vilas County Shoreland Zoning Ordinance, plus 30 feet for each additional contiguous unit.

- (G) Building Setback Requirements: Setbacks for principal and accessory buildings shall be in accord with Section 3.2, E. of this Ordinance. The minimum setback for both principal and accessory buildings shall be 75 feet from the ordinary high water mark of all navigable waters.

(H) Side Yard Requirements:

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

(I) Rear Yard Requirements:

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

History :(Amendment #85-230, Section 4.3 (I)(1), effective 11-25-09)

History :(Amendment #85-199, Section 4.3 (D)(1)(2), (E)(4), (F)(4) effective 5-11-05)

4.4 **COMMUNITY BUSINESS DISTRICT (CB):**

- (A) Purpose: The Community Business District is established to create and 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) Bed and breakfast establishments.
- (3) Building and trade contractors, general and special.
- (4) Community living (CBRF) establishments.
- (5) Eating and drinking establishments.
- (6) Essential services.
- (7) Financial institutions.
- (8) Apartment, townhouses and condominiums for rent.
- (9) Health care facilities.
- (10) Home occupations.
- (11) Hotels and motels.
- (12) Indoor recreation facilities.
- (13) Mini storage buildings.
- (14) Professional offices.
- (15) Public and semi-public uses.
- (16) Single family residential attached to commercial uses.
- (17) Resorts.
- (18) Retail sales and service.
- (19) Miscellaneous sales, service and repair.
- (20) Hobby farms.

(C) Conditional Uses:

- (1) Automotive and RV sales, service and repairs.
- (2) Body shops.
- (3) Guesthouse - non-rental.
- (4) Commercial marinas.
- (5) Individual mobile homes.
- (6) Parks, playgrounds and golf courses.
- (7) Private clubhouses.
- (8) Multiple family residences.
- (9) Multiple family dwelling units on second stories.

- (10) Single family residences.
- (11) Snowmobile sales and service.
- (12) Utility facilities.
- (13) 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 III, 3.3, A, (1).

(E) Minimum Lot Areas:

- (1) Sewered back lots: 5,000 square feet.
- (2) Sewered lake lots: 20,000 square feet.
- (3) Unsewered back lots: 20,000 square feet.
- (4) Unsewered lake lots: 20,000 square feet.

(F) Minimum Lot Widths: None, except for lake lots as required in Section 4.3 Vilas County Shoreland Zoning Ordinance.

(G) Building Setback Requirements: No minimum public right-of-way setbacks are required. The minimum setback for both principal and accessory buildings shall be 75 feet from the ordinary high water mark of all navigable waters, except for marinas and boathouses.

(H) Side Yard Requirements:

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

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

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

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

4.5 RECREATION DISTRICT (REC):

(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:

- (1) All uses permitted in R-1, R-2, and GB Districts.
- (2) Commercial marinas.
- (3) Campgrounds and camping resorts.
- (4) Drive-in theaters.
- (5) Hobby farms.
- (6) Riding stables.
- (7) Commercial kennels.

(C) Conditional Uses:

- (1) Airports and landing strips.
- (2) Auto body shops.
- (3) Gun clubs and shooting ranges.
- (4) Utility facilities.
- (5) Warehousing and wholesaling.
- (6) Objectionable emission of odor, dust, fumes, smoke, noise. e.g., Recycling business.
- (7) Outdoor Amusement Facilities

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

(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 III, 3.3, A, (1).

- (E) Minimum Lot Areas:
- (1) Sewered back lots: 10,000 square feet. For each additional contiguous dwelling unit 6,000 square feet. One non-rental guest house 6,000 square feet.
 - (2) Sewered lake lots: 20,000 square feet. For each additional contiguous dwelling unit 6,000 square feet. One non-rental guest house 6,000 square feet.
 - (3) Unsewered back lots: 65,340 square feet. For each additional contiguous dwelling unit 12,000 square feet. One non-rental guest house 12,000 square feet.
 - (4) Unsewered lake lots: As required in Section 4.3 Vilas County Shoreland Zoning Ordinance, for each additional contiguous dwelling unit 6,000 square feet. One non-rental guest house 6,000 square feet.

- (F) Minimum Lot Width:
- (1) Sewered back lots: 100 feet.
 - (2) Sewered lake lots: 100 feet plus 30 feet for each additional contiguous unit.
 - (3) Unsewered back lots: 163 feet.
 - (4) Unsewered lake lots: As required in Section 4.3 Vilas County Shoreland Zoning Ordinance, plus 30 feet for each additional contiguous unit.

- (G) Building Setback Requirements: Setbacks for principal and accessory buildings shall be in accord with Section 3.2, E of this Ordinance. The minimum setback for both principal and accessory buildings shall be 75 feet from the ordinary high water mark of all navigable waters, except for boathouses.

- (H) Side Yard Requirements:
- (1) Principal building: 15 feet.
 - (2) Accessory buildings: 5 feet.

- (I) Rear Yard Requirements:
- (1) Principal building: 15 feet.
 - (2) Accessory buildings: 5 feet.

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

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

4.6 INDUSTRIAL DISTRICT (I):

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

- (B) Permitted Uses:
- (1) All uses permitted in the R-1, R-2 and GB Districts.
 - (2) Heavy equipment storage yards.
 - (3) Hobby farms.
 - (4) Manufacture, processing, fabrication, packing, packaging and assembly of products from furs, glass, leather, paper, plastics, textiles, metal and wood.
 - (5) Motor freight transportation terminals.
 - (6) Utility facilities.

- (C) Conditional Uses:
- (1) Airports and landing fields.
 - (2) Objectionable emission of: odor, dust, fumes, smoke and noise. e.g., Recycling business.
 - (3) Quarries and mines.
 - (4) Salvage and junkyards.
 - (5) Septage disposal sites.
 - (6) Warehousing and wholesaling.

- (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 III, 3.3, A, (1).

- (E) Minimum Lot Areas:
- (1) Sewered back lots: 10,000 square feet. For each additional contiguous dwelling unit 6,000 square feet. One non-rental guest house 6,000 square feet.
 - (2) Sewered lake lots: 20,000 square feet. For each additional contiguous dwelling unit 6,000 square feet. One non-rental guest house 6,000 square feet.
 - (3) Unsewered back lots: 65,340 square feet. For each additional contiguous dwelling unit 12,000 square feet. One non-rental guest house 12,000 square feet.
 - (4) Unsewered lake lots: As required in Section 4.3 Vilas County Shoreland Zoning Ordinance, for each additional contiguous dwelling unit 6,000 square feet. One non-rental guest house 6,000 square feet.
- (F) Minimum Lot Width:
- (1) Sewered back lots: 100 feet.
 - (2) Sewered lake lots: 100 feet plus 30 feet for each additional contiguous unit.
 - (3) Unsewered back lots: 163 feet.
 - (4) Unsewered lake lots: As required in Section 4.3 Vilas County Shoreland Zoning Ordinance, plus 30 feet for each additional contiguous unit.
- (G) Building Setback Requirements: Setbacks for principal and accessory buildings shall be in accord with Section 3.2, E of this Ordinance. The minimum setback for both principal and accessory buildings shall be 75 feet from the ordinary high water mark of all navigable waters, except for boathouses.
- (H) Side Yard Requirements:
- (1) Principal building: 15 feet.
 - (2) Accessory buildings: 5 feet.
- (I) Rear Yard Requirements:
- (1) Principal building: 15 feet.
 - (2) Accessory buildings: 5 feet.

