

LAC DU FLAMBEAU COMPREHENSIVE ZONING ORDINANCE 93-4
INTRODUCTION

The Town of Lac du Flambeau Comprehensive Zoning Ordinance 93-4 went into effect with its publication on January 28, 1994. Ordinance 93-4 replaced all previous zoning ordinances.

This revision to the Town of Lac du Flambeau's Comprehensive Zoning Ordinance 93-4 shall go into effect upon its adoption and publication as required by law.

Ordinance 93-4 and its revisions were developed by a volunteer zoning committee consisting of residents and land owners of the Town of Lac du Flambeau. Public hearings were conducted in 1993 prior to the adoption of this Ordinance and were held in 1995, 1996, 1998, 2001, 2003 and 2011 in order to give all residents and property owners a chance to comment on the revisions.

The Ordinance was revised in recognition that:

- A. The population of the town has grown and new regulations are needed to maintain the "Northwoods" character of the town.
- B. There is a growing demand for the lakefront building lots.
- C. There are more and stricter State, County and Town regulations on waste, septic systems, water quality, building construction and land use.

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REVISED FEBRUARY 14, 2012

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ARTICLE I: STATUTORY AUTHORITY

1.1 STATUTORY AUTHORITY

This comprehensive revision of the Lac du Flambeau Zoning Ordinance is adopted pursuant to the authorization contained in Sections 60.62, 61.35 and 62.23 of the Wisconsin Statutes.

1.2 A DISTINCT ORDINANCE

This Zoning Ordinance is distinct from similar ordinances enforced by other governing units such as Vilas County.

ARTICLE II: GENERAL PROVISIONS

2.1 Purposes

The purposes of this Ordinance are:

- A. To regulate the use of the land and resources within the Town of Lac du Flambeau. Through these regulations, the quality of our northwoods lifestyle can be maintained.
- B. To promoting the public health, safety and general welfare of the residents of the Town.
- C. To ensure that State, County and Town regulations relating to land use and natural resources are followed in changing or developing land in the Town.
- D. To ensure that no land development or building is done without going through a permit process in which the nature, quality and impact of the changes are considered for the future.
- E. To ensure that residents and residential property owners control the development of the Town.

2.2 Compliance

The use of any land or water, the size, shape and placement of lots, the use, size, type and locations of structures on lots, the installation and maintenance of water supply and waste disposal facilities, the filling, grading, lagooning, dredging of the lots, shall be in full compliance with the terms of this Ordinance and other applicable regulations. Article XVI of this Ordinance specifies the uses which require issuance of Zoning Permits and other permits.

2.3 Property Owners and Agents

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

2.4 Interpretation

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

2.5 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. In addition, should State legislation be passed that would allow towns to enact their own zoning laws without County Board approval; those portions of this Ordinance that refer to County Board approval will become null and void. Such approvals would then revert to the Town Board of Supervisors.

2.6 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 the Ordinance shall prevail.

2.7 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 the existing or previous requirements has been issued and that are under construction at the time this Ordinance is adopted.

2.8 Repeal Of Previous Ordinances

This Ordinance shall repeal and replace all prior Zoning Ordinances adopted in the Town of Lac du Flambeau.

2.9 Title

This Ordinance shall be known as, referred to, and cited as the Lac du Flambeau Comprehensive Zoning Ordinance 93-4. The term effective date of this Ordinance and any subsequent revisions shall be upon publication of the Notice of Adoption.

2.10 Tribal Government Notification

All items requiring deviation from this Ordinance, including Variances and Conditional Use Permits, shall be required to have additional notice sent to the Tribal Government for comment. In addition, all items relative to the subdivision section shall require notice for Tribal Government comment. To comply with this section, the applicant or agent shall, at least fifteen (15) days prior to the hearing date or posted meeting date, by certified mail, return receipt requested, send a copy of the application for a Variance or Conditional Use Permit, or a copy of the completed survey and a copy of the notice of the hearing or meeting to the Tribal Council, c/o Tribal Chairman, Post Office Box 67, Lac du Flambeau, WI 54538. Tribal comment is assumed to be in the affirmative if no response is made to the Town Board or Town Zoning Representatives prior to the hearing date. This section applies only to properties located within the external boundaries of the Lac du Flambeau Indian Reservation.

2.11 References In Effect

All references to specific Federal, State, County or local regulations, statutes, codes or ordinances are to those currently in effect and any future revisions thereto.

2.12 Structures On Islands Discouraged

The Town of Lac du Flambeau does not have the facilities to provide comparable ambulance, fire, or other emergency services to residences or other structures on islands in the lakes or waterways. Therefore, the Town strongly discourages the construction of residences or structures on any island in the Town.

2.13 Conflict Of Ordinance, Effect Or Partial Validity

In any conflict with a provision of this Ordinance is found to be in conflict with a provision of any other applicable law or other governing body existing on the effective date of this Ordinance, the provisions that establish greater restrictions shall control.

ARTICLE III: INTERPRETATIONS

Introduction and Explanation: Article III contains descriptions of how to interpret district boundaries, area (yard) requirements, lot widths, highway and road setbacks, lake setbacks, height limitations and visual clearance triangles. The purpose of this article is to assist readers and the administrators of this Ordinance in making consistent interpretations of the requirements. For purposes of interpretation on lake lots, the water facing side of a building bordering a navigable body of water as defined in Article XVIII is considered the “front” of the property. On backlots or backland as defined in Article XVIII, the road facing side of a building is considered the “front” of the property.

3.1. Determination Of District Boundaries

The boundaries of the zoning districts described in Article V and established by this Ordinance for general zoning purposes are shown on the map entitled “Zoning Map of the Town of Lac du Flambeau. Said map together with all explanatory matter written thereon is hereby adopted by reference and declared to be a part of this ordinance. The map is on file in the zoning office and in the office of the town clerk. The map on file in the zoning office shall be the official version and shall control in any case where differences exist between it and other copies. For all shoreland property in the Town, the map will coincide with the official Vilas County zoning map which is on file in the Vilas County zoning administrator’s office. For non-shoreland property in the Town of Lac du Flambeau, the county zoning ordinance does not apply and, therefore, such non-shoreland property is subject to the jurisdiction of the Town of Lac du Flambeau and this ordinance. For said shoreland areas, the boundaries of zoning districts are established by the town board subject to the approval of the county board. After approval by the county board, said district boundary changes shall be in effect and the map shall be amended to reflect that change. The following guidelines relate to interpretation of the map:

- A. When the district boundaries are either roads or streets, unless otherwise shown, and where the designation of the district “map” indicates that the various districts are bounded by a road or street line, the centerline of such a 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 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 “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 lot lines of the lots abutting such streets.
- D. For undivided property, where not otherwise indicated, the district boundaries are property lines, or quarter-section lines, or quarter-quarter-section lines. In unplatted areas of ten (10) acres or less, the district boundary lines, where otherwise not indicated, shall be determined by use of the scale on the “map”.

3.2 Interpretation Of Area (Yard) Requirements

The regulations contained throughout this Ordinance related to the size of an area (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 a building for the purpose of complying with the provisions of this Ordinance shall be included as 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, rear yard and side yard requirements 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 that are not part of the principal building shall not occupy more than 30% of the area of the required yard.
- E. Wetlands are not to be included when calculating minimum lot areas.

3.3 Interpretation Of Lot Widths

For purposed of enforcement, lot widths stated in this Ordinance are to be considered as the average horizontal distance between the side lot lines of a lot measured within the lot boundaries. All lot widths shown are to be considered as minimum average widths. The regulations contained throughout this Ordinance related to the width of lots shall be subject to the following interpretations and exceptions:

A. Lot Widths (Lake Lots)

- 1. All lake lots must measure no less than the minimum lot width at the required setback for a principal building on that lot. (See Article IV Lake Classification Matrix – Table 2)
- 2. The minimum average lot width must be maintained back from the OHWM setback line only until the principal building setback point has passed and the area requirements for the particular lot are met.
- 3. All Lake lots must measure no less than fifty (50) feet in width at the junction to a road or highway in order to allow for a driveway and required setback from side lot lines.

B. Lot Widths (Back Lots)

- 1. Back lots must measure at least 80% of the stated minimum width at the front lot line and must average the stated minimum width for a principal building on that lot.
- 2. The average lot width from the road right-of-way through the principal building setback point must equal the minimum lot width requirements for the district and type of lot.
- 3. The minimum average lot width must be maintained back from the lot line only until the principal building setback point has been passed and the area requirements for the particular lot are met.

3.4 Interpretation Of Setbacks

All setbacks are to be measured from the maximum horizontal projection of the building or structure i.e.: roof overhang, porch, deck, steps, etc. to the nearest point of the lot line, road right-of-way, center of a roadway or OHWM. For purposes of enforcement, all measurements are to be taken horizontally.

- A. When an accessory building or garage is physically attached to a primary dwelling, the entire structure must comply with all front, side and rear yard setbacks for a principal building in that zoning district.

- B. All setbacks from Federal, State, Town and County highways shall be minimum setbacks measured from the center of the highway or the edge of the road right-of-way as stated in the setback requirements for each zoning district. Exceptions to this setback requirement shall be the placement of public telephone and electric service equipment such as: poles, push attachments, regulators, enclosures, capacitors, switch gear, lights and lighting fixtures, official highway signs, tags, warning markers, pad mounted transformers, pedestals, junction boxes, pad mounted terminal repeaters, meters and metering equipment. This exception does not apply to buildings housing switching panels.
- C. The area within the established setback lines along Federal, State or County and Town roads shall not be used for the storage of chattel.

3.5 Interpretation Of Building Height Limitations

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 the purpose of enforcement, building height shall be measured from the mean elevation of the finished grade along the front of the building to the highest point on the roof. For purposes of enforcement, the water-facing side of a building bordering a navigable body of water as defined in Article XX will be used for the measurement of height where the height measurement on this side would be greater than the road-facing side of the building.
- B. Churches, schools, public and quasi-public buildings, chimneys, cooling towers, farm silos, barns and other farm structures, solar collectors, windmills and antennae (including satellite dishes and television towers) may be erected to a height exceeding thirty-five (35) feet but not to exceed sixty (60) feet provided:
 - 1. The front, side and rear yard required setbacks in the district in which such a building or structure is to be located are each increased at least one (1) foot in length for each foot above the height limit otherwise established for the district in which such a building or structure is to be located.
 - 2. The Zoning Administrator has conducted an investigation and has determined that any such facility that is to exceed thirty-five (35) feet in height from the mean elevation will not create a fire protection or other problems related to public safety. This determination must be in writing.
 - 3. An application for a variance must be filed with the Board of Appeals for any structure height to exceed thirty-five (35) feet. Upon approval by the Board of Appeals, a Zoning Permit will be issued by the Zoning Administrator.
 - 4. When it is determined that a building height in excess of thirty-five (35) feet will create fire protection or other problems related to public safety, the application for a variance shall be denied.
- C. The height of detached garages and guest houses shall not exceed 25 feet measured from the lowest point of the finished grade to the highest roof point.

3.6 Interpretation Of Visual Clearance Triangles

At the intersection of highways where the grades are not separated, visual clearance triangles are established across each corner between the intersecting highways. Such visual clearance setbacks shall be straight lines connecting two points on the intersecting highway center lines, which points are located one

hundred (100) feet distance from the intersections of the highway center lines. At intersection of highways and railroads where the grades are not separated, the setback lines are straight lines across each corner between the intersecting highways and railroads, and the connecting points are located at distances of one hundred (100) feet from the intersections of the highway center line and the center of the railroad right-of-way. No building, structure or chattel of any kind, except necessary highway and traffic signs, public telephone and electrical equipment as listed in Subsection 3.4.B of this Ordinance, temporary structures and open fences through which there shall be clear vision, shall be hereafter constructed, erected or moved into the space within such setback lines. No building or structure inside the established setback lines shall be removed or replaced hereafter in any way, except outside of the setback lines. No building or structure inside the established setback line, except open fences, necessary highway and traffic signs and temporary structures hereby mentioned, shall be altered, enlarged or added to in any way which will increase or prolong the permanency of any portion located within the established setback lines.

ARTICLE IV: LAKE AND RIVER CLASSIFICATION
LOT SIZES AND SETBACKS

4.1 Lake And River Classification

A. Lakes Greater Than 50 Acres

1. Each lake greater than 50 acres in surface area has been individually evaluated and classified based upon its sensitivity to development and the level of existing development along privately owned shoreline. The factors comprising lake sensitivity to development and the level of development, and the ranking system for low, medium and high sensitivity and development categories are set forth in the Vilas County Lake and River Classification Study dated February 1999 which is incorporated by reference.
2. The lake classification listing for each lake greater than 50 acres is set forth in Table 1 on page 4-2.

B. Lakes 50 Acres And Less

1. Lakes 50 acres and less in surface area were not individually evaluated based on sensitivity or development but were classified as warranting the highest level of protection as set forth in the Vilas County Lake and River Classification Study dated February 1999. Lakes under 50 acres that have been re-classified according to Section 4.2 are listed in Table 1 and are subject to the same standards as similarly classified lakes over 50 acres.

C. River and Streams

Navigable rivers and streams were placed into two classes, based upon factors set forth in the Vilas County Lake and River Classification Study dated February 1999.

All navigable rivers and streams in Lac du Flambeau based on the Classification Study done in Vilas County are Class I, with the exception of Mud Creek, which is Class II.

4.2 Lake And River Classification Amendments

A. Procedure

1. The Vilas County Board may change the classification of a lake or river by amending the County Ordinance in accordance with Section 9.5 of the Vilas County General Zoning Ordinance.
2. Any person or the Town Board may seek to change the classification of a lake or river by petitioning the County Board for an amendment to the Vilas County Shoreland Zoning Ordinance in accordance with the procedures set forth in 3.5.B (Corrections to Classifications) and 3.5.C (Changes to More Restrictive Classification) of the Vilas County Shoreland Zoning Ordinance and Section 9.5 of the Vilas County General Zoning Ordinance.

TABLE 1

SUMMARY OF ZONING STANDARDS FOR LAKES OVER 50 ACRES AND CLASS II RIVERS AND STREAMS

| LAKE NAME | SENSITIVITY | DEVELOPMENT | LAKE SIZE ACRES | FRONTAGE WIDTH @ OHWM FT. | AREA SQ.FT. | MINIMUM WIDTH FT. @ BLDG. SETBACK | MAXIMUM BOATHOUSE SIZE SQ. FT. |
|-------------------------------|-------------|-------------|--------------------|---------------------------------|----------------|--|--------------------------------------|
| AMIK LAKE (RICE, PIKE) | MEDIUM | MEDIUM | 187 | 200 | 40,000 | 180 | 300 |
| APEEKWA LAKE (LITTLE PINE) | LOW | LOW | 188 | 200 | 30,000 | 180 | 300 |
| BIG CROOKED T41N R05E S15 | HIGH | LOW | 384 | 300 | 60,000 | 270 | 300 |
| BILLS LAKE | HIGH | HIGH | 73 | 200 | 40,000 | 180 | 100 |
| BOLTON LAKE | LOW | MEDIUM | 138 | 200 | 30,000 | 180 | 300 |
| BROKEN BOW | HIGH | LOW | 134 | 300 | 60,000 | 270 | 300 |
| BUCKSKIN | LOW | LOW | 634 | 200 | 30,000 | 180 | 300 |
| CEDAR LAKE T40N R04E S04 | MEDIUM | LOW | 60 | 200 | 40,000 | 180 | 100 |
| CRAWLING STONE LAKE | LOW | HIGH | 1466 | 200 | 30,000 | 180 | 300 |
| ELLERSON LAKE, MIDDLE | HIGH | LOW | 60 | 300 | 60,000 | 270 | 100 |
| ELLERSON LAKE, WEST | MEDIUM | LOW | 80 | 200 | 40,000 | 180 | 100 |
| FENCE LAKE | LOW | HIGH | 3555 | 200 | 30,000 | 180 | 300 |
| FLAMBEAU (LDF) | MEDIUM | LOW | 1176 | 200 | 40,000 | 180 | 300 |
| GUNLOCK LAKE | MEDIUM | MEDIUM | 250 | 200 | 40,000 | 180 | 300 |
| HASKELL LAKE | HIGH | LOW | 97 | 300 | 60,000 | 270 | 100 |
| IKE WALTON LAKE | LOW | LOW | 1424 | 200 | 30,000 | 180 | 300 |
| JERMS LAKE (SPRING) | MEDIUM | MEDIUM | 72 | 200 | 40,000 | 180 | 300 |
| LITTLE CRAWLING STONE LAKE | MEDIUM | HIGH | 107 | 200 | 30,000 | 180 | 300 |
| LITTLE SAND LAKE | MEDIUM | LOW | 107 | 200 | 40,000 | 180 | 300 |
| LITTLE TROUT LAKE | MEDIUM | LOW | 978 | 200 | 40,000 | 180 | 300 |
| LONG INTERLAKEN LAKE (LONG) | MEDIUM | MEDIUM | 368 | 200 | 40,000 | 180 | 300 |
| MINETTE LAKE (BASS, SPRUCE) | MEDIUM | LOW | 90 | 200 | 40,000 | 180 | 100 |
| MITTEN LAKE | MEDIUM | LOW | 140 | 200 | 40,000 | 180 | 300 |
| MOSS LAKE (LITTLE MUD) | MEDIUM | MEDIUM | 196 | 200 | 40,000 | 180 | 300 |
| MUSKESIN LAKE (BIG BASS) | MEDIUM | LOW | 115 | 200 | 40,000 | 180 | 300 |
| PLUMMER LAKE | MEDIUM | MEDIUM | 211 | 200 | 40,000 | 180 | 300 |
| POKEGAMA LAKE | MEDIUM | MEDIUM | 1052 | 200 | 40,000 | 180 | 300 |
| ROSS ALLEN LAKE | HIGH | LOW | 66 | 300 | 60,000 | 270 | 100 |
| SHISHEBOGEMA LAKE | LOW | HIGH | 716 | 200 | 30,000 | 180 | 300 |
| SIGNAL LAKE (STAR) | MEDIUM | LOW | 58 | 200 | 40,000 | 180 | 100 |
| SQUAW LAKE | LOW | MEDIUM | 785 | 200 | 30,000 | 180 | 300 |
| STATENAKER LAKE | HIGH | LOW | 210 | 300 | 60,000 | 270 | 300 |
| STEARNS LAKE | LOW | LOW | 217 | 200 | 30,000 | 180 | 300 |
| SUGARBUSH LAKE, LOWER | MEDIUM | LOW | 182 | 200 | 40,000 | 180 | 300 |
| SUGARBUSH LAKE, MIDDLE | MEDIUM | LOW | 269 | 200 | 40,000 | 180 | 300 |
| SUGARBUSH LAKE, UPPER | MEDIUM | LOW | 162 | 200 | 40,000 | 180 | 300 |
| SUNFISH LAKE | LOW | LOW | 55 | 200 | 30,000 | 180 | 100 |
| TIPPECANOE LAKE (ISLAND) | HIGH | MEDIUM | 155 | 200 | 40,000 | 180 | 300 |
| TOULISH (STATENAKER) | MEDIUM | LOW | 79 | 200 | 40,000 | 180 | 100 |
| WHITE SAND LAKE T41N R05E S22 | MEDIUM | MEDIUM | 1229 | 200 | 40,000 | 180 | 300 |
| WHITEFISH LAKE | MEDIUM | HIGH | 196 | 200 | 30,000 | 180 | 300 |
| WILD RICE LAKE (HALF WAY) | LOW | MEDIUM | 379 | 200 | 30,000 | 180 | 300 |
| WISHOW LAKE | MEDIUM | LOW | 73 | 200 | 40,000 | 180 | 100 |
| WYANDOCK LAKE | MEDIUM | LOW | 88 | 200 | 40,000 | 180 | 100 |
| MUD CREEK | | | | 200 | 30,000 | 180 | 300 |
| ALL OTHER LAKES AND STREAMS | | | | 300 | 60,000 | 270 | 100 |

4.3 Minimum Area And Width Requirements For New Waterfront Lots

A. Base Minimum Lot Sizes

1. The base minimum lot size is determined by the lake or river classification category. In addition to the base minimum, certain structures require additional lot area and width as set forth in Section 4.3.B.

TABLE 2
LAKE CLASSIFICATION MATRIX FOR LAKES GREATER THAN 50 ACRES
CURRENT LEVELS OF DEVELOPMENT

| SENSITIVITY TO DEVELOPMENT | LOW DEVELOPMENT LEVEL | MEDIUM DEVELOPMENT LEVEL | HIGH DEVELOPMENT LEVEL |
|----------------------------|---|---|---|
| HIGH SENSITIVITY | MINIMUM LOT AREA= 60,000 SQ. FT. MINIMUM FRONTAGE WIDTH= 300 FEET MINIMUM LOT WIDTH= 270 FEET | MINIMUM LOT AREA= 40,000 SQ. FT. MINIMUM FRONTAGE WIDTH= 200 FEET MINIMUM LOT WIDTH= 180 FEET | MINIMUM LOT AREA= 40,000 SQ. FT. MINIMUM FRONTAGE WIDTH= 200 FEET MINIMUM LOT WIDTH= 180 FEET |
| MEDIUM SENSITIVITY | MINIMUM LOT AREA= 40,000 SQ. FT. MINIMUM FRONTAGE WIDTH= 200 FEET MINIMUM LOT WIDTH= 180 FEET | MINIMUM LOT AREA= 40,000 SQ. FT. MINIMUM FRONTAGE WIDTH= 200 FEET MINIMUM LOT WIDTH= 180 FEET | MINIMUM LOT AREA= 30,000 SQ. FT. MINIMUM FRONTAGE WIDTH= 200 FEET MINIMUM LOT WIDTH= 180 FEET |
| LOW SENSITIVITY | MINIMUM LOT AREA= 30,000 SQ. FT. MINIMUM FRONTAGE WIDTH= 200 FEET MINIMUM LOT WIDTH= 180 FEET | MINIMUM LOT AREA= 30,000 SQ. FT. MINIMUM FRONTAGE WIDTH= 200 FEET MINIMUM LOT WIDTH= 180 FEET | MINIMUM LOT AREA= 30,000 SQ. FT. MINIMUM FRONTAGE WIDTH= 200 FEET MINIMUM LOT WIDTH= 180 FEET |

2. Minimum Lot Size For Lakes 50 Acres And Less:

- a. The minimum lot area shall be 60,00 sq. ft;
- b. The minimum frontage width shall be 300 feet; and
- c. The minimum width shall be 270 feet.

