

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

**Code of Ordinances**  
**Chapter 1: Zoning**  
**(Adopted January 26, 2023)**

*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, Town Offices, St. Germain Community Center, (715) 891-0699.*

**INDEX OF CHAPTER 1**

- Section 1.100 - INTRODUCTION
- Section 1.200 - DIMENSIONAL, AND SPECIAL REQUIREMENTS
- Section 1.300 - ZONING DISTRICT REGULATIONS
- Section 1.400 - SPECIFIC USES
- Section 1.500 - EXISTING USES, STRUCTURES AND LOTS
- Section 1.600 - ADMINISTRATION AND ENFORCEMENT
- Appendix (A)(1) – ZONING FEES

## **1.100 INTRODUCTION**

**1.101 TITLE:**

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

**1.102 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.

**1.103 COUNTY ZONING ORDINANCES ADOPTED:**

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

**1.104 PURPOSE:**

This chapter promotes public health, safety and general welfare and codifies land use provisions of the Town Comprehensive Plan.

**1.105 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.

**1.106 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.

**1.107 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.

**1.108 SEVERABILITY:**

Each section and provision of this chapter is hereby declared to be independent, and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that, if any provision of this chapter, or the application thereof to any person or circumstances is held to be invalid, the remaining sections or provisions and the application of such sections and provisions to any person or circumstances other than those to which is held to be invalid shall not be affected thereby, and it is hereby declared that such sections and provisions would have been passed independently of such section or provision so declared to be invalid.

**1.109 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.

**1.110 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.

**1.111 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 or Garage Not Attached to a Dwelling (includes carports): Any non-dwelling structure having walls or a roof.

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.

Basement: A space within a dwelling (other than a mobile or single-wide manufactured home), between the ground and the first floor, with a height of five or more feet.

Bed and Breakfast Establishment: A place of lodging that provides, for more than 10 nights in a consecutive 12-month period, rental of eight or fewer rooms to no more than 20 guests at any time, and is the owner's personal residence, is occupied by the owner at time of rental, and in which the only meal served is breakfast.

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.

Camping: The act of residing for one or more days and nights in a tent, camping trailer, motorized recreational vehicle or other shelter intended for such use.

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.

Carport: A non-dwelling structure primarily intended for and used primarily for the storage or shelter of motor vehicles as defined in this Chapter. Carports not attached to dwellings are considered garages.

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.

Crawl space: An unoccupied, unfinished, space within a dwelling (other than a mobile or single-wide manufactured home), between the ground and the first floor, with a maximum height of five feet.

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 or 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 Attached to a Dwelling: Primarily used for storage or shelter of motor vehicles as defined in this Chapter and personal belongings.

Garage or Accessory Building Not Attached to a Dwelling (includes carports): Any non-dwelling structure having walls or a roof.

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 lodging in a resort or non-resort setting, such rental activity subject to applicable State of Wisconsin Department of Public Health licensing and/or Town of Saint Germain Code of Ordinances, Chapter 12, Accommodations Tax provisions.

Home Rental, long term: The rental of a dwelling for 30 consecutive days or longer is not subject to Town of Saint Germain Code of Ordinances, Chapter 12, Accommodations Tax provisions.

Home Rental, short term: The rental of a dwelling for fewer than 30 consecutive days is subject to Town of Saint Germain Code of Ordinances, Chapter 12, Accommodations Tax provisions.

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 generally opposite from the lot front.

Lot Side: Those portions of a lot generally between the lot front and lot rear.

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:  
$$\frac{A + B}{2} = C$$
 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.

Motor vehicle: A vehicle which, when in use, requires State registration; includes but not limited to any automobile, truck, bus, boat, aircraft, motorcycle, moped, snowmobile or All-Terrain or Utility Terrain vehicles.

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.

Person: An individual, proprietorship, partnership, corporation, association or other legal entity.

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.

Principal building: The building intended for primary use as permitted by regulations of the zoning district in which the building is located. *Note: Garages not attached to*

*dwellings, and accessory buildings as defined in this Chapter, are not considered principal buildings.*

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: A business licensed by the State of Wisconsin Department of Public Health to provide temporary lodging of less than 30 consecutive days in one or more cabins or guesthouses or a lodge or a single-family dwelling (excludes a campground or mobile home park).

Self-storage Rental Units: A privately-owned building designed to provide two or more storage spaces which are available for rent/lease by tenants.

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.

Shipping Container: A non-dwelling structure other than a garage or accessory building as defined in this Chapter, designed and constructed for transporting and storing freight, such as stackable intermodal ocean cargo containers (subject to §1.409 of this chapter).

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: (Revised 01/26/203) Anything constructed and having a footprint of 12 square feet or greater and a height of four feet or more, and likely to stay where placed for one year or longer. *Exceptions: Fences, signs, stairways necessary for waterfront access, light poles, flag poles, and pump houses or similar constructions are not considered structures.*

Temporary Permit: A Zoning Permit issued under special circumstances when regular Zoning Permit is not applicable.

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 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 MINIMUM DIMENSIONAL STANDARDS FOR DWELLINGS:**

Every structure used as a dwelling, with the exception of mobile or single-wide manufactured homes, shall have a minimum width of 24 feet and no dwelling shall have a footprint of less than 720 square feet of habitable living area.

### **1.202 MAXIMUM AREA LIMITATION FOR ACCESSORY BUILDINGS OR GARAGES NOT ATTACHED TO A DWELLING:**

- (A) On lots equal to or greater than 1.5 acres, accessory buildings or garages not attached to a dwelling shall have a maximum size of 1500 square feet in area. Buildings larger than 1,500 square feet are subject to conditional use permits.
- (B) On lots less than 1.5 acres, accessory buildings or garages not attached to a dwelling shall have a maximum size of 672 square feet in area. Buildings larger than 672 square feet are subject to conditional use permits.
- (C) No more than one garage, carport, or accessory building may be placed on any parcel prior to the placement of a permitted dwelling. (Revised 01/26/2023)
- (D) No deck(s), dormer(s), patio(s), or porch(es) shall be permitted on any garage, carport or accessory building if there is no permitted dwelling on the parcel. (Revised 01/26/2023)

### **1.203 BUILDING HEIGHT LIMITATIONS:**

Unless otherwise prescribed in §1.300 of this chapter, maximum building heights or maximum mean building heights shall be:

- (A) Residential Districts:
  - (1) Principal Building: 35 feet mean height.
  - (2) Accessory Building or Garage not attached to a dwelling:
    - (a) On lots equal to or greater than 1.5 acres, the mean height is 25 feet.
    - (b) On lots less than 1.5 acres, the mean height is 15 feet.
- (B) Commercial Districts: Principal and Accessory Building or garage not attached to a dwelling, the maximum mean height is 35 feet

## **1.300 ZONING DISTRICT REGULATIONS**

### **1.301 ESTABLISHMENT OF DISTRICTS:**

For purposes of this chapter, the Town is hereby divided into 12 zoning districts which shall be designated as:

- (A) RESIDENTIAL – LOW DENSITY DISTRICT See §1.304 of this subchapter.
- (B) RESIDENTIAL – MEDIUM DENSITY DISTRICT See §1.305 of this subchapter.
- (C) MULTI-FAMILY RESIDENTIAL DISTRICT See §1.306 of this subchapter.
- (D) LAKESHORE RESIDENTIAL DISTRICT See §1.307 of this subchapter.
- (E) LAKESHORE RESORT/RESIDENTIAL DISTRICT See §1.308 of this subchapter.
- (F) RURAL RESIDENTIAL DISTRICT See §1.309 of this subchapter.
- (G) COMMUNITY AND HIGHWAY BUSINESS DISTRICT See §1.310 of this subchapter.
- (H) DOWNTOWN BUSINESS DISTRICT See §1.311 of this subchapter.
- (I) PARKS AND RECREATION DISTRICT See §1.312 of this subchapter.
- (J) FORESTRY AND RECREATION DISTRICT. See §1.313 of this subchapter.
- (K) EDUCATION AND RECREATION DISTRICT. See 1.314 of this subchapter.
- (L) FORESTRY. See 1.315 of this subchapter.