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

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

4.7 FORESTRY DISTRICT (F):

- (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) Residential uses and including, but not limited to, farms, farmhouses, non-rental guest houses and mobile homes.
 - (2) Commercial and recreational uses, including but not limited to, resorts, eating and drinking establishments, bait shops, commercial marinas, campgrounds and camping resorts, mobile home parks, hotels, motels, riding stables, bed and breakfast establishments.
 - (3) Auto and RV sales service and repair, excluding body shops.
 - (4) Auto service stations.
 - (5) Agricultural related businesses not requiring public services.
 - (6) Community living facilities (CBRF).
 - (7) Essential services.
 - (8) Financial services.
 - (9) Forest products businesses and industries.
 - (10) Public parks, playgrounds, golf courses and other outdoor recreation facilities.
 - (11) Retail sales and service.
 - (12) Hobby farms.
- (C) Conditional Uses:
- (1) Airports and landing fields.
 - (2) Gun clubs and shooting ranges.
 - (3) Objectionable emission of: odor, dust, fumes, smoke and noise. e.g., Recycling business.
 - (4) Public and semi-public uses.
 - (5) Quarries and mines.
 - (6) Septage disposal sites.
 - (7) Utility facilities.
 - (8) 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 III, 3.3, A, (1), except farm buildings related to the production of agricultural products.
- (E) **Minimum Lot Areas:** 5 acres.
- (F) **Minimum Lot Width:** 300 feet.
- (G) **Building Setback Requirements:** Setbacks for principal and accessory buildings shall be in accord with Section 3.2, E. of this Ordinance. The minimum setback for both principal and accessory buildings shall be 75 feet from the ordinary high water mark of all navigable waters, except for the boathouses.
- (H) **Side Yard Requirements:**
 - (1) Principal building: 15 feet.
 - (2) Accessory buildings: 5 feet.
- (I) **Rear Yard Requirements:**
 - (1) Principal building: 15 feet.
 - (2) Accessory buildings: 5 feet.

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

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

4.8 AGRICULTURAL DISTRICT (A-EXCLUSIVE):

- (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.
- (B) **Permitted Uses:**
 - (1) Agricultural, animal husbandry and forestry uses.
 - (2) Bed and breakfast establishments.
 - (3) Community living establishments (CBRF).
 - (4) Essential services.
 - (5) Residential uses.
 - (6) Roadside stands selling products produced on the farm.
 - (7) Structures and improvements that are consistent with and contributing to agricultural use.
 - (8) Hobby farms.
- (C) **Conditional Uses:**
 - (1) Objectionable emission of: odor, dust, fumes, smoke and noise. e.g., Recycling business.
 - (2) Public and semi-public uses.
 - (3) Single family dwellings occupied by parents or children of the farm operator.
 - (4) Utility facilities.
 - (5) 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 III, 3.3, A, (1), except farm buildings related to the production of agricultural products.
- (E) **Minimum Lot Areas:** 35 acres.
- (F) **Minimum Lot Width:** 100 feet at building setback line.
- (G) **Building Setback Requirements:** Setbacks for principal and accessory building shall be in accord with Section 3.2, E of this Ordinance. The minimum setback for both principal and accessory buildings shall be 75 feet from the ordinary high water mark of all navigable waters, except for boathouses.

(H) Side Yard Requirements:
(1) Principal building: 15 feet. (2) Accessory buildings: 5 feet.

(I) Rear Yard Requirements:
(1) Principal building: 15 feet. (2) Accessory buildings: 5 feet.

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

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

4.9 ALL-PURPOSE DISTRICT (AP):

(A) Purpose: The All-Purpose District is created to provide areas for a variety of mixed uses. Land in the District may be used for any 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 are permitted except for those uses requiring a conditional use permit.

(C) Conditional Uses:
(1) Airports and landing fields.
(2) Gun clubs and shooting ranges.
(3) Objectionable emission of: odor, dust, fumes, smoke and noise. e.g., Recycling business.
(4) Quarries and mines.
(5) Salvage and junkyards.
(6) Septage disposal sites.
(7) Utility facilities.
(8) Warehousing and wholesaling.
(9) Outdoor Amusement Facilities.

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

(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 III, 3.3, A, (1), except farm buildings related to the production of agricultural products.

(E) Minimum Lot Areas:
(1) Sewered back lots: 10,000 square feet. For each additional contiguous dwelling unit 6,000 square feet. One non-rental guesthouse 6,000 square feet.
(2) Sewered lake lots: 20,000 square feet. For each additional contiguous dwelling unit 6,000 square feet. One non-rental guesthouse 6,000 square feet.
(3) Unsewered back lots: 65,340 square feet. For each additional contiguous dwelling unit 12,000 square feet. One non-rental guesthouse 12,000 square feet.
(4) Unsewered lake lots: As required in Section 4.3 Vilas County Shoreland Zoning Ordinance, For each additional contiguous dwelling unit 6,000 square feet. One non-rental guesthouse 6,000 square feet.

(F) Minimum Lot Width:
(1) Sewered back lots: 100 feet.
(2) Sewered lake lots: 100 feet plus 30 feet for each additional contiguous unit.
(3) Unsewered back lots: 163 feet.
(4) Unsewered lake lots: As required in Section 4.3 Vilas County Shoreland Zoning Ordinance, plus 30 feet for each additional contiguous unit.

(G) Building Setback Requirements: Setbacks for principal and accessory buildings shall be in accord with Section 3.2, E, of this Ordinance. The minimum setback for both principal and accessory buildings shall be 75 feet from the ordinary high water mark of all navigable waters, except for boathouses.

(H) Side Yard Requirements:
(1) Principal building: 15 feet. (2) Accessory buildings: 5 feet.

(I) Rear Yard Requirements:
(1) Principal building: 15 feet. (2) Accessory buildings: 5 feet.

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

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

4.10 METALLIC MINERAL EXPLORATION DISTRICT (ME):

- (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, Section 4.10 effective 6-16-99)

4.11 METALLIC MINING AND PROSPECTING DISTRICT (MM):

- (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.
- (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, Section 4.11 effective 6-16-99)

VILAS COUNTY GENERAL ZONING ORDINANCE

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 MANUFACTURED HOMES, MOBILE HOMES, AND MANUFACTURED BUILDINGS:

- (A) Individual manufactured homes, mobile homes, and manufactured buildings 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 and manufactured buildings must be constructed with a pitched roof.
 - (2) Tie-downs shall be used as recommended by the manufacturer.
 - (3) Subject to minimum ventilation and access requirements set forth in the applicable provisions of either the Wisconsin Administrative Code or 42 U.S.C.5401-5426, space between the ground and the 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.
 - (4) Placement Requirements:
 - (a) Double wide manufactured homes, manufactured buildings and single-wide 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 Wisconsin Administrative Code ILHR 21. Such homes shall be permanently attached to their footings or foundations pursuant to the manufacturer's installation instructions.
 - (b) Mobile homes and single wide 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.
 - (5) All manufactured homes and manufactured buildings shall have as exterior siding, any material that is non-corrosive.
- (B) Requirements for Manufactured Home Parks, Mobile Home Parks and Manufactured Building Parks:
- (1) Minimum Area: Minimum area for such parks shall be 5 acres and if located on a road or water frontage have a minimum of 300 feet road and/or water frontage.
 - (2) Density: Maximum density within such parks shall be no more than 4 manufactured homes, manufactured buildings, or mobile homes per acre.
 - (3) Access: There shall be no more than two vehicular access points from public roads, streets or highways into any such park.
 - (4) Buffer Zone: The outer boundaries of all such parks shall contain a thirty foot buffer zone consisting of a landscaped greenbelt with coniferous tree and shrub plantings. No home shall be placed within 30 feet of the park boundary line. No mobile home site shall be within 75 feet of the ordinary high water mark of a navigable body of water.
 - (5) Site Numbering: All sites within such parks shall be marked with permanent markers and numbered indicating each corner of the sites.
 - (6) Site Size: Individual sites within such parks shall be a minimum of ten thousand (10,000) square feet. Homes may not be placed within fifteen (15) feet of any site boundary line. Accessory structures shall not be placed within five (5) feet of any site boundary line. No home or stand shall exceed 30% of the site area. The accumulated occupied area of the home and accessory buildings shall not exceed 40% of the site area.
 - (7) Recreation Areas: In all such parks there shall be one or more recreation areas which shall be easily accessible to all park residents and shall be maintained by the park owner. The size of such recreation areas shall not be less than 8% of the gross site area.
 - (8) Sale of Sites Prohibited: Individual home sites within such parks shall not be sold or transferred.
 - (9) Sewage: An adequate and safe sewage system or public sewers shall be provided to each site within such parks. Such systems shall be designed, constructed and maintained in accordance with the Vilas County Sanitary Ordinance and any other applicable local or state codes.

- (10) **Water Supply:** An accessible, adequate, safe and potable supply of water shall be provided to each site within such parks. Where a public supply of satisfactory quality and pressure is available at the boundary of the park, connection shall be made thereto and its supply shall be used exclusively. When a satisfactory public supply is not available, a private community water supply shall be developed and used as approved by appropriate State agencies.
- (11) **Utilities:** Control instrumentation and substations, shall be screened by planting or ornamental walls.
- (12) **Home Sales:** The commercial sale of homes in such parks is prohibited unless each home is located on a separate home site.
- (13) **Storage:** The park management may construct a structure for the storage of service equipment, a park office and other purposes accessory to the operation of the park. Such a structure may not be used for residential or purposes other than park operations.
- (14) **Drainage:** Every park shall be located on a well-drained area not subject to intermittent flooding. The premises shall be properly graded to prevent the accumulation of storm or other waters that may create hazards to the health and safety of the occupants. No home site shall be located in an area that is situated so that the drainage from any source of pollution can be deposited thereon. Exposed ground surfaces in all parts of every parking area shall be paved or covered with stone screening or other solid materials, or protected with vegetative growth capable of preventing soil erosion and eliminating objectionable dust.
- (15) **Parking:** Every home site shall be provided with two off-street parking spaces.
- (16) **Responsibilities of the Park Management:**
 - (a) The person to whom a permit for a park is issued shall operate the park in compliance with this Ordinance and H77 of the Wisconsin Administrative Code, shall provide adequate supervision and shall maintain the park and its facility in a clean and sanitary condition.
 - (b) The park management shall notify the park occupants of all the provisions of this Ordinance. A copy Article V, Sections 5.1 and 5.2 of the Vilas County Zoning Ordinance and H77 of the Wis. Administrative Code shall be available for inspection by park residents in the park's office.
 - (c) The park management shall be responsible for the securing of any tie-down anchors for each home and attachment thereto as specified in this Ordinance, (See 5.1).
 - (d) The park management shall be responsible for maintaining all private roads and drives within the park in a safe and dust-free condition.
- (17) **Plan Drawing:** Plan drawings of proposed parks must be submitted to the Vilas County Zoning office with an application showing all lots, lot sizes, roads, location of water sources and sanitation facilities.

History:(Amendment #85-199, Section 5.1(B) (11)(12)(13)(14)(15)(16)(17)(18) effective 5-11-05)

5.2 CAMPGROUNDS, CAMPING RESORTS AND PRIMITIVE CAMPGROUNDS:

- (A) **Minimum Area:** Minimum area for a campground or camping resort shall be five (5) acres and if located on a road or water frontage have a minimum width of 300 feet road and/or water frontage.
- (B) **Density:** Maximum density within a campground or camping resort shall be 15 campsites per acre.
- (C) **Access:** There shall be no more than two access points from public roads, streets or highways into any campground or camping resort.
- (D) **Buffer Zone:** The outer boundaries of all campgrounds and camping resorts shall contain a thirty-foot buffer zone consisting of a landscaped greenbelt with coniferous tree and shrub plantings. No campsites shall be within 30 feet of the campground or camping resort outside boundary. No campsites shall be within 75 feet of the ordinary high watermark of a navigable body of water.
- (E) **Campsite Identification:** All campsites within campgrounds or camping resorts shall be marked with permanent markers and numbered indicating each corner of the lot.
- (F) **Campsite Dimensions:** Campsites within a campground or camping resort shall have minimum dimensions of not less than 40 feet wide and 50 feet long and the corners of said sites shall be marked by permanent markers or stakes and numbered.
- (G) **Campsite Sales Prohibited:** Individual campsites within a campground or camping resort shall not be sold or transferred.
- (H) **Restroom Facilities:** The campground management shall provide toilet facilities for each sex. There shall be a minimum of one set of facilities plus additional facilities for each 15 campsites.

- (I) Sewage System: An adequate and safe community sewage system or public sewers shall be provided in all campgrounds. Such systems shall be designed, constructed and maintained in accordance with the Vilas County Sanitation Ordinance and any other applicable local or state codes. Private septic systems or holding tanks serving individual campsites shall not be permitted in campgrounds or camping resorts.
- (J) Water Supply: An accessible, adequate, safe and potable supply of water shall be provided to all lots within campgrounds and camping resorts. Where a public supply of satisfactory quality and pressure is available at the boundary of the campground, connection shall be made thereto and its supply shall be used exclusively. When a satisfactory public water supply is not available, a private community water supply shall be developed and used as approved by appropriate State agencies. Individual sources for each campsite shall not be permitted.
- (K) Retail Sales: Convenience establishments of a commercial nature, such as gasoline and grocery sales, may be permitted in a campground providing that such establishments and their related parking areas shall not occupy more than 10% of the total campground area, shall be subordinate to the recreational character of the camp, and shall be located, designed and intended to serve primarily the needs of the campground occupants.
- (L) Drainage: Every campground shall be located on a well-drained area not subject to intermittent flooding. The premises shall be properly graded to prevent the accumulation of storm or other waters that may create hazards to the health and safety of the occupants. No campsite shall be located in any area that is situated so that the drainage from any source of pollution can be deposited thereon. Exposed ground surfaces in all parts of every parking area shall be paved or covered with stone screenings or other solid material or protected with vegetative growth capable of preventing soil erosion and eliminating objectionable dust.
- (M) Camping on Residential Lots Not Within Campgrounds or Camping Resorts: Camping on undeveloped lots which are not within campgrounds or camping resorts is permitted providing all requirements of the Vilas County Sanitation Ordinance are fully complied with and permission has been granted from the local Town Board by the issuance of a permit.
- (N) Parking: Every campsite shall be provided with two off-street parking spaces.
- (O) Plan Drawing: Plan drawings of proposed campgrounds and camping resorts must be submitted to the Vilas County Zoning Office with an application showing all sites, roads, location of water sources and sanitation facilities.

