

**STATE OF WISCONSIN**  
**Town of Saint Germain, Vilas County**

**Code of Ordinances**  
**Chapter 1: Zoning**

*NOTE: The use and development of land in the Town is subject to this chapter, other laws, regulations and ordinances including the Vilas County Zoning Ordinance, state building codes and related inspections and other ordinances in effect in the Town. We encourage the permit applicant to discuss any application with the Town Zoning Administrator, 561 Hwy 155, Saint Germain, Wisconsin 54558, Telephone (715) 542-3155, who is generally available weekdays between 7:00 a.m. and 2:30 p.m.*

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**1.100 INTRODUCTION**

**1.101 STATUTORY AUTHORIZATION:**

This Town Zoning Code is adopted pursuant to the authorization contained in §60.10(2)(c), 60.22, 60.62, 61.35 and 62.23, Wis. Stats.

**1.102 COUNTY ZONING ORDINANCES ADOPTED:**

The Town hereby adopts by reference the Vilas County General Zoning Ordinance and Shoreland Zoning Ordinance.

**1.103 PURPOSE:**

This chapter promotes the public health, safety and general welfare.

**1.104 COMPLIANCE:**

The use of any land or water; the size, shape and placement of the lots; the use, size and locations of structures on lots; the installation and maintenance of water supply and waste disposal facilities; the filling, grading, lagooning, dredging of any land; the cutting of shoreland vegetation; and the subdivision of lots shall be in full compliance with the terms of this chapter and other applicable regulations.

**1.105 ZONING PERMIT REQUIRED:**

No structure shall hereafter be built, erected, placed, enlarged, altered in a manner that increases the footprint of the structure, or moved within the area subject to the provisions of this chapter, nor shall the principal use of the property be changed from one permitted use classification to another (for example, from residential to commercial), unless a zoning permit has been applied for in writing and obtained from the Town Zoning Administrator. Expansion of the building footprint or the height of an existing structure requires a zoning permit regardless of value. Such permit shall be posted in a

prominent place on the premises or structure prior to the building, erection, placement, enlargement, alteration or movement of such structure.

**1.106 INTERPRETATION:**

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

**1.107 SEVERABILITY:**

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

**1.108 ABROGATION AND GREATER RESTRICTIONS:**

It is not intended by this chapter to repeal, abrogate or impair or otherwise affect the application or enforcement of any existing deed restriction, easement, covenant or ordinance other than zoning, except where this chapter imposes greater restriction, easement, covenant or ordinance other than zoning, the provisions of this chapter shall prevail.

**1.109 BUILDINGS UNDER CONSTRUCTION:**

Nothing herein contained shall require any change in the plans, construction, size or designated use of any building, structure or part thereof for which a zoning permit under existing or previous requirements has been issued and that is under construction at the time that this chapter is adopted.

**1.110 TITLE:**

This chapter shall be known as, referred to and cited as the “Saint Germain Code of Ordinances, Chapter 1, Zoning”.

**1.111 DEFINITIONS:**

For the purpose of this chapter, certain terms used herein are defined as set forth in this section. Words and phrases not defined in this section or elsewhere in this chapter shall be construed by resort to the following, in order of priority, the Vilas County Zoning Ordinance, Wisconsin Statutes, Wisconsin zoning case law, other states’ zoning case law, the dictionary and common usage.

Access Path: A paved or unpaved walkway primarily intended for pedestrian traffic.

Accessory Building: A non-habitable building accessory or incidental with the principal structure to which it is related.

Average Lot Width: The perpendicular distance between parallel side lot lines. The average lot width of other lots shall be computed by using distances between nonparallel side lot lines which are perpendicular to the line bisecting the angle formed by the side lot lines, as provided in APPENDIX A and incorporated into this chapter by reference, subject to the following: in the event that the average lot width as measured above is less than the width of a lake lot measured at 90° from the point where either side lot line intersects with the ordinary high watermark (not along the meander line of the high watermark), then the average lot width shall be its width as so measured at 90° from the side lot line at its intersection with the ordinary high watermark.

Backlot: A lot which does not front on a navigable body of water.

Bed and Breakfast Establishment: A place of lodging that provides 8 or fewer rooms for rent is the owner's personal residence and is occupied by the owner at the time or rental.