3. Minimum Lot Size For Class I Rivers And Streams:

- a. The minimum lot area shall be 60,000 square feet;
- b. The minimum frontage width shall be 300 feet; and
- c. The minimum lot width shall be 270 feet.

B. Minimum Lot Size Requirements For Specified Uses

1. Single residential lots and single duplexes shall comply with the base minimum lot size requirements.
2. Multi-family developments with one residential unit per structure shall comply with the base minimum requirement for each single residential unit.
3. Multi-family developments with multiple residential units per structure(s) shall include the base minimum requirements for each residential structure plus an additional 30 percent of the base minimum for each additional contiguous dwelling unit.
4. Hotels/Motels shall include the base minimum requirements for each motel and/or hotel structure plus an additional 10 percent of the base minimums for each additional contiguous bedroom unit. A single motel/hotel room shall be considered a single bedroom.

5. All resorts established after the effective date of this Ordinance shall conform to the minimum lot area, minimum frontage width, and minimum lot width requirements of multi-family developments.
6. Commercial lots shall comply with the base minimum requirements.
7. Lots which include a combination of the development categories in 4.3.B. shall comply with all the requirements for each applicable category.

4.4 Minimum Lot Size Requirements For Existing Resorts

1. Maintenance Of Existing Density

All resorts existing on the date this Ordinance was adopted shall be allowed to continue in operation at their existing density. Density of the resort shall be based upon the number of dwelling units and the number of bedrooms on the resort license issued by the Department of Health and Family Services.

2. Expansion Of Resort Rental Dwelling Units On Existing Property

Resorts existing on the date that this Ordinance is enacted may construct additional dwelling units on existing property as long as the cumulative minimum frontage and minimum lot area are not exceeded.

a. Single Dwelling Unit, Duplex Unit and Multiple Unit Resort

Rental Dwelling Units shall comply with the base minimum requirements in Article 4, Table 1 and Article 4.3. Each single dwelling unit and contiguous dwelling units shall comply with the base minimum requirement for a single dwelling unit.

b. Lodges And Non-Rental Residences

(1) Lodges shall comply with the base minimum requirements for Hotels/Motels as listed in Article 4.3.B.4. Within 200 feet from the OHWM:

- (a) 100 feet of frontage width; and
- (b) 20,000 feet of lot area.

(2) Single Dwelling Unit Non-Rental Residences shall comply with the base minimum requirements listed in Article 4.3.B.1. or greater than 200 feet from the OHWM: 65,340 square feet of lot area, whichever is greater.

3. Expansion Of Resort Rental Dwelling Units On Additional Property

- a. Existing resorts may expand their operations with additional dwelling units through purchase of contiguous property provided the corresponding zoning district allows for expansion of the resort.
- b. Expansion of existing resorts onto such contiguous property shall meet the requirements in Section 4.4.2.

4. Replacement Of Resort Rental Dwelling Units

- a. Existing resorts exceeding maximum resort density requirements. Resort rental dwelling units may be replaced at the existing licensed bedroom density provided the replacement resort rental dwelling units are located beyond the required OHWM setback for that water body and the number of dwelling units is not increased.
- b. Existing resorts that comply with the maximum resort density requirements. Resort rental dwelling units may be replaced at the same or greater licensed bedroom density provided:
 - (1) The new resort rental dwelling unit complies with the OHWM and;

(2) The density of new dwelling units does not exceed the maximum density requirements as described in 4.4.2.

- c. Replacement of any resort rental dwelling units shall comply with other provisions of this Ordinance including, but not limited to obtaining proper Sanitary Permits, Zoning Permits, and adhering to the impervious surface and land disturbance requirements of the Vilas County Shoreland Zoning Ordinance.

4.5 Minimum Lot Size Requirements For Existing Condominium Expansion Areas.

When a condominium plat has been filed and recorded with the Register of Deeds prior to the date of enactment of this Ordinance and the plat shows an expansion area for new structures, additional structures may be constructed in the expansion area provided that they meet the same requirements as an existing resort set forth in Section 4.4.2.

4.6. Ordinary High Water Mark Setback

A. Applicability

1. The provisions of this article shall apply to all new buildings and structures, except boathouses.
2. Structures in place when this Ordinance was adopted are considered existing structures and are not required to meet the provisions of this article. However, existing structures located closer than 75' from the OHWM are subject to the provisions of Articles XIV and XV.

B. 75 Foot OHWM Setback

A seventy-five foot setback from the OHWM is required for all new buildings and structures on waterfront lots on all water bodies.

ARTICLE V: ZONING DISTRICT REGULATIONS

Introduction and Explanation: Article V contains the requirements for each of the zoning districts. The requirements include listings of permitted uses, conditional permitted uses, prohibited uses, yard size requirements, setback requirements and building height limitations. See Attachments 1 and 2 at the end of this Ordinance. The Zoning map defining boundaries of zoning districts is on file in the zoning administrator's office.

5.1 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 uses that are incompatible with the quiet and comfort of such areas.

B. Permitted Uses:

1. Essential services as defined in Article XX of this Ordinance.
2. Guesthouses non-rental. One unit that may be occupied on a temporary basis.
3. Manufactured Dwellings/Homes and Mobile Homes must meet the structural, age and size requirements of Article X, Section 10.4.
4. Single family detached dwelling units that meet the minimum structural specifications of Article VI.

C. Conditional Uses:

1. Airports and landing strips.
2. Bed and breakfast establishments.
3. Community based residential facilities (community living) as defined in Article X, Section 10.20.
4. Hobby farms as defined in Article XX and Article X, Section 10.18 of this Ordinance.
5. Home occupations as defined in Article XX of this Ordinance.
6. Public and semi-public use.
7. Utility facilities.
8. Parks, playgrounds and golf courses.

D. Prohibited Uses:

1. All uses shown in Attachment 1 that are not shown as either Permitted (P) or Conditional Use (CU) are specifically prohibited.

E. Building Height Limits:

1. A principal building may not exceed 35 feet.
2. Accessory buildings may not exceed 15 feet.
3. A private garage may not exceed 25 feet.
4. A guesthouse may not exceed 25 feet.

Note: For F & G below, see Article IV: Lake and River Classification Chart and Matrix. Specifically see Table 1 (page 4-3) for additional restrictions.

F. Minimum Lot Areas:

1. Sewered back lots: 10,000 square feet. One additional non-rental guest house: 6,000 square feet.
2. Sewered lake lots: 20,000 square feet. One additional non-rental guest house: 6,000 square feet.
3. Unsewered back lots: 87,120 square feet. One additional non-rental guest house: 12,000 square feet.

4. Unsewered lake lots: 30,000 square feet. One additional non-rental guest house: 6,000 square feet.

G. Minimum Lot Width:

1. Sewered back lots: 100 feet.
2. Sewered lake lots: 100 feet. The minimum 100 foot width must exist at the lakefront and continue at least to the minimum 75 foot setback point.
3. Unsewered back lots: 180 feet.
4. Unsewered lake lots: 200 feet. The minimum 200 foot width must exist at the lakefront and continue at least the minimum 75 foot setback point.

H. Building Setback Requirements:

Setbacks for principal and accessory buildings shall be in accordance with Article III, Section 3.4 of this Ordinance.

1. The minimum setback for principal and accessory buildings shall be 75 feet from the ordinary high watermark of all navigable waters except for boathouses. See Article X for boathouses.
2. The minimum setback for principal buildings from a road or highway shall be 40 feet from the edge of the road right-of-way.
3. The minimum setback for accessory buildings from a road or highway shall be 25 feet from the edge of the road right-of-way.

I. Side Yard Setback Requirements:

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

J. Rear Yard Setback Requirements:

1. Principal buildings: 40 feet.
2. Accessory buildings: 5 feet.

5.2 Multi-Family Residential District (R-2):

A. Purpose: The Multiple-Family Residential 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 an R-1 district.
2. Apartments, townhouses, duplexes and any other multiple family dwelling units.
3. Community based residential facilities (community living) as defined in Article X, Section 10.20.
4. Group lodging.
5. Mobile home parks.
6. Resorts.

C. Conditional Uses:

1. Airports and landing strips.
2. Bed and breakfast establishments.
3. Hobby farms as defined in Article XX and Article X, Section 10.18 of this Ordinance.
4. Public and semi-public uses.
5. Utility facilities.

6. Parks, playgrounds and golf courses.
7. Home occupations as defined in Article XX of this Ordinance.

D. Prohibited Uses:

1. All uses shown in Attachment 1 that are not shown as either Permitted (P) or Conditional Use (CU) are specifically prohibited.

E. Building Height Limits:

1. A principal building may not exceed 35 feet.
2. Accessory buildings may not exceed 15 feet.
3. A private garage may not exceed 25 feet.
4. A guesthouse may not exceed 25 feet.

Note: For F – I Below, See Article IV: Lake and River Classification Chart and Matrix. Specifically see Table 1 (page 4-3) for additional restrictions.

F. Minimum Lot Area (Multi-Family Dwelling)

1. Sewered back lots: First dwelling unit: 10,000 square feet plus 6,000 square feet for each contiguous dwelling unit.
2. Sewered lake lots: First dwelling unit: 20,000 square feet plus 6,000 square feet for each contiguous dwelling unit.
3. Unsewered back lots: First dwelling unit: 87,120 square feet plus 12,000 square feet for each contiguous dwelling unit.
4. Unsewered lake lots: First dwelling unit: 30,000 square feet plus 6,000 square feet for each contiguous dwelling unit.

G. Minimum Lot Area (Single Family Dwelling):

1. Sewered back lots: 10,000 square feet. One additional non-rental guest house: 6,000 square feet.
2. Sewered lake lots: 20,000 square feet. One additional non-rental guest house: 6,000 square feet.
3. Unsewered back lots; 87,120 square feet. One additional non-rental guest house: 12,000 square feet.
4. Unsewered lake lots: 30,000 square feet. One additional non-rental guest house: 6,000 square feet.

H. Minimum Lot Area (Place of Business):

1. Sewered back lots: 10,000 square feet.
2. Sewered lake lots: 20,000 square feet.
3. Unsewered back lots: 87,120 square feet.
4. Unsewered lake lots: 30,000 square feet.

I. Minimum Lot Width:

1. Sewered back lots: 100 feet.
2. Sewered lake lots: 100 feet plus 30 feet for each additional contiguous dwelling unit.
3. Unsewered back lots: 180 feet.
4. Unsewered lake lots: 200 feet plus 30 feet for each additional contiguous dwelling unit.

J. Building Setback Requirements: Setbacks for principal and accessory buildings shall be measured in accordance with Article III. Section 3.4 of this Ordinance.

1. The minimum setback for principal and accessory buildings shall be 75 feet from the ordinary high water mark of all navigable waters, except for boathouses. See Article X for boathouses.

2. The minimum setback from a road or highway shall be 40 feet from the edge of the road right-of-way.
3. The minimum setback for accessory buildings from a road or highway shall be 25 feet from the edge of the road right-of-way.

K. Side Yard Setback Requirements:

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

L. Rear Yard Setback Requirements:

1. Principal buildings: 40 feet.
2. Accessory buildings: 5 feet.

5.3 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-includes logging).
3. Banks, credit unions and financial institutions.
4. Bed and breakfast.
5. Hotels and motels.
6. Mini storage buildings.
7. Professional offices.
8. Public and semi-public uses.

C. Conditional Uses:

1. Airports and landing fields (private).
2. Body shops.
3. Campgrounds.
4. Gun clubs.
5. Hobby farms as defined in Article XX and Article X, Section 10.18 of this Ordinance.
6. Kennels - commercial.
7. Marinas - commercial.
8. Objectionable emission of odor, dust, smoke and noise.
9. Outdoor Recreation or Amusement Facilities, See Definition.
10. Riding stables.
11. Utility facilities.
12. Warehousing and wholesaling.
13. Auto and RV sales, service and repair, except body shops.
14. Auto service stations.
15. Eating and drinking establishments.

16. Health care facilities
17. Indoor recreation or Amusement Facilities, See Definition.
18. Retail stores and commercial services.
19. Home occupations as defined in Article XX of this Ordinance.
20. Residential Attached to Commercial Use

D. Prohibited Uses:

1. All uses shown in Attachment 1 that are not shown as either Permitted (P) or Conditional Use (CU) are specifically prohibited.

E. Building Height Limits:

1. A principal building may not exceed 35 feet.
2. Accessory buildings may not exceed 15 feet.
3. A private garage may not exceed 25 feet.
4. A guesthouse may not exceed 25 feet.

Note: For F–J Below, See Article IV: Lake and River Classification Chart and Matrix. Specifically see Table 1 (page 4–3) for additional restrictions.

F. Minimum Lot Area (Multi–Family Dwelling):

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: 30,000 square feet. For each additional contiguous dwelling unit: 6,000 square feet. One non–rental guest house: 6,000 square feet.

G. Minimum Lot Area (Single Family Dwelling):

1. Sewered back lots: 10,000 square feet. One additional non–rental guest house: 6,000 square feet.
2. Sewered lake lots: 20,000 square feet. One additional non–rental guest house: 6,000 square feet.
3. Unsewered back lots: 65,340 square feet. One additional non–rental guest house: 12,000 square feet.
4. Unsewered lake lots: 30,000 square feet. One additional non–rental guest house: 6,000 square feet.

H. Minimum Lot Area (Places of Business)

1. Sewered back lots: 10,000 square feet.
2. Sewered lake lots: 20,000 square feet.
3. Unsewered back lots: 65,340 square feet.
4. Unsewered lake lots: 30,000 square feet.

I. Minimum Lot Area (Hotels or Motels):

1. Sewered back lots: 87,120 square feet.
2. Sewered lake lots: 87,120 square feet.
3. Unsewered back lots: 87,120 square feet.
4. Unsewered lake lots: 87,120 square feet.

J. Minimum Lot Width:

1. Sewered back lots: 100 feet.
2. Sewered lake lots: 100 feet plus 30 feet for each additional contiguous dwelling unit.
3. Unsewered back lots: 200 feet plus 300 feet for each additional contiguous dwelling unit.
4. Unsewered lake lots: 200 feet plus 30 feet for each additional dwelling unit.

K. Building Setback Requirements:

Setbacks for principal and accessory buildings shall be in accordance with Article III, Section 3.4 of this Ordinance.

1. The minimum setback for principal and accessory buildings shall be 75 feet from the ordinary high water mark of all navigable waters, except for boathouses. See Article X for boathouses.
2. The minimum setback for principal buildings from a road or highway shall be 40 feet from the edge of the road right-of-way.
3. The minimum setback for an accessory building from a road or highway shall be 25 feet from the edge of the road right-of-way.

L. Side Yard Setback Requirements:

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

M. Rear Yard Setback Requirements:

1. Principal buildings: 40 feet.
2. Accessory buildings: 5 feet.

5.4 Community Business District (CB):

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

B. Permitted Uses:

1. Auto service stations.
2. Banks, credit unions and financial institutions.
3. Bed and breakfast establishments.
4. Community based residential facilities.
5. Eating and drinking establishments.
6. Essential services as defined in Article XX of this Ordinance.
7. Hotels and motels.
8. Indoor recreations establishments – theaters, bowling alleys, game rooms and etc.
9. Professional offices.
10. Public and semi-public uses.
11. Residential attached to commercial uses.
12. Resorts.
13. Retail sales and service.

C. Conditional Uses:

1. Auto and RV sales, service and repairs.
2. Guesthouse (non-rental).

3. Marinas (commercial).
4. Multiple family dwellings.
5. Single family residential.
6. Utility facilities.
7. Mobile homes (individual, Manufactured Homes and Buildings which must meet the structural, age and size requirements of Article X, Section 10.4.

D. Prohibited Uses:

All uses shown in Attachment 1 that are not shown as either Permitted (P) or Conditional Use (CU) are specifically prohibited.

E. Building Height Limit:

1. A principal building may not exceed 35 feet.
2. Accessory buildings shall not exceed 15 feet.
3. A private garage may not exceed 25 feet.
4. A guesthouse may not exceed 25 feet.

Note: For F–J Below, See Article IV: Lake and River Classification Chart and Matrix. Specifically see Table 1 (page 4–3) for additional restrictions.

F. Minimum Lot Area (Multi-Family Dwelling):

1. Sewered back lots: First dwelling unit: 10,000 square feet. Each contiguous dwelling unit: 6,000 square feet.
2. Sewered lake lots: First dwelling unit: 20,000 square feet. Each contiguous dwelling unit: 6,000 square feet.
3. Unsewered back lots: First dwelling unit: 43,560 square feet. Each contiguous dwelling unit: 12,000 square feet.
4. Unsewered lake lots: First dwelling unit: 30,000 square feet. Each contiguous dwelling unit: 6,000 square feet.

G. Minimum Lot Area: (Single Family Dwelling):

1. Sewered back lots: First dwelling unit: 10,000 square feet. One additional non-rental guest house: 6,000 square feet.
2. Sewered lake lots: First dwelling unit: 20,000 square feet. One additional non-rental guest house: 6,000 square feet.
3. Unsewered back lots: First dwelling unit: 43,560 square feet. One additional non-rental guest house: 12,000 square feet.
4. Unsewered lake lots: First dwelling unit: 30,000 square feet. One additional non-rental guest house: 6,000 square feet.

H. Minimum Lot Area (Place of Business):

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: 30,000 square feet.

I. Minimum Lot Area (Hotels or Motels):

1. Sewered back lots: 87,120 square feet.
2. Sewered lake lots: 87,120 square feet.
3. Unsewered back lots: 87,120 square feet.
4. Unsewered lake lots: 87,120 square feet.

J. Minimum Lot Width:

1. Sewered back lots: N/A
2. Sewered lake lots: 100 feet plus 30 feet for each additional contiguous dwelling unit.
3. Unsewered back lots: N/A
4. Unsewered lake lots: 200 feet plus 30 feet for each additional contiguous dwelling unit.

K. Building Setback Requirements:

1. No minimum public right-of-way setbacks are required.
2. The minimum setback for both principal and accessory building shall be 75 feet from the ordinary high water mark of all navigable waters except for boathouses and marinas. See Article X for boathouses.

L. Side Yard Requirements:

1. No side yard requirements.

M. Rear Yard Requirements:

1. 5 feet for principal buildings.
2. No rear yard requirements for accessory buildings.

5.5 Recreation District (REC):

A. Purpose: The Recreation District is created to provide areas primarily for businesses oriented toward outdoor recreation. It is understood that there are outdoor recreational uses that are not specifically mentioned as permitted or prohibited. To determine if a proposed use would be allowed, a Public Hearing Conditional Use Permit must be applied for. 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. Campgrounds.
3. Commercial Marinas
4. Hobby farms as defined in Article XX and Article X, Section 10.18 of this Ordinance.

C. Conditional Uses:

1. Agri-business (forest crop – includes logging).
2. Airports and private landing fields.
3. Auto body shops.
4. Gun clubs.
5. Objectionable emission of odor, dust, fumes, smoke and noise.
6. Utility facilities.
7. Warehousing and wholesaling.
8. Outdoor Recreation or Amusement Facilities, See Definition.
9. Riding stables.
10. Banks, credit unions and financial institutions.
11. Commercial Kennels.
12. Building and trade contractors – General and special.
13. Auto and RV sales, service and repair.
14. Auto Service Stations.

15. Eating and Drinking Establishments.
16. Health Care Facilities.
17. Home occupations as defined in Article XX of this Ordinance.
18. Indoor Recreation or Amusement Facilities, See Definition.
19. Residential Attached to Commercial Use.
20. Retail Sales and Service.
21. Sales, Service and Repair (Misc.)

D. Prohibited Uses:

1. All uses shown in Table 1 that are not shown as either Permitted (P) or Conditional Use (CU) are specifically prohibited.

E. Building Height Limits:

1. A principal building may not exceed 35 feet.
2. Accessory buildings may not exceed 15 feet.
3. A private garage may not exceed 25 feet. **Exception:** Farm building related to the production of agricultural products may exceed 15 feet subject to the provisions of Subsection 3.5.B.
4. A guesthouse may not exceed 25 feet.

Note: For F–J Below, See Article IV: Lake and River Classification Chart and Matrix. Specifically see Table 1 (page 4–3) for additional restrictions.

F. Minimum Lot Area (Multi-Family Dwelling):

1. Sewered back lots: First dwelling unit: 10,000 square feet. For each additional contiguous dwelling unit: 6,000 square feet.
2. Sewered lake lots: First dwelling unit: 20,000 square feet. For each additional contiguous dwelling unit: 6,000 square feet.
3. Unsewered back lots: First dwelling unit: 87,120 square feet. For each additional contiguous dwelling unit: 12,000 square feet.
4. Unsewered lake lots: First dwelling unit: 30,000 square feet. For each additional contiguous dwelling unit: 6,000 square feet.

G. Minimum Lot area (Single Family Dwelling):

1. Sewered back lots: 10,000 square feet. One additional non-rental guest house: 6,000 square feet.
2. Sewered lake lots: 20,000 square feet. One additional non-rental guest house: 6,000 square feet.
3. Unsewered back lots: 87,120 square feet. One additional non-rental guest house: 12,000 square feet.
4. Unsewered lake lots: 30,000 square feet. One additional non-rental guest house: 6,000 square feet.

H. Minimum Lot Area: (Place of Business):

1. Sewered back lots: 10,000 square feet.
2. Sewered lake lots: 20,000 square feet.
3. Unsewered back lots: 87,120 square feet.
4. Unsewered lake lots: 30,000 square feet.

I. Minimum Lot Area (Hotels and Motels):

1. Sewered back lots: 87,120 square feet.
2. Sewered lake lots: 87,120 square feet.
3. Unsewered back lots: 87,120 square feet.