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

5.3 COMMERCIAL MARINAS:

- (A) Marina Location: Commercial marinas shall be located more than 500 feet from any public bathing beach or park.
- (B) Compatibility: Commercial marinas are to 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, from boats.
- (E) Dimensional Requirements: The following standards shall apply to 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.

5.4 JUNK AND SALVAGE YARDS:

- (A) Conditional Use Permit Required: All junk and salvage yards are conditional uses and require a Vilas County Conditional Use Permit.
- (B) Setbacks: Junk and salvage materials shall not be located within sixty (60) feet of any public road, street or highway right-of-way or within one hundred (100) feet of side or rear property line.
- (C) Screening: Junkyards and recycling center fences shall be constructed to a height of 10 feet. All junk and salvage yards shall be enclosed by a berm fence and/or planting screen so that materials are not visible from other properties in the vicinity of the site nor from a public right-of-way such as roads, streets, highways and waterways. Such fence and/or plant or plant material constituting such a screen shall be kept in good repair. Screens can be made of natural plants or constructed of wood or plastic, or any other recognized fencing materials.

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

- (D) Firebreak: Any unobstructed firebreak shall be maintained twenty (20) feet in width completely surrounding any junk and salvage yard. For purposes of enforcement, a firebreak shall be an area void of vegetation over 12" in height or any man-made combustible materials.

5.5 SEPTAGE DISPOSAL SITES AND TOXIC WASTE DISPOSAL:

- (A) Conditional Use Permit Required: All septage disposal sites are conditional uses and require a Vilas County Conditional Use Permit.
- (B) Setbacks: Septage disposal sites shall be located at least 250 feet from any public right-of-way, other than the access road, and shall meet any other minimum setbacks specified in NR113 of the Wis. Administrative Code.
- (C) Access: The site shall have direct access to a public road having a year round, nine-ton per axle capacity.
- (D) Toxic Wastes: Toxic and/or hazardous wastes such as pesticides, acids, caustics, pathological radioactive, flammable, explosive or similar harmful chemical wastes that require special handling and disposal thereof to protect and conserve the environment shall not be permitted to be transported into Vilas County from other counties in Wisconsin or from other states for the disposal or storage thereof.

5.6 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 elsewhere in this Ordinance and in the Vilas County Metallic mining Ordinance.

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.
- (2) Plan: An application for a Conditional Use Permit for non-metallic mineral extraction shall be submitted by the owner and shall include an adequate description of the operation; a plan of the site showing the proposed and existing roads and drives and the sources, quantity and disposition of water to be used, if any; estimated dates for completion of the extraction and commencement and completion dates for the reclamation; a reclamation plan; and such other information as may be necessary to determine the nature of the operation and the effect to the surrounding area.
- (3) Reclamation Plan: The reclamation plan shall contain adequate provision that all final slopes around the area be flatter than a three (3) to one (1) horizontal slope in a sand, gravel or borrow pit operation, or in safe angle of repose in a quarrying operation; excavations below the grade of the nearest abutting public street or highway shall be set back from the street or highway a distance not less than that required for buildings and structures under this Ordinance; excavations made to a water producing depth shall be not less than three (3) feet measured from the low water mark, all final slopes shall be covered with topsoil and seeded to prevent erosion; the plan shall require that after completion of the anticipated operation that the area shall be cleared of all debris and be left in a reasonable condition, subject to approval of the Vilas County Zoning Committee.

- (4) 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.
- (5) 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 that they have been registered with the Vilas County Zoning office within one year of the date of the adoption of this Ordinance.
- (6) 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.
- (7) 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 requires a Conditional Use Permit. Material produced by such a plant shall be used only for the designated project, and sale or use of material at any other location will require a separate Conditional Use Permit.
- (8) 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)

5.7 GUN CLUBS AND SHOOTING RANGES:

- (A) Conditional Use Permit Required: All gun clubs and shooting ranges for firearms are conditional uses and require Conditional Use Permits. In the issuance of such a Conditional Use Permit the Zoning Committee shall evaluate the following:
 - (1) Potential hazards to adjacent uses.
 - (2) Topography and ground cover.
 - (3) Noise.
- (B) Location: The firing of rifles and shotguns 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 mile. There shall be:
 - (1) An adequate shortfall or bullet impact area.
 - (2) A defined firing line or firing direction.
 - (3) Adequate target backstops for firing of rifled arms.
- (C) Posting: Shooting ranges shall be clearly identified by signs not less than four square feet in gross area located at intervals of not less than 25 yards around the perimeter and shall be maintained in a legible condition.

5.8

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.

(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 Zoning Ordinances, Sanitary Ordinance, and Subdivision 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, Preliminary Condominium Plat addenda 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 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 that 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 Vilas County Zoning and Sanitary Ordinance at the time a zoning permit is issued.

(8) Expansion Areas

All condominium plats submitted to the Vilas County Zoning Administrator must indicate whether or not it will be an expandable condominium.

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)

(B) Definitions, as set forth in Wisconsin State Statutes, 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 Vilas County Zoning, Sanitary 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 (POWTS) complying with the requirements of the Vilas County Sanitary Ordinance and Wisconsin Administrative Code Chapter COMM 83 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
- (3) Height Limitation
All proposed structures, shall meet the requirements of the Vilas County Zoning Ordinance.
- (4) Minimum Parcel Size
 - (a) Lake Lots
All new condominium parcels shall meet the minimum lot area requirements as described in the Vilas County Shoreland Zoning Ordinance, Article IV.
 - (b) 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.
- (5) Frontage and/or Width Requirements
 - (a) Lake Lots
All new condominium parcels shall meet the minimum frontage width and minimum lot width requirements as described in the Vilas County Shoreland Zoning Ordinance, Article IV.
 - (b) Non Lake Lots
All new condominium parcels shall meet the minimum lot width requirements as described in the Vilas County General Zoning Ordinance, Article IV.

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

(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 Sanitary Ordinance and Wisconsin Administrative Code Chapter COMM 83 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-foot 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) Minimum Parcel Size
 - (a) Lake Lots
All expandable condominium parcels shall meet the minimum lot area requirements as described in the Vilas County Shoreland Zoning Ordinance, Article IV.
 - (b) 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.

- (5) Frontage and/or Width Requirements
 - (a) Lake Lots
All new condominium parcels shall meet the minimum frontage width and minimum lot width requirements as described in the Vilas County Shoreland Zoning Ordinance, Article IV.
 - (b) Non Lake Lots
All new condominium parcels shall meet the minimum lot width requirements as described in the Vilas County General 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 ordinance 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)

(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 Sanitary Ordinance and Wisconsin Administrative Code Chapter COMM 83 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 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.
 - 1. Lake Lots
All conversion condominium parcels shall meet the minimum lot area, minimum frontage width and minimum lot width requirements as described in the Vilas County Shoreland Zoning Ordinance, Article IV.
 - 2. Non-Lake Lots
All conversion condominium parcels shall meet the minimum lot area and minimum lot width requirements as described in the Vilas County General and Shoreland Zoning Ordinances, and the Vilas County Subdivision Ordinance.