Boarding House or Group Lodging: A building other than a hotel where meals or lodging and meals may be furnished for compensation for 3 or more persons not members of a family, not open to daily transients as a hotel or restaurant.

Boat Launching: The conveyance of watercraft from land into any navigable waterway or from any navigable waterway onto land by means of trailer or other vehicle.

Body Shop: A business for the repair of automobiles, boats and other motor vehicle bodies.

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

Building Footprint: The total area of a building measured by its external length and width including, without limitation because of enumeration, all eaves, overhangs, porches, decks and stairways.

Building Setback Line: A line measured across the width of the lot at that point where the building footprint, including any overhang, is in accordance with setback provisions.

Campground: Any location which provides 2 or more sites designated, maintained, intended or used for overnight camping in tents or vehicles.

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 recreation vehicle or tent.

Club: An association or 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.

Commercial District: The Downtown Business District and/or the Community and Highway Business District.

Community Living Facility: A place where 5 or more adults, who are not related to the operator or administrator and who do not require care above intermediate level nursing care, reside and receive care, treatment or services that are above the level of room and board, but that include no more than 3 hours of nursing care per week per resident.

Conditional Use: A land use which is authorized under this chapter without a conditional use permit under §1.501(2) or upon the issuance of a conditional use permit pursuant to §1.606. (*NOTE: A conditional use is the same as a special exception.*)

Condominium: A parcel of land and any improvements thereto held in the condominium form of ownership pursuant to §703, Wis. Stats.

Day: For enforcement purposes, any portion of a 24-hour period commencing at 12:00 midnight.

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 depositing or extraction of earthen materials.

Duplex or Two Family Dwelling: A structure containing 2 dwelling units. Duplex includes a manufactured home which contains 2 dwelling units.

Dwelling Unit: A structure or a portion thereof that is arranged, designed, used or intended for use for human habitation, by one or more persons maintaining one common household, to the exclusion of all other persons. It includes without limitation because of enumeration, mobile homes and dwelling areas above a garage.

Dwelling, Multiple Family or Multi-Family: A structure containing 3 or more dwelling units.

Dwelling, Single Family: A structure containing one dwelling unit. Single family dwelling includes a manufactured home or a mobile home which contains one dwelling unit.

Essential Services: Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electrical steam, water sanitary sewerage, storm water drainage and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings. Essential services do not include general utility offices or other structures not related to the direct delivery of service.

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

Habitable Living Area: The enclosed floor area arranged and maintained for sustaining living purposes. All habitable living areas, including kitchens, hallways, bathrooms, and corridors shall have a ceiling height of at least 7 feet. Habitable rooms may have ceiling heights of less than 7 feet provided at least 50% of the room's floor areas has a ceiling height of at least 7 feet. Beams and girders or other projections shall not project more than 8 inches below the required ceiling height.

Home Occupation: A gainful occupation engaged in by a person residing in their dwelling which is conducted in the principal or accessory structure and meets the following criteria:

- (A) The total space on a lot used for the home occupation shall not exceed 49% of the gross floor area of the principal building.
- (B) There shall not be more than 3 employees on the premises at any time.
- (C) There shall not be any outside storage associated with the home occupation and all occupations shall be conducted entirely within a building.
- (D) The occupation must be compatible with other permitted uses in a district so as not to diminish or impair the use, value or enjoyment of surrounding properties.
- (E) The occupation cannot be one that causes excessive noise, light pollution, noxious fumes or dust; creates a traffic problem to adjoining properties; or is otherwise averse to the public health and safety or peaceful enjoyment of adjoining properties.
- (F) A home occupation does not include an occupation which is engaged in solely by an occupant of a dwelling, without employees, and which does not invite customers, clients or other regular traffic to the dwelling.

Home Rental: The rental of a dwelling for any term of less than 30 consecutive days.

Lake Lot: A lot with frontage on a lake, pond, river or flowage.

Lot: A parcel of land occupied or intended to be occupied by one building and its accessory buildings and uses, except as otherwise provided herein. A lot maybe a whole quarter, quarter section, fractional section, government lot or other parcel described in a conveyance recorded in the office of the Vilas County Register of Deeds. No land included in the right-of-way of any street, highway or railroad shall be included when computing lot area or dimensional requirements.

Lot Front: That portion of a lot abutting on a street or waterway that is ordinarily regarded as the front of the lot.