4. Unsewered lake lots: 87,120 square feet.

J. Minimum Lot Width:

1. Sewered back lots: 100 feet plus 30 feet for each additional contiguous multi-family dwelling unit.
2. Sewered lake lots: 100 feet plus 30 feet for each additional contiguous multi-family dwelling unit.
3. Unsewered back lots: 180 feet plus 30 feet for each additional contiguous multi-family dwelling unit.
4. Unsewered lake lots: 200 feet plus 30 feet for each additional contiguous dwelling unit.

K. Building Setback Requirements:

Setbacks for principal and accessory buildings shall be in accordance with Article III, Section 3.4 of this Ordinance.

1. The minimum setback for principal and accessory buildings shall be 75 feet from the OHWM of all navigable waters, except for boathouses. See Article X for boathouses.
2. The minimum setback for principal buildings from a road or highway shall be 40 feet from the edge of the road right-of-way.
3. The minimum setback for an accessory building from a road or highway shall be 25 feet from the edge of the road right-of-way.

L. Side Yard Setback Requirements:

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

M. Rear Yard Setback Requirements:

1. Principal buildings: 40 feet.
2. Accessory buildings: 5 feet.

5.6 Industrial District (I):

A. Purpose: The Industrial District is created to provide areas for industrial and commercial activities that 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 R-1, R-2 and GB districts except bed and breakfast.
2. Agri-business - not requiring essential services.
3. Body shops.
4. Building and trade contractors - General and special.
5. Forest products business - not requiring essential services.
6. Heavy equipment storage yards.
7. Manufacture, processing, fabrication, packing, packaging and assembly of products from furs, glass, leather, paper, plastics, textiles, metal and wood.
8. Motor freight transportation terminals.
9. Sales, service and repair (misc.)
10. Residential Attached to Commercial Use.
11. Warehousing and Wholesaling.

C. Conditional Uses:

1. Airports and landing fields (private).

2. Gun clubs.
3. Objectionable emission of odor, dust, fumes, smoke and noise.
4. Quarries, mines and gravel pits.
5. Salvage, junkyards and demolition disposal sites.
6. Septage disposal sites.

D. Prohibited Uses:

1. All uses shown in Attachment 1 that are not shown as either Permitted (P) or Conditional Use (CU) are specifically prohibited.

E. Building Height Limits:

1. Principal and accessory buildings may not exceed 35 feet.
2. A private garage may not exceed 25 feet.
3. A guesthouse may not exceed 25 feet.

Note: For F–J Below, See Article IV: Lake and River Classification Chart and Matrix. Specifically see Table 1 (page 4–3) for additional restrictions.

F. Minimum Lot Area (Multi-Family Dwelling):

1. Sewered back lots: First dwelling unit: 10,000 square feet. For each additional contiguous dwelling unit: 6,000 square feet.
2. Sewered lake lots: First dwelling unit: 20,000 square feet. For each additional contiguous dwelling unit: 6,000 square feet.
3. Unsewered back lots: First dwelling unit: 87,120 square feet. For each additional contiguous dwelling unit: 12,000 square feet.
4. Unsewered lake lots: First dwelling unit: 30,000 square feet. For each additional contiguous dwelling unit: 6,000 square feet.

G. Minimum Lot Area (Single Family Dwelling):

1. Sewered back lots: First dwelling unit: 10,000 square feet. One additional non-rental guest house: 6,000 square feet.
2. Sewered lake lots: First dwelling unit: 20,000 square feet. One additional non-rental guest house: 6,000 square feet.
3. Unsewered back lots: First dwelling unit: 87,120 square feet. One additional non-rental guest house: 12,000 square feet.
4. Unsewered lake lots: First dwelling unit: 30,000 square feet. One additional non-rental guest house: 6,000 square feet.

H. Minimum Lot Area (Place of Business):

1. Sewered back lots: 10,000 square feet.
2. Sewered lake lots: 20,000 square feet.
3. Unsewered back lots: 87,120 square feet.
4. Unsewered lake lots: 30,000 square feet.

I. Minimum Lot Area (Hotels and Motels):

1. Sewered back lots: 87,120 square feet.
2. Sewered lake lots: 87,120 square feet.
3. Unsewered back lots: 87,120 square feet.
4. Unsewered lake lots: 87,120 square feet.

J. Minimum Lot Width:

1. Sewered back lots: 100 feet.

2. Sewered lake lots: 100 feet plus 30 feet for each additional contiguous multi-family dwelling unit.
3. Unsewered back lots: 180 feet.
4. Unsewered lake lots: 200 feet plus 30 feet for each additional contiguous dwelling unit.

K. Building Setback Requirements:

Setbacks for principal and accessory buildings shall be in accordance with Article III, Section 3.4 of this Ordinance.

1. The minimum setback for principal and accessory buildings shall be 75 feet from the ordinary high water mark of all navigable waters except for boathouses.
2. The minimum setback for principal buildings from a road or highway shall be 40 feet from the road right-of-way.
3. The minimum setback for an accessory building from a road or highway shall be 25 feet from the road right-of-way.

L. Side Yard Setback Requirements:

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

M. Rear Yard Setback Requirements:

1. Principal buildings: 40 feet.
2. Accessory buildings: 5 feet.

5.7 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 sustained yielded forestry, wildlife habitats, aesthetics and recreation.

B. Permitted Uses:

1. Agricultural related businesses not requiring public services.
2. Campgrounds.
3. Forest crops (including logging).
4. Hobby farms as defined in Article XX and Article X, Section 10.18 of this Ordinance.
5. Residential single family and mobile homes. Mobile homes must meet the structural, age and size requirements of Article X, Section 10.4.
6. Essential Services.

C. Conditional Uses:

1. Utility Facilities.

D. Prohibited Uses:

1. All uses shown in Attachment 1 that are not shown as either Permitted (P) or Conditional Use (CU) are specifically prohibited.

E. Building Height Limits:

1. A principal building may not exceed 35 feet.
2. Accessory buildings may not exceed 15 feet.
3. A private garage may not exceed 25 feet. **Exception:** Farm buildings related to the production of agricultural products may exceed 15 feet subject to the provisions of Subsection 3.4.B. of this Ordinance.
4. A guesthouse may not exceed 25 feet.

Note: For F–H Below, See Article IV: Lake and River Classification Chart and Matrix. Specifically see Table 1 (page 4–3) for additional restrictions.

F. Minimum Lot Area (Single Family Dwelling):

1. Sewered back lots: 5 acres.
2. Sewered lake lots: 5 acres.
3. Unsewered back lots: 5 acres.
4. Unsewered lake lots: 5 acres.

G. Minimum Lot Area (Place of Business):

1. Sewered back lots: 5 acres.
2. Sewered lake lots: 5 acres.
3. Unsewered back lots: 5 acres.
4. Unsewered lake lots: 5 acres.

H. Minimum Lot Width:

1. Sewered back lots: 300 feet.
2. Sewered lake lots: 300 feet.
3. Unsewered back lots: 300 feet.
4. Unsewered lake lots: 300 feet.

I. Building Setback Requirements:

Setbacks for principal and accessory buildings shall be in accordance with Article III, Section 3.4 of this Ordinance.

1. The minimum setback for principal and accessory buildings shall be 75 feet from the ordinary high water mark of all navigable waters, except for boathouses. See Article X for boathouses.
2. The minimum setback for principal buildings from a road or highway shall be 40 feet from the edge of the road right-of-way.
3. The minimum setback for an accessory building from a road or highway shall be 25 feet from the edge of the road right-of-way.

J. Side Yard Setback Requirements:

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

K. Rear Yard Setback Requirements:

1. Principal buildings: 40 feet.
2. Accessory buildings: 5 feet.

5.8 Agricultural District (A–Exclusive):

A. Purpose: The purposes of the Agricultural 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 commercial farm operations may be included in this district.

B. Permitted Uses:

1. Agricultural, animal husbandry and forestry uses.
2. Community Based Residential Facilities.

3. Essential Services as defined in Article XX and Article X of this Ordinance.
 4. Hobby farms as defined in Article XX and Article X, Section 10.18 of this Ordinance.
 5. Residential – mobile homes (individual) which meet the structural, age and size requirements of Article X, Section 10.4.
 6. Residential – multi–family.
 7. Residential – single family.
 8. Road side produce stands.
 9. Structures and improvements that are consistent with and contributing to agricultural use.
- C. Conditional Uses:
1. Objectionable emission of odor, dust, fumes, smoke and noise.
 2. Public and semi–public uses.
 3. Utility facilities.
- D. Prohibited Uses:
1. All uses shown in Attachment 1 that are not shown as either Permitted (P) or Conditional Use (CU) are specifically prohibited.
- E. Building Height Limits:
1. A principal building may not exceed 35 feet.
 2. Accessory buildings may not exceed 15 feet.
 3. A private garage may not exceed 25 feet. **Exception:** Farm buildings related to the production of agricultural products may exceed 15 feet subject to the provisions of Subsection 3.5.B. of this Ordinance.
 4. A guesthouse may not exceed 25 feet.
-

Note: For F – H Below, See Article IV: Lake and River Classification and Matrix. Specifically see Table 1 (page 4–3) for additional restrictions.

- F. Minimum Lot Area (Multi–Family Dwelling):
1. Sewered back lots: First dwelling unit: 35 acres. For each additional contiguous dwelling unit: 6,000 square feet.
 2. Sewered lake lots: First dwelling unit: 35 acres. For each additional contiguous dwelling unit: 6,000 square feet.
 3. Unsewered back lots: First dwelling unit: 35 acres. For each additional contiguous unit: 12,000 square feet.
 4. Unsewered lake lots: First dwelling unit: 35 acres. For each additional contiguous dwelling unit: 6,000 square feet.
- G. Minimum Lot Area (Single Family Dwelling):
1. Sewered back lots: 35 acres. One additional non–rental guest house: 6,000 square feet.
 2. Sewered lake lots: 35 acres. One additional non–rental guest house: 6,000 square feet.
 3. Unsewered back lots: 35 acres. One additional non–rental guest house: 12,000 square feet.
 4. Unsewered lake lots: 35 acres. One additional non–rental guest house: 6,000 square feet.
- H. Minimum Lot Width:
1. Sewered back lots: 300 feet plus 30 feet for each additional contiguous multi–family dwelling unit.
 2. Sewered lake lots: 300 feet plus 30 feet for each additional contiguous multi–family dwelling unit.

3. Unsewered back lots: 300 feet plus 30 feet for each additional contiguous multi-family dwelling unit.

4. Unsewered lake lots: 300 feet plus 30 feet for each additional contiguous dwelling unit.

I. Building Setback Requirements:

Setbacks for principal and accessory buildings shall be in accordance with Article III, Section 3.4 of this Ordinance.

1. The minimum setback for principal and accessory buildings shall be

75 feet from the ordinary high water mark of all navigable waters except for boathouses. See Article X for boathouses.

2. The minimum setback for principal buildings from a road or highway shall be 40 feet from the edge of the road right-of-way.

3. The minimum setback for an accessory building from a road or highway shall be 25 feet from the edge of the road right-of-way.

J. Side Yard Setback Requirements:

1. Principal buildings: 15 feet.

2. Accessory buildings: 5 feet.

K. Rear yard Setback Requirements:

1. Principal buildings: 40 feet.

2. Accessory buildings: 5 feet.

5.9 All-Purpose District (AP):

As of May 1, 1996, no new "All-Purpose" Zoning Districts will be accepted in the Town of Lac du Flambeau.

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

B. Permitted Uses:

1. All uses are permitted except for those requiring a Conditional Use permit.

C. Conditional Uses:

1. Airports and landing fields (private).

2. Gun clubs and shooting ranges.

3. Objectionable emission of odor, dust, fumes, smoke and noise. e.g., Recycling business.

4. Quarries, mines and gravel pits.

5. Salvage, junkyards and demolitions disposal sites.

6. Septage disposal sites.

7. Utility facilities.

8. Warehousing and wholesaling.

9. Home occupations as defined in Article XX of this Ordinance.

D. Building Height Limits:

1. A principal building may not exceed 35 feet.

2. Accessory buildings may not exceed 15 feet.

3. A private garage may not exceed 25 feet. **Exception:** Farm buildings related to the production of agricultural products may exceed 15 feet subject to the provisions of Subsections 3.5.B. of this Ordinance.

4. A guesthouse may not exceed 25 feet.

Note: For E–I Below, See Article IV: Lake and River Classification and Matrix. Specifically see Table 1 (page 4–3) for additional restrictions.

E. Minimum Lot Area (Multi–Family Dwelling):

1. Sewered back lots: First dwelling unit: 10,000 square feet. Each additional contiguous dwelling unit: 6,000 square feet.
2. Sewered lake lots: First dwelling unit: 20,000 square feet. Each additional contiguous dwelling unit: 6,000 square feet.
3. Unsewered back lots: First dwelling unit: 87,120 square feet. Each additional contiguous dwelling unit: 12,000 square feet.
4. Unsewered lake lots: First dwelling unit: 30,000 square feet. Each additional dwelling unit: 6,000 square feet.

F. Minimum Lot Area (Single Family Dwelling):

1. Sewered back lots: 10,000 square feet. One additional non–rental guest house: 6,000 square feet.
2. Sewered lake lots: 20,000 square feet. One additional non–rental guest house: 6,000 square feet.
3. Unsewered back lots: 87,120 square feet. One additional non–rental guest house: 12,000 square feet.
4. Unsewered lake lots: 30,000 square feet. One additional non–rental guest house: 6,000 square feet.

G. Minimum Lot Area (Place of Business):

1. Sewered back lots: 10,000 square feet.
2. Sewered lake lots: 20,000 square feet.
3. Unsewered back lots: 87,120 square feet.
4. Unsewered lake lots: 30,000 square feet.

H. Minimum Lot Area: (Hotels and Motels):

1. Sewered back lots: 87,120 square feet.
2. Sewered lake lots: 87,120 square feet.
3. Unsewered back lots: 87,120 square feet.
4. Unsewered lake lots: 87,120 square feet.

I. Minimum Lot Width:

1. Sewered back lots: 100 feet plus 30 feet for each additional contiguous multi–family dwelling unit.
2. Sewered lake lots: 100 feet plus 30 feet for each additional contiguous multi–family dwelling unit.
3. Unsewered back lots: 180 feet plus 30 feet for each additional contiguous multi–family dwelling unit.
4. Unsewered lake lots: 200 feet plus 30 feet for each additional contiguous multi–family dwelling unit.

J. Building Setback Requirements:

Setbacks for principal and accessory buildings shall be in accordance with Article III, Section 3.4 of this Ordinance.

1. The minimum setback for principal and accessory buildings shall be 75 feet from the OHWM of all navigable waters, except for boathouses. See Article X for boathouses.
2. The minimum setback for principal buildings from a road or highway

shall be 40 feet from the edge of the road right-of-way.

3. The minimum setback for accessory buildings from a road or highway shall be 25 feet from the edge of the road right-of-way.

K. Side Yard Setback Requirements:

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

L. Rear Yard Setback Requirements:

1. Principal buildings: 40 feet.
2. Accessory buildings: 5 feet.

ARTICLE VI: MINIMUM STRUCTURAL SPECIFICATIONS

Introduction and Explanation: All structures erected within the Town of Lac du Flambeau must conform to the requirements of all applicable Wisconsin State Building codes. This Article details additional requirements.

6.1 Minimum Floor Area For A Dwelling:

A structure intended for human habitation shall consist of a minimum of seven hundred fifty (750) square feet of habitable living area and a minimum width of twenty (20) feet on one floor.

6.2 Required Systems:

All dwellings shall have heating, electrical, water supply, plumbing and approved sanitation systems installed, which must conform to Wisconsin State codes and Vilas County Sanitary Ordinance prior to habitation.

6.3 Completion Of Exterior:

The exterior of any permitted building must be completed within 2 years from the date of the approved permit. Exteriors must be finished with standard commercial siding material or wood. Mill slabs or tar paper covering will not be permitted as finished exterior sidings.

6.4 Restrictions On Accessory Buildings:

In single Family Residential Districts (R-1) and Multi-Family Residential Districts (R-2), non-residential accessory buildings or other non-habitable structures (see Article XX for definition) normally allowed by this Ordinance will not be permitted until the following conditions are met:

- A. A Zoning permit has been issued for a primary dwelling unit that will be completed in the same time period or,
- B. There is an existing dwelling unit on the same parcel of land. There shall be no creation of subdivisions or parcels that create a single parcel with an accessory building but with no existing dwelling unit. To do so is a violation of this Ordinance.
- C. Accessory buildings shall not be used for human habitation in any district.
- D. Accessory buildings that are not part of the principal structure shall not occupy more than 30% of the area of the required yard.

ARTICLE VII: HOLDING TANKS, PRIVIES & PORTABLE TOILETS

7.1 Holding Tanks:

1. Holding tanks shall be regulated by the Vilas County Code of Ordinances, Chapter 15, Private Sewage System.

7.2 Privies

1. In all districts privies are not allowed.
2. Existing pit or vault privies shall be allowed for the exclusive use of property owners holding a camping permit or hunting shack permit authorized by Article VIII. When a camping permit holder or hunting shack permit holder obtains a permit for the construction of a dwelling, the privy shall be converted to a conventional sanitation system within two years.
3. All privies shall be maintained in the manner described in Comm 91.12 and NR113. The entire installation shall be kept clean and sanitary. Milk of lime (freshly slaked lime) or other equally effective disinfectant shall be used in the vault and in the urinal trough in sufficient quantities, and at frequent intervals. The floors, seats and urinals shall be scrubbed as often as necessary. The vault shall be cleaned out at proper intervals. Privies that are to be abandoned shall follow the guidelines set forth by the Wisconsin Dept. of Commerce code, Comm. 83.33 and Comm. 91.12.

7.3 Portable Toilet On Premises

Unless access to a state approved and functioning private on-site wastewater system (septic) is available for use on the property, the Town of Lac du Flambeau requires a portable toilet be on the premises at the beginning of all new dwelling construction and shall not be removed until proper sanitation is installed, inspected and approved by Vilas County Zoning, and a Sanitation Occupancy Permit has been issued by the Lac du Flambeau Zoning Administrator. A copy of the portable toilet contract must be filed with the Zoning Administrator prior to the start of construction.

Note: 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 for foundations.

ARTICLE VIII: HUNTING SHACKS AND CAMPING

Introduction and Explanation: It is recognized that many people have purchased property within the Town of Lac du Flambeau as a location for future residence or other possible uses. Some land owners would like to participate in the construction of a dwelling and Article VIII makes provisions for that activity.

8.1 Hunting Shacks: Are not allowed.

8.2 Camping

The intent of camping is not to create a permanent residence but is to be temporary in nature.

Construction of additions, decks, patios, roofs or similar structures is prohibited. Connections to gas, water and/or sewer must be disconnected when the owner is not occupying the property. Wheels and chassis shall not be removed from camping units. The use and placement of automobiles, buses, trucks, recreational vehicles, motor homes, camping trailers, park models and tents (herein referred to as 'camping unit') on undeveloped lots for the purpose of habitation, and without a habitable dwelling on the property shall be prohibited unless the following apply:

1. Camping in a campground or recreational vehicle park.
2. A zoning permit has been approved for a permanent dwelling under construction,
AND
3. A camping permit is approved after the installation and inspection of a conventional private on-site wastewater treatment system (P.O.W.T.S.). Non-plumbing sanitation systems shall not be allowed,
AND
4. The zoning permit indicates by notation that camping will occur on the property during the construction,
AND
5. Camping will not exceed two years from the date of issuance. The camping unit must be *immediately* removed from the property at the end of two years if the dwelling does not pass the final inspection as required by the Uniform Dwelling Code of the Wisconsin Department of Commerce Safety and Buildings Division.
6. A zoning permit shall not be required in order to place a construction trailer on the property during the construction period.
7. See Article 12.2 for additional regulations.
8. At the time of adoption of this Ordinance certain specific property owners were lawfully engaged in camping in accordance with Section 8.2 Lac du Flambeau Comprehensive Zoning Ordinance 93-4 revised through March 26, 2002. Those owners may continue the lawful use in existence at the time this Ordinance is adopted subject to the conditions hereinafter stated.
 - A. Only the property owners and members of the property owner's immediate family may camp on the subject parcel.
 - B. No more than four guests may camp on the property owner's parcel and may do so only when the property owner is present.
 - C. All requirements of the Vilas County Sanitary Ordinance must be met with privies converted within two years to a conventional sanitary septic system when a permit has been obtained for the

construction of a dwelling.

- D. A town camping permit must be obtained annually. The campsite will be inspected by the Zoning Administrator and the sanitary system must be in proper working condition prior to issuance of the camping permit.
- E. No trees may be cut on camping lots unless the lot is being prepped for a dwelling and a permit has been obtained.
- F. Failure to renew a camping permit for a period of 12 consecutive months shall be deemed a discontinuance of the right to camp and such legal pre-existing use may not be recommenced. A legal pre-existing use of camping shall not be expanded or enlarged. The only use that is permitted to continue is the actual active principal use of the property on the effective date of this Ordinance. A use which is merely casual and occasional or incidental does not become a vested use for the owner. The owner has the burden of proof by preponderance of the evidence that the legal pre-existing use was legally established, in existence at the time this Ordinance was adopted and that the use was active and actual not merely casual and occasional.
- 9. A property address (fire number) sign is required.
- 10. Only one camping unit shall be allowed on the property.
- 11. Camping units shall display current license plates or registration as required by the State of Wisconsin.

ARTICLE IX: MOVING PERMITS

Introduction and Explanation: Article IX contains the requirements for obtaining a Moving Permit:

9.1 Moving Permits – Bond Required:

Before a Moving Permit will be issued by the Zoning Administrator to move any building into, within or out of the Town of Lac du Flambeau, the party applying therefore may be asked to give bond in the amount of one thousand (\$1,000.00) dollars or provide a copy of their insurance policy, with funds and sufficient sureties, indemnifying judgments, costs and expenses which might accrue against the Town of Lac du Flambeau.

9.2 Route, Dates and Lighting Required:

Every permit to move a building shall designate the route to be taken and establish the time for removal. The removal shall be continuous until completion, with the least possible obstruction to traffic and thoroughfares. At night, highway approved lighting shall be maintained at each end of the building. It shall be the responsibility of the owner and his agent to secure special permits as required by the State, County and Utility companies.