3. 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.

4. 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)

(F) Commercial (Non-Residential) Condominiums:

- (1) Commercial condominiums shall not be subject to the dwelling requirements of the ordinance.
- (2) 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)

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

- (1) Land-only units of property to be part of a condominium shall conform to the Vilas County Zoning, Sanitary and Subdivision Control 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 Sanitary Ordinance and Wisconsin Administrative Code Chapter COMM 83 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
All new condominium parcels shall meet the minimum lot area requirements as described in the Vilas County Shoreland Zoning Ordinance, Article IV.
 - (b) 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.
- (6) Frontage and/or Width Requirements
 - (a) Lake Lots
All new condominium parcels shall meet the minimum frontage width and minimum lot width requirements as described in the Vilas County Shoreland Zoning Ordinance, Article IV.
 - (b) Non Lake Lots
All new condominium parcels shall meet the minimum lot width requirements as described in the Vilas County General Zoning Ordinance, Article IV.

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

(H) Condominium Preliminary Approval (Platting) Requirements:

- (1) All Preliminary Plats must be reviewed by the Zoning Administrator and the Vilas County Zoning Committee and shall meet the following requirements:
 - (a) The Name of condominium shall be unique and shall match word for word on the Declaration.
 - (b) 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.
 - (c) Name and address of property owner(s)
 - (d) The plat shall show adjacent water bodies, section corners, and roads, both public and private.

- (e) Boundary of the parcel to be dedicated as common areas for the condominium complex. Include any expansion areas for expandable condominiums.
- (f) The location of all existing structures on the property. (Include the general location of any proposed structures to be constructed on the property.)
- (g) Area of the total parcel (square feet). (Include individual areas of each expansion area as well as the total.)
- (h) Area calculation and location of all wetlands on the parcel. (Include individual wetland areas for each expansion area as well as the total.)
- (i) 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.)
- (j) Required minimum area.
- (k) Computations shall be shown on the plat, which verify compliance with the parcel size required by this ordinance.
- (l) 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.
- (m) Conversion condominium requirements
 - 1. First floor square footage
 - 2. Photocopy of resort license or proof of existing resort
- (n) Soils & septic information
 - 1. Soil and site evaluation reports shall accompany the preliminary plat for the Vilas County Zoning Administrator's review.
 - 2. 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:
 - 1. Final total number of units;
 - 2. Subsequent total number of units, if phased;
 - 3. Approximate placement of the condominium units in each of the phases;
- (w) Existing and proposed water supply systems;
- (X) Areas of slopes greater than 20%;
- (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)

(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 (1) one 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:
 - 1. The name of the Condominium
 - 2. The legal description of the property
 - 3. Shall show a boundary survey of the condominiums
 - 4. The location of all structures;
 - 5. The size and location of any limited common elements;
 - 6. The area available in square feet;
 - 7. The water frontage width;
 - 8. The size and location of the alternate POWTS area(s)
 - 9. All units shall be consecutively numbered on the plan;
 - 10. Roads, which provide access to the condominium;
 - 11. Existing Easements;

12. Two off-street parking spaces per dwelling unit;
13. The number of bedroom units per dwelling;
14. Wetland Boundary and areas;
15. Existing POWTS and Water Supply systems;
16. Certificate, by Owner and Registered Land Surveyor;
17. 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.
18. On the first sheet of the plat, a blank area of at least 2 ½ " X 2 ½ " 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)

(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)

(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)

5.9 MINIMUM LOT SIZES FOR HOTELS AND MOTELS:

- (A) Unsewered lot size for hotels and motels shall have a minimum of 60,000 square feet. A minimum of 10,000 square feet is required for sewer lake lots or back lots. The square foot base area of a single-story structure and parking area shall not exceed 50 percent of the minimum lot area.

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

5.10 WAREHOUSES - PRIVATE AND PUBLIC:

- (A) Definition as set forth in Article XI of this ordinance.
- (B) A fifteen (15) foot setback from side lot lines will apply.
- (C) Warehouse Classifications
Class I - Less than 10,000 square feet of floor space.
Class II - 10,000 square feet or over, but less than 50,000 square feet of floor space.
Class III - 50,000 square feet or over, but less than 100,000 square feet of floor space.
Class IV - 100,000 square feet or over, but less than 150,000 square feet of floor space.
Class V - 150,000 square feet or over of floor space.
- (D) Warehouses are not permitted in Single Family or Multiple Family zoning districts, permitted in all other zoning districts with a Conditional Use Permit.
- (E) Height Requirements
If a warehouse is the principal structure on the lot, the maximum height shall be thirty-five (35) feet. In all other instances, the maximum height shall be twenty-five (25) feet.
- (F) License Required
If a public warehouse, the operator shall obtain a warehouse keepers license as set forth in Chapter 99 of Wisconsin State Statutes.

5.11 LANDSPREADING OF PETROLEUM CONTAMINATED SOILS--PROHIBITED:

- (A) No person shall deposit on lands located in Vilas County any soil, which is contaminated by petroleum products. This restriction does 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.

5.12 FENCES:

(A) Permitting Requirements

- (1) Conditional Use Permit Required.
- All permanent fences greater than 12.0 feet in height
 - All permanent fences greater than 6.0 feet in height AND located less than 15.0 feet from the property boundary line.
 - All permanent fences greater than 6.0 feet in height AND located between a setback line and the property boundary line.

- (2) Zoning Permit.
All other permanent fences.
- (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.

(B) Fence Height Limitations

Fence Height limitations are as follows:

- (1) 0-35 Feet from Shoreline. (Exception 5.12 (A) (3))
No fences are permitted between 0 and 35 feet from the shoreline.
Note: The intent of not allowing fences within the 0-35 feet distance is consistent with chapter NR115-Wisconsin' Shoreland Management Program and with Vilas County Shoreland Zoning Ordinance No.85.
- (2) 35-75 Feet from Shoreline.
Maximum height of fences between 35 and 75 feet from the shoreline is 3.0 feet.
Note: This is consistent with the current Vilas County Shoreland Zoning Ordinance No. 85 and is intended to prevent obstruction of Lakeshore viewing across neighboring property while viewing the lake.
- (3) 75 feet and greater from the Shoreline.
Fence height is limited to the Permitting Requirements as stated in Section 5.12 (A).

(C) Fence Measurements

Fence height and setback measures shall be as follows:

- (1) Fence Height Measurements.
Fence height shall be measured from the ground surface to the top of the fence along the length of the fence.
- (2) Setback Measurements.
Shoreline setback measurements shall be measured from the ordinary high water mark (OHWM) of the shoreline. Side yard setbacks shall be measured from the property boundary line. For lots abutting roads, setbacks shall be measured and established according to local, county or state regulations.

