

- (8) The location and description of any area to be dedicated to the public.
- (9) Landscape plan and plant list.
- (10) Proof of financing capability.
- (11) Analysis of economic impact on the community.
- (12) Construction schedule indicating the approximate dates when construction of the project can be expected to begin and be completed.
- (13) Amendments, bylaws, provisions or covenants which govern the organizational structure, use, maintenance and continued protection of the development and any of its common services, common open areas or other facilities.

(I) APPROVAL OF SPECIFIC IMPLEMENTATION PLAN:

- (1) Following a review of the specific implementation plan, the Zoning Committee may approve the plan and authorize the development to proceed accordingly or disapprove the plan and send it back with specific objections for further negotiation with the developer.
- (2) In the event of approval of the specific implementation plan, the building, site and operational plans for the development as approved, as well as all other commitments and contractual agreements with the Town offered or required with regard to project value, character and other factors pertinent to an assurance that the proposed development will be carried out as presented in the official plans, shall be recorded by the Developer in the Vilas County Register of Deeds Office within 12 months of the date of approval by the Zoning Committee. This shall be accomplished prior to the issuance of any zoning permit. If the specific implementation plan is not recorded as approved within 12 months of the date of approval, the approval shall be null and void and a new petition and approval process shall be required to obtain specific implementation plan approval.
- (3) Any subsequent change or addition to the plan or use shall first be submitted for approval to the Zoning Committee and if, in the opinion of such Committee, the change or addition constitutes a substantial alteration of the original plan, the procedure provided in sub. (7)(a) shall be required.
- (4) Within 30 months of approval of the general development plan or within 18 months or the recording of the specific implementation plan, whichever is less, the basic right of use for the area, when in conformity with the approved specific implementation plan, shall lapse and be null and void, unless the project as approved is commenced by the issuance of a zoning permit.

## **1.500 EXISTING USES, STRUCTURES AND LOTS**

### **1.501 INTRODUCTION AND EXPLANATION:**

(A) GENERAL:

This subchapter contains rules pertaining to uses, structures and lots that existed before the effective date of this chapter, but are not in full compliance with the provisions of this chapter. The practice of permitting non-conforming dwellings, non-conforming trade and industry and non-conforming lots to continue is commonly referred to as “grandfathering” or excepting under a “grandfather clause”.

(B) EXISTING CONFORMING CONDITIONAL USES:

- (1) Where a use is classified as a conditional use under this chapter and exists as a conditional or permitted use at the date of the adoption of this chapter, it

shall be considered a legal conditional use and not a legal non-conforming use. The authorization granted by this section is in lieu of a conditional use permit and is applicable to the use and structures as they exist at the date of the adoption of this chapter. A conditional use permit shall be required for any expansion or alteration of structures as described in §1.502 or where the use of any such structure is changed to a different conditional use.

- (2) Where a use is not allowed as a conditional or permitted use under this chapter and exists as conditional use on the date of the adoption of this chapter, it shall be considered non-conforming use and shall be subject to the applicable non-conforming use provisions of this subchapter.

#### **1.502 NON-CONFORMING USES:**

(A) GENERAL:

Where a use is not allowed either as permitted or a conditional use under this chapter, but existed as a legal use on the date of the adoption of this chapter, it shall be considered a “legal non-conforming use”. Uses that legally existed at the time of the adoption of this chapter are permitted to continue, subject to the limitations on structural alterations, additions and repairs of such structures set forth in this subchapter, unless the use of property is permanently changed to a conforming use.

(B) CHANGE OF NON-CONFORMING USE:

Provided no structural alterations are made, a non-conforming use may be changed to another non-conforming use of the same or more restrictive classification. A conditional use permit under §1.606 shall be required for any expansion of the building footprint or height of a non-conforming use structure.

(C) DISCONTINUANCE OF NON-CONFORMING USE:

If a non-conforming use under this chapter is discontinued for 12 consecutive months, any further use of the structure or premises shall conform to this chapter with the exception of those structures or properties in probate, foreclosure or other forms of litigation, or subject to pending sale.

(D) EXISTING NON-CONFORMING CONDITIONAL USES:

(1) Where a use is classified as a conditional use under this chapter and existed as conditional or permitted use on the date of the adoption of this chapter, it shall be considered a legal conditional use and not a legal non-conforming use. The authorization granted by this section is in lieu of a conditional use permit and is applicable to the use and structures as they exist at the date of the adoption of this chapter.

(2) A conditional use permit under §1.606 shall be required where the use of property is changed subject to a different conditional use. A conditional use permit under §1.606 shall be required for any expansion of the building footprint or height of an existing conditional use structure under par. (a), except that the following expansions and alterations require zoning permit only.

- (a) The construction of an unattached garage or accessory building.
- (b) The construction of an attached garage or accessory building not to exceed 20% of the area of the building to which it is attached.
- (c) Any alteration, expansion or replacement of a structure, not to exceed 20% of the area of the structure in existence on the date of adoption of this chapter, providing the increased area meets the zoning setbacks.

- (d) Any expansion in the height of a principal or accessory building that does not result in an increase in habitable area.
- (e) The construction of an attached deck, eaves, projecting windows or other nonstructural features.