9.3 Permit Required Even On Own Property:

A Moving Permit is required by the Town of Lac du Flambeau if an owner moves a building within his or her own property. No bond is required providing that no Town, County, or State or Tribal roads are crossed.

ARTICLE X: REQUIREMENTS FOR SPECIFIC USES

Article X 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 a Zoning Permit or a Conditional Use requiring an Administrative Conditional Use Permit or a Conditional Use Permit require a Public Hearing.

10.1 Boathouses:

A. Applicability:

This section applies to a boathouse located within the OHWM setback. Boathouses located beyond the OHWM setback are considered accessory structures and shall conform to all other applicable Town, County, State and Federal regulations.

B. Requirements For New Construction:

1. General Requirements:

A boathouse may be constructed by a property owner only if a Zoning Permit has been issued by the Town and all general requirements of the Vilas County Zoning Ordinances are complied with, along with all other State and Federal regulations.

2. New Construction Requirements:

a. Setbacks:

(1) For lakes less than 100 acres, new boathouses may be placed within the area located between 35 feet and 75 feet from the OHWM and no closer than 25 feet from any side lot line.

(2) For lakes of 100 acres or more, new boathouses may be placed within the area located between 5 feet and 75 feet from the OHWM and no closer than 15 feet to any side lot line.

b. Size, Number, Configuration and Placement:

(1) **For lakes less than 100 acres**, new boathouses shall not exceed a maximum footprint (excluding overhangs) of 100 square feet except at licensed resorts.

For lakes of 100 acres or more, new boathouses shall not exceed a maximum footprint (excluding overhangs) of 300 square feet, provided that the maximum width of the boathouses parallel to the OHWM shall not exceed 15 feet.

(2) New boathouses at licensed resorts shall be permitted provided that the cumulative maximum footprint (excluding overhangs) does not exceed 300 square feet.

(3) The footprint of a boathouse shall be of rectangular or square configuration. Boathouses shall be constructed of solid walls.

(4) A boathouse shall not be placed where it would obstruct the view of the waterway from adjacent properties, unless the property owner receives written permission from the adjacent property owner. A copy of the letter shall be submitted to and kept on file at the Town offices. A boathouse shall only be constructed in the Shoreline Recreation Area.

c. Height and Roof Requirements:

(1) The overall height of a boathouse shall not exceed twelve (12) feet in overall height from the top of the footings.

(2) Overhangs for roofs shall not exceed 18 inches.

(3) For lakes less than 100 acres, the roof slope shall not be less than 4:12 (rise:run) nor greater than 6:12.

(4) For lakes greater than 100 acres, the roof may be flat or sloped with the specifications in paragraph c.(3) (above).

Note: It is recognized and intended that these requirements restrict boathouses to storage of small watercraft and associated equipment.

C. Boathouse Use, Restrictions and Prohibitions:

1. A boathouse shall not be allowed on a lot without first having a primary dwelling.
2. The use of any new or existing boathouse for any purpose other than storage of watercraft and related equipment is prohibited.
3. Boathouses shall not be used in any way for human habitation.
4. Boathouses shall not contain any plumbing or kitchen facilities.
5. Boathouses shall not support any type, shape or form of antenna or other appurtenance unless specifically allowed by Wis. Stats. 59.69(4d).

D. Limitation of Boathouse Numbers:

Only one (1) boathouse is permitted per lot with the exception of resort developments. Up to three (3) boathouses are permitted in resort developments, provided that the total footprint area of all boathouses does not exceed the maximum footprint allowed for resorts as specified in Article 10.1.B.2.b.(2).

E. Maintenance or Repair of Existing Boathouses:

1. Existing Wet Boathouses.

Repair and maintenance of a wet boathouse must comply with Wis. Stats. 30.12.

Note: Lac du Flambeau does not regulate wet boathouses. Owners should contact the Wisconsin Department of Natural Resources for issues related to these structures.

2. Existing Dry Boathouses.

- a. Maintenance, repair and internal improvement to existing dry boathouses are permitted provided the exterior building envelope is not altered beyond the thickness of new material.
- b. External alterations and additions to existing dry boathouses which result in altering the exterior building envelope horizontally or vertically greater than the maximum size allowed per Section 10.1 are prohibited.
- c. If any part of the existing boathouse is nonconforming, no structural alterations will be permitted beyond routine maintenance.

10.2 Paths and Stairways:

A. Pedestrian Access Paths.

1. General Provisions:

Only one (1) pedestrian access path at grade within seventy-five (75') feet of the OHWM of a lake, river or stream is permitted on each lot provided:

- a. It is located, constructed and surfaced so as to effectively control erosion;
- b. It is located within the shoreline recreational area thirty feet (30') in width along the shoreline by seventy-five (75') feet in depth from the OHWM and a minimum of five (5') feet from a side lot line;
- c. It is located and constructed as to minimize removal of screening trees and shrubbery;

- d. It is constructed of materials which blend with the natural ground cover in the vicinity of the path; and
 - e. The cutting of vegetation complies with Forestry Best Management Program (BMP).
 - f. It has a maximum width of six (6) feet at grade.
2. The pedestrian access path may include an above grade stairway, walkway or powered lift if:
- a. It is essential to access the shore because of steep slopes or wet soils;
 - b. It is the minimum construction necessary to provide access;
 - c. It is no more than four feet (4') wide;
 - d. It includes no additional construction other than railings essential for safety;
 - e. Landings are allowed where required for safety purposes and if constructed, shall be no larger than four feet (4') by five feet (5'). Attached benches, seats, tables, etc. are prohibited except where required to provide reasonable accommodation of persons with disabilities as required by provisions of federal and state law;
 - f. Stairways, walkways and lifts shall be supported on piles or footings. Any land disturbing activities that are proposed must meet the requirements of the Vilas County Shoreland Zoning Ordinance and a Town Zoning permit is required.

10.3 Backlot Access Provisions:

- A. No land in the Town of Lac du Flambeau shall be used or provided for use as an access from backlot lands to a lake or stream unless the requirements hereinafter set forth are complied with:
- 1. The minimum shoreline frontage and lot size for all lots granted riparian or water access rights shall be the minimum required by that particular zoning district.
 - 2. Water access lots shall not be allowed in any zoning district unless they provide access to a single, contiguous backlot meeting the minimum lot size requirements for that particular zoning district.
 - 3. No plat or subdivision or dedication which provides for a public way, street, highway or road access facility to any lake or stream in the Town of Lac du Flambeau shall be accepted or approved by the Town Board of Lac du Flambeau. This provision shall not prevent the lawful establishment of, or provision for public access facilities to any lake or stream by the Town, County, State or Federal Government according to law.

10.4 Manufactured Dwellings/Homes & Mobile Homes and Parks:

- A. Individual manufactured homes/dwellings and mobile homes are permitted in all residential districts, subject to the requirements of those districts, subject to Article VI and subject to following minimum requirements.
- 1. All manufactured homes/dwellings and mobile homes 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 42U.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. Mobile homes or manufactured homes/dwellings intended for placement outside of mobile home or manufactured home/dwelling parks shall be no more than one (1) year old at the time of installation, and a minimum of twenty (20) feet wide and no less than seven hundred fifty (750)

square feet of habitable living area.

5. All mobile homes and manufactured homes/dwellings shall have heating, electrical, water supply, plumbing and approved sanitation systems installed, which must conform to Wisconsin Statutes and Vilas County Sanitation Ordinance.
 6. Placement Requirements:
 - a. Double wide manufactured homes/dwellings, and mobile 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 footing or foundations pursuant to the manufacturer's installation instructions. A copy of these instructions must be supplied along with the Zoning Permit application.
 - b. Mobile homes and manufactured homes/dwellings 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 instruction, if available, otherwise pursuant to accepted industry standards.
 - c. Each home used as a dwelling shall be permanently attached to footings or foundations which meet the requirements of Wisconsin Administrative Code ILHR 21.
 7. All manufactured homes/dwellings and mobile homes shall have as exterior siding, any material that is non-corrosive and not in conflict with Section 6.3 of this Ordinance.
 8. All mobile homes and manufactured homes/dwellings shall be skirted within thirty (30) days of placement on the lot. Skirting material shall consist of properly treated all-weather materials which may include wood, cemented concrete blocks, decorative lattice or commercially available non-corrosive metal or plastic skirting.
- B. Requirements for Manufactured Home/Dwelling Parks, Mobile Home Parks:
1. Mobile homes and manufactured homes/dwellings within these parks shall be no more than one (1) year old at the time of installation and a minimum of twenty (20) feet wide.
 2. Mobile homes and manufactured homes/dwellings must meet all the requirements as set forth in Article VI and 10.4.A.
 3. Minimum Area: Minimum area for such parks shall be 50 acres and if located on a town road and/or water frontage, have a minimum of 300 feet road and/or water frontage.
 4. Density: Maximum density within such parks shall be no more than 4 homes per acre.
 5. Access: There shall be no more than two vehicular access points from town roads or highways into any park.
 6. Buffer Zone: The outer boundaries of all such parks shall contain a 30 foot buffer zone consisting of a landscaped greenbelt with coniferous tree and shrub planting. No home shall be placed within 30 feet of the park boundary line. No home site shall be within 75 feet of the Ordinary High Water Mark of a navigable body of water.
 7. Site Numbering: All sites within such parks shall be sequentially numbered with a permanent and visible sign. The corners of each site shall also be marked with permanent and visible markers.
 8. Site Size: Individual sites within such parks shall be a minimum of 10,000 square feet. Homes may not be placed within 15 feet of any site boundary line. Accessory structures shall not be placed within 5 feet of any site boundary line. No home or foundation 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.

9. Recreation Areas: In all such parks there shall be one or more recreation which shall be easily accessible to all park residents and shall be maintained by the park owner. The size of each recreation area shall not be less than 8% of the gross site area.
10. Sale of Sites Prohibited: Individual home sites within such parks shall not be sold or transferred.
11. 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 State codes. Private septic systems or holding tanks serving individual homes shall not be permitted in such parks.
12. 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. Individual water supply sources for each home shall not be permitted in such parks.
13. Refuse Disposal: The storage, collection and disposal of refuse in the park shall be so conducted as to not create health hazards, insect breeding areas, accidents, fire hazards and air pollution or to attract and harbor rodents, domestic animals and nuisance wildlife.
14. Utilities: Control instrumentation and substations shall be screened by planting or ornamental walls.
15. Mobile Home Sales: The commercial sale of homes in such parks is prohibited unless each home is located on a separate home site (lot) and meets all the requirements of the district in which it is located.
16. 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.
17. 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 this occupant. 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 paving materials, or protected with vegetative growth capable of preventing soil erosion and eliminating objectionable dust.
18. Parking: Every home site shall be provided with two off street parking spaces.
19. Responsibilities of the Park Management:
 - a. The person to whom a permit for a park is 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 occupants of all the provisions of this Ordinance. A copy of the Manufactured Homes, Buildings and Mobile Home section of the Lac du Flambeau Zoning Ordinance, Article V, Section 5.1 of the Vilas County Zoning Ordinance and H77 of the Wisconsin Administrative Code shall be available for inspection by park occupants in the park 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.
 - d. The park management shall be responsible for maintaining all private roads and drive within the park in a safe and dust free condition.

20. Plan Drawing: Plan drawings of proposed parks must be submitted to the Lac Du Flambeau Zoning Administrator with an application showing all lots, lot sizes, roads, location of water sources and sanitation facilities.

10.5 Campgrounds and Primitive Campgrounds:

- A. Minimum Area: Minimum area for a campground shall be 40 acres and if located on a road or water frontage, have a minimum width of road or water frontage.
- B. Density: Maximum density within a campground shall be no more than ten (10) campsites per acre.
- C. Access: There shall be no more than two (2) access points from public roads, streets or highways into any campground.
- D. Buffer Zone: The outer boundaries of all campgrounds shall contain a thirty (30) foot buffer zone consisting of a landscaped greenbelt with coniferous tree and shrub plantings. No campsites shall be within thirty (30) feet of the campground outside boundary. No campsites shall be within 75 feet of the OHWM of a navigable body of water.
- E. Campsite Identification: All campsites within campgrounds shall be marked with permanent markers and numbered indicating each corner of the lot.
- F. Campsite Dimensions: Campsites within a campground shall have minimum dimensions of not less than forty (40) feet wide and fifty (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 campground 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 for each ten (10) 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.
- 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. Refuse Disposal: The storage, collection and disposal of refuse in the campground shall be so conducted as not to create health hazards or air pollution. The collection and disposal of refuse shall be the responsibility of the campground operator.
- L. 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.
- M. 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.

- N. Parking: Every campsite shall be provided with two off-set street parking spaces.
- O. Plan Drawing: Plan drawings of proposed campgrounds and camping resorts must be submitted to the Lac du Flambeau Zoning Administrator showing all campsites, roads, location of water sources and sanitation facilities.

10.6 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 disposal of domestic wastes, including septage from boats.
- E. Dimensional Requirements: The following standards shall apply to commercial marinas and boat liveryes:
 - 1. Minimum lot area requirement: 60,000 square feet.
 - 2. Minimum lot width at the waterline - 200 feet.
- 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 navigable bodies of water.

10.7 Junk And Salvage Yards:

- A. Conditional Use Permit Requiring A Public Hearing: All junk and salvage yards are conditional uses and require a Lac du Flambeau Conditional Use permit and any other county and state permits that may be required.
- 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 of property lines or within three hundred (300) feet of a lake, pond, stream or watercourse.
- C. Screening: 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. Screening shall be a height of 10 feet and kept in good repair. Junk and/or salvage material shall not be stored higher than the height of the fence/screen.
- 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.

10.8 Septage Disposal Sites and Toxic Waste Disposal:

- A. Conditional Use Permit Requiring a Public Hearing: All septage disposal sites are conditional uses and require Lac du Flambeau Conditional Use permit along with all other necessary county and state permits required.
- B. Setbacks: All 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 Wisconsin 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 Lac du Flambeau from any other area in Vilas County or from other counties in Wisconsin or from other states for the disposal or storage thereof.

10.9 Metallic and Non-Metallic Mineral Extraction:

- A. Conditional Use Permit Requiring a Public Hearing: All non-metallic mineral exploration, extraction and processing operations including 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 of processing, and the preparation of hot blacktop mix and ready-mix concrete are conditional uses and require a Conditional Use Public Hearing Permit.
- B. Plan: An application for a Conditional Use Permit requiring a Public Hearing 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, the sources, quantity and deposition 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.
- C. 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 a 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 not be less than three (3) feet measured from the low water mark, all final slopes shall be covered with topsoil from the original site 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 workmanlike condition, subject to approval of the Lac du Flambeau Zoning Committee. A performance bond shall be required as set by the Lac du Flambeau Zoning Committee.
- D. Length of Operation: Application for a Conditional Use Permit requiring a Public Hearing for a 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, noise pollution, soil erosion, natural beauty and land value of the locality.

- E. Non-Conforming Uses: All existing 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 Lac du Flambeau Town Clerk within one year of the date of the adoption of this Ordinance.
- F. 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.
- G. Portable Mixing Plants: Portable cement batch or mixing plants, or portable hot mix blacktop plants used in connection with a highway improvement project or construction project requires a Conditional use Public Hearing Permit. Material produced by such a plant shall be used only for the project and sale or use of material at any other location will require a Conditional Use Public Hearing Permit.
- H. Buffer Strips: The outer boundaries of all mineral extraction sites shall include a 60 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.

10.10 Gun Clubs and Shooting Ranges:

- A. Conditional Use Public Hearing permit: All gun clubs and shooting ranges for firearms are conditional uses and require Conditional Use Permits requiring a Public Hearing. 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 fire line or firing direction.
 - 3. Adequate target backstops for the 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.

10.11 Warehouses – Private and Public:

- 1. Definition as set forth in Article XX of this Ordinance.
- 2. A fifteen (15) foot setback from side lot lines will apply.
- 3. 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.

4. Warehouses are not permitted in Single Family or Multiple Family Zoning districts, permitted in General Business, Recreation, Industrial and All Purpose Zoning with a Conditional Use Public Hearing Permit.
5. 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.
6. License Required: If a public warehouse, the operator shall obtain a warehouse keepers license as set forth in Chapter 99 of Wisconsin State Statutes.

10.12 Landspreading of Petroleum Contaminated Soils – Prohibited:

1. No person shall deposit on lands located in the Town of Lac du Flambeau any soil which is contaminated by petroleum products. This restriction does not apply to:
 - a. 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.
 - b. The stockpiling of petroleum contaminated soil at the site where the contamination occurred, for purposes of Wisconsin DNR approved remediation.
 - c. Landfills and Asphalt Hot Mix plants properly licensed for the disposal or remediation of petroleum contaminated soils.
2. Any person violating this section shall cease such activity and shall remove any soil placed in violation of this Ordinance.
3. Any person violating this section shall also be subject to a forfeiture of no less than \$1,000.00 plus costs.

10.13 Fences

1. Permitting Requirements:
 - a. 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 less than 15.0 from the property boundary line.
 - * All permanent fences greater than 6.0 feet in height AND located between a building setback line and the property boundary line.
 - b. Zoning Permit:
 - * All other permanent fences.
2. Fence Height Limitation:

Fence height limitations are as follows:

 - a. 0–35 feet from shoreline.

No fences are permitted between 0 and 35 feet from the shoreline.
 - b. 35–75 feet from shoreline.

Maximum height of fences between 35 and 75 feet from the shoreline is 3.0 feet.
 - c. 75 feet and greater from the shoreline. Fence height is limited to the permitting requirements as stated in 10.13 (1) of this Ordinance.
3. Fence Measurements:

Fence height and setback measures shall be as follows:

a. Fence Height Measurements.

All fence heights shall be measured from the ground surface to the top of the fence along the length of the fence.

b. Setback Measurements.

Shoreline setback measurements shall be measured from the Ordinary High Water Mark (OHWM) of the shoreline.

c. Minimum side yard setback of one (1) foot shall be measured from the property boundary line. For lots abutting roads, setbacks shall be shall be measured and established according to town, county or state regulations.

4. Temporary Fences:

Temporary fences are allowed without obtaining a zoning permit provided they comply with the requirements of 10.13.3.(a) and (b) and meet all the 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 determined to or endangers the public health, safety, comfort or general welfare.

a. Temporary Fence Height.

Temporary fences are limited to a maximum of 6.0 feet in height.

b. Removal of Temporary Fences.

Temporary fences shall be removed on an annual basis and shall remain removed compatible with the purpose of the fence.

c. 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 the setback requirements to be permitted.

10.14 Decks and Porches

A deck or porch is a structure that may be attached to a dwelling, with form, shape or utility made with, but not limited to, posts, beams joists and/or wooded floor joined together in order to create an elevated surface area.

1. Decks are open to the elements. Porches may be covered, screened or any combination and sometimes enclosed with solid walls or glass. Example: a sunporch is usually built on pilings, enclosed with glass and uninsulated.
2. A separate zoning permit is not required when a deck or porch is constructed in conjunction with a dwelling and is shown on the zoning permit.
3. A separate zoning permit is required to add a deck or porch or to replace a deck or porch on an existing structure.
4. A deck or porch is considered a part of the structure to which it is attached and must meet all setback requirements. A detached deck or porch shall be considered an accessory structure.

10.15 Patios

A patio is a designated area constructed of materials embedded at grade into the ground. The materials

may be, but are not limited to: asphalt, concrete block, concrete, tile, flagstone, crushed stone, brick or wood.

1. Patios must be open with no fixtures above grade.
2. A separate zoning permit is not required when a patio is constructed in conjunction with the construction of the dwelling and is indicated on the zoning permit as part of the construction.
3. A separate zoning permit is required to add a patio to an existing property.
4. A patio shall meet all the setback requirements of an accessory structure. Exceptions to the OHWM setback are as follows:
 - A. A patio may be located between 35 feet and 75 feet of the OHWM.
 - B. The square footage of the patio shall not exceed 200 square feet and shall be located within the Shoreland Recreation Area.
 - C. If there are any structures or portions of structures (excluding boathouses, stairs or paths), situated within 75 feet of the OHWM, a patio will not be permitted within 75 feet of the OHWM.

10.16 Satellite Dishes

Satellite dishes are dish shaped antennas used to receive television programming from orbiting satellite. Satellite dishes that exceed one (1) meter (39.37 inches) are regulated by this section.

1. All satellite dishes that are installed on the ground require a zoning permit and must adhere to the setback and height requirements for an accessory building on the same lot.
2. Satellite dishes that are mounted atop a structure do not need a zoning permit. Satellite dishes must not be mounted on a boathouse.

10.17 Kennels – Commercial

The keeping of more than six (6) pets over five (5) months old is considered to be a “commercial kennel” and is only permitted in the Recreational and All-Purpose zoning districts. A Conditional Use Permit requiring a Public Hearing is required in the General Business zoning district.

10.18 Hobby Farms

A use which is a pastime – not carried on for income. A hobby farm may be any size. Animals kept on hobby farms may be horses or domestic animals. One (1) domestic animal will be allowed on any hobby farm on a minimum of two (2) acres. Two (2) to five (5) domestic animals are permitted on farms with a minimum of five (5) acres. No more than five (5) animals in total are ever permitted on a hobby farm. Additionally, all livestock and poultry yards and housing shall be a minimum of four hundred (400) feet from a body of water and one hundred (100) feet from any adjoining property lines or road right-of-way.

10.19 Hotels and Motels

The lot size for hotels and motels shall have a minimum frontage and lot width as referred to in Articles IV and V. The square foot base areas of a single-story building and the parking area shall not exceed 50% of the minimum lot area.