*NOTE: Consult §1.402 through §1.408 of this chapter for additional requirements for specific uses within any district classification.*

### **1.302 ZONING DISTRICT MAP:**

The location and boundaries of the zoning districts are established as shown on the map entitled "Zoning District Map" on file in the office of the Zoning Administrator and on the Town website. The Zoning District Map, together with all notations, references and other information shown thereon and all amendments thereto, is a part of and incorporated into this chapter as though fully set forth and described herein. The Zoning Administrator shall periodically update the map to reflect adopted amendments thereto.

### **1.303 DETERMINATION OF DISTRICT BOUNDARIES:**

This section contains descriptions of how to interpret district boundaries, area requirements, highway setbacks and height requirements. The purpose of this section is to secure consistent interpretations of the requirements.

- (A) When the district boundaries are either roads or streets, unless otherwise shown, and where the designation on the map indicates that the various districts are bounded by road or street line, the center line of such road or street shall be the district boundary.

- (B) Except where otherwise indicated on the map, it is intended that the district boundary line be measured at right angles to the nearest highway right-of-way line.
- (C) For subdivided property, where not otherwise indicated and where the designations on the zoning map are approximately bounded by lot lines, such lot lines shall be construed to be the boundary of the district. Where parallel or approximately parallel to street lines, such district boundary lines shall be assumed to be the rear lines of the lots abutting such streets.
- (D) For non-subdivided property, where not otherwise indicated, the district boundaries are property lines, section lines, quarter section lines or quarter-quarter section lines. In un-platted areas of 10 acres or less, the district boundary lines, where not otherwise indicated, shall be determined by use of the scale shown on the zoning map.

### **1.304 RESIDENTIAL – LOW DENSITY DISTRICT:**

#### **(A) LOT AREA REQUIREMENTS:**

Except for smaller parcels created prior to adoption of Town zoning on May 31, 1996, the minimum lot size for this district is 108,900 square feet (2.5 acres).

#### **(B) PURPOSE:**

The purpose of this district is to maintain single-family dwellings in existing single-family residential areas and to encourage the further development of single-family dwellings within this district classification at densities of 2.5 acres per lot, as contemplated by the Saint Germain Land Use Plan.

#### **(C) PERMITTED USES:**

- (1) Single-family dwellings
- (2) Garages and carports (subject to §1.202 of this chapter)
- (3) Accessory buildings (subject to §1.202 of this chapter)
- (4) Essential services as defined in §1.111 if this chapter
- (5) Home rentals, long or short term (Note: St. Germain rentals within Vilas County zoning districts designated as "Single-family" are prohibited by Vilas County Zoning Ordinance from renting for periods of less than seven consecutive days.)
- (6) Duplex and multi-family dwellings
- (7) Parks and playgrounds
- (8) Private clubhouses
- (9) Community living facilities
- (10) Bed and Breakfast establishments

#### **(D) CONDITIONAL USES:**

- (1) Golf courses
- (2) Resorts
- (3) Public and semi-public uses
- (4) Home occupations
- (5) Planned residential unit development
- (6) Boat launching
- (7) Accessory buildings larger than 1,500 square feet

#### **(E) SIDE AND REAR LOT SETBACKS**

- (1) Lots 2.5 acres or larger:
  - (a) Principal building:
    - (i) Side lot setback: 15 feet
    - (ii) Rear lot setback: 40 feet
  - (b) Unattached garage or accessory building:
    - (i) Side lot setback: 15 feet
    - (ii) Rear lot setback: 15 feet
- (2) Lots smaller than 2.5 acres without a dwelling
  - (a) Principal building:
    - (i) Side lot setback: 15 feet
    - (ii) Rear lot setback: 40 feet
  - (b) Unattached garage or accessory building:
    - (i) Side lot setback: 15 feet
    - (ii) Rear lot setback: 15 feet
- (3) Lots smaller than 2.5 acres with a dwelling
  - (a) Unattached garage or accessory building setback:
    - (i) Side lot setback: 15 feet

- (ii) Rear lot setback: 15 feet
- (F) **Corner Lot Setbacks:** The side lot line setback from the Town road on corner lots in low density, medium density and multi-family residential districts shall be a minimum of 25 feet from the surveyed lot line.
- (G) **Waterfront Setbacks:**  
As of January 4, 1986, the Town of Saint Germain has adopted the Vilas County Shoreland Zoning Ordinance and any subsequent amendments.
- (H) **Setbacks from Town Roads:**  
Setbacks from all Town roads shall be a minimum of 40 feet from the surveyed lot line.

### **1.305 RESIDENTIAL – MEDIUM DENSITY DISTRICT:**

#### **(A) LOT AREA REQUIREMENTS:**

Except for smaller parcels created prior to adoption of Town zoning on May 31, 1996, the minimum lot size for this district is 65,340 square ft. (1.5 acres).

#### **(B) PURPOSE:**

The purpose of this classification is to maintain existing medium density residential areas and encourage development of vacant lands within this district classification at densities of 1.5 acres per lot to facilitate public water or sewer infrastructure systems. This classification includes clustered residential dwellings. Multi-family and elderly housing developments may be allowed subject to specific site design, architectural, size and density standards.

#### **(C) PERMITTED USES:**

- (1) Single-family dwellings
- (2) Garages and carports (subject to §1.202 of this chapter)
- (3) Accessory buildings (subject to §1.202 of this chapter)
- (4) Essential services as defined in §1.111 if this chapter
- (5) Home rentals, long or short term (*Note: St. Germain rentals within Vilas County zoning districts designated as "Single-family" are prohibited by Vilas County Zoning Ordinance from renting for periods of less than seven consecutive days.*)

#### **(D) CONDITIONAL USES:**

- (1) Parks and playgrounds
- (2) Golf courses
- (3) Private clubhouses
- (4) Public and semi-private uses
- (5) Home occupations
- (6) Planned residential unit development
- (7) Bed and breakfast establishments
- (8) Multifamily dwellings
- (9) Boat launching
- (10) Community living facilities
- (11) Accessory buildings larger than 1,500 square feet

#### **(E) SIDE AND REAR LOT SETBACKS**

- (1) Lots 1.5 acres or larger:
  - (a) Principal building:
    - (i) Side lot setback: 15 feet
    - (ii) Rear lot setback: 40 feet
  - (b) Unattached garage or accessory building:
    - (i) Side lot setback: 15 feet
    - (ii) Rear lot setback: 15 feet
- (2) Lots smaller than 1.5 acres without a dwelling
  - (a) Principal building:
    - (i) Side lot setback: 15 feet
    - (ii) Rear lot setback: 40 feet
  - (b) Unattached garage or accessory building:
    - (i) Side lot setback: 15 feet
    - (ii) Rear lot setback: 15 feet
- (3) Lots smaller than 1.5 acres with a dwelling
  - (a) Unattached garage or accessory building setback:
    - (i) Side lot setback: 15 feet

- (ii) Rear lot setback: 15 feet
- (F) Corner Lot Setbacks: The side lot line setback from the Town road on corner lots in low density, medium density and multi-family residential districts shall be a minimum of 25 feet from the surveyed lot line.
- (G) Waterfront Setbacks:  
As of January 4, 1986, the Town of Saint Germain has adopted the Vilas County Shoreland Zoning Ordinance and any subsequent amendments.
- (H) Setbacks from Town Roads:  
Setbacks from all Town roads shall be a minimum of 40 feet from the surveyed lot line.

### **1.306 MULTI-FAMILY RESIDENTIAL DISTRICT:**

#### **(A) LOT AREA REQUIREMENTS OUTSIDE OF SHORELAND ZONE:**

Lots used for duplexes or multiple family dwellings, community living facilities, bed and breakfast establishments, boarding houses and other group lodgings shall have a minimum lot area of 65,340 square feet (1.5 acres) for the first dwelling unit and an additional 12,000 square feet for each additional dwelling unit. Lots used for single-family dwellings shall have a minimum lot area of 65,340 square feet (1.5 acres).