**1.503 NON-CONFORMING STRUCTURES:**

(A) GENERAL:

Where a structure does not conform to the dimensional or setback requirements of this chapter, but was a conforming or legal non-conforming structure prior to the date of adoption of this chapter, such a structure is permitted to remain as a legal non-conforming structure, subject to limitations on structural alterations, additions and repairs as set forth in this subchapter.

(B) NON-CONFORMING STRUCTURES ON BACKLOTS:

- (1) Modification of a Backlot Non-conforming Structure. A non-conforming structure may be altered or expanded if the modification does not result in any further encroachment on the setback that made the structure non-conforming.
- (2) Accidental Destruction of a Backlot Non-conforming Structure. Should any non-conforming structure located on a backlot be destroyed by a natural catastrophe or accidental fire, the structure may be replaced, provided there is no further encroachment toward the lot line that made the structure non-conforming.

(C) NON-CONFORMING STRUCTURES ON WATERFRONT LOTS:

Towns may not regulate anything that is regulated by the standards in NR115 or by a county shoreland zoning ordinance enacted under 59.692. Towns may regulate side yard setbacks within the setback of 0' – 75' from the Ordinary High Water Mark.

- (1) Restrictions Applicable to All Non-conforming Waterfront Structures.
  - (a) Side and Rear Lot Line Setbacks: Alterations or additions to non-conforming waterfront structures shall not encroach into any required side or rear lot line setback beyond any existing encroachment. Except as otherwise restricted by this chapter, any existing encroachment may be continued in expansions.
  - (b). Public Road and State Highway Setback: In the area at least 75 feet from the OHWM, alterations or additions to non-conforming waterfront structures shall not encroach into any required public road or State highway setback beyond the existing encroachment. Except as otherwise restricted by this chapter, any existing encroachment may be continued in expansions.
  - (c) Permit Required: County and Town zoning permits are required for any alterations or additions under this subsection. A Vilas County Shoreland Alteration Permit may also be required as specified by the Vilas County Shoreland Zoning Ordinance.
  - (d) Vilas County Regulations Applicable: Vilas County Shoreland Zoning Ordinance provisions are applicable. Paragraphs A, B and D of §6.3 of such ordinance are hereby adopted by reference.
- (2) External Alterations and Additions to Non-conforming Waterfront Principal Structures: Vilas County Shoreland Ordinance provisions are applicable. §6.4 of such ordinance is hereby adopted by reference.
- (3) Accidental Destruction of Waterfront Non-conforming Principal Structure: Should any shoreland non-conforming principal structure be totally destroyed by a natural catastrophe or accidental fire, the structure may be rebuilt within

the footprint of the original structure, with additions and alterations to the extent permitted under §(c).

**1.504 NON-CONFORMING VACANT LOTS:**

Non-conforming vacant lots existing at the time of the adoption of this chapter may generally be constructed upon, providing certain minimum requirements are met. Nothing in this chapter shall prohibit the lawful use of a legal non-conforming sized lot for the erection of a structure that can conform to the minimum setback, side lot line and rear lot line requirements of this chapter, provided the lot was described and recorded in the Vilas County Register of Deeds' Office prior to June 19, 2001. Any deviation for the setback, side lot line or rear lot line requirements shall require issuance of a variance or conditional use permit by the Board of Appeals as provided in §1.606 of this chapter.

**1.505 DISPOSITION OF NON-CONFORMING MOBILE HOMES:**

(A) DISCONTINUED USE:

If a non-conforming mobile home is discontinued for use as a dwelling for 12 consecutive months, any further use of the mobile home as a dwelling will require a safety inspection and an Occupancy Permit issued by a Wisconsin Certified Uniform Dwelling Code Building Inspector, with the exception of those structures or properties in probate, foreclosure or other forms of litigation or subject to a pending sale.

(B) ACCIDENTAL DAMAGE OR DESTRUCTION:

If any mobile home used as a dwelling in a location specified in §1.402(1) of this chapter prior to June 19, 2001, is destroyed or damaged by a natural catastrophe, accidental fire, arson or vandalism, the mobile home may be restored.

**1.600 ADMINISTRATION AND ENFORCEMENT**

**1.601 CHANGES AND AMENDMENTS:**

The Town Board may from time to time amend, supplement, change or repeal this chapter, the boundaries, districts or regulations herein established in the manner provided by state statute. Any proposed change shall first be submitted to the Zoning Committee for its recommendation and report. Amendments to this chapter and rezonings must be passed upon by the Town Board after review and recommendation by the Zoning Committee.

**1.602 ZONING COMMITTEE:**

(A) INTRODUCTION AND EXPLANATION:

This section describes the Zoning Committee. This five member Committee oversees the administration and enforcement of this chapter and is authorized to conduct hearings and recommend changes and amendments to this chapter as well as other zoning and land use ordinances. The Zoning Committee also hears and decides conditional use permit applications where such permits can be granted consistent with the public safety, health and welfare.

(B) CREATION OF THE ZONING COMMITTEE:

The five member Zoning Committee shall be appointed by the Town Chairperson and confirmed by the Town Board. Those committee members shall also serve on the Town's Plan Commission as provided in Section 60-62(4)(a) of the Wisconsin