10.20 Community and Other Living Arrangements

For purposes of this section, the location of a community living arrangement, as defined in Section 46.03 (22) Wis. Stats., a foster family home or adult family home as defined in Section 50.01 (1) Wis. Stats.,

commonly known as Community Based Residential Facility (CBRF) shall be subject to the following criteria:

- A. No community living arrangement may be established within 2,500 feet of any other facility. Agents of a facility may apply for an exception to this requirement, and such exceptions may be granted at the discretion of the Town Board. Community living arrangements may be adjacent if the Board authorized that arrangement and if both facilities comprise essential components of a single program.
- B. Community living arrangements shall be permitted in the Town without restriction as to the number of facilities, so long as the total capacity of such community living arrangements does not exceed 25 or 1% of the Town's population, whichever is greater. No community living arrangements shall be permitted when the capacity of the community living arrangements and the Town reaches that total. Agents of the facility may apply for an exception to the requirements of this Section, and such exception may be granted at the discretion of the Town Board.
- C. A foster family home which is the primary dwelling of a foster parent and which is licensed under the Section 48.62, Wis. Stats or an adult family home certified under Section 50.032 (1), (B), Wis. Stats. shall be a permitted use in all residential areas and is not subject to Subsections 10.20 (A) and (B) except that foster homes operated by corporations, child welfare agencies, churches, associations or public agencies shall be subject to Subsections 10.20 (A) and (B).
- D. In all cases where the community living arrangement has the capacity for eight (8) or fewer persons being served by the program, meets the criteria listed in Subsection 10.20 (A) and (B), and is licensed, operated or permitted under the authority of the Department of Health and Social Services, that facility is entitled to locate in any residential zone, without being required to obtain special zoning permission except as provided in Subsection 10.20 (G).
- E. In all cases where the community living arrangement has a capacity for 9–15 persons being served by the program, meets the criteria listed in Subsections 10.20 (A) and (B) and is licensed, operated or permitted under the authority of the Department of Health and Social Services, that facility is entitled to locate in any residential area except areas zoned exclusively for single-family or two-family residences except as provided in Subsection 10.20 (G), but is entitled to apply for special zoning permission at its discretion. Applications for such requests shall be made directly to the Zoning Committee.
- F. In all cases where the community living arrangement has a capacity for serving 16 or more persons, meets the criteria listed in Subsections 10.20 (A) and (B) and is licensed or permitted under the authority of the Department of Health and Social Services, that facility is entitled to apply for special zoning permission to locate in an area zoned for residential use. The Zoning Committee may grant such special permission, as Conditional Use, and at its discretion.
- G. Not less than eleven (11) months or more than thirteen (13) months after the first licensure of a community living arrangement and every year thereafter, the Town Board may make a determination as to the effect of the community living arrangement on the health, safety and welfare of the residents of the Town. If the Town Board determines that a community living arrangement's existence in the Town poses a threat to the health, safety and welfare to the residents of the Town, the Town Board may order the community living arrangement to cease operation unless special zoning permission is obtained. The order is subject to judicial review under Section 68.13 Wis. Stats., except that a free copy of the transcript may not be provided to the community living arrangement. The living arrangement must cease operation within ninety (90) days after the date of the order, or the date of the final judicial review of the order, or the date of the denial of the special zoning

permission, whichever is later.

- H. A determination under Subsection 10.20 (G) shall be made after a hearing before the Town Board. The Board shall provide at least thirty (30) days notice to the community living arrangement that such a hearing will be held. At the hearing, the community living arrangement may be represented by counsel and may present evidence and call and examine witnesses and cross-examine other witnesses called. The Town Board may call witnesses and may be issue subpoenas. All witnesses shall be sworn in by the Town Board. The Town Board shall take notes of the testimony and shall mark and preserve all exhibits. The Town Board may, upon request of the community living arrangement, cause the proceedings to be taken by a stenographer or by a recording device, the expense thereof to be paid by the Town Board. Within twenty (20) days after the hearing, the Town Board shall mail or deliver to the community living arrangement its written determination stating the reasons therefore. The determination shall be the final determination.

10.21 Subdivision Section

- A. Applicability: Any subdivision of property, survey or conveyance creating two lots or more with one or more parcels of less than five (5) acres is regulated by this section and shall be submitted to the Zoning Committee and Town Board for review and approval. Conveyances to correct property boundaries between two adjoining landowners are exempt from this section.
- B. Requirements: Upon completion of any plat, survey or description of any new parcel of land under five (5) acres, the property owner or the agent shall submit seven (7) copies of the plat, survey or description to Town of Lac du Flambeau Zoning Administrator.
- C. The plat, survey or description shall show or describe the following details of the development:
1. Proximity to roads, road access, connection to the town roads and list the common street address of the property currently used.
 2. Proximity to lakes, rivers, streams or wetlands.

Note: See Article IV: Lake and River Classification Chart and Matrix.

3. The location of all buildings on the property in relationship to applicable setbacks, wells, septic, lot lines and adjoining property improvements where setbacks are appropriate.
4. The amount of wetlands or lakes, rivers or streams shall be shown to determine that the site meets the minimum area of lot size for the use district, not including wetlands.
5. The tax key (computer) number of the property.
6. When the plat requires the lots to be served by public access which may become a town road, a copy of the plat shall be submitted to the Town Board prior to the submission to the zoning administrator. If approved, the Town Board shall suggest a road name and this shall be printed on the preliminary copy of the plat.
7. When the plat is serviced by an easement road, shared driveway or other non-public right-of-way, the plat, survey or description shall state "This road right of way shall be maintained by the owners of new lots created by this plat and a separate agreement for the maintenance and use shall be recorded prior to final plat approval".
8. The survey, plat or description shall indicate that each lot meets all requirements for an on-site septic system including the requirements of all Federal, State, County and Local codes at the time of submittal. Compliance shall be achieved by submission of soil boring(s) showing adequate drainage and appropriate soils for each proposed lot.

- D. Every proposed subdivision shall be considered by the Lac du Flambeau Zoning Committee at a Public Hearing. Any development of two lots or more with one or more parcels of less than five (5) acres shall require the applicant/agent make the following notifications using Certified Mail – Return Receipt Requested, at least fifteen (15) days prior to the scheduled hearing. The applicant/agent must bring the Domestic Return Receipt Card (PS Form 3811) to the hearing as proof of notification:
- a. All property owners within 300 feet of all property lines in all directions as listed in the most current assessment roll books.
 - b. Tribal Council, c/o Tribal Chairman, P.O. Box 67, Lac du Flambeau, WI 54538. (This notification is only required when the intended action would occur within the external boundaries of the Lac du Flambeau Indian Reservation).
 - c. Notification shall include:
 1. Name of applicant/agent/petitioner.
 2. Common address and adjoining waterways and roads.
 3. Legal description.
 4. Nature of request.
 5. Property owner’s name.
 6. Property owner’s signature.
 7. Time, place and purpose of public hearing.
- E. The subdivision plat shall be signed by the Lac du Flambeau Zoning Committee Chairman prior to approval by the Lac du Flambeau Town Board. This shall all be done before submission to the Vilas County Zoning Committee for final approval.
- F. The final approved subdivision plat map or certified survey map must be recorded in the Vilas County Register of Deeds office within one (1) year of its approval. A plat of survey must be filed in the Vilas County Surveyor’s office within one (1) year of its approval. Failure to do so will void the approval.

10.22 Condominiums

A. Introduction, Special and General Requirements:

1. Intent: Condominiums are regulated in the Town of Lac du Flambeau to:
 - a. Protect residents and non-residents and their use, values and enjoyment of property;
 - b. Protect public health, safety, comfort and general welfare;
 - c. Minimize traffic congestion through proper ingress and egress; and
 - d. Ensure conformance with applicable uses within the zoning districts in which a condominium is located.
2. Condominium Creation: A condominium may be created in the Town of Lac du Flambeau pursuant to the procedures set forth in Chapter 703 of the Wisconsin Statutes and provided that the Condominium is approved by the Lac du Flambeau Zoning Committee.
3. Condominium Approval: Preliminary Condominium Plats, Final Condominium Plats and Condominium Plat amendments shall be submitted and approved by the Lac du Flambeau Zoning Committee prior to approval by the Vilas County Zoning, Planning and Pollution Control Committee and prior to recording condominium instruments and plats with the Vilas County Register of Deeds.
4. Limited Common Element Requirements: The limited common element surrounding each dwelling shall not exceed a distance of 15 feet measured at right angles from any protrusion of the dwelling.
5. Consecutively Numbered Units: All units shall be consecutively numbered on the plat.
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 Regulations: Each individual unit constructed, expanded or altered, of all new, conversion and expandable condominiums shall conform to the current Lac du Flambeau Zoning Ordinance at the time a zoning permit is issued for the construction, alteration, or addition of the structure.
8. Expansion Areas: All condominium plats submitted to the Lac du Flambeau Zoning Committee must indicate whether or not it will be an expandable condominium.

B. Standard for New Construction

Introduction: Construction of new units on property to be part of a new condominium shall conform to the Lac du Flambeau Zoning Ordinance and any other county and state ordinances.

Note: For 1 and 3 below, see Article IV: Lake and River Classification Chart and Matrix. Specifically see Table 1 (page 4–3 for additional restrictions).

1. Minimum Parcel Size (Lake Lot): Single unit per structure:
 - a. For single condominiums containing only one unit per structure within 200 feet of a lake, pond, stream or watercourse such shall not be less than 30,000 square feet or have less than 200 feet of water frontage width.
 - b. Wetlands shall not be included in determining the minimum square footage.
 - c. Proof of the availability of primary and alternate sewage system areas complying with the requirements of the Vilas County Sanitary Ordinance and Wisconsin Administrative Code, Chapter ILHR83 shall be provided and shown on the plat.
 - d. No structure shall exceed 35 feet in height.
2. Minimum Parcel Size (Non-Lake Lot): Single unit per structure:
 - a. Parcel size for single condominiums containing only one unit per structure not within 200 feet of a lake, pond, stream or watercourse or the designated limits of a town business district shall not be less than 87,120 square feet and shall have a minimum average width of 180 over the 87,120 square feet minimum area.
 - b. Wetlands shall not be included in determining the minimum square footage of the parcel.
 - c. Proof of availability of primary and alternate sewage system areas complying with the requirements of the Vilas County Sanitary Ordinance and Wisconsin Administrative Code, Chapter ILHR83 shall be provided and shown on the plat.
 - d. No structure shall exceed 35 feet in height.
3. Minimum Parcel Size (Lake Lot): Multiple units per structure:
 - a. Parcel size for containing more than one unit per structure within 200 feet of a lake, pond, stream or watercourse shall not be less than 30,000 square feet for the first unit plus 2,000 contiguous square feet for each additional unit.
 - b. The parcel shall not have less than 200 feet of water frontage width for the first unit plus 200 feet of water frontage width for each additional unit.
 - c. Wetlands shall not be included in determining the minimum square footage of the parcel.
 - d. Proof of the availability of primary and alternate sewage system areas complying with the requirements of the Vilas County Sanitary Ordinance and Wisconsin Administrative Code, Chapter ILHR83 shall be provided and shown on the plat.
 - e. No structure shall exceed 35 feet in height.

4. Minimum Lot Size (Non-Lake Lot: parcel size for condominiums containing more than one unit not within 200 feet:
 - a. Parcel size for condominiums containing more than one unit per structure not within 200 feet of a lake, pond, stream or watercourse and not within the designated limits of a town business district shall not be less than 87,120 square feet plus 15,000 contiguous square feet for each additional contiguous unit.
 - b. Wetlands shall not be included in determining the minimum average width of 180 feet over the 87,120 square foot minimum area.
 - c. Proof of availability of primary and alternate sewage system areas complying with the requirements of the Vilas County Sanitary Ordinance and Wisconsin Administrative Code, Chapter ILHR83 shall be provided and shown on the plat.
 - d. No structure shall exceed 35 feet in height.

Note: For requirements of minimum lot size for existing condominium expansion areas, see Article IV: Lake and River Classification and Matrix, specifically see Table 1 (page 4-3) for additional restrictions.

C. Standards for Condominium Expansion

Introduction: Expansion condominium allows additional units(s), additional property or both to be added to a condominium provided the additions are in accordance with the declaration, the Lac du Flambeau Zoning Ordinance, any other county and state ordinances and Wisconsin Statutes.

1. All expandable condominiums must indicate the final total number and the approximate placement of the condominium units anticipated for the parcel so the Zoning Committee can verify that there is sufficient parcel size in accordance with the applicable sections of this Ordinance.
2. Expandable condominiums cannot be added to conversion condominiums unless the combined conversion and expandable condominium complies with the minimum requirements for the area.
3. The condominium plat presented shall be drafted in accordance with ss.703.11 and 703.26(2).
4. The Zoning Committee may give final approval only to that portion of the expandable condominium which is to be recorded initially and may give tentative approval to the expansion portion of the condominium.
5. As additional units are added after the original condominium declaration, a final condominium plat for each expansion shall be presented to the Lac du Flambeau Zoning Committee for consideration of approval.
6. Proof of availability of primary and alternate sewage system areas which conform to the requirements of the Vilas County Sanitary Ordinance and Wisconsin Administrative Code, Chapter IHLR83 shall be provided and shown on the plat.
7. No structure shall exceed 35 feet in height.

D. Standards for Conversion Condominium(s) Introduction:

1. Conversion condominiums allow for a parcel of land with one or more existing structures to be converted to a condominium form of ownership.
2. Existing Single-Family Dwellings:
 - a. Where existing single-family dwellings, 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 plat is approved by the Lac du Flambeau Zoning Committee and the Vilas County Zoning Administrator. Such approval shall be obtained before the final plat is recorded with the County Register of Deeds.
 - b. The parcel size and other requirements shall be as specified in Subsection 10.22.B.(1) and/or (2) of this Ordinance.

- c. Proof of availability of primary and alternate sewage system areas complying with the requirements of the Vilas County Sanitary Ordinance and Wisconsin Administrative Code, Chapter ILHR83 shall be provided and shown on the plat.
3. Existing Multi-Family Dwellings:
- a. Where existing multi-family dwelling, rental or non-rental, not part of a condominium declaration, such property shall not be converted until a final condominium plat is approved by the Lac du Flambeau Zoning Committee and the Vilas County Zoning Administrator. Such approval shall be obtained before the final condominium plat is recorded with the County Register of Deeds.
 - b. The parcel size and other requirements shall be as specified in Subsection 10.22.B.(3) and/or (4) of this Ordinance.
 - c. Proof of availability of primary and alternate sewage systems areas complying with the requirements of the Vilas County Sanitary Ordinance and Wisconsin Administrative Code, Chapter ILHR83 shall be provided and shown on the plat.
4. Licensed Resorts:
- Conversion condominiums involving existing dwellings in resorts licensed as of January 1, 1979 are permitted provided that:
- a. Rental and non-rental resort buildings may be converted to condominium units provided that:
 - 1. The first floor square footage of existing structures does not exceed ten (10) percent of the total land area being included in the condominium declaration:
AND
 - 2. The existing number of bedrooms conform with the number on the resort license (plus one non-rental home):
AND
 - 3. The number of existing bedrooms on the license plus the number within the non-rental home will not be increases,
AND
 - b. Wetlands shall not be used in determining the minimum square footage of the parcel area,
AND
 - c. Proof of the availability of primary and alternate sewage system areas complying with the Vilas County Sanitary Ordinance and Wisconsin Administrative Code, chapter ILHR83 shall be provided and shown on the plat,
AND
 - d. Such resort shall not be converted until final condominium plat is approved by the Lac du Flambeau Zoning Committee and the Vilas County Zoning Administrator,
AND
 - e. Approval shall be obtained before the first condominium plat is recorded with the Register of Deeds,
AND
 - f. A condominium plat shall not be approved for a resort which was not constructed in compliance with the Lac du Flambeau Zoning Ordinances applicable at the time such resort was constructed,
AND
 - g. Such alterations, additions or corrections are made as are necessary to bring such resort into

compliance with then applicable zoning ordinance,

AND

h. Resorts shall not be converted until a final condominium plat is approved by the Vilas County Zoning Administrator.

E. Commercial (Non-Residential) Condominiums

1. Commercial condominiums shall not be subject to the dwelling requirements of the Ordinance provided that the units or parts thereof shall not be used of residential purposes; and
2. Lot areas and widths, building sizes, setbacks, parking requirements and any other construction or improvement shall conform to the requirements of any and all other applicable Ordinances of the Town and County.

F. Condominium Approval (Platting) Requirements

1. Preliminary Approval Platting requirements:

- a. Name of condominium.
- b. County in which is located shall be provided on each sheet of the plat. Each sheet shall be consecutively numbered and show the relation of that sheet to the total number of pages.
- c. Name and address of property owner(s).
- d. Site vicinity drawing showing 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 buildings on the property. Include the general location of any proposed buildings 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 of all wetlands on the parcel.
- 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. Diagrammatic floor plans of each building 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 and septic information:
 1. Soil and site evaluation reports shall accompany the preliminary plat for committee review.
 2. Location and proof of suitability for all existing and replacement septic systems shall accompany the preliminary plat for the zoning committee review.
- o. Roads which provide access to the condominium shall be shown.
- 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 bedroom units 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, 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.
2. Final Platting Requirements:
- a. Time Period for Submitting Final Condominium Plat:
 The final condominium plat shall be submitted with the information as required in Section 10.22.(F) of this Ordinance (including a copy of the declaration) to the Lac du Flambeau Zoning Committee for approval. Following the Town's approval, the applicant shall submit the preliminary plat to the Vilas County zoning Administrator. Upon approval, the applicant shall submit a final condominium plat within one (1) years unless written request for an extension is acted upon favorably by the Vilas County Zoning and Pollution Committee. 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 areas(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. Diagrammatic floor plans of each building located or to be located on the property which show the approximate dimensions, floor area and location of each unit in it.
3. Condominium Plat Amendments:
- a. A condominium plat amendment may be made to any recorded condominium pursuant to the procedures set forth in Chapter 703 of the Wisconsin Statutes provided that the amendment is presented to the Lac du Flambeau Zoning Committee for consideration of approval, to the Vilas County Zoning Administrator, and that the amendment does not create any additional non-conformity with the current 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 condominium plat while providing substantial changes to the preliminary plat, the amended plat shall be submitted as a preliminary plat.

4. Committee Requirements:

- a. If a preliminary condominium plat is submitted, it shall be reviewed by the Lac du Flambeau Zoning Committee with respect to layout and parcel size. Within forty (40) days of the date of receiving the plat by registered mail, certified mail or receipted delivery to the Town Clerk, the Committee shall take action to approve, approve conditionally or reject such plat and shall state in writing any conditions of approval or reasons for rejection, unless the time is extended by written agreement by the owner.

G. Upon Final Condominium Approval

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

1. Owners and Surveyor Certificate.

The plat shall show an Owner's and 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.
- e. The plat shall provide a place for approval of the Vilas County Zoning Administrator after approval by the Committee.

2. 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.

ARTICLE XI: SIGNS

Introduction and Explanation: Article XI limits the number and placement of signs in order to maintain the “Northwoods” character of the Town of Lac du Flambeau.

11.1 Limitations on Number and Placement of Signs

- A. To place any sign on or off premises requires a Zoning Permit.
- B. One sign may be placed on premises. The sign must be a minimum of five (5) feet from the town road right-of-way and side lot lines or as required by Federal, State and County regulations.
- C. Two signs may be placed along approaching highways. These signs must meet all Federal, State and local highway regulations and setbacks.
- D. Exceptions to the Ordinance:
 - 1. A single sign identifying the owners name may be located on the owner’s property.
 - 2. Fire numbers using format prescribed by the Town, or
 - 3. Temporary signs advertising the sale of real estate or personal property.

ARTICLE XII: OFF-STREET PARKING AND DRIVEWAYS

Introduction and Explanation: Article XII sets forth minimum requirements for off-street parking and driveways.

12.1 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 a 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 a minimum two hundred (200) square feet of area, exclusive of ingress and egress driveway to connect with a public thoroughfare. The dimensions of a parking space on a lot shall be a minimum of 20 feet by 10 feet. A single stall in any garage may replace any single required parking space.
- D. No building for which an 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 exceptions 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 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 the side or sides of such lots which abut lot lines of residential lots by a solid wall, fence or evergreen planting 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.

12.2 Parking of Travel, Recreational or Other Vehicles

- A. The parking of only one unoccupied travel trailer, camper or other recreational 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 it is located. Such travel trailers, campers or recreational vehicles may not be used 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 has been issued for the building of a home or cottage. Such a temporary dwellings shall be used for a period of no longer than one year and shall be connected to adequate sanitary facilities.
- B. The parking of guest owned recreational vehicles for short periods of time (not exceeding 14 days) is permitted adjacent to the permanent living facilities.
- C. No heavy equipment, other than one school bus or truck used for business purposes and stored

overnight, may be parked on a lot in a Residential District.

12.3 Required Off-Street Parking Spaces for Specific Uses

Except in the designated downtown Community Business District designated by the Town Board:

- A. Single family dwellings shall provide two (2) 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 services 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 off-street parking space for each seven (7) seats.
- H. Motels, lodging houses and dormitories shall provide at least one (1) 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) square 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 (3) 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 connections 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 Appeals.

12.4 Driveways

- A. A Tree Cutting permit or Zoning permit is required to construct a driveway. Where State or County highways intersect, a permit may also be required from that agency.
- B. No driveway will be permitted to be constructed less than five (5) feet of an adjoining property owner's lot line unless the adjoining property owner gives written consent to such location. A copy of the letter shall be forwarded to the Zoning Administrator to be kept on file. A shared driveway to be constructed on a property line must be evidenced by a recorded easement agreement prior to the approval of a permit.

- C. 1. For All Driveways: An area of 20 feet in width and 15 feet in height shall be cleared along the entire length of the driveway in order to permit the safe passage of emergency vehicles.
- 2. The driveway shall be constructed with a minimum bed or surface of 12 feet in width, with a minimum of 4 feet clearance on each side.
- D. A shared driveway may be constructed to serve up to six (6) lots. For seven or more lots, the road must meet the most current requirements of the Town Ordinance 72-1, 'Respecting Minimum Road Specifications'. A written application for a proposed road must be presented to the Lac du Flambeau Town Board for approval. A plat of survey, subdivision plat or certified survey shall not be reviewed until the Town Board has approved the proposed road.
- E. A temporary field/logging road for agricultural purposes is exempt from these provisions.

ARTICLE XIII: TREES AND FORESTS – THEIR MANAGEMENT AND USES

DEFINITIONS: (for the purpose of this section)

LOGGING: Harvesting forestry products on parcels of land, ten acres or greater for profit, and/or to promote forest management on the property. Logging can be only done on lands zoned to permit the activity.