#### **(B) PURPOSE:**

This district classification is created to allow development of duplexes and multi-family buildings up to a maximum allowable number of units per acre. Duplexes and multi-family dwellings should be developed in such a way to maximize vegetation screening of these developments at rear and side lot lines.

#### **(C) PERMITTED USES:**

- (1) Single-family dwellings
- (2) Garages and carports (subject to §1.202 of this chapter)
- (3) Accessory buildings (subject to §1.202 of this chapter)
- (4) Essential services as defined in §1.111 if this chapter
- (5) Home rentals, long or short term (Note: St. Germain rentals within Vilas County zoning districts designated as "Single-family" are prohibited by Vilas County Zoning Ordinance from renting for periods of less than seven consecutive days.)
- (5) Duplex and multi-family dwellings
- (6) Parks and playgrounds
- (7) Private clubhouses
- (8) Community living facilities
- (9) Bed and Breakfast establishments

#### **(D) CONDITIONAL USES:**

- (1) Golf courses
- (2) Resorts
- (3) Public and semi-public uses
- (4) Home occupations
- (5) Planned residential unit development
- (6) Boat launching
- (7) Accessory buildings larger than 1,500 square feet

#### **(E) SIDE AND REAR LOT SETBACKS**

- (1) Lots 1.5 acres or larger:
  - (a) Principal building:
    - (i) Side lot setback: 15 feet
    - (ii) Rear lot setback: 40 feet
  - (b) Unattached garage or accessory building:
    - (i) Side lot setback: 15 feet
    - (ii) Rear lot setback: 15 feet
- (2) Lots smaller than 1.5 acres without a dwelling:
  - (a) Principal building:
    - (i) Side lot setback: 15 feet
    - (ii) Rear lot setback: 40 feet
  - (b) Unattached garage or accessory building:
    - (i) Side lot setback: 15 feet

- (ii) Rear lot setback: 15 feet
- (3) Lots smaller than 1.5 acres with a dwelling
  - (a) Unattached garage or accessory building setback:
    - (i) Side lot setback: 15 feet
    - (ii) Rear lot setback: 15 feet
- (F) Corner Lot Setbacks: The side lot line setback from the Town road on corner lots in low density, medium density and multi-family residential districts shall be a minimum of 25 feet from the surveyed lot line.
- (G) Waterfront Setbacks:  
As of January 4, 1986, the Town of Saint Germain has adopted the Vilas County Shoreland Zoning Ordinance and any subsequent amendments.
- (H) Setbacks from Town Roads:  
Setbacks from all Town roads shall be a minimum of 40 feet from the surveyed lot line.
- (I) BUFFER REQUIREMENTS FOR LOTS ABUTTING SINGLE-FAMILY RESIDENTIAL DISTRICTS:  
Landscaping features which provide a buffer between lots are required whenever a property owner requests a zoning permit for the construction or alteration of structures on a lot in the multi-family residential district abutting a single-family residential district.
  - (1) The property owner shall submit detailed plans, as provided in par. b) of this subsection, for the placement of landscaping features, such as plantings, berms, wooden fences or combinations thereof, between the lot and the adjoining residential lots. Such buffer measures shall be designed to create an aesthetic and sound-dampening buffer between multi-family and single-family residential uses. The plan shall be signed by the property owner and filed with the Zoning Administrator prior to issuance of the zoning permit.
  - (2) A detailed plan under this subsection shall include the following:
    - (a) A drawing of the premises accurately showing the dimensions of the lot or parcel, the dimensions of existing and proposed buildings, the distance in feet from the abutting street or highway and from the side and rear lot line.
    - (b) The drawing shall accurately indicate the location of existing and proposed shrubs, berms and fencing, with the case may be of each; and shall identify by species all existing and proposed trees greater than 6 inches in diameter measured at a height 4 feet from the base of the tree.
  - (3) The buffer measures shall be maintained in perpetuity, unless the property owner receives approval of a new buffer plan meeting the same requirements.
  - (4) The current owner is solely responsible for compliance with the terms of this subsection.
  - (5) Within one year of issuance of the related zoning permit, the property owner shall complete installation of the buffer and shall certify in writing to the Zoning Administrator that the required buffer measures have been completed. As part of the certification, the property owner shall submit photos documenting the buffer measures.
  - (6) Subsequent zoning permit applications shall not require additional buffer plans, provided the buffer measures are maintained.

## **1.307 LAKESHORE RESIDENTIAL DISTRICT:**

### **(A) LOT AREA REQUIREMENTS:**

Minimum lot sizes for this district:

- (1) For parcels within one thousand (1,000) feet of the ordinary high watermark of a lake, the minimum lot sizes are regulated by the Vilas County Shoreland Zoning Ordinance.
- (2) For parcels beyond one thousand (1,000) feet of the ordinary high watermark of a lake, the minimum lot size is 43,560 square ft. (1.0 acre).

### **(B) PURPOSE:**

The purpose of this classification is to maintain the lake shoreline areas with single-family residences. Properties in this classification should be developed and improved to minimize their impacts on the natural shoreline aesthetics, water quality, fish and wildlife habitat and other public natural resource values of the lake. Property owners are encouraged to go beyond the minimum restrictions by increasing setback distance of new structures, minimizing impermeable surfaces (roof, pavement) to limit runoff and minimizing shoreland vegetation clearing.

### **(C) PERMITTED USES:**

- (1) Single-family dwellings
- (2) Garages and carports (subject to §1.202 of this chapter)
- (3) Accessory buildings (subject to §1.202 of this chapter)
- (4) Essential services as defined in §1.111 if this chapter
- (5) Home rentals, long or short term (*Note: St. Germain rentals within Vilas County zoning districts designated as "Single-family" are prohibited by Vilas County Zoning Ordinance from renting for periods of less than seven consecutive days.*)

### **(D) CONDITIONAL USES:**

- (1) Parks and playgrounds
- (2) Home occupations
- (3) Public and semi-public uses
- (4) Planned residential unit development
- (5) Parks
- (6) Boat launching
- (7) Bed and Breakfast establishments
- (8) Accessory buildings larger than 1,500 square feet

### **(E) SIDE AND REAR LOT SETBACKS**

- (1) Lots 1.5 acres or larger:
  - (a) Principal building:
    - (i) Side lot setback: 15 feet
    - (ii) Rear lot setback: 40 feet
  - (b) Unattached garage or accessory building:
    - (i) Side lot setback: 15 feet
    - (ii) Rear lot setback: 15 feet
- (2) Lots smaller than 1.5 acres without a dwelling:
  - (a) Principal building:
    - (i) Side lot setback: 15 feet
    - (ii) Rear lot setback: 40 feet
  - (b) Unattached garage or accessory building:
    - (i) Side lot setback: 15 feet
    - (ii) Rear lot setback: 15 feet
- (3) Lots smaller than 1.5 acres with a dwelling

- (a) Unattached garage or accessory building setback:
  - (i) Side lot setback: 15 feet
  - (ii) Rear lot setback: 15 feet
- (F) Corner Lot Setbacks: The side lot line setback from the Town road on corner lots in low density, medium density and multi-family residential districts shall be a minimum of 25 feet from the surveyed lot line.
- (G) Waterfront Setbacks:  
As of January 4, 1986, the Town of Saint Germain has adopted the Vilas County Shoreland Zoning Ordinance and any subsequent amendments.
- (H) Setbacks from Town Roads:  
Setbacks from all Town roads shall be a minimum of 40 feet from the surveyed lot line.

## **1.308 LAKESHORE RESORT/RESIDENTIAL DISTRICT:**

### **(A) LOT AREA REQUIREMENTS**

Minimum lot sizes for this district:

- (1) For parcels within one thousand (1,000) feet of the ordinary high watermark of a lake, the minimum lot sizes are regulated by the Vilas County Shoreland Zoning Ordinance.
- (2) For parcels beyond one thousand (1,000) feet of the ordinary high watermark of a lake, the minimum lot size is 43,560 square ft. (1.0 acre).

### **(B) PURPOSE:**

This classification is created for lakeshore areas having existing resort development interspersed with lake residential properties. Resorts will be intermixed with the lake seasonal and permanent residences. New resort development and improvements should be developed in such a way as to minimize their aesthetic and other impacts on both the adjacent properties and the lake itself. Other commercial development in this district is limited to such lake-oriented businesses as marinas and eating and drinking establishments.

### **(C) PERMITTED USES:**

- (1) Single-family dwellings
- (2) Garages and carports (subject to §1.202 of this chapter)
- (3) Accessory buildings (subject to §1.202 of this chapter)
- (4) Essential services as defined in §1.111 if this chapter
- (5) Home rentals, long or short term (*Note: St. Germain rentals within Vilas County zoning districts designated as "Single-family" are prohibited by Vilas County Zoning Ordinance from renting for periods of less than seven consecutive days.*)

### **(D) CONDITIONAL USES:**

- (1) Parks and playgrounds.
- (2) Home occupations.
- (3) Golf courses.
- (4) Resorts.
- (5) Bed and Breakfast establishments.
- (6) Public and semi-public uses.
- (7) Private clubhouses.
- (8) Planned residential unit development.
- (9) Boat launching.
- (10) Eating and drinking establishments.
- (11) Commercial marinas.
- (12) Duplexes and multiple family dwellings.
- (13) Campgrounds.
- (14) Accessory buildings larger than 1,500 square feet

### **(E) SIDE AND REAR LOT SETBACKS**

- (1) Lots 1.5 acres or larger:
  - (a) Principal building:
    - (i) Side lot setback: 15 feet
    - (ii) Rear lot setback: 40 feet
  - (b) Unattached garage or accessory building:
    - (i) Side lot setback: 15 feet
    - (ii) Rear lot setback: 15 feet
- (2) Lots smaller than 1.5 acres without a dwelling
  - (a) Principal building:

- (i) Side lot setback: 15 feet
  - (ii) Rear lot setback: 40 feet
  - (b) Unattached garage or accessory building:
    - (i) Side lot setback: 15 feet
    - (ii) Rear lot setback: 15 feet
  - (3) Lots smaller than 1.5 acres with a dwelling
    - (a) Unattached garage or accessory building setback:
      - (i) Side lot setback: 15 feet
      - (ii) Rear lot setback: 15 feet
- (F) Corner Lot Setbacks: The side lot line setback from the Town road on corner lots in low density, medium density and multi-family residential districts shall be a minimum of 25 feet from the surveyed lot line.
- (G) Waterfront Setbacks:  
As of January 4, 1986, the Town of Saint Germain has adopted the Vilas County Shoreland Zoning Ordinance and any subsequent amendments.
- (H) Setbacks from Town Roads:  
Setbacks from all Town roads shall be a minimum of 40 feet from the surveyed lot line.

**1.309 RURAL RESIDENTIAL DISTRICT:**

(A) **LOT AREA AND WIDTH REQUIREMENTS:**

Lake lot minimum area and width requirements are governed by the Vilas County Shoreland Ordinance. Except for smaller parcels created prior to adoption of Town zoning on May 31, 1996, the minimum off-water lot size for this district is 5 acres.

(B) **PURPOSE:**

The purpose of this classification is to provide for residences located in natural forest or open, rural settings at densities of 5 acres per lot for off-water parcels. Lakefront development in this classification is regulated by the Vilas County Shoreland Zoning Ordinance.

(C) **PERMITTED USES:**

- (1) Single-family dwellings
- (2) Garages and carports
- (3) Accessory buildings (subject to §1.202 of this chapter)
- (4) Essential services as defined in §1.111 if this chapter
- (5) Home rentals, long or short term (*Note: St. Germain rentals within Vilas County zoning districts designated as "Single-family" are prohibited by Vilas County Zoning Ordinance from renting for periods of less than seven consecutive days.*)

(D) **CONDITIONAL USES:**

- (1) Duplexes and multi-family dwelling units
- (2) Parks and playgrounds
- (3) Golf courses
- (4) Resorts
- (5) Boarding houses and group lodgings
- (6) Home occupations
- (7) Private clubhouses
- (8) Public and semi-public uses
- (9) Planned residential unit development
- (10) Boat launching
- (11) Accessory buildings larger than 1,500 square feet

(E) **SIDE AND REAR LOT SETBACKS**

(1) Lots 5 acres or larger:

- (a) Principal building:
  - (i) Side lot setback: 15 feet
  - (ii) Rear lot setback: 40 feet
- (b) Unattached garage or accessory building:
  - (i) Side lot setback: 15 feet
  - (ii) Rear lot setback: 15 feet

(2) Lots smaller than 5 acres without a dwelling:

- (a) Principal building:
  - (i) Side lot setback: 15 feet
  - (ii) Rear lot setback: 40 feet
- (b) Unattached garage or accessory building:
  - (i) Side lot setback: 15 feet
  - (ii) Rear lot setback: 15 feet

(3) Lots smaller than 5 acres with a dwelling:

- (a) Unattached garage or accessory building setback:
  - (i) Side lot setback: 15 feet
  - (ii) Rear lot setback: 15 feet

- (F) Corner Lot Setbacks: The side lot line setback from the Town road on corner lots in low density, medium density and multi-family residential districts shall be a minimum of 25 feet from the surveyed lot line.
- (G) Waterfront Setbacks:  
As of January 4, 1986, the Town of Saint Germain has adopted the Vilas County Shoreland Zoning Ordinance and any subsequent amendments.
- (H) Setbacks from Town Roads:  
Setbacks from all Town roads shall be a minimum of 40 feet from the surveyed lot line.

### **1.310 COMMUNITY AND HIGHWAY BUSINESS DISTRICT:**

#### **(A) LOT AREA REQUIREMENTS:**

Non-residential lots within this classification shall have a minimum lot area of 65,340 sq. ft. (1.5 acres for the first building and an additional 12,000 square feet for each additional building).

#### **(B) PURPOSE:**

Located along State Highway 70 and State Highway 155, this district classification allows for commercial uses on relatively large parcels of land and development of existing vacant commercial properties. Commercial uses in this classification are a combination of highway (tourist-oriented) and community service.

#### **(C) PERMITTED USES:**

- (1) Single-family dwellings
- (2) Garages and carports
- (3) Accessory buildings (subject to §1.202 of this chapter)
- (4) Essential services as defined in §1.111 if this chapter
- (5) Home rentals, long or short term (*Note: St. Germain rentals within Vilas County zoning districts designated as "Single-family" are prohibited by Vilas County Zoning Ordinance from renting for periods of less than seven consecutive days.*)
- (6) Bed and Breakfast establishments.
- (7) Roadside stands for farm produce.
- (8) Retail sales and services under 10,000 square feet gross building area.
- (9) Professional services.
- (10) Eating and drinking establishments.
- (11) Hotels and motels.
- (12) Indoor recreation establishments.
- (13) Automobile, boat, recreational vehicle and snowmobile sales.
- (14) Auto service stations.
- (15) Health care facilities.
- (16) Banks, credit unions and financial institutions.
- (17) Home occupations.
- (18) Duplexes and multi-family dwelling units.
- (19) Resorts.
- (20) Electric vehicles charging station business (Revised 01/26/203)
- (21) Sexually oriented businesses (subject to distance restrictions of §4.11(O) of this chapter)

#### **(D) CONDITIONAL USES:**

- (1) Mixed residential and business use.
- (2) Recycling business.
- (3) Warehousing.
- (4) Wholesaling.
- (5) Building and trade contractors.
- (6) Heavy equipment storage yards.
- (7) Self-storage rental units
- (8) Retail sales and service over 10,000 square feet gross building area.
- (9) Utility facilities.
- (10) Public and semi-public uses.
- (11) Manufacturing, processing, fabrication, packing, packaging and assembly of products from furs, glass, leather, paper, plastics, textiles, metal and wood.
- (12) Body shops.

- (13) Commercial marinas.
- (14) Outdoor amusement facilities.
- (15) Riding stables.
- (16) Commercial kennels.
- (17) Boat launching.
- (18) Accessory buildings larger than 1,500 square feet

**(E) SIDE AND REAR LOT SETBACKS**

- (1) Lots 1.5 acres or larger:
  - (a) Principal building:
    - (i) Side lot setback: 15 feet
    - (ii) Rear lot setback: 40 feet
  - (b) Unattached garage or accessory building:
    - (i) Side lot setback: 15 feet
    - (ii) Rear lot setback: 15 feet
- (2) Lots smaller than 1.5 acres without a dwelling
  - (a) Principal building:
    - (i) Side lot setback: 15 feet
    - (ii) Rear lot setback: 40 feet
  - (b) Unattached garage or accessory building:
    - (i) Side lot setback: 15 feet
    - (ii) Rear lot setback: 15 feet
- (3) Lots smaller than 1.5 acres with a dwelling
  - (a) Unattached garage or accessory building setback:
    - (i) Side lot setback: 15 feet
    - (ii) Rear lot setback: 15 feet

**(F) ROADWAY SETBACKS:**

Setbacks from State Highways 70 and 155 shall be the lesser of a minimum of 75 feet or the footprint of the present principal building from the center line of the existing road. Setbacks from a Town road shall be a minimum of 17 feet from the surveyed lot line.

**(G) BUFFER REQUIREMENTS FOR LOTS ABUTTING RESIDENTIAL DISTRICTS:**

Landscaping features which provide a buffer between lots are required whenever a property owner requests a zoning permit for construction or alteration of structures on a commercial lot abutting a residential district.

- (1) The property owner shall submit detailed plans, as provided in par. (b) of this subsection, for the placement of landscaping features, such as plantings, berms, wooden fences or combinations thereof, between the lot and the adjoining residential lots. Such buffer measures shall be designed to create an aesthetic and sound-dampening buffer between commercial and residential uses. The plan shall be signed by the property owner and filed with the Zoning Administrator prior to issuance of the zoning permit.
- (2) A detailed plan under this subsection shall include the following:
  - (a) A drawing of the premises accurately showing the dimensions of the lot or parcel, the dimensions of existing and proposed buildings, the distance in feet from the abutting street or highway and from the side and rear lot line.
  - (b) The drawing shall accurately indicate the location of existing and proposed shrubs, berms and fencing, with the dimensions (height, width, depth and circumference, as the case may be) of each; and shall identify by species all existing and proposed trees greater than 6 inches in diameter measured at a height 4 feet from the base of the tree.

- (3) The buffer measures shall be maintained in perpetuity, unless the property owner receives approval of a new buffer plan meeting the same requirements.
- (4) The current owner is solely responsible for compliance with the terms of this subsection.
- (5) Within one year of issuance of the related zoning permit, the property owner shall complete installation of the buffer and shall certify in writing to the Zoning Administrator that the required buffer measures have been completed. As part of the certification, the property owner shall submit photos documenting the buffer measures.
- (6) Subsequent zoning permit applications shall not require additional buffer plans, provided the buffer measures are maintained.

### **1.311 DOWNTOWN BUSINESS DISTRICT:**

#### **(A) LOT AREA REQUIREMENTS:**

- (1) Non-residential lots within this classification shall have a minimum lot area of 20,000 square feet for the first building and an additional 12,000 square feet for each additional building.
- (2) Residential lots used for duplex or multiple family dwellings, community living facilities, bed and breakfast establishments, boarding houses and other group lodgings shall have a minimum lot area of 65,340 square feet (1.5 acres) for the first dwelling and an additional 12,000 square feet for each additional dwelling unit. Lots used for single-family dwellings shall have a minimum lot area of 65,340 square feet (1.5 acres).

#### **(B) PURPOSE:**

This classification is created primarily for commercial development at minimum densities of 20,000 square feet per lot. Commercial development should be attractive, enhance community identity and be pedestrian friendly.

#### **(C) PERMITTED USES:**

- (1) Single-family dwellings
- (2) Garages and carports
- (3) Accessory buildings (subject to §1.202 of this chapter)
- (4) Essential services as defined in §1.111 if this chapter
- (5) Home rentals, long or short term (*Note: St. Germain rentals within Vilas County zoning districts designated as "Single-family" are prohibited by Vilas County Zoning Ordinance from renting for periods of less than seven consecutive days.*)
- (6) Mixed residential and business use.
- (7) Hotels and motels.
- (8) Eating and drinking establishments.
- (9) Commercial marinas.
- (10) Auto service stations.
- (11) Retail sales and service.
- (12) Health care facilities.
- (13) Professional services.
- (14) Banks, credit unions and financial services.
- (15) Essential services.
- (16) Home occupations.
- (17) Duplexes and multi-family dwellings.
- (18) Resorts
- (19) Bed and breakfast establishments.
- (20) Roadside stands for farm produce (Revised 01/26/203)
- (21) Electric vehicle charging station business (Revised 01/26/203)
- (22) Sexually oriented businesses (subject to distance restrictions of §4.10(O) of this chapter)

#### **(D) CONDITIONAL USES:**

- (1) Community living facilities.
- (2) Boarding houses and other group lodgings.
- (3) Auto and RV sales.
- (4) Body shops.

- (5) Building and trade contractors.
- (6) Indoor recreation establishments.
- (7) Sales, service and repair.
- (8) Outdoor amusement facilities.
- (9) Public and semi-public uses.
- (10) Retail sales and service over 10,000 sq. ft. gross building area.
- (11) Accessory buildings larger than 1,500 square feet

(E) SIDE AND REAR LOT SETBACKS:

- (1) Adjoining a commercial lot:
  - (a) Principal building:
    - (i) Side lot: 5 feet
    - (ii) Rear lot: 5 feet
  - (b) Unattached garage or accessory building:
    - (i) Side lot: 5 feet
    - (ii) Rear lot: 5 feet
  - (c) Residential dwelling: Rear lot: 15 feet
- (2) Adjoining a residential lot:
  - (a) Principal building:
    - (i) Side lot: 25 feet
    - (ii) Rear lot: 40 feet
  - (b) Unattached garage or accessory building:
    - (i) Side lot: 15 feet
    - (ii) Rear lot: 40 feet
  - (c) Residential dwelling: Rear lot 40 feet

(F) ROADWAY SETBACKS:

Setbacks from State Highways 70 and 155 shall be the lesser of a minimum of 100 feet or the footprint of the present principal building from the center line of the existing road. Setbacks from a Town road shall be a minimum of zero (0) feet from the surveyed lot line for a distance of 250 feet from the center line of the State highway along the center line of the existing Town road.

(G) BUFFER REQUIREMENTS FOR LOTS ABUTTING RESIDENTIAL DISTRICTS:

Landscaping features which provide a buffer between lots are required whenever a property owner requests a zoning permit for construction or alteration of structures on a commercial lot abutting a residential district.

- (1) The property owner shall submit detailed plans as provided in par. (b) of this subsection, for the placement of landscaping features, such as plantings, berms, wooden fences or combinations thereof, between the lot and the adjoining residential lots. Such buffer measures shall be designed to create an esthetic and sound-dampening buffer between commercial and residential uses. The plan shall be signed by the property owner and filed with the Zoning Administrator prior to issuance of the zoning permit.
- (2) A detailed plan under this subsection shall include the following:
  - (a) A drawing of the premises accurately showing the dimensions of the lot or parcel, the dimensions of existing and proposed buildings, the distance in feet from the abutting street or highway and from the side and rear lot line.
  - (b) The drawing shall accurately indicate the location of existing and proposed shrubs, berms and fencing, with the dimensions (height, width, depth and circumference and shall identify by species all existing and proposed trees greater than 6 inches in diameter measured at a height 4 feet from the base of the tree.

- (3) The buffer measures shall be maintained in perpetuity, unless the property owner receives approval of a new buffer plan meeting the same requirements.
- (4) The current owner is solely responsible for compliance with the terms of this subsection.
- (5) Within one year of issuance of the related zoning permit, the property owner shall complete the installation of the buffer and shall certify in writing to the Zoning Administrator that the required buffer measures have been completed. As part of the certification, the property owner shall submit photos documenting the buffer measures.
- (6) Subsequent zoning permit applications shall not require additional buffer plans, provided the buffer measures are maintained.

**1.312 PARKS AND RECREATION DISTRICT:**

(A) **LOT AREA REQUIREMENTS:**

Except for smaller parcels created prior to adoption of Town zoning on May 31, 1996, the minimum lot size for this district is 65,340 square feet (1.5 acres).

(B) **PURPOSE:**

The purpose of this classification is to allow for continuation of recreational activities and Town facilities. Development which is aesthetically pleasing from both the lakes and roads is preferred.

(C) **PERMITTED USES:**

- (1) Public and semi-public uses.
- (2) Parks and playgrounds.
- (3) Golf courses.

(D) **CONDITIONAL USES:**

- (1) Eating and drinking establishments.
- (2) Outdoor amusement facilities.

(E) **SIDE AND REAR LOT SETBACKS**

- (1) Lots 1.5 acres or larger:
  - (a) Principal building:
    - (i) Side lot setback: 15 feet
    - (ii) Rear lot setback: 40 feet
  - (b) Unattached garage or accessory building:
    - (i) Side lot setback: 15 feet
    - (ii) Rear lot setback: 15 feet
- (2) Lots smaller than 1.5 acres without a dwelling
  - (a) Principal building:
    - (i) Side lot setback: 15 feet
    - (ii) Rear lot setback: 40 feet
  - (b) Unattached garage or accessory building:
    - (i) Side lot setback: 15 feet
    - (ii) Rear lot setback: 15 feet
- (3) Lots smaller than 1.5 acres with a dwelling
  - (a) Unattached garage or accessory building setback:
    - (i) Side lot setback: 15 feet
    - (ii) Rear lot setback: 15 feet

(F) **Corner Lot Setbacks:** The side lot line setback from the Town road on corner lots in low density, medium density and multi-family residential districts shall be a minimum of 25 feet from the surveyed lot line.

(G) **Waterfront Setbacks:**

As of January 4, 1986, the Town of Saint Germain has adopted the Vilas County Shoreland Zoning Ordinance and any subsequent amendments.

(H) **Setbacks from Town Roads:**

Setbacks from all Town roads shall be a minimum of 40 feet from the surveyed lot line.

### **1.313 FORESTRY AND RECREATION DISTRICT:**

#### **(A) LOT AREA REQUIREMENTS**

Except for smaller parcels created prior to adoption of Town zoning on May 31, 1996, the minimum lot size for this district is 20 acres.

#### **(B) PURPOSE:**

This district is created to encourage the continuation of large tracts of forested areas which are managed to produce forest products and/or maintained in wooded use, and to promote the preservation of wildlife habitats. Publicly owned lands included within this district are also intended to provide passive recreational opportunities, such as hunting, fishing, hiking, skiing, camping and snowmobiling.

#### **(C) PERMITTED USES:**

- (1) Single-family dwellings.
- (2) Home rentals, long or short term (*Note: St. Germain rentals within Vilas County zoning districts designated as "Single-family" are prohibited by Vilas County Zoning Ordinance from renting for periods of less than seven consecutive days.*)
- (3) Accessory buildings subject to §1.203 of this chapter
- (4) Sylvicultural and agriculture.
- (5) Garages and carports.
- (6) Sexually oriented businesses (subject to distance restrictions of §4.10(O) of this chapter)

#### **(D) CONDITIONAL USES:**

- (1) Parks and playgrounds.
- (2) Community living facilities.
- (3) Private clubhouses.
- (4) Campgrounds.
- (5) Riding stables.
- (6) Duplex and multi-family dwellings.
- (7) Planned residential unit development.
- (8) Home occupations.
- (9) Accessory buildings larger than 1,500 square feet

#### **(E) SIDE AND REAR LOT SETBACKS**

- (1) Lots 20 acres or larger:
  - (a) Principal building:
    - (i) Side lot setback: 15 feet
    - (ii) Rear lot setback: 40 feet
  - (b) Unattached garage or accessory building:
    - (i) Side lot setback: 15 feet
    - (ii) Rear lot setback: 15 feet
- (2) Lots smaller than 20 acres without a dwelling
  - (a) Principal building:
    - (i) Side lot setback: 15 feet
    - (ii) Rear lot setback: 40 feet
  - (b) Unattached garage or accessory building:
    - (i) Side lot setback: 15 feet
    - (ii) Rear lot setback: 15 feet
- (3) Lots smaller than 20 acres with a dwelling
  - (a) Unattached garage or accessory building setback:
    - (i) Side lot setback: 15 feet
    - (ii) Rear lot setback: 15 feet

- (F) Corner Lot Setbacks: The side lot line setback from the Town road on corner lots in low density, medium density and multi-family residential districts shall be a minimum of 25 feet from the surveyed lot line.
- (G) Waterfront Setbacks:  
As of January 4, 1986, the Town of Saint Germain has adopted the Vilas County Shoreland Zoning Ordinance and any subsequent amendments.
- (H) Setbacks from Town Roads:  
Setbacks from all Town roads shall be a minimum of 40 feet from the surveyed lot line.

**1.314 EDUCATION AND RECREATION DISTRICT:**

(A) **PURPOSE:**

This classification is intended to accommodate year-round passive recreational and educational activities associated with existing Youth/Adult Education Camp, such as skiing, camping, archery, canoeing and swimming.

- (1) Parks and playgrounds.
- (2) Golf courses.
- (3) Boat launching.

(B) **ALL OTHER USES:**

Development within this district for any use not listed above as a permitted use shall require an amendment to this chapter changing the district classification.

**1.315 FORESTRY DISTRICT:****(A) LOT AREA REQUIREMENTS:**

Except for smaller parcels created prior to adoption of Town zoning on May 31, 1996, the minimum lot size for this district is 5 acres.

**(B) PURPOSE:**

This District is created to encourage areas which are maintained in wooded use and to promote the preservation of wildlife habitats.

**(C) PERMITTED USES:**

- (1) Single-family dwellings.
- (2) Home rentals, long or short term (*Note: St. Germain rentals within Vilas County zoning districts designated as "Single-family" are prohibited by Vilas County Zoning Ordinance from renting for periods of less than seven consecutive days.*)
- (3) Accessory buildings subject to §1.203 of this chapter
- (4) Sylvicultural and agriculture.
- (5) Garages and carports.
- (6) Sexually oriented businesses (subject to distance restrictions of §4.10(O) of this chapter)

**(D) CONDITIONAL USES:**

- (1) Parks and playgrounds.
- (2) Community living facilities.
- (3) Private clubhouses.
- (4) Campgrounds.
- (5) Riding stables.
- (6) Duplex and multi-family dwellings.
- (7) Planned residential unit development.
- (8) Home occupations.
- (9) Accessory buildings larger than 1,500 square feet

**(E) SIDE AND REAR LOT SETBACKS****(1) Lots 5 acres or larger:**

- (a) Principal building:
  - (i) Side lot setback: 15 feet
  - (ii) Rear lot setback: 40 feet
- (b) Unattached garage or accessory building:
  - (i) Side lot setback: 15 feet
  - (ii) Rear lot setback: 15 feet

**(2) Lots smaller than 5 acres without a dwelling:**

- (a) Principal building:
  - (i) Side lot setback: 15 feet
  - (ii) Rear lot setback: 40 feet
- (b) Unattached garage or accessory building:
  - (i) Side lot setback: 15 feet
  - (ii) Rear lot setback: 15 feet

**(3) Lots smaller than 5 acres with a dwelling:**

- (a) Unattached garage or accessory building setback:
  - (i) Side lot setback: 15 feet
  - (ii) Rear lot setback: 15 feet

- (F) Corner Lot Setbacks: The side lot line setback from the Town road on corner lots in low density, medium density and multi-family residential districts shall be a minimum of 25 feet from the surveyed lot line.
- (G) Waterfront Setbacks:  
As of January 4, 1986, the Town of Saint Germain has adopted the Vilas County Shoreland Zoning Ordinance and any subsequent amendments.
- (H) Setbacks from Town Roads:  
Setbacks from all Town roads shall be a minimum of 40 feet from the surveyed lot line.

## **1.400 SPECIFIC USES**

### **1.401 INTRODUCTION AND EXPLANATION:**

This subchapter contains standards for specific uses that apply irrespective of district classification.

### **1.402 MOBILE HOMES AND SINGLE-WIDE MANUFACTURED HOMES** (maximum width of 12 feet):

#### **(A) PERMITTED USES:**

No mobile home or single-wide manufactured home shall be permitted outside of a mobile home park, except in specified areas of the following subdivisions: **See map, MOBILE HOME AND SINGLE-WIDE MANUFACTURED HOME LOCATIONS on Zoning Page of Town Website.**

#### **(B) TEMPORARY SITING OF MOBILE HOMES:**

A mobile home may be used as a temporary dwelling on a property where a permanent dwelling is to be constructed, with the following restrictions:

- (1) The mobile home may not be placed until the Town Zoning Administrator has issued a Special Permit for the temporary mobile home dwelling.
- (2) The mobile home may not be used as a dwelling more than 30 days after issuance of an occupancy permit for the permanent dwelling.

### **1.403 CAMPGROUNDS:**

#### **(A) PERMITTED AND CONDITIONAL USES:**

- (1) No campground shall be established or expanded after June 19, 2001, unless approval is obtained from the Zoning Committee, Administrator under the procedures for obtaining a conditional use permit set forth in §1.606 of this chapter, and a permit issued by the Zoning Administrator.
- (2) No campground shall permit the occupation on a temporary basis of a campsite by an individual, family unit or group for more than six consecutive months per year.
- (3) No campsite shall have permanent hookups for the provisions of water or sewage service.

#### **(B) DIMENSIONAL AND DENSITY REQUIREMENTS:**

- (1) The minimum area for a campground shall be 20 acres.
- (2) The minimum width of the lake frontage of a campground shall be 300 feet, whether it is considered a lake lot or an access lake lot for back lot development. The 300 feet of lake frontage shall be used solely for the campground and no other purpose. Such 300 feet cannot be used to satisfy footage requirements for other developments in addition to the footage requirements necessary for the campground.
- (3) A maximum of 4 campsites per acre shall be allowed, but not to exceed 30 sites per 300 feet of lake frontage. For every 25 or less additional campsites, there shall be 200 feet of additional lake frontage and required acreage for each campsite.
- (4) Each campground shall have a buffer zone of no less than 75 feet around the entire interior perimeter of the campground in which no campground site shall be located.
- (5) Each campground shall have a total common open green area of no less than 30% of the total acreage. The buffer zone can be included in arriving at total green area.

- (6) No campsite is to be located within 200 feet of the Ordinary High-Water Mark of a lake. A recreation area is to be established on the 200 feet from the Ordinary High-Water Mark of the lake.

**1.404 RECREATIONAL VEHICLE (RV) CAMPING:** Camping in a recreational vehicle as defined in §1.111 of this chapter is restricted to the following:

- (A) RV camping is allowed in designated, privately operated campgrounds as specified in §1.403 of this chapter.
- (B) On lots have one or more existing dwellings: RV camping with no more than one RV is allowed, with permission of the landowner, for up to a maximum of seven consecutive nights.
- (C) On lots having no existing dwelling during construction of a permanent dwelling: RV camping is allowed by the landowner, or a designee of the landowner, with the following restrictions:
  - (1) RV camping may not commence until a Zoning Permit for construction of a dwelling has been issued by the Town Zoning Administrator.
  - (2) RV camping may not continue more than 30 days after issuance of an occupancy permit for the permanent dwelling. RV camping upon issuance of the state dwelling occupancy permit is subject to provision (B) of this section.
  - (3) All provisions of the Vilas County Private Sewage System ordinance must be complied with.
- (D) On lots having neither an existing dwelling nor a dwelling under construction: RV camping is allowed only on lots five acres or larger located in zoning districts designated as Rural Residential (§1.309 of this chapter) or Forestry (§1.315 of this chapter). RV camping under this section is prohibited in all other St. Germain zoning districts. Additionally:
  - (1) Where allowed, RVs must be positioned on the property in accordance with all setback provisions for dwellings applicable to the zoning district in which they are placed.
  - (2) When applicable, access to the RV camping site is subject to the provisions of Chapter 2 – Motor Vehicle Public Road Access, St. Germain Code of Ordinances.
  - (3) All provisions of the Vilas County Private Sewage System ordinance must be complied with.

**1.405 LOGGING:**

Clear cutting is prohibited along all public roads in the Town to a depth of 200 feet from the center line of the adjacent road, except to provide a 20 feet wide driveway from the right-of-way for access to the permitted logging area. Clear cutting incidental to erecting a structure or providing a yard space for same is not prohibited by this section.

*NOTE: Consult the Vilas County Zoning Ordinance for additional requirements for clear cutting and selective cutting.*

**1.406 TEMPORARY LOGGING ROADS:**

- (A) Any temporary road into a logging or development site shall be graveled to a minimum depth of two inches or otherwise constructed to eliminate mud and debris being deposited from vehicles exiting the site onto Town roads or highways serving the Town.

- (B) When use of a temporary road by the property owner or its agents for accessing a logging or development site has ceased, the owner of the property is responsible for physically closing off access to the temporary road by constructing an earth berm or Kelly mound across the temporary road.

**1.407 PRIVATE ROADS AND DRIVEWAYS:**

- (A) All private roads or driveways must employ appropriate measures to prohibit excess runoff.
- (B) All private roads or driveways described under this section must be clear of trees and structures to a width and height of fourteen feet in order to provide access for emergency vehicles.

*NOTE: Consult Code of Ordinances, Chapter 2 - Travelway for additional requirements for private roads and driveways.*

**1.408 PLANNED RESIDENTIAL UNIT DEVELOPMENT:**

(A) INTENT AND PURPOSE:

Planned residential unit development is permitted in various district classifications to provide a voluntary regulatory framework designed to encourage and promote improved environmental and aesthetic design in the Town by allowing for greater flexibility in the residential development of land while insuring substantial compliance with the basic intent of this chapter and the general plan for community development. It allows diversification and variation in the bulk and relationship of uses, structures and spaces in developments conceived as comprehensive and cohesive unified plans and projects. It is further intended to encourage development consistent with coordinated area site planning. Approval of planned residential unit development is a conditional use requiring approval pursuant to §1.606 of this chapter.

(B) PERMITTED USES:

Other than the existing use, no use shall be permitted in a planned residential unit development, except in conformity with a general development plan and specific implementation plan as provided in this section.

(C) LOT DIMENSIONS, HEIGHT, FLOOR AREA RATIO, USABLE OPEN SPACE REQUIREMENTS, SIGNS AND OFF-STREET PARKING REQUIREMENTS:

Except as otherwise required by this section, a planned residential unit development shall have no predetermined specific lot area, lot width, height, floor area ratio, yard, usable open space, signs and off-street parking requirements, but such requirements as are made part of an approved recorded precise development plan agreed upon by the owner and the Town shall be, along with the recorded plan itself, construed to be and enforced as part of this chapter.

(D) CITERIA FOR APPROVAL:

Application of the following criteria shall be applied with specific consideration as to whether it is consistent with the spirit and intent of this chapter and has the potential for producing significant community benefits in terms of environmental and aesthetic design:

(1) Character and Intensity of Land Use:

In a planned residential unit development, the uses and their intensity, appearance and arrangement shall be of a visual and operational character which:

- (a) Are compatible with the physical nature of the site or area.

- (b) Would produce an attractive environment of sustained aesthetic desirability, economic stability and functional practicality compatible with the general development plan.
  - (c) Would not adversely affect the anticipated provision for school or other municipal services, unless jointly resolved.
  - (d) Would not create traffic or parking demand incompatible with the existing or proposed facilities to serve it, unless jointly resolved.
- (2) Economic Impact:  
Planned residential unit development shall not adversely affect the economic prosperity of the Town or of surround properties.
- (3) Preservation and Maintenance of Open Space:  
In a planned residential unit development, adequate provision for the improvement and continuing preservation and maintenance of attractive open space shall be made.
- (E) IMPLEMENTATION SCHEDULE:  
A planned residential unit development shall include suitable assurances that each phase could be completed in a manner which would not result in an adverse effect upon the community as a result of termination at that point.
- (F) PROCEDURE.  
The procedure for approval of a planned residential unit development is as provided in §1.606 for conditional use permit, except that in addition thereto, the planned residential unit development may only be considered in conjunction with a development plan and shall be subject to the following additional requirements:
- (1) General Development Plan:  
The proponent shall file the following with the Town Zoning Committee:
    - (a) A statement describing the general character of the intended development.
    - (b) An accurate map of the project area, including its relationship to surrounding properties and existing topography, and key features, including existing and proposed trees, shrubs, berms and fencing, with the dimensions (height, width, depth and circumference, as the case may be) of each identifying by species all existing and proposed trees greater than 6 inches in diameter.
    - (c) A plan of the proposed project showing sufficient detail to make possible the evaluation of the criteria for approval as set forth in sub. (5).
    - (d) When requested, a general outline of intended organizational structure related to property owners' association, deed restrictions and private provision of common services.
  - (2) Approval of Plan:  
Approval of the conditional use permit and related general development plan shall establish the basic right of use for the area when in conformity with the plan as approved, which shall be recorded as an integral component of the district regulations, but such plan shall be conditioned upon approval of a specific implementation plan and shall not make permissible any of the uses as proposed until a specific implementation plan is submitted and approved for all or a portion of the general development plan. If the approved general development plan is not recorded as approved within 12 months of the date of approval by the Zoning Committee, the approval shall be null and void and a new petition and approval process shall be required to obtain general development plan approval. If the general development plan and specific implementation plan are approved at the same time and not recorded as approved within 12 months of the date of approval by the Zoning Committee,

the approval shall be null and void and a new petition and approval process shall be required to obtain general development plan and specific implementation plan approval.

(G) **SPECIFIC IMPLEMENTATION PLAN:**

A specific implementation plan shall be submitted to the Zoning Committee and shall include the following detailed construction and engineering plans and related detailed documents and schedules, except when specific documents are waived by the Committee:

- (1) An accurate map of the area covered by the plan, including the relationship to the general development plan.
- (2) The pattern of public and private roads, driveways and parking facilities.
- (3) Detailed lot layout and subdivision plat where required.
- (4) The arrangement of residential building groups and their architectural character.
- (5) Septic or sanitary sewer and water supply.
- (6) Grading plan and storm drainage system.
- (7) The location and treatment of open space areas and recreational or other special amenities.
- (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 of 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.

**1.409 SHIPPING CONTAINERS:** (Adopted July 22, 2021)

Shipping containers as defined in §1.111 of this chapter are neither permitted nor conditional uses in any Town zoning district.

**1.410 SEXUALLY ORIENTED BUSINESSES:** (Adopted August 6, 2020)

(A) Purpose and Intent: It is the purpose of this ordinance to reasonably regulate the location and operation of sexually oriented businesses, as defined herein, to promote the health, safety, and general welfare of the citizens of the Town. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. It is furthermore neither the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material.

(B) Findings:

- (1) The Town recognizes that the experiences of other governmental entities and communities with sexually oriented businesses and the findings, studies, and evidence compiled by such governments and communities, as well as the courts, are relevant and important in understanding and addressing the adverse secondary effects that sexually oriented businesses can and do have upon communities, neighborhoods, individuals, and economies. The Town relies upon and incorporates the findings, studies, evidence, and experiences of the governmental entities and communities cited herein, as well as applicable federal and state court holdings, in enacting the regulations set forth in this ordinance.
- (2) Based on evidence concerning the adverse secondary effects of sexually oriented businesses on the community, as reflected in findings incorporated in applicable federal and state court decisions, including but not limited to *City of Erie v. Pap's A.M.*, 529 U.S. 277 (2000); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Arcara v. Cloud Books, Inc.*, 478 U.S. 697 (1986); *Young v. American Mini Theatres, Inc.*, 427 U.S. 50 (1976); *Illinois One News, Inc. v. City of Marshall*, 477 F.3d 461 (7th Cir. 2007); *Ben's Bar, Inc. v. Village of Somerset*, 316 F.3d 702 (7th Cir. 2003); *Schultz v. City of Cumberland*, 228 F.3d 831 (7th Cir. 2000); *East of the River Enterprises II v. City of Hudson*, 2000 WL 1116372 (Wis. Ct. App. Aug. 1, 2000); in studies in other communities, including but not limited to Amarillo, Texas; Austin, Texas; Beaumont, Texas; Dallas, Texas; Effingham County, Illinois; Garden Grove, California; Houston, Texas; Indianapolis, Indiana; Islip, New York; Jackson County, Missouri; Kennedale, Texas; Los Angeles, California; New York, New York; Oklahoma City, Oklahoma; Overland Park, Kansas; Phoenix, Arizona; Tucson, Arizona; and Whittier, California; in reports such as those by the State of Minnesota Attorney General's Working Group on Regulation of Sexually Oriented Businesses and the Texas City's Attorney's Association; and in various published scholarship, the Town finds that:
  - (a) Sexually oriented businesses lend themselves to unlawful and unhealthy activities that, absent lawful regulation, are uncontrolled by the operators of the establishments. Further, absent lawful regulation, there is no

mechanism to make the owners of these establishments responsible for the activities that occur on their premises.

- (b) Crime statistics show that all types of crimes, especially sex-related crimes and including but not limited to prostitution and other forms of sex trafficking, rape, sexual assault, the sale, distribution, or display of child pornography, robbery, public indecency, disorderly conduct, disturbances of the peace, drinking in public, littering, and other violations of the law, occur with more frequency in areas where sexually oriented businesses are located.
- (c) There is an increase in the potential for infiltration by organized crime for the purpose of unlawful conduct associated with sexually oriented businesses.
- (d) Studies of the relationship between sexually oriented business and neighborhood property values have found a negative impact on both residential and commercial property values, which, in turn, can have a detrimental impact upon new residential and commercial development.
- (e) Sexually oriented businesses contribute to the physical deterioration and blight of neighborhoods.
- (f) Sexually oriented businesses tend to harm the economic welfare of the communities in which they are located and negatively and adversely effect the quality of life of those communities.
- (g) Employees of certain sexually oriented businesses engage in higher incidences of certain types of illicit sexual behavior than employees of other establishments.
- (h) Sexual acts occur at sexually oriented businesses, especially those which provide private or semiprivate booths or cubicles for viewing films, videos, or live sex shows.
- (i) Persons frequent certain adult theaters, adult arcades, and other sexually oriented businesses for the purposes of engaging in sex within the premises of such sexually oriented businesses.
- (j) At least fifty (50) communicable diseases may be spread by activities occurring in sexually oriented businesses, including but not limited to syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis, amebiasis, salmonella infections, and shigella infections.
- (k) Sanitary conditions in some sexually oriented businesses are unhealthy, in part because the activities conducted there are unhealthy and in further part because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.
- (l) Numerous studies and reports have determined that semen is found in the areas of sexually oriented businesses where persons view adult oriented films.
- (m) The consumption of alcoholic beverages on the premises of sexually oriented businesses exacerbates the deleterious secondary effects of such businesses on the community.
- (n) Sexually oriented businesses have operational characteristics which should be reasonably regulated in order to protect the substantial government concerns addressed herein.
- (o) A reasonable permitting procedure is an appropriate mechanism to place the burden of that reasonable regulation on the owners and the operators of sexually oriented businesses. Further, such a permitting procedure will place an incentive on the operators to see that any sexually oriented businesses in the Town are run in a manner consistent with