Lot Rear: That portion of a lot paralleling along the full length of the rear lot line between the side lot lines.

Lot Side: That portion of a lot paralleling along a side lot line from the front lot line to the rear lot line.

Manufactured Home: Refer to Town of Saint Germain Code of Ordinances, Chapter 3, Mobile Homes and Manufactured Housing

Mean Height: For purposes of enforcement, the building height for gable, cross gabled, hip, cross-hipped, salt box, and lean to roofs shall be the mean height. Mean height is defined as: (A) the measurement from the lowest point of finished grade to eave, plus (B) the measurement from the lowest point of finished grade to the highest roof point:

$$\frac{A + B}{2} = C \text{ which is the mean height of the building.}$$

For purposes of enforcement the building height for Mansard and Gambrel roofs, (A) shall be defined as the lowest point of the finished grade to ridgeline.

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

Mixed Residential and Business Use: One or more dwelling units in addition to commercial business space in the same or an adjoining structure, but does not include a home occupation.

Mobile Home: Refer to Town of Saint Germain Code of Ordinances, Chapter 3, Mobile Homes and Manufactured Housing

Mobile Home Park: A plot of land leased or subdivided and sold, primarily or exclusively for the setting of mobile or manufactured homes, and upon which two or more mobile or manufactured homes are situated.

Ordinary High Watermark or 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, or predominance of aquatic vegetation.

Planned Residential Unit Development: A parcel or tract of land having an area required in the district regulations under common management, single ownership and which is the site for two or more principal residential buildings and where regulations governing yard requirements as required by district regulations may be modified as regulated in this chapter.

Professional Service: A business providing services, or a combination of goods and services, offered to the public by a State licensed professional. "Professional service" includes, but is not limited to, services offered by an attorney, accountant, architect, investment advisor, realtor or veterinarian.

Public and Semi-Public Uses: Uses principally of an institutional nature and serving a public need. "Public and semi-public uses" include, but are not limited to, churches, public and private schools, libraries, museums, post offices, police and fire stations, government offices, town halls and public garages.

Recreation Vehicle: Any of the following:

- (A) Travel Trailer: A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses and identified as a travel trailer by the manufacturer.
- (B) Pickup Coach: A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation use.
- (C) Motor Home: A portable, temporary dwelling used for travel, recreation and vacation use, 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.

Residential District: Any district classification in which single family, duplex and/or multiple family dwellings are a permitted use.

Resort: An area providing temporary lodging in housekeeping cabins, guesthouses or a lodge, but does not include a campground or mobile home park.

Setback Lines: The lines established adjacent to public roads, shorelines and lot lines for defining limits within which no building or any part thereof shall be erected or permanently maintained. For purposes of enforcement, all measurements are to be taken horizontally.

Shoreland: The provisions of Shoreland Zoning apply:

- (A) Within one thousand (1,000) feet of the ordinary high water mark of navigable lakes, ponds or flowages
- (B) Within three hundred (300) feet of the ordinary high water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater.

Single Family Residential District: Residential – Low Density, Residential – Medium Density, Lakeshore Residential and Rural Residential Districts.

Structure: Anything constructed, the use of which requires a permanent location on the ground. For purposes of this chapter, fences, stairways necessary to get access to the water, access paths and travelway, light poles, flag poles, doghouses, pump houses or similar structures with a footprint not greater than 12 square feet and not exceeding 4 feet in height are not considered structures.

Zoning District Densities:

- (A) Residential Low Density: One single family dwelling with optional attached or detached garage, and accessory buildings which may include a garage.
- (B) Residential Medium Density: One single family dwelling with optional attached or detached garage, and accessory buildings which may include a garage.

## **1.200 SETBACKS, DIMENSIONAL, AND SPECIAL REQUIREMENTS**

*NOTE: Consult the Vilas County Shoreland Zoning Ordinance for lot area, setback and dimensional requirements for lake lots in addition to this section.*

### **1.201 SETBACKS:**

- (A) Waterfront Setbacks: As of January 4, 1986, the Town of Saint Germain has adopted the Vilas County Shoreland Zoning Ordinance and any subsequent amendments.
- (B) Setbacks from Town Roads: Except as otherwise provided in this chapter, setbacks from all Town roads shall be a minimum of 42 feet from the surveyed lot line.