TREE CUTTING: Cutting and/or harvesting forest products on parcels of land less than ten acres to promote forest management and/or to remove trees for other purposes on the property such as:

1. Removing dead, diseased or dying trees.
2. Favoring the growth and development of long lived trees.
3. Developing a diverse forest with more aesthetic appeal and wildlife habitat.
4. Removing trees which by falling would cause damage to buildings.

SLASH: Any tree tops, limbs, bark, abandoned forest products, windfalls or other debris left on the land after timber or other forest products have been cut. (From Wisconsin's BMP, 1995)

HARVESTING: The felling, skidding, processing, loading and transporting of forest products. (From Wisconsin's BMP, 1995)

BASAL AREA: The cross-sectional area 4-1/2 feet above ground expressed in square feet per acre of all trees with a diameter of 5 inches and larger. (From Wisconsin's BMP, 1995)

SELECT CUTTING: A minimum of 60 square feet of basal area per acre in trees 5 inches diameter at breast height (DBH) and larger, evenly distributed. Trees smaller than 5 inches in diameter shall be preserved to maintain underbrush growth and to protect the quality of the shoreland buffer area.

DBH: Diameter at breast height; the average diameter (outside the bark) of a tree 4-1/2 feet above mean ground level. (From Wisconsin's BMP, 1995)

BEST MANAGEMENT PRACTICES (BMP): Manual titles "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 BMP's are standard practices throughout the state. The use of BMP's in Lac du Flambeau are considered minimum standards in Forest Management.

FOREST LAW PROGRAMS: Wisconsin managed forest tax programs include Forest Crop Law, Woodlands Tax Law and Managed Forest Law. The Town of Lac du Flambeau recognizes some residents have enrolled properties under Forest Law Programs. It is the responsibility of the property owner to be aware of the restrictions in Article XIII and the zoning district in which their property is located.

BUFFER AREA: An area of natural shoreland vegetation.

CLEAR CUTTING: A logging technique in which all, or nearly all trees are cut from a forest in a single logging operation.

Prohibition of clear cutting: (Pertains to parcels of 9 acres or less) Compliance with all other requirements of the Lac du Flambeau Zoning Ordinance must be adhered to, along with those of Vilas County.

FOREST: A group of trees occurring in such numbers that the primary use of the land is for growing trees. For purposes of this Ordinance, the minimum size of a forest is 1 acre.

FOREST CROP: The production and management of trees as a crop, for profit, while protecting the aesthetic, soil, water and wildlife resources.

FOREST MANAGEMENT: The management of forested land so as to maintain a cover of trees protecting aesthetic, soil, water and wildlife resources. Clear cutting of a forest is prohibited unless Section 13.1 applies.

Introduction and Explanation: Article XIII contains interpretations and rules pertaining to the forest renewable natural resources.

As trees and forests are critical to maintain the quality of our aesthetics, water, soil, air, wildlife and economy, the Town of Lac du Flambeau requires that permits be obtained for use of these resources. This Article recognizes that management and use of trees and forests take on a different meaning to home owners with small tracts of land and commercial forest owners. For this reason, use of trees and forests is governed by the Zoning District.

13.1 Forestry, Agriculture, and Industrial Districts – Also Recreational Districts With Forested Areas Over Nine (9) Acres (F, A, I, REC)

- A. For these districts, the forest, not the individual trees, is the management unit.
- B. The forests in these districts is recognized as a resource to be managed for financial gain. As these forests mature, they can be harvested and sold as forest crops. Such forest are commercial forests or may be Registered Tree Farms.
- C. Commercial logging, with mechanized equipment, is an accepted way of harvesting forests in the large tracts of land usually making up these districts.
- D. Standard techniques used to harvest a forest include:
 - 1. Clear cutting of forests of uniform species, age and size.
 - 2. Selective cutting of forests that contain a mixture of tree species, ages and sizes.
- E. In these Zoning Districts, land owners or their agents must apply for a Lac du Flambeau Logging Permit and any applicable county permits before beginning to log trees. The permit application requires the following information:
 - 1. Method of logging.
 - 2. Plan to reforest the land.
 - 3. Plan to control erosion, pollution and fire hazards occurring as a result of the logging operation.
 - 4. Plan for preventing damage to public roads.
 - 5. Dates logging to begin and end.
 - 6. Acreage, ownership and zoning of the land to be logged.
 - 7. Name and address of the person, persons or company that is doing the logging.
- F. Land within these zoning districts once set aside for a permitted, but non-forestry purpose, requires a Conditional Use Public Hearing Permit.
- G. A Conditional Use Public Hearing Permit is required when the land owner does not intend to renew the forest resource after logging in an Agricultural or Industrial zoned district.
- H. Tree cutting on an (as needed) is also permitted in these districts. Examples of need are:
 - 1. Building footprint plus 30 feet: For the placement and maintenance of a building with a basement, crawl space or slab using the exact dimensions of the exterior walls plus thirty (30) feet from each exterior wall.
 - 2. Septic System: For the installation of a private septic system.
 - 3. Driveway: Twenty (20) feet wide driveway from a public road or easement to the principal structure and may not encroach on any setback.

4. Removal of trees and shrubbery that are dead, diseased or dying in order to protect surrounding healthy trees. (no permit required)

5. Tree cutting in these districts may be performed by a property owner or his agent.

6. Shoreline Recreation Area:

One shoreline recreation area is allowed on each lakelot no larger than thirty feet (30') in width along the shoreline and extending seventy-five feet (75') in depth from the OHWM. Select cutting of trees and shrubbery is permitted to create a shoreline recreation area if one does not exist naturally. The remainder of the property within seventy-five feet (75') must not be disturbed. The shoreline recreation area for resorts, hotels or motels shall be no larger than thirty feet (30') in width along the shoreline for each one hundred feet (100') of shoreline frontage width for up to three hundred feet (300') of shoreline frontage and may be contiguous. For lots less than one hundred feet (100') in width, the shoreline recreation area shall not exceed the lesser of thirty percent (30%) of shoreland frontage or thirty feet (30').

I. Logging Limitations:

1. Lake, River and Stream Setback from OHWM

a. 0-75 feet - No cutting allowed.

b. 75-300 feet - Select Cutting.

c. 0-300 feet - No clear cutting (exceptions see Section 13.1.H.)

2. Basal Area Requirements:

a. In areas of permitted select cutting, a minimum of 60 square feet per acre, DBH, evenly distributed shall be maintained. Natural shrubbery, trees and undergrowth shall be preserved as far as practicable when harvesting within select cutting areas.

3. Slash Requirements:

a. The maximum slash height permitted shall be 24 inches.

13.2 All Other Districts (R-1, R-2, GB, CB, AP) and (REC - With Forested Areas Under Nine (9) Acres)

A. Trees and the forests in these districts are recognized as resources to be managed for the protection of the aesthetic, soil, water, air and wildlife resources and maintenance of property values.

B. Management of trees and forests within these districts is on an individual tree basis.

C. Commercial logging is not permitted in these districts, but tree cutting (see definitions at the beginning of Article XIII) is permitted on an (as needed) basis. Examples:

1. Improving the health of the forest by removing dead, dying, diseased or overly mature trees.

2. Favoring the growth and development of long lived trees.

3. Developing a more diverse forest with more aesthetic appeal and habitat for animals.

D. Tree cutting in these districts may be performed by the owner of the property or his agent.

E. Land owners or their agents, in these districts, must apply for a Tree Cutting Permit before beginning tree removal unless the planned cutting is excluded from the permit requirements by paragraph (G) below.

The permit application will require the following information:

1. The method of tree cutting and removal from the property.

2. The objective of the tree cutting.

3. How the tree cutting will affect neighboring properties.

4. The location of the trees to be cut with reference to watercourse shorelines.

5. The number, size and species of trees to be cut.

6. Steps that will be taken to control erosion.

- F. Approval of Tree Cutting Permits will be at the Zoning Administrator's discretion. Consideration will be given to any reports or recommendations from State or Tribal Foresters or other recognized tree experts in deciding whether a Tree Cutting Permit should be issued. Where the requested tree cutting appears to be excessive or possibly objectionable to neighbors or the community, the Zoning Administrator may deny the permit application and may require a Public Hearing Conditional Use Permit to be applied for instead.
- G. A Tree Cutting Permit is not required when the cutting to be performed is limited to the following:
1. A Zoning Permit has been obtained for a structure and the planned tree cutting is limited to the building footprint, using the exact dimensions of the exterior walls plus thirty feet (30) from each exterior wall, a driveway (no greater than twenty feet (20) wide, and/or an area for a private septic system and these are shown on the Zoning Permit.
 2. Trees are dead, down or diseased.
 3. Trees are heavily damaged by a storm or other natural calamity.
 4. Trees are growing within thirty feet (30) of a building or structure and pose a hazard to the building or structure.
 5. Trees pose a hazard to a driveway or regularly traveled foot path.
- H. Tree Cutting Limitations:
1. Lake, River and Stream Setback from OHWM
 - a. 0-75 feet - no cutting allowed.
 - b. 75-300 feet - select cutting per Section 13.2.F.
 - c. 300 feet and greater - select cutting per Section 13.2.F.
 2. Select Cut Areas:
 - a. A basal area of a minimum of 60 square feet per acre, DBH, evenly distributed shall be maintained. Natural shrubbery, trees and undergrowth shall be preserved as far as practicable within the select cutting areas.
 - b. The maximum slash height shall be 24".
 3. Shoreline Recreation Area: One shoreline recreation area is allowed on each lakelot no larger than thirty feet (30') in width along the shoreline and extending seventy-five feet (75') in depth from the OHWM. Select cutting of trees and shrubbery is permitted to create a shoreline recreation area if one does not exist naturally. The remainder of the property within seventy-five feet (75') must not be disturbed. The shoreline recreation area for resorts, hotels or motels shall be no larger than thirty feet (30') in width along the shoreline for each one hundred feet (100') of shoreline frontage width for up to three hundred feet (300') of shoreline frontage and may be contiguous. For lots less than one hundred feet (100') in width, the shoreline recreation area shall not exceed the lesser of thirty percent (30%) of shoreland frontage or thirty feet (30').

ARTICLE XIV: NONCONFORMING USES, STRUCTURES AND LOTS

Introduction and Explanation: Article XIV contains rules pertaining to uses, structures and lots that existed prior to the effective date of this Ordinance that may not be in full compliance with the provisions of this Ordinance. The practice of accepting nonconforming uses, dwellings, trade and industry and lots is commonly referred to as “Grandfathering” or accepting under a “Grandfather Clause”. The lawful use of a building, structure or property that existed at the time this Ordinance, or applicable amendments to this Ordinance took effect, may be continued subject to the following conditions listed below. Routine maintenance of such a building, structure or use may also be continued subject to the same conditions.

14.1 General Limitations on Nonconforming Structures or Uses

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

- A. As long as no structural alterations are made, a nonconforming 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 to a nonconforming structure until a zoning permit has been issued.
- B. Should any structure or use nonconforming to this Ordinance be totally destroyed or damaged by accidental fire or natural catastrophe to an extent of 50% or more of its replacement value, the structure may be replaced. There must be no further encroachment toward any setback that made the structure or use nonconforming. **Exception:** See Article XV for additional regulation of existing structures located closer than seventy-five feet (75’) from the OHWM.
- C. Any structural alteration, addition, expansion, replacement or major repair will require that the septic system to service the structure or use be brought into compliance with Comm 83, Wisconsin Administrative Code.
- D. Any structural alteration, addition, expansion, replacement or major repair that is proposed for a nonconforming structure that will cause encroachment, or further encroachment into a minimum setback will require a variance from this Ordinance. Variances can only be granted by the Board of Appeals. If a variance is granted, then a Zoning Permit will be issued by the Zoning Administrator.
- E. If a structure or nonconforming use nonconforming to this Ordinance is discontinued for twelve (12) consecutive months, any further use of the structure, use or premises shall conform to this Ordinance with the exception of those structures or property 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 the state law shall not be permitted to continue as a nonconforming use, and upon written notice to the property owners(s), the nuisance shall be corrected within thirty (30) days of receiving such notice.
- G. Any interior alterations or exterior cosmetic renovations that exceed a cost of \$5,000.00 within a one (1) year period shall require a Zoning Permit but will not require a Conditional Use Permit. See Section 15.3. **Exception:** See Article XV for regulation of existing structures located closer than seventy-five feet (75’) from the OHWM.
- H. Any alteration to the exterior of the structure that requires excavation, addition, expansion or major repairs which alter the existing envelope of the structure will require a Conditional Use Permit.

14.2 General Limitations of Nonconforming Lots

Nothing in this Ordinance shall prohibit the lawful use of a sub-standard sized lot for erection of a structure that can conform to the minimum setback, side yard and rear yard requirements of this Zoning Ordinance, provided the lot was described and recorded in the Vilas County Register of Deeds office prior to January 28, 1994, the effective date of this Ordinance. Any deviation from the zoning requirements contained in this Ordinance shall require the issuance of a variance by the Board of Appeals as provided in Article XVIII of this Ordinance.

LAC DU FLAMBEAU COMPREHENSIVE ZONING ORDINANCE 93-4
ARTICLE XV: REGULATION OF EXISTING STRUCTUES LOCATED
CLOSER THAN 75' FROM THE OHWM

15.1 Applicability

This Article applies to existing structures or portions of existing structures located less than seventy-five feet (75') from the OHWM and supersedes any contrary provision of the Lac du Flambeau Comprehensive Zoning Ordinance 93-4. Lawful existing structures which existed at the time of this Ordinance, or applicable amendments to this Ordinance took effect, may be continued subject to additional conditions of Articles XIV and XVI.

15.2 Intent

It is the intent of this Article to balance the public objectives of this Ordinance with the interests of owners of existing structures located closer than seventy-five feet (75') from the OHWM by:

- A. Treating smaller, more readily moveable structures more restrictively than larger, more permanent principal structures;
- B. Allowing for maintenance, repair and internal improvement of existing structures essential to the continued reasonable use of the structure;
- C. Treating structures located closer to navigable waterways within seventy-five feet (75') of the OHWM more restrictively than a structure which are closer in compliance with the seventy-five (75') minimum setback;
- D. Allowing for limited expansion of a principal structure provided the adverse effects of such improvement or expansion meet the mitigation requirements of Vilas County;
- E. Limiting the extent of expansion of principal structures vertically and to the side to minimize adverse water quality, shoreland buffer zone, aesthetic and other impacts from such expansion and to provide incentive for property owners seeking major expansions to consider relocation of the principal structure beyond seventy-five feet (75') from the OHWM.
- F. Encouraging removal of non-principal structures from the 75' setback area to promote better buffer areas and decrease runoff to the water body.

15.3 Maintenance, Repairs and Internal Improvements

- A. Maintenance, repair and internal improvements to existing structures or portions of existing structures located closer than seventy-five feet (75') from the OHWM are permitted provided the exterior building envelope is not altered beyond the thickness of new materials.
- B. Such maintenance, repairs and internal improvements include, but are not limited to: replacement or installation of windows, skylights, doors, vents, siding, insulation, shutters, gutters, flooring, shingles and other roofing, replacing or repairing walls or floors of a foundation or internal improvements within the existing building envelope.
- C. Maintenance, repairs and internal improvements do not include external alterations and additions subject to Section 15.4 or replacement of existing structures subject to 15.5.

15.4 External Alterations and Additions

- A. Existing Principal Structures
 - 1. General Restrictions

Alterations or additions to existing principal structures located less than seventy-five feet (75') from the OHWM which result in altering the exterior building envelope horizontally or vertically may be permitted provided they meet the following conditions:

- a. The existing structure may only be expanded one time from the effective date of this Ordinance.
- b. Expansion shall be limited to a maximum of 50% of the enclosed habitable living area of the structure or portions of that structure.
- c. For existing structures within 50 feet of the OHWM, expansion may only occur landward away from the OHWM until the expansion extends to 50 feet of the OHWM.
- d. Sideways expansion parallel to the OHWM is permitted provided the expansion is located greater than 50 feet from the OHWM.
- e. New stories and vertical expansions are permitted provided the expansion is located greater than 50 feet from the OHWM and does not exceed other building height limitations.
- f. New basements are permitted for the portion of the existing structure or expansion located greater than 50 feet from the OHWM. New basements greater than 6 feet in depth are not permitted within 50 feet of the OHWM.
- g. Decks and overhangs on the expanded structures may not exceed the width of the existing deck and overhang.
- h. There shall be no expansion further into any setback by the enclosing of any existing part of a structure which is nonhabitable and open to the elements such as, but not limited to, decks, patios, steps, etc. Permitted alteration would allow the expansion of habitable living area into an attached nonhabitable structure such as a garage or porch as long as the exterior building envelope would not be altered.

2. Expansion of Existing Condominiums into Expansion Areas

When a condominium plat has been filed and recorded with the Register of Deeds prior to the date of enactment of this Ordinance and the plat shows an expansion area for an existing structure, that existing structure may be expanded into the expansion area provided that the following conditions are met:

- a. Expansion shall be limited to a maximum of 50% of the habitable living space of the structure.
- b. For existing structures within 50 feet of the OHWM, expansion may only occur landward away from the OHWM until the expansion extends to 50 feet of the OHWM.
- c. Sideways expansion parallel to the OHWM is permitted provided the expansion is located greater than 50 feet from the OHWM.
- d. New stories and vertical expansions are permitted provided the expansion is located greater than 50 feet from the OHWM and does not exceed other building height limitations.
- e. New basements are permitted provided the expansion is located greater than 50 feet from the OHWM.

3. Additional Restrictions Applicable to All Existing Structures

- a. Alterations or additions shall not encroach into any required side, rear, road right-of-way or OHWM setbacks beyond any existing encroachment. Any existing encroachment may be continued in expansions provided there shall be no expansion further into any setback by the enclosing of any existing part of a structure which is nonhabitable and open to the elements such as, but not limited to, decks, patios, steps, etc. Permitted alteration would allow the expansion of habitable living area into an attached garage or porch as long as the exterior building envelope would not be altered.

b. Permits Required

All permits required by the town shall be obtained for such alterations or additions, along with all the applicable permits required by the county.

c. Exception for Disabilities

Notwithstanding any other provisions of this section, any principal structure located closer than seventy-five feet (75') from the OHWM may be expanded in order to provide reasonable accessibility to the structure for people with permanent physical disabilities, and shall comply with all other applicable county and state requirements.

B. Existing Non-Principal Structures

External alterations and additions to existing non-principal structures or portions of such structures located less than seventy-five feet (75') from the OHWM which result in altering the building envelope horizontally or vertically are prohibited unless they conform to the requirements of Article X.

15.5 Replacement of Existing Structures

A. Voluntarily Demolished

Unless Article XV, Section 15.4(B) applies, an existing structure may not be rebuilt or replaced closer than the applicable OHWM setback if it has been voluntarily demolished such that any of the following apply:

1. The one-time cost of repair or replacement exceeds 50% of the assessed value of the structure.
2. Replacement of 50% or more of the building.
3. The existing use of the structure has been discontinued for twelve consecutive months as a result of the demolition.

B. Damaged or Destroyed by Violent Wind, Fire, Flood or Vandalism

As required by Wis. Stat. 59.692(1s), if an existing structure has been destroyed or damaged after October 14, 1997 by violent wind, fire, flood or vandalism, the structure may be reconstructed or repaired to the size, location and use it had immediately before the damage occurred, subject to the following conditions:

1. A structure that is destroyed or damaged due to a deliberate act by the landowner or by his or her agent, due to general deterioration or dilapidated condition, may not be reconstructed or repaired, except in conformance with the standards of this Ordinance.
2. Except as provided in Wis. Stat. 87.30(1d), a building located closer than seventy-five feet (75') from the ordinary high water mark that is subject to regulation under a floodplain zoning ordinance may not be reconstructed or repaired except in compliance with the floodplain zoning ordinance.
3. The landowner shall bear the burden of proof as to the size, location or use destroyed or damaged structure had immediately before the destruction or damage occurred.
4. Repairs are authorized under this provision only to the extent that they are necessary to repair the specific damage caused by violent wind, vandalism, fire or flood, and only that portion of the structure that has been destroyed may be reconstructed.
5. The private on-site wastewater treatment (septic) system serving the principal structure shall meet the current standards for new construction.
6. The property owner complies with all other county and state requirements.

ARTICLE XVI: REQUIRED PERMITS – ZONING AND OTHERS

Introduction and Explanation: Article XVI describes the Zoning Permits and other permits that are required by the Town of Lac du Flambeau. Requiring these permits provides a means to insure compliance with the provisions of this Ordinance.

16.1 Zoning Permits

A zoning permit is required for the following activities:

- A. Erection of any new building or structure. (This includes portable buildings and canvas covered shelters).
- B. Any addition or alteration to an existing building or structure that changes its exterior dimensions.
- C. Any interior or exterior cosmetic renovations that exceed a cost of \$5,000.00 during any one (1) year period. The cost of normal maintenance items is excluded. See Section 15.3.
- D. Satellite dishes, ground fixed antennas.
- E. Demolition of an existing structure or any part thereof.
- F. Sign erection.
- G. Moving a structure onto property, off property, or to a new location on the same property.
- H. Fence.
- I. Renewal (Once only of a pre-existing zoning permit before it has expired).
- J. Revision.
- K. Privy.
- L. Deck.
- M. Steps and Access Path to the lake.
- N. Driveway and Private Road.
- O. Patio.
- P. Sanitary Occupancy Permit.
- Q. **Exceptions:** The following do not require a Zoning Permit:
 - 1. Public telephone and electrical service equipment as listed in Subsection 3.4(B) of this Ordinance.

16.2 Conditional Use Permit

- A. Conditional Use Permit Requiring a Public Hearing: Issuance of this type of a Conditional Use Permit require a public hearing held before the Lac du Flambeau Zoning Committee, and the conditional use applied for is allowed. A Conditional Use Permit generally runs with the land. A new property owner may continue to use the property as authorized by a previously granted Conditional Use Permit, provided that the conditions are met. Conditional Use Permits Requiring a Public Hearing are as follows:
 - 1. Any use identified as requiring a Conditional Use Permit by Zoning District, or in Table 1 that is shown as a Conditional Use (CU).
 - 2. Uses identified in Article X, Requirements for Specific Uses, which specifically require a Conditional Use Permit.
 - 3. A Conditional Use Permit is nontransferable from original applicant.
 - 4. Any new construction occurring within the 75' OHWM setback.

B. Administrative Conditional Use Permit: Issuance of an Administrative Conditional Use Permit is by the Zoning Administrator. No public hearing is required. Administrative Conditional Use Permits are for new construction on non-conforming structures where the construction is greater than 75' from the OHWM. If the structure is non-conforming for reasons other than part or all of the structure being located less than 75' from the OHWM, a Conditional Use Hearing will be required. Examples of an Administrative Conditional Use Permit are:

1. Alteration in roof structure which doesn't cause encroachment or further encroachment into any setbacks and does not add any habitable living area.
2. New construction on non-conforming structures occurring beyond the 75' OHWM setback as defined in Articles XIV and XV.

16.3 Camping Permit: Camping is permitted by property owners and their guests under certain conditions. Requires an annual permit. (See Article VIII, Section 8.2 for limitations and requirements).

16.4 Hunting Shack Permit: Hunting shacks are permitted in Forestry Districts only and require an annual permit. (See Article VIII, Section 8.1 for limitations and requirements).

16.5 Logging Permit: The logging of tree requires an annual Logging Permit. (See Article XIII, Section 13.1 for limitations and requirements).

16.6 Tree Cutting Permit: Certain tree cutting operations require an annual Tree Cutting Permit and others are excepted. (See Article XIII, Section 13.2).

ARTICLE XVII: ADMINISTRATION

Introduction and Explanation: Article XVII describes how the Ordinance is administered and enforced. This Article creates and defines the Town Zoning Administrator's office. The Administrator is a Town appointed officer who advises citizens of their rights and obligations under this Ordinance, issues permits, makes inspections to determine compliance with this Ordinance, issues compliance orders and recommends legal actions to obtain compliance with the Ordinance. The Administrator operates under the authority delegated by the Town Board.

Zoning Permits must be obtained from the Lac du Flambeau Zoning Administrator. The Zoning Administrator may issue Zoning Permits when the use for which permission is requested is listed in the Ordinance as a permitted use. Conditional Use Permits applications must be decided upon by either the Lac du Flambeau Zoning Committee or the Zoning Administrator. The Zoning Committee shall meet a minimum of once every three months to review the Administrative Conditional Use Permits.

Zoning Text Amendments, newly created Subdivisions and Rezoning must be approved the Lac du Flambeau Zoning Committee, then submitted to the Town Board for final approval from the town. After approval by the Town Board, these requests must be submitted to the Vilas County Board of Supervisors for final approval. (See Section 17.5 for procedures).

Variances and Appeals of Administrative Decisions must be decided upon by the Board of Appeals under the procedures described in Article XVIII of this Ordinance.

17.1 Creation of the Zoning Committee

The Zoning Committee shall be created and constituted by the Town Board as provided in Section 60.61(4) of the Wisconsin Statutes. The Zoning Committee shall have the following responsibilities:

- A. Supervise the administration of the Zoning Ordinance and other Ordinances as provided by the Town Board.
- B. To hold public hearings and decide upon the issuance of Conditional Use Permits, zoning changes or any other zoning issues to be decided by a public hearing.
- C. To hold public hearings on proposed amendments to this Ordinance and approve or deny such amendments. (See Section 17.5).
- D. To perform other such duties in connections with the zoning or land use planning as may be delegated to it by the Town Board.

17.2 Office of the Zoning Administrator

There is hereby created the office of the Zoning Administrator to be appointed by the Town Board. The Zoning Administrator shall perform duties under the 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 on preparing applications, and advise them that other county and/or state permits may be required.
- B. Issue Zoning Permits as provided in this Ordinance.

- C. Keep records of all permits issued, inspection of work approved and other official actions.
- D. Determine location of property relative to Zoning District boundaries.
- E. Have access to any structure or premises for the purpose of performing duties. This power shall be exercised at a reasonable hour.
- F. Serve as staff to the Zoning Committee. In this capacity, the Zoning Administrator may present reports on all applications for Zoning Amendments, Conditional Use Permits and other matters requiring Zoning Committee action.

17.3 Rules and Procedures for Issuance of a Zoning Permit

No new building or structure, including satellite dishes and television antenna towers having a permanent location on the ground (excluding dishes and towers mounted on buildings), and no existing building or structure shall be added to in any manner altering its exterior dimensions, or moved, removed or changed in use until a Zoning Permit has been issued. Under no circumstances are satellite dishes or television antenna towers to be erected on boathouses. Exceptions to this requirement are:

- 1. Public telephone and electrical service equipment as listed in Subsection 3.4(B), of this Ordinance.
- A. There shall be no clearing of land or building private roads or driveways until an applicable Zoning Permit has been obtained.
- B. Application for a Zoning Permit must contain the following information:
 - 1. Name and address of the owner of the property.
 - 2. Owner's signature.
 - 3. Name and address of agent/contractor.
 - 4. Computer number of parcel affected.
 - 5. Legal description and common address of the parcel with the assigned fire number.
 - 6. Size and location of the building to be erected, moved onto or from the property.
 - 7. The filing of a scaled drawing of the premises, showing the dimensions of the lot or parcel.
 - 8. The dimensions of the proposed building(s).
 - 9. The proposed use of the building(s), type of construction and any other applicable information.
 - 10. The distance in feet from the road right-of-way of abutting street or highway.
 - 11. The distance in feet from the OHWM, the side and rear lot lines.
 - 12. The size and location of any existing buildings and such other information as deemed necessary.
 - 13. Evidence of compliance with the Vilas County Sanitary Code by providing the sanitary permit number.
- C. The Zoning Administrator shall also require:
 - 1. Proof of the contractors "Credential Card" on all new single and multi-family dwellings. This card is renewable through the State and the Zoning Administrator shall not accept an expired card. A copy of this card shall be kept on file in the zoning office.
 - 2. The Wisconsin Administrative Building Permit for all new single and multi-family dwellings.
 - 3. Proof that a portable toilet shall be on the premises (for all new construction) at the start of construction and until proper sanitation has been installed. (See Article VII, Section 7.3). A copy of the agreement for the portable toilet shall be kept on file in the zoning office.
- D. The Zoning Administrator may also require as a condition precedent to the issuance of a Zoning Permit:
 - 1. Evidence of compliance with the Vilas County Land Division and Subdivision Ordinance, Vilas County Trunk Highway Access Control Regulations or any other Federal, State, County or Town

requirements.

2. Any additional information necessary including proof of State approval for buildings of public use.
- E. The Zoning Administrator shall not be responsible for determining the location of lot lines and may require:
1. The applicant to furnish a land survey of such lines.
 2. Any additional information necessary.
- F. 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 a purchase, such a person may apply for a permit, and if the permit is denied, may appeal to the Board of Appeals.
- G. Coincident with the issuing of a Zoning Permit, the Zoning Administrator shall prepare a placard, certifying that a permit has been issued. This placard shall bear the same number as the permit and identify the construction and premises covered by the permit. This placard shall be posted at the entrance to the property during the construction, and no construction shall begin until this placard is 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, pilings or foundations. Earth Disturbing activity for the purpose of soil evaluation testing shall not be considered the start of construction.
- H. Any permit obtained through misrepresentation shall be null and void.
- I. A permit issued pursuant to the provisions of this section shall expire one (1) year from the date of issuance if construction or use has not started within that time.
- J. The structure or use permitted by a Zoning Permit must be completed by the time the original or renewed permit expires: (two year Zoning Permit and one year renewal of zoning permit – total 3 years). A Zoning Permit may be renewed one time for a period of one year. Failure to complete within this time period is a violation of the Ordinance and subjects the owner to penalties described in Article 17.7. If a delay in completions occurs, owner may apply for a Temporary Permit and is responsible for establishing the unforeseen circumstances or conditions described in Subparagraph K below.
- K. Temporary Permit: A Temporary Permit may be issued do 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 to:
1. For the storage of chattel on a 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 habitable 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 and construction and the wastewater and sewage enter the septic system that will serve the dwelling.
 4. In order to accommodate individuals in emergency situations.

17.4 Rules and Procedures for Issuance of a Conditional Use Permit

- A. Initiation of a 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 on 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 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. The application shall be accompanied by such plans and other information as may be prescribed by the Zoning Administrator or the Town Zoning Committee.
- C. Hearing an application for a Public Hearing Conditional Use: Upon receipt of the application, the Zoning Committee shall hold a public hearing on each application for a Conditional Use Permit at such time and place as shall be established by the 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 publication of a class 2 notice as provided for in Section 985 of the Wisconsin Statutes, as required in Article XVIII.
- D. Standards: A Conditional Use Permit shall not be granted by the Zoning Committee or Zoning Administrator unless such Committee shall find that all of the following conditions are met:
1. That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort general welfare.
 2. That the uses, values and enjoyment of other property in the neighborhood or purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the 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 Public Hearing 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 public health, safety, and general welfare of the community, and to secure compliance with the standards and requirements specified in Subsection 17.4(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, including setting of bond.
- F. Appeal From Action by the Zoning Committee or the Zoning Administrator: An appeal of the decisions of the Zoning Committee or the Zoning Administrator may be taken to the Board of Appeals. Such appeal must specify the grounds thereof in respect to the findings of the Zoning Committee or the Zoning Administrator and must be filed with the Board of Appeals within thirty (30) days of the final action of the Zoning Committee or Zoning Administrator. The Board of Appeals shall fix a reasonable time for the hearing of the appeal, and give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. The action of the Zoning Committee or the Zoning administrator shall be deemed final unless the Board of Appeals by a favorable vote, reverses or modifies the action of the Zoning Committee or the Zoning Administrator.

- 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 (1) 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.
- H. Where a Conditional Use Permit has been issued under this Ordinance, if construction has not been instituted thereon within one (1) year of the date of the zoning permit approval and issuance, it shall be null and void.
- I. Revocation of a Public Hearing Conditional Use: If the Zoning Committee finds that the standards and 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 17.4(F).
- J. Ceased Conditional Uses: A Conditional Use Permit for any use which has been ceased for a period of one (1) year will be deemed to have terminated and any future use shall be in conformity with these Ordinance.
- K. Revocation of Administrative Conditional Use Permit: An Administrative Conditional Use Permit may be suspended per Section 17.7.D.

17.5 Procedures for Requesting a Zoning Change or Zoning Text Amendment

It is recognized that some residents or property owners may desire to have the Zoning district designation for their property changed or an amendment made to the text of this Zoning Ordinance.

These actions require the following:

- A. A Rezoning or zoning text amendment application must be submitted to the Zoning Administrator for consideration by the Zoning Committee.
- B. A public hearing is required and proper notification must be made. See Article XVIII for notification requirements.
- C. If recommended for approval by the Town Zoning Committee, submitted and approved by the Lac du Flambeau Town Board, the request must then be submitted to the Vilas County Zoning Administrator for consideration by the Vilas County Board of Supervisors. Final approval by the Vilas County Board of Supervisors is required before the zoning change or zoning text amendment is effective.
- D. The Town reserves the right to initiate the rezoning of a designated piece of property for the benefit of the community.

17.6 Permit Application Fees

- A. Zoning Permit Fee.....square footage x \$.10 cents (including but not limited to: attached garage, basements, decks, porches, lofts, etc.)
 - Minimum permit fee.....\$75.00
 - Detached structures.....square footage x \$.10 cents (anything that can't be figured on square footage such as adding a fireplace, siding, change pitch in roof, etc.) the minimum permit fee is.....\$75.00
 - Permit Renewal.....\$40.00
 - Conditional Use Permit (Administrative).....\$125.00
 - Conditional Use Permit (Public Hearing).....\$250.00
 - Rezoning Request, Subdivision Request.....\$250.00
 - Condominium Plat Approval.....\$250.00
 - Appeals to the Board of Appeals.....\$250.00

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| Variance Request to the Board of Appeals..... | \$250.00 |
| Temporary Permit..... | \$40.00 |
| Privy..... | \$75.00 |
| Demolition..... | \$35.00 |
| Camping (Annual)..... | \$25.00 |
| Hunting Shack (Annual)..... | \$25.00 |
| Logging (Annual)..... | \$35.00 |
| (or \$2.00/acre (whichever is greater)) | |
| Tree Cutting (Annual)..... | \$35.00 |
| Moving..... | \$35.00 |
| Revisions..... | \$20.00 |
| Signs..... | \$20.00 |

- B. Double Fees: Should a structure or use be started prior to the issuance of a permit, the applicant will pay a double fee. Such a double fee shall not release the applicant from full compliance with this Ordinance nor from prosecution for violation of this Ordinance.
- C. Sanitation Occupancy Permit: There shall be no fee for a Sanitation Occupancy Permit, but an inspection shall be made by the Zoning Administrator prior to the removal of a portable toilet from the property to insure that the sanitation and well are installed and the septic system has been inspected and approved by Vilas County Zoning.
- D. Once a fee has been paid to the Town, no refunds will be made.

17.7 Enforcement

- A. Penalty: Any person, firm or corporation, including those doing work for others, who violate 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 all violations to the Town Attorney 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 person 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 Town Zoning Administrator, giving the person responsible a reasonable time period, not to exceed thirty (30) days from the date on the letter of notification, to have the violation brought into compliance with the provisions of this Ordinance. Each day a violation exists thereafter shall constitute a distinct and separate violation of this Ordinance, the property shall be posted, 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 60.62, Wisconsin Statutes.
- D. Suspension of Permit: Whenever the Zoning Administrator determines that there are reasonable grounds for believing that there is a violation of any provision of this Ordinance, the Zoning Administrator shall give notice to the owner of record as hereafter provided. Such notice shall be in writing and shall include a statement of the reason of the suspension of the permit. It shall allow

thirty (30) days for the performance of any act it requires. If work cannot be completed in the thirty (30) day period, an extension may be granted if reasons of hardship prevail and can be verified. Such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been sent by certified mail to the owner's last known address or when the owner has been served by such notice by any method authorized by the laws of Wisconsin.

E. Appeals of Enforcement: Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Ordinance may request and shall be granted a hearing of the same before the Board of Appeals as provided for in Article XVIII of this Ordinance.

F. 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 ones control, adverse weather conditions, meeting a timetable which requires immediate action to protect the public, safety and welfare, the Zoning 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. 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 Appeals.

17.8 Notification to the Wisconsin Department of Natural Resources

Written notice shall be given to the appropriate district office of the Department of Natural Resources at least ten (10) days prior to the hearing 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 or variances, conditional uses, appeals for map or text interpretations, and map or text amendments within ten (10) days after they are granted or denied.

ARTICLE XVIII: BOARD OF APPEALS

Introduction and Explanation: This Article describes the Board of Appeals. This five (5) member board has powers granted to it by the State Legislature. The statutory duties of the Board are to hear and consider variances from the strict requirements of the Ordinance where a unique hardship exists and where a waiver of the strict rules of the Ordinance can be granted without destroying the purpose and intent of the Ordinance.

18.1 Creation of the Board of Appeals

A Board of Appeals is hereby created as authorized by the applicable Wisconsin Statute, Section 62.23(7)(e). The Board of Appeals shall consist of five (5) members and two (2) alternates who shall be appointed by the Town Board of the Town of Lac du Flambeau for terms of three years. The Town Board may provide the services of a secretary, who shall prepare in final form, the proceedings of the Board of Appeals, provide supplies and office space to assist them in the administration of their duties, and shall pay the actual and necessary expenses incurred by the Board in the performance of its duties. Vacancies shall be filled for the expired term of any member whose term becomes vacant.

18.2 Jurisdiction and Authority

The Board of Appeals shall have the following powers:

- A. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an Administrative Official in the enforcement of this Ordinance.
- B. To hear and decide appeals of Conditional Use Permit decisions by the Zoning Committee or the Administrator.
- 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.

18.3 Meetings and Rules

Meetings of the Board of Appeals shall be held at the call of the Chairman and at such times as the Board may determine. The Chairman, or in the Chairman's absence, the acting Chairman may administer oaths and compel the attendance of witnesses. All meetings of said Board shall be open to the public. Four members shall be required to constitute a quorum. A maximum of five (5) members shall be allowed to vote at any meeting. The concurring vote of a majority of the members of the Board shall be necessary to grant a variance. 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 a public record. Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney. The Board of Appeals shall adopt further rules as necessary to carry into effect the regulations of the Town Board which are not in conflict with the Wisconsin Statutes.

18.4 Procedures for Hearing Appeals

- A. Filing Appeals: Appeals to the Board of Appeals may be taken by any resident or property owner aggrieved or affected by a decision of the office of the Zoning Administrator or Zoning Committee within thirty (30) days of notification. Such appeal shall be filed with the office of the Secretary of the Board of Appeals on forms provided by the Town of Lac du Flambeau 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.
- B. Stay of Proceedings: An appeal shall stay all proceedings in the furtherance of the action appealed unless the Zoning Administrator certifies to the Board of Appeals that such a stay would cause eminent peril to life or property. In such, case proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Appeals or by a court of law.
- C. Notice of Hearing: The Board of Appeals shall fix a time no greater than sixty (60) days for the hearing of the appeal. Notice of time, place and purpose of such hearing shall be given by publication of a Class 2 Notice as provided for in Section 985 of the Wisconsin Statutes (see Article XVIII). Notice of time, place and purpose of such hearing shall also be given to the applicant or appellant and Zoning Administrator. If the appeal involves an area subject to the Shoreland Ordinance or within a 100-year floodplain, 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 Appeals, upon its findings, shall render a decision on the appeal within sixty (60) days. The Board, upon the majority vote, may affirm or modify the 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. However, four (4) of the five (5) members must vote in agreement to reverse a finding. All decisions and findings of the Board of Appeals on appeal shall in all instances be final administrative determination and shall thereafter only be subject to review by a court of law upon filing of a writ of certiorari within thirty (30) days of the filing of the Board's decision. The final decision may not be reopened or reconsidered except in cases involving mistake, public necessity or other good cause, such as a significant change in circumstances. [Goldberg v. Milwaukee Bd. of Zoning Appeals, 115 Wis.2d 517, 340 N.W.2d 558 (Ct. App. 1983).

18.5 Procedure for Hearing Variance Requests

- A. Application for Variance: An application for a variance may be filed by a property owner or owner's agent, with the Board of Appeals, on the forms provided by the Town of Lac du Flambeau.
- B. Notice of Hearing: The Board of Appeals shall fix a time no greater than sixty (60) days for hearing variance requests. Notice of time, place and purpose of such hearing shall be given by publication of a Class 2 Notice, as provided in Section 985 of the Wisconsin Statutes (see Article XVIII). Notice of time, place and purpose of such hearing shall also be given to the applicant or appellant and Zoning Administrator. If the variance request involves an area subject to the Shoreland Ordinance or the 100-year floodplain, notice of the public hearing and of the Board's decision shall be provided to the Wisconsin Department of Natural Resources.
- C. Finding of the Board: The Board of Appeals, upon its findings, shall render a decision on the variance request within sixty (60) days. The grounds for making a determination shall be stated. The Board of Appeals may impose conditions and restrictions as a part of the variance approval. All decisions and findings of the Board of Appeals on variance requests shall in all instances be final administrative determinations shall thereafter be only subject to review by a court of law. The final decision may not

be reopened or reconsidered except in cases involving mistake, public necessity or other good cause, such as a significant change in circumstances. [Goldberg v. Milwaukee Bd. of Zoning Appeals, 115 Wis.2d 517, 340 N.W.2d 558 (Ct. App. 1983).

- D. Purpose and Nature of Area Variances: It is the Board's duty to preserve the Ordinance without modification as far as possible, while ensuring substantial justice for the applicant. An area variance may be granted by the Board to build or develop in a way which is inconsistent with dimensional standards of the Ordinance. The Board 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 the spirit of the Ordinance shall be observed and substantial justice done. The Board 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 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 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. A variance may also be needed from Vilas County.
- E. Standard of Area Variance: The three standards that must be met for an area variance to be granted are (1) the existence of an unnecessary hardship, (2) the presence of a unique property limitation, and (3) that the public interest will be protected. The applicant must clearly show to the Board that all three standards are met. The Board of Appeals shall use the following guidelines in interpreting the standards:
1. Unnecessary Hardship:
 - a. For an area variance, unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose (leaving the property owner without any use that is permitted for the property) or would render conformity with such restrictions unnecessarily burdensome. The Board of Appeals must consider the purpose of the zoning restriction, the zoning restriction's effect on the property, and the short-term, long-term and cumulative effects of an area variance on the neighborhood, the community and on the public interests. This standard reflects the new Ziervogel and Waushara County decisions.

- b. The hardship or difficulty must be peculiar to the zoning parcel in question and different from that of other parcels, not one which affects all parcels similarly.
 - c. Loss of profit or pecuniary hardship is not, in and of itself, grounds for a variance. The fact that developing in compliance with ordinance requirements may cost considerably more does not constitute a hardship.
 - d. Self-imposed hardship is not grounds for a variance. When conditions giving rise to the need for a variance were created by the property owner or a former owner, the hardship is self-imposed.
 - e. The hardship cannot be one that would have existed in the absence of the Zoning Ordinance.
2. Unique Property Limitation:
- a. Unique physical characteristics of the property, not the desires of or conditions personal to the applicant must prevent the applicant from developing in compliance with the Ordinance. Such limitations may arise due to steep slopes, wetlands or parcel shape that limits the reasonable use of property.
3. Protection of Public Interest:
- a. Granting of an area variance must neither harm the public interest nor undermine the purposes of the ordinance.
 - b. The Board's decisions should reflect the objectives of this Ordinance.
 - c. A variance should not be granted if it would impair an adequate supply of light and air to adjacent property, substantially increases the danger of fire or otherwise endanger the public health, safety and welfare, or substantially diminish or impair property value in the neighborhood.
 - d. In granting a variance, the board may impose special conditions to ensure that the public welfare will not be damaged, to protect adjoining property and to preserve the essential character of the neighborhood.
 - e. A variance should only include the minimum relief necessary to allow reasonable use of the property.
- F. Length of Validity: Once a variance is granted, it is permanently attached to the property. A new owner of the property may make use of a variance that was granted to the previous owner if all of the conditions that are attached to the variance are met.
- G. Prohibited Variances: Use Variance Shall Not Be Granted
- A use variance grants permission for a use which is not permitted by the ordinance. Use variances are difficult to justify because they may undermine ordinance objectives and change the character of the neighborhood. A use variance is effectively a rezoning of property to allow a land use that the town already determined is incompatible with other uses in the zoning district and risks great changes in neighborhood character.

ARTICLE XVIII: NOTICES AND NOTIFICATIONS

Introduction and Explanation: Application for any structure or use that requires a public hearing before either the Zoning Committee or the Board of Appeals also requires that certain notifications be performed. Notification is required so that parties that might be affected by the requested action can be heard. A minimum of thirty days shall be allowed between the day of the original posting and the date of the hearing.

19.1 Actions That Require Notification

- A. Amendment or modification to Ordinance requests.
- B. Appeals to the Board of Appeals.
- C. Conditional Use hearings.
- D. Condominium creations or change requests.
- E. Subdivision requests.
- F. Variance requests.
- G. Zoning change requests.
- H. Any other action that requires a public hearing.

19.2 Notifications That Are to be Done by the Town Clerk

- A. Publication of a Class 2 notice (two insertions) in an authorized publication giving the location, date, time and reason for the public hearing. A minimum of thirty (30) days shall be allowed between the day of the original posting and the date of the hearing.
- B. Posting of notices in authorized locations within the Town, as set by the Town Board.
- C. Written notification in the following via regular first class mail at least fifteen (15) days prior to the scheduled hearing:
 - 1. Vilas County Zoning office.
 - 2. Wisconsin Department of Natural Resources.
 - 3. Any group of property owners who have a designated agent on file with the Town Clerk. Said agent shall file name and address annually with the Town Clerk (by January 1).
 - 4. Wisconsin Department of Transportation when changes to the Ordinance or amendments affect the use of properties adjacent or within one-quarter mile of the state highway system.

19.3 Notifications That Are to be Done by the Applicant/Agent

The applicant/agent must make the following notifications using Certified Mail – Return Receipt Requested at least fifteen (15) days prior to the scheduled hearing. The applicant/agent must bring the Domestic Return Receipt Card to the hearing as proof of notification:

- A. All property owners within 300 feet of all property lines in all directions as listed in the most current assessment roll books.
- B. Tribal Council, c/o Tribal Chairman, P.O. Box 67, Lac du Flambeau, WI 54538. (This notification is only required when the intended action would occur within the external boundaries of the Lac du Flambeau Indian Reservation).

C. Notification shall include:

1. Name of applicant/agent/petitioner.
2. Common address and adjoining waterways and roads.
3. Legal description.
4. Nature of request.
5. Property owner's name.
6. Property owner's signature.
7. Time, place and purpose of public hearing.

Note: A copy of the hearing application and a copy of the published notice for the public hearing will provide all of the above listed information.

ARTICLE XX: DEFINITIONS

Introduction and Explanation: Article XX 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/Agribusiness: For purposes of enforcement of this Ordinance, agricultural use includes, but is not limited to, beekeeping, floriculture, fish and fur farming, firewood harvesting and sales, forest and game management, grazing, maple syrup production, orchards, plant greenhouses and nurseries, raising of grain, grass, mint and seed crops, raising of fruits, nuts and berries, Christmas trees, 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 street and highways shall include freeways and expressways as well as arterial streets, highways and parkways.

Automotive 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 wrecking or storing of such motor vehicles.

Automotive 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 or Backlot: Lots which do not front on a navigable body of water.

Basement: The part of a building that is wholly or partly below ground level and greater than six feet (6') or more in depth.

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 the meals or lodging or meals and lodging are furnished or compensation for three (3) or more persons, not members of a family, not open to daily transients as a hotel or restaurant.

Boathouse: A permanent structure designed and used solely for the purpose of protecting or storing boats and marine equipment for noncommercial purposes.

Body Shop: A business for the repair of automobile, snowmobile, all terrain vehicles, or other water related recreational equipment and other motor vehicle bodies.

Bond: Money deposited as security against loss or damage; insurance policy guaranteeing surety against loss or damage.

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

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. A garage, shed, pole building, gazebo, boathouse, portable canvas shelter, portable building, privy, sauna, ice shanty and barns are examples of, but not limited to, accessory buildings.

Building Area: The specified portion of a lot which meets all of the yard setback requirements of this Ordinance and other applicable Ordinances and regulations.

Building Envelope: The area of a building within the dripline of overhangs and eaves.

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.

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

Building Setback Line: A line measured across the lot at that point where the main structure, including any overhang, must be in accordance with the setback requirements.

Building Site Clearance: The felling of trees and removal of stumps for the placement and maintenance of a building with a crawl space, basement or slab, using the exact dimensions of the exterior walls plus thirty (30) feet from each exterior wall.

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

CBRF: Group home requiring a state license for ambulatory or non-ambulatory individuals not to exceed an eight (8) bed facility. (Note: See Community Living also).

Campground – means any of the following:

- A. Primitive Campground means one or more campsites 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 camper's motor vehicle.
- B. Developed campground means any parcel or tract of land of five acres or more, containing one or more campsites, accessible by automobile, or other engine driven vehicle designed, maintained, intended or used for the purpose of supplying campsite accommodations for overnight use.
- C. Walk-in camp means a facility equivalent to a developed campground of one or more campsites except that it is not accessible by camper's motor driven vehicle.

Campsite: A designated parcel within a campground which is designated 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 service which is customarily carried on as a business.

Communal: Two or more.

Community Living: Any facility licensed or operated under the authority of the Department of Industry, Labor and Human Relations > (Note: See CBRF also).

Conditional Use: 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 Lac du Flambeau Zoning Committee or the Zoning Administrator. (Note: Conditional Use Permits are the same as Special Exceptions).

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 associated 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 units or property may be added.

Contiguous: Touching, meeting or joining at the surface, close together, bordering or adjoining, as two contiguous bodies, house or countries. 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 with form, shape or utility made of posts, beams, joists, wooden floor joined together in order to create an elevated surface area.

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.

District: An area of land designated by the Zoning Ordinance restricted to a specific type of zoning or use. (Note: Refer to Article V).

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.

Dry Boathouse: A boathouse located in its entirety landward of the ordinary high water mark.

Dwelling Attached: A single-family residence which is attached to another dwelling unit or another structure. Attached dwelling duplexes, tri-plexes, 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 which is entirely surrounded by open space on the same lot.

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, guest houses with kitchen and bathroom facilities are considered dwelling units.

Essential Services: Services provided by public or private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electrical steam, water sanitary sewerage, stormwater drainage and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, 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.

Existing Structure: A structure in existence at the time this Ordinance was adopted.

Family: One or more persons related by blood, marriage or adopting, or a group of not more than five persons not so related, maintaining a common household in a dwelling unit.

Farm, 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.

Fixture: Something that is fixed or attached as a permanent appendage.

Flood Fringe: That portion of a floodplain outside the floodway.

Floodplain: The land which has been or may be hereafter covered by floodwater during the regional flood. The floodplain includes the floodway and flood fringe.

Flood-Proofed: A special design, engineering or construction treatment of land or structures to prevent the entrance of water and/or the displacement of material or structures by the flow of flood water.

Floodway: The channel or stream and those portions of the floodplain adjoining the channel that carries and discharges the flood water or flood flows of any river or stream.

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.

Forest Best Management Practices (BMP's): Practices set forth in the manual titled "Wisconsin's Forestry Best Management Practices for Water Quality" (March, 1995). BMP's are considered minimum standards in forest management in Vilas County.

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

Frontage Street: Any street to be constructed by the developer of lands; existing street on which development shall take place.

Frontage Width, Waterbody: 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.

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, Commercial: A structure in which a business is conducted for the repair and/or storage of, but not limited to, motor vehicles, snowmobiles, all terrain vehicles, outboard motors and small engines.

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.

Gazebo: An accessory structure with open or screened sides not attached to a building.

Guest House: A dwelling unit used occasionally for occupancy by guests of the owner of the principal dwelling unit located on the same lot and shall not be leased or rented.

Habitable Living Area: The enclosed floor area arranged for living or sleeping. This area can include multiple levels of an existing structure. The area does not include decks, open porches, garages or overhangs.

Habitable Structure: Any enclosed floor space arranged for living and sleeping quarters.

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 description of a use which is a pastime – not carried on for income. A hobby farm may be any size. Animals kept on hobby farms may be horses or domestic animals. One (1) domestic animal will be allowed on any hobby farm on a minimum of two (2) acres. Two (2) to five (5) domestic animals are permitted on farms with minimum of five (5) acres. No more than five (5) animals in total are ever permitted on a hobby farm.

Home Occupation: A gainful occupation engaged in by persons residing in their principal dwelling and which is conducted in the principal dwelling or accessory structure and may require a Conditional Use Permit.

- A. The total space on a lot used for the home occupation shall not exceed 50% of the gross floor area of the principal dwelling.
- B. There shall not be any outside storage associated with the home occupation and all occupations shall

be conducted entirely within the principal dwelling or accessory structure, provided said occupation does not create an objectionable environment. Said occupation shall not cause vehicular traffic which has an impact on the residential character of the neighborhood. There shall be no noise, vibration, glare, fumes, odor, electrical interference, or other such condition created by said occupation that has any observable impact upon any location outside the principal dwelling or accessory structure where said occupation is conducted.

C. All home occupations shall comply with applicable State and Federal laws, rules and regulations and prior to the issuance of a Conditional Use permit, the applicant shall furnish proof of compliance.

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 during seasons when the hotel is open for business.

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

Indoor Recreational or Amusement Facilities: Land and structures, along with accessory equipment, designed and utilized for leisure time activities of a predominantly indoor commercial nature and of having a more specific purpose such as: Bowling alley, theater, basketball, volleyball, racquetball or tennis courts, fitness center, roller and ice skating rink, arcade, handball, gymnasium, archery range, rock climbing, table tennis, water park.

Junk and/or Salvage Yards: An area or premises consisting of one or more of the following, but not limited to: Waste discarded salvage materials, scrap metal, paper, rags, glass, plastic, used lumber, oil, oil and 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 or salvage yards shall be permitted in the Town of Lac du Flambeau, except in conformance with a plan approved by the Lac du Flambeau Zoning committee and the Vilas County Zoning Committee.

Kennel, Commercial: The keeping of more than six (6) pets over five (5) months old is considered to constitute a commercial kennel.

Lakelots: Lots with frontage on navigable water such as lakes, ponds, rivers or flowages.

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.

Land spreading: The spreading of any material, in any form onto a site for commercial purpose. This includes any sludge, solid waste, water, soil contaminated with any product or liquid contaminated with any product.

Local Government: For the purposes of these regulations, any city, town, village or country 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 the 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 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 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 with the buildable area at a right angle to the length.

Manufactured Dwelling (Modular): A dwelling structure or component thereof as defined in the Wisconsin Uniform Dwelling Code s.20.07(52)(a) which is intended for use as a dwelling and:

1. If of closed construction and fabricated or assembled on site or off site in manufacturing facilities for installation at the building site; or
2. Is a building of open construction which is made or assembled in manufacturing facilities away from the building site for installation, connection or assembly and installation on the building site and for which certification is sought by the manufacturer. A manufactured dwelling must conform to the minimum structural specifications as set forth in Article VI.

Manufactured Home: Any structure covered under the Wisconsin Manufactured Building Code, Section 101.70 et seq. Statutes, which is used or intended to be used primarily for human habitation, whether temporary or permanent. A manufactured home must conform to the minimum structural specifications as set forth in Article VI.

Manufactured Home Park, Mobile Home Park or Manufactured Dwelling 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, walk or other required adjuncts using a common septic system.

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

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 holes 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 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 haulageways, and any surface areas on which structures, equipment, materials and any other things used in the mining operation are situated.

Minimum Lot Width: The minimum lot width shall be measured at the ordinary high water mark setback line.

Minor Repairs: Minor repairs include replacement of siding, roofing, windows and doors, painting and other general maintenance activities. Structural and foundation activities including support beams, footings, concrete floors, posts, and pilings are not considered minor repairs. Vertical and horizontal expansions are not considered minor repairs.

Mobile Home: A transportable factory built structure as is defined in the Wis. Stats. s.101.91.(2k). 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 wall of rigid uncollapsible 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. A mobile home must conform to the minimum structural specifications as set forth in Article VI.

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 change 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.

Navigable Waters: Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state under section 144.26(2)(d), Wisconsin Statutes, notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under section 59.692, Wisconsin Statutes, and Chapter NR 115, Wisconsin Administrative Code, do not apply to lands adjacent to farm drainage ditches if:

- A. Such lands are not adjacent to a natural stream or river.
- B. Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and
- C. Such lands are maintained in nonstructural agricultural use.

Nonconforming Lot: Any lot created and recorded prior to the effective date of this Ordinance or amendments 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 applicable amendment to this Ordinance) took effect and which is not in conformity with the provisions of this Ordinance.

Nonhabitable Structure: See Building, Accessory.

Nonprincipal: Structures such as, but not limited to boathouses, decks, gazebos, accessory buildings or non-rental guesthouses.

Non-Shoreland: Land outside the defined parameters of shorelands and not fronting on a waterbody.

Objectionable Emission of Odor, Dust, Fumes, Smoke, Noise, Vibration: Any activity which adversely affects neighboring properties by the emission of odor, dust, smoke, fumes, noise or vibration which may result in the diminution of property values or is injurious to the public health and safety of the community or neighborhood.

Ordinary High Water Mark (OHWM): The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance or aquatic vegetation or other easily recognized characteristic.

OHWM: Ordinary High Water Mark.

Outdoor Recreational or Amusement Facilities: Land and structures, along with accessory equipment, designed and utilized for leisure time activities of a predominately outdoor commercial nature and having a more specific purpose such as: Tennis court, ice arena, basketball/racquetball court, disc or mini golf courses, baseball or soccer fields, cross country ski facility, sledding or skiing hill, skateboard park, non-motorized BMX track, paintball park, seaplane tour facility, amphitheater, radio controlled miniature boat, airplane or car facility, race tracks (car, truck ATV, motorcycle, snowmobile), swimming pool, water park, archery range, shuffleboard, fishing pond, zoo, flea market, dog park, water tubing facility, go kart track, dive center, arboretum.

Patio: A designated area constructed of materials embedded in the ground. Such as: asphalt, concrete, block, tile, flagstone, crushed rock, brick, wooden block, etc.

Pets: Any domesticated or tame animal that is kept as a favorite and cared for affectionately and not identified as livestock or horses. (See Kennel, Commercial).

Pier: A temporary or permanent structure extending into and over the water to be used for docking, mooring, fishing and other water related recreational uses and allowing for the free flow of water beneath it.

Porch, Enclosed: A structure attached to a dwelling, roofed with glassed sides.

Porch, Open: A structure attached to a dwelling, roofed with open or screened sides.

Portable Toilet: A commercial portable toilet commonly used at construction sites or sporting events. Requires pumping and other maintenance.

Private Club: A private business which may be licensed by the Wisconsin Department of Health and Family Services which includes dwelling units for short term rental in one or more permanent buildings utilized principally for the accommodation of employees or club members.

Private Sewage Disposal System: 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.

Professional Offices: A place of business where professional or clerical duties are performed such as, but not limited to: medical office, accounting, architect, counseling, engineering, insurance, investment/securities, law firm, real estate.

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 office, 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, drainageway 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 or socially undesirable to a state that provides long term environmental stability.

Recreational Area: Any park, playground, ballfield, 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 use 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 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.

Shoreland Recreation Area: An area along the shoreline where trees, shrubbery, or undergrowth have been selectively cut to provide a viewing corridor and to provide for recreation.

Shorelands: Lands within the following distance from the ordinary high water mark of navigable waters: 1,000 feet from a lake, pond or flowage and 300 feet from a river or stream or to the landward side of the floodplain, whichever is greater.

Shoreland – Wetland Zoning District: A zoning district, created as a part of a county shoreland zoning ordinance, comprised of shorelands that are designated as wetlands on the Wisconsin wetland inventory maps prepared by the department.

Sign: A name, identification, description, display or illustration which directs attention to an object, product, place, activity, person, institution, organization or business. Considered an accessory structure.

Sign, Gross Surface Area Of: The entire area within a single, continuous perimeter enclosing the extreme limits of such sign. Such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display.

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

Slash: Any tree tops, limbs, bark, abandoned forest products, windfalls or other debris left on the land after timber or other forest products have been cut.

Special Exception: See Conditional Uses.

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

Structure: Anything erected, having shape, form or utility, the use of which requires a permanent location on the ground. Such as: stairways to the water and fences shall be construed to be structures. All satellite dishes and signs, whether mobile or permanently affixed to the ground shall be considered structures.

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

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

Unnecessary Hardship: That circumstances 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 structured 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 service 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 Appeals to construct, alter or use a building or structure in a manner that deviated from the dimensional standards of this Ordinance.

Visual Clearance Triangle: A space approximately triangular in shape, on a corner lot, in which nothing is permitted to be built, placed or grown in a way that impedes visibility.

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

Waterbody: A navigable waterway.

Wet Boathouses: A boathouse extending in whole or in part waterward of the ordinary high water mark.

Wetlands: Those areas where water is at, near or above the land surface long 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 is a yard paralleling along the full length of the rear lot line between the side lot lines.

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

ATTACHMENT 1

The Town of Lac du Flambeau reserves the right to interpret the definitions and use designations of this table including uses of land not covered under the descriptions of this table.

PERMITTED AND CONDITIONALLY PERMITTED USES BY ZONING DISTRICT

P = Permitted;

R-2 = Multi Family Res.;

REC = Recreation;

A-EX = Agricultural;

CU = Conditional Use;

GB = General Business;

I = Industrial;

AP = All Purpose

R-1 = Single Family Res.;

CB = Community Business;

F = Forestry;

Blank = Not Permitted;

| | R-1 | R-2 | GB | CB | REC | I | F | A-EX | AP |
|---|-----|-----|----|----|-----|----|---|------|----|
| Agri-Business | | | P | P | CU | P | P | P | P |
| Agri-Business Not Req. Public Service | | | | | | | P | P | P |
| Agricultural Use - Improvements Contributing To | | | | | | | | P | P |
| Airports and Landing Fields Private | CU | CU | CU | | CU | CU | | | CU |
| Auto and RV, Sales, Service, Repairs | | | CU | CU | CU | P | | | P |
| Auto Service Stations | | | CU | P | CU | P | | | P |
| Banks, Credit Unions, Financial Institutions | | | P | P | CU | P | | | P |
| Bed and Breakfast | CU | CU | P | P | P | | | | P |
| Building and Trade Contractors; General and Special | | | | | CU | P | | | P |
| Body Shops | | | CU | | CU | | | | P |
| Campgrounds | | | CU | | P | | P | | P |
| Community Based Residential Facilities (CBRF) | CU | P | P | P | P | | | P | P |
| Eating and Drinking Establishments | | | CU | P | CU | P | | | P |
| Essential Services | P | P | P | P | P | P | P | P | P |
| Farmhouse & Farms | | | | | | | | P | P |

| | R-1 | R-2 | GB | CB | REC | I | F | A-EX | AP |
|--|-----|-----|-----|----|-----|----|---|------|----|
| Forest | CU | CU | | | CU | P | P | P | P |
| Forest Product Industries | | | | | | P | | P | P |
| Group Lodging | | P | P | | P | P | | | P |
| Gun Clubs | | | CU | | CU | CU | | | CU |
| Guesthouse - Nonrental | P | P | P | CU | P | P | P | P | P |
| Guesthouse - Rental, Apt, etc. | | P | P | | P | P | | P | P |
| Health Care Facilities | | | CU | | CU | P | | | P |
| Heavy Equipment - Storage Yard | | | | | | P | | | P |
| Hobby Farms | CU | CU | CU | | P | | P | P | P |
| Home Occupations | CU | CU | CU | | CU | P | P | | CU |
| Hotels/Motels | | | P | P | P | P | | | P |
| Indoor Recreation or Amusement Facilities - See Definition | | | CU | P | CU | P | | | P |
| Kennels - Commercial | | | CU | | CU | | | | P |
| Manufacturing/Industrial | | | | | | P | | | P |
| Marinas - Commercial | | | CU | CU | P | | | | P |
| Mini Storage | | | P | P | P | P | | | P |
| Mobile Homes - Individual | P | P | P | CU | P | P | P | P | P |
| Mobile Home Parks | | P | P | | P | | | | P |
| Motor Freight Terminals | | | | | | P | | | P |
| Objectionable Emission of Odor, Dust, Fumes, Smoke, Noise (Recycling Center) | | | CU | | CU | CU | | CU | CU |
| Outdoor Recreation or Amusement Facilities - See Definition | | | CU | | CU | | | | CU |
| Parks, Playgrounds and Golf Courses | CU | CU | P | | P | P | | | P |
| | | | | | | | | | |
| Professional Offices | | | P | P | P | P | | | P |
| Public and Semi-Public Uses | CU | CU | P | P | P | P | | CU | P |
| Quarries, Mines and Gravel Pits | | | | | | CU | | | CU |
| | | | A-1 | | | | | | |

| | R-1 | R-2 | GB | CB | REC | I | F | A-EX | AP |
|--|-----|-----|----|----|-----|----|----|------|----|
| Residential - Multi Family | | P | P | CU | P | P | | P | P |
| Residential - Single Family | P | P | P | CU | P | P | P | P | P |
| Residential Attached to Commercial Use | | | CU | P | CU | P | | | P |
| Resorts | | P | P | P | P | | | | P |
| Retail Sales and Service | | | CU | P | CU | P | | | P |
| Riding Stables | | | CU | | CU | | | | P |
| Road Side Produce Stands | | | | | P | | | P | P |
| Sales, Service and Repair (Misc.) | | | | | CU | P | | | P |
| Salvage and Junkyard and Demolition | | | | | | CU | | | CU |
| Disposal Sites, Septage Disposal Sites | | | | | | CU | | | CU |
| Transient/Boarding Housing | | | P | P | P | | | | P |
| Utility Facilities | CU | CU | CU | CU | CU | P | CU | CU | CU |
| Warehousing and Wholesaling | | | CU | | CU | P | | | CU |