(D) Temporary Fences

Temporary Fences are allowed without obtaining a zoning permit provided they comply with the requirements of 5.12, (C), (1) and 5.12, (C), (2) and meet all setback 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.
Temporary fences are limited to a maximum of 6.0 feet in height.
- (2) Removal of Temporary Fences.
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.
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:
 - Require removal of the fence and/or
 - Require the owner of the property to properly permit the fence provided the fence can meet all requirements to be permitted.

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 5.12 effective 1-20-98), (Amendment #85-199, Section 5.12(B)(3) (Amendment #85-209, Section 5.12(A)(3),(B)(1) effective 8-30-06)

5.13 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 (March, 1995) providing 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. (1) Notice : Filing conveyance.(a) 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)

VILAS COUNTY GENERAL ZONING ORDINANCE
ARTICLE VII: OFF-STREET PARKING AND DRIVEWAYS

Introduction and Explanation: Article VII sets forth 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 18 feet by 9 feet.
- (B) 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 that the alley, street, road or highway shall at all times be free and unobstructed to the passage of traffic.
- (C) 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 any garage may replace any single required parking space.
- (D) 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.
- (E) 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 lots containing five (5) or more parking spaces which are located in the Residential Districts or adjacent to residential lots, shall be screened along with 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. If parking lots so located are lighted, the lights shall be shielded so as to prevent undesirable glare or illumination of adjoining residential property.
- (G) The parking of only one unoccupied travel trailer, camper, or other recreation vehicle may be located on a lot provided it is parked at the rear of the lot, and it meets the setback requirements for an accessory building in the district in which it is located. Such travel trailers, campers, or recreation vehicles may not be utilized for dwelling or sleeping purposes except where used for temporary occupancy during the construction of a home or cottage, provided that 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 shall be used for a period of no longer than one year and shall be connected to adequate sanitary facilities.
- (H) No heavy equipment, other than one school bus or one truck used for business purposes and stored overnight, may be parked on a lot in a residential district.

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

- (A) Single-family dwellings shall provide two spaces.
- (B) Multiple-family dwellings shall provide one and one-half (1-1/2) off-street spaces for each family for which accommodations are provided in the building plus one more space per building.
- (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 one parking space for each family for which accommodations are provided on the premises.
- (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 grease rack.
- (M) Industrial uses shall provide at least one parking space for each two (2) employees 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 subject to appeal to the Board of Adjustment.

7.3 DRIVEWAYS AND PRIVATE ROADS:

No driveways or private roads will be permitted to be constructed within 5 feet of an adjoining property owner's lot line unless the adjoining property owners to be affected by such road give a written letter of consent to the effect that they do not object to the construction of a driveway or private road being closer than 5 feet from the lot line. A copy of the letter shall be forwarded to the Zoning Administrator to be kept on file.

VILAS COUNTY GENERAL 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 of a structure may be changed to another nonconforming use of the same or a more restrictive classification. There shall be no structural alterations, additions or major repairs made to a nonconforming structure until a zoning permit has been issued.
- (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. Section 8.1(E) applies to repair and reconstruction. In addition, the septic system servicing the structure or use will be brought up to code in compliance with COMM 83, Wisconsin Administrative Code and a county zoning permit has been issued.
- (C) A nonconforming structure or use may be expanded, provided the expansion does not encroach into any setback(s) that made the structure or use nonconforming. In addition, the septic system serving the structure or use will be brought up to code in compliance with COMM 83, Wisconsin Administrative Code and a county zoning permit has been issued.
- (D) Where an expansion of a nonconforming structure or use is proposed which will encroach into the minimum setback(s) the granting of a variance by the Board of Adjustment and the issuance of a zoning permit shall be required.
- (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 or waste disposal found to be a public nuisance under state law shall not be permitted to continue as a nonconforming use, and upon written notice to the property owner(s) the nuisance shall be corrected within thirty (30) days of receiving such notice.

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 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)

8.3 Existing Lots.

(A) Existing lots are defined as follows:

- a. All lots recorded or filed with the Vilas County Register of Deeds office prior to the enactment of this ordinance.
- b. 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.
- c. 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 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.

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

History: (Amendment #85-199, Section 8.3 added effective 5-11-05)

VILAS COUNTY GENERAL ZONING ORDINANCE

ARTICLE IX: ADMINISTRATION

Introduction and Explanation: Article IX describes how the Ordinances are administered and enforced. This Article creates and defines the County Zoning Administrator's Office. The Administrator is a county officer who advises citizens and landowners of their rights and obligations under these Ordinances, issues permits, supervises Deputy Zoning Administrators, makes inspections to determine compliance with these Ordinances, issues compliance orders and recommends legal actions to obtain compliance with the Ordinances. The Administrator acts under authority delegated by the County Board. Zoning Permits must be obtained from the Vilas County Zoning Department or from Deputy Zoning Administrators under the terms of such deputization. The Zoning Administrator or Deputy may issue Zoning Permits when the use for which permission is requested is listed in the Ordinances as a permitted use. 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.

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 Zoning Ordinance and other Ordinances as approved by the County Board.
- (B) To hold public hearings and decide upon the issuance of Conditional Use Permits.
- (C) To hold public hearings on proposed Amendments to this Ordinance and to make recommendations on such Amendments to the County Board.
- (D) To perform other such duties in connection with zoning or land use planning as may be delegated to it by the County Board.
- (E) To approve the appointment of Deputy Zoning Administrators after the appointees have completed a training session and have successfully passed an examination. The Deputies shall serve at the will of the County Board of Supervisors and under the direction of the County Zoning Committee and Zoning Administrator.
- (F) To see that the Deputy Zoning Administrators and/or other designated persons collect and forward to the County, the appropriate zoning permits and fees as listed in Section 9.6 of this Ordinance. Any and all other designated persons must be approved by the Zoning Committee and the Personnel Committee.

9.2 OFFICE OF THE ZONING ADMINISTRATOR:

There is hereby created the office of the Zoning Administrator to be appointed by the County Board. The Zoning Administrator shall perform duties under guidelines and supervision of the Zoning Committee. The duties and responsibilities of the Zoning Administrator shall include:

- (A) Advise applicants for permits as to the provisions of the Ordinance and assist them in preparing applications, and advise applicants that town and/or state permits may be required.
- (B) Issue Zoning Permits as provided in this Ordinance.
- (C) Keep records of all permits issued, inspections made, work approved and other official actions.
- (D) Determine questions of the exact location of district boundaries.
- (E) Have access to any structure or premises at a reasonable hour between 7:00 a.m. and 7:00 p.m. for the purpose of performing their duties.
- (F) Supervise the staff of the Zoning Department and Deputy Administrators subject to guidelines set forth by the Zoning Committee.
- (G) 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, including satellite dishes and television antenna towers having a permanent 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, or moved 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.
 - (2) Satellite dishes and television antenna towers located 200 feet or more back from the ordinary high watermark of a navigable waterway. Such excepted structures, however, must comply in all other respects with the provisions of this Ordinance. In all instances the minimum standards of the Wisconsin Administrative Code will be required in the construction, electrical, plumbing, heating, and water supply installation unless further restricted by State, County or local Ordinances.
- (B) Application for Zoning Permit must contain the following: Name and address of the owner of the property, legal description of the parcel, size and location of the building to be erected or moved on or onto the property, proposed use of the building or premises, type of construction and any other applicable information, including sanitary permit number. The permit application shall be accompanied with the appropriate fee.
- (C) The Zoning Administrator may require the filing of a scale drawing of the premises, showing the dimensions of the lot or parcel, the dimensions of the proposed buildings, the distance in feet from the abutting street or highway and from the side and rear lot line, the size and location of any existing buildings and such other information as deemed necessary. The Administrator may also require evidence of compliance with the Vilas County Sanitary Code, the Vilas County Land Division and Subdivision Ordinance, Vilas County Trunk Highway Access Control Regulations or any other Federal, State, County or Town requirements as a condition precedent to the issuance of a Zoning Permit. The Zoning Administrator shall not be responsible for determining the location of lot lines and may require the applicant to furnish a land survey of such lines. The Zoning Administrator may also require any additional information necessary to decide upon the issuance of a Zoning Permit including proof of State approval for buildings of public use.
- (D) The application shall be signed by the owner; provided, however, that if a prospective owner desires a prior finding on a proposed construction or use before consummation of purchase, such a person may apply for a permit, and, if a permit be denied, may appeal to the Board of Adjustment.
- (E) Coincident with the issuing of a Zoning Permit the Zoning Administrator shall prepare a card, certifying that a permit has been issued. This card shall bear the same number as the permit and identify the construction and premises covered by the permit. 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. If such a delay in construction does occur, a new zoning permit must be obtained.

- (H) 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.

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

9.4 RULES AND PROCEDURES FOR ISSUANCE OF CONDITIONAL USE PERMITS:

- (A) Initiation of Conditional Use Permit Application: 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 that the use is one which is conditionally permitted by the Zoning Ordinance in the zoning district where the parcel is located.
- (B) Application for Conditional Use Permit: An application for a Conditional Use Permit shall be filed with the Zoning Administrator on a form prescribed by the Zoning Administrator. The application shall be accompanied by such plans and other information as may be prescribed by the Zoning Administrator or the Zoning Committee.
- (C) Hearing an Application: 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 Zoning Committee. The hearing shall be conducted and a record of the proceedings shall be preserved in such a manner and according to such procedures as the Zoning Committee shall, by rule, prescribe from time to time. Notice of public hearing shall be given by publication as a Class 2 notice as provided for in section 985 of the Wisconsin Statutes.
- (D) 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) That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort, or general welfare.
 - (2) That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use.
 - (3) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
 - (4) That adequate utilities, access roads, drainage and other necessary site improvements have been or will be provided.
 - (5) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
 - (6) That the conditional use shall conform to all applicable regulations of the district in which it is located.
- (E) Conditions and Guarantees: Prior to the granting of a Conditional Use Permit, the Zoning Committee may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the conditional use as deemed necessary to promote the public health, safety, and general welfare of the community, and to secure compliance with the standards and requirements specified in subsection 9.4 D above. 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.

- (F) Appeal from Action by Zoning Committee: An appeal from the decisions of the Zoning Committee may be taken to the Board of Adjustment by the applicant for the Conditional Use Permit or by the owners of fifty percent (50%) 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.
- (G) Effect of Denial of Application: 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. 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.
- (H) Revocation of a Conditional Use Permit: 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. Appeals from the action of the Zoning Committee may be as provided above in Subsection 9.4, F.
- (I) 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 from time to time 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.
- (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 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.
- (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 Zoning Administrator shall send certified copies of all shoreland amendments to the Department of Natural Resources for any required approval.

9.6 ENFORCEMENT:

- (A) Penalty: Any person, firm or corporation, including those doing work for others, who violates any of the provisions of this Ordinance shall be subject to a forfeiture of not less than \$50.00 nor more than \$500.00 for each violation plus the 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 Administrator shall refer violations to the Corporation Counsel who shall prosecute violations.
- (B) Injunction: Any use or action which violates the provisions of this Ordinance shall be subject to a court injunction prohibiting such violation.
- (C) Responsibility for Compliance: It shall be the responsibility of the applicants as well as their agent or other persons acting on their behalf to comply with the provisions of this Ordinance. Any person, firm or corporation, causing a violation or refusing to comply with any provision of this Ordinance will be notified in writing of such violation by the County Zoning Administrator or his designated Zoning Deputy. Each day a violation exists shall constitute a distinct and separate violation of this ordinance and, as such, forfeitures shall apply accordingly. Every violation of this ordinance is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated pursuant to Section 59.69(11), Wisconsin Statutes.
- (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 prevail and can be verified. Such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been sent by 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, 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, Section 9.6 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, Section 9.7 effective 11-8-99)

VILAS COUNTY GENERAL 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, 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. 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). The Board of Adjustment may choose its own chairperson. 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. 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.
- (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.

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:
 - (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.

VILAS COUNTY GENERAL ZONING ORDINANCE

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.

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.

Antenna: See Structure

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.

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.

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.

Backland: Any land located greater than 200 feet back from the ordinary high water mark of a navigable body of water.

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.

Basement: A story partly or wholly underground which, if occupied for living purposes shall be counted as a story.

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.

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.

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, Section 11, effective 11-12-02)

Body Shop: A business for the repair of automobile and other motor vehicle bodies.

Building: Any structure which is built for the support, shelter or enclosure of persons, animals or personal property of any kind and which is permanently affixed to the land. For purposes of enforcement, a building shall be considered to include the building and all its appendages.

History :(Amendment #85-230, Section 11 effective 11-25-09)

Building 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.

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.

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.

Building, Principal: The building on the lot intended for primary use as permitted by the regulations of the zone in which it is located.

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.

Bulkhead Line: A shoreline legislatively established by the municipal ordinance under section 30.11, Wisconsin Statutes, and approved by the Department of Natural Resources.

Campground means any of the following:

- (A) 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.
- (B) 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.
- (C) 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.

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

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.

Communal: Two or more.

Community Living: Any facility licensed or operated and permitted under the authority of the Department of Industry, Labor, and Human Relations.

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.

Condominium Conversion: A parcel of land with an existing structure or structures converted to a condominium form of ownership.

Condominium, Expandable: A condominium to which additional units or property may be added.

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 (Note: Conditional Use Permits are the same as special exceptions).

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.

Days: For enforcement purposes a day is any portion of a 24-hour period commencing at 12-midnight.

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, Section 11, effective 11-25-09)

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

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.

Dwelling, Attached: A single-family residence, which is attached to another dwelling unit or another structure. Attached dwelling includes duplexes, triplexes, townhouses and row houses.

Dwelling, Detached: A single-family building, which is entirely surrounded by open space on the same lot.

Dwelling, Duplex (two family): A building containing two single-family dwelling units.

Dwelling, Multiple Family (apartment): A building containing three or more single-family dwelling units.

Dwelling, Single-Family: . A residential building containing one dwelling unit

Dwelling Unit: A building or portion thereof; with rooms arranged, designed, used or intended to be used for one family. For enforcement purposes, guesthouses with kitchen and bathroom facilities are considered dwelling units.

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.

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.

Farming, Tree: Land used to grow, manage and harvest wood.

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, flood fringe, floodplain, flood proofed, flood way removed effective 5-11-05)

Floor Area, Gross: The sum of the gross horizontal areas of all occupied stories of a building.

Forestry: The production and/or management of trees as a crop.

Frontage: That side of a lot abutting on a street or waterway and ordinarily regarded as the front of the lot.

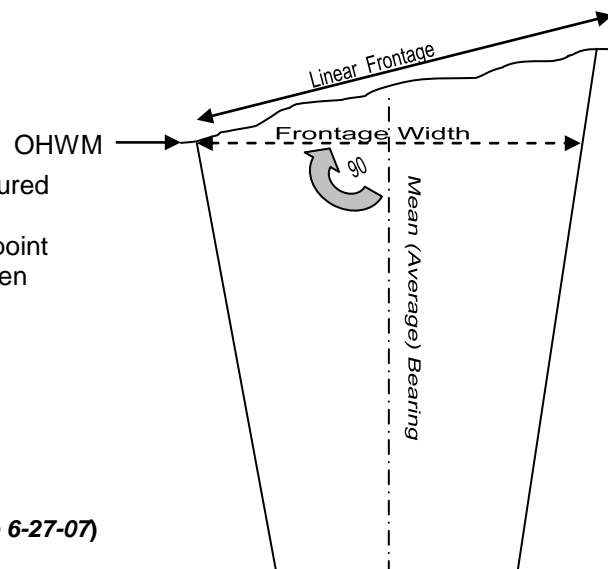
History: (Amendment #85-199, revised effective 5-11-05)

Frontage Street: Any street to be constructed by the developer or any existing street in which development shall take place.

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.

(See Diagram)



History: (Amendment #85-216, Section 11.0, effective 6-27-07)

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

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.

Habitable Living Area: The enclosed floor area arranged and maintained for sustaining living purposes. 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% 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, added effective 5-11-05)

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

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, revised effective 5-11-05)

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:

- (A) The total space on a lot used for the home occupation shall not exceed 50% of the gross floor area of the principal building.
- (B) There shall not be more than three (3) employees other than members of the family.
- (C) There shall not be any outside storage associated with the home occupation and all occupations shall be conducted entirely within a building.

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.

Hunting or Fishing Shelter: A building or structure without permanent toilet or kitchen facilities, intended solely for fishing, hunting or trapping and only for temporary occupancy.

Junk and/or Salvage Yards: An area or premises consisting of one or more of the following, but not limited to,

OLD:

Waste discarded 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, machinery that is 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.

1. General Provisions:

- (A) Junk and/or Salvage Yards shall not be located within 60 feet of public roads, streets, and highways; and all establishments of this kind shall have a minimum side and rear yard setback of 100 feet.
- (B) Junk and/or Salvage Yards shall not be located less than 300 feet from a lake, pond, stream or any watercourse.
- (C) Junk and/or Salvage Yards shall be enclosed by a suitable fence or planting screen, so that the Junk and/or Salvage materials are not visible from other property. Nor from a public right-of-way such as: roads, streets, highways, and waterways. The fence or planting screen shall be a height of 10 feet, and shall be kept in good repair.
- (D) Junk and/or Salvage materials shall not be piled higher than the height of the fence.
- (E) For fire protection, an unobstructed firebreak at least 20 feet wide shall completely surround the Junk and/or Salvage Yard.

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.

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.

Land Parcel: An identified section: fractional section or government lot.

Local Government: For the purposes of these regulations: any city, town, village or county authorized by law to enforce subdivision, sanitation and zoning regulations.

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.

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.

Lot Area: The area of contiguous land bounded by lot lines, exclusive of land provided for public thoroughfares.

Lot Depth: The average horizontal distance between the front lot line and the rear lot line measured within the lot boundaries.

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.

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.

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.

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.

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.

Manufactured Home Park, Mobile Home Park or Manufactured Building Park: Any area or premises on which is provided the required space for the accommodation of two (2) or more manufactured homes, mobile homes, or manufactured buildings, together with necessary accessory buildings, driveways, walks or other required adjuncts using a common septic system.

Marina, Commercial: A harbor or boat basin providing dockage, supplies, and services for pleasure craft for pay.

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.

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.

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.

Mini Storage: A structure/building not exceeding a height of fifteen (15) feet, containing individual locked spaces to rent for the storage of personal or private property.

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.

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.

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.

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.

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.

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 5-11-05)

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.

Nonconforming Dwelling: Any dwelling, lawfully occupied at the time of the effective date of this Ordinance or amendments thereto, which does not conform to the regulations herein.

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.

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 5-11-05)

Non- Rental Guest House: A habitable building to be used occasionally by guests of the owner of the principal house located on the same lot.

History: (Amendment #85-216, Section 11.0, effective 6-27-07)

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, Pier removed effective 5-11-05)

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.

History: (Amendment #85-199, Private Sewage Disposal System nomenclature revised effective 5-11-05)

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.

Public Open Space: Any publicly owned open area, including, but not limited to the following: parks, playgrounds, forest preserves, beaches, waterways, parkways and streets.

Public Way: Any public road, street, highway, drainage-way or part thereof.

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.

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.

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.

Recreational Vehicle: Any of the following:

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

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.

Resort: An area containing one or more permanent buildings utilized principally for the accommodation of the public for recreation.

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.

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.

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.

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.

Sanitary Station: A facility used for removing and disposing of wastes from recreational vehicle holding tanks.

Satellite Dish: See Structure.

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.

Sewered: A structure, which is connected to and served by a sewerage system as defined and regulated by Wisconsin Administrative Code Chapter NR 110.

Shooting Range: An area designed and constructed for the discharge of firearms and is open to club members or public use.

History: (Amendment #85-199, Shorelands, Shoreland Wetland Zoning District, Sign, Sign Gross Surface Area Of, Special Exception removed effective 5-11-05)

Site Plat: A drawing or design, which shows the proposed land use, construction or practice as set forth by the County Zoning Committee.

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.

Structure: Any construction, production or piece of work artificially built up or down composed of parts purposefully joined together and requiring a permanent location or connected to utilities, except as further set forth herein;

A "structure" excludes the following:

- 1, Items connected to a single post or pole, such as, birdhouses, bird feeders, flags, or other objects of like character, nature or use. Signs & lighting are regulated by the municipality.
2. Items that are flat or protrude only slightly from the ground are regulated by Article 5.1 Ordinary High Water Mark Setback and Article VII of the Vilas County Shoreland Zoning Ordinance, such as sidewalks, paved paths, pedestrian or handicapped walkways, driveways, parking areas, or other objects of like character, nature or use
3. Items relating to private utilities, such as wells, private on-site waste treatment systems, utility lines and poles, L.P. gas tanks, or other objects of like character, nature or use;
4. Items relating to permitted water activities are regulated by Article 5.1 Ordinary High Water Mark Setback and Article VII of the Vilas County Shoreland Zoning Ordinance, including piers, docks, boathouses, shore stations, or other objects of like character, nature or use.

History: (Amendment #85-216, Section 11.0, effective 6-27-07)

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.

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

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

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

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

Transient Lodging: A commercial lodging establishment, which rents sleeping quarters or dwelling units for periods of less than one month.

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

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.

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.

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.

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

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.

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.

Warehouse: A structure used for the reception and storage of goods and merchandise temporarily for monetary compensation.

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.

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.

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.

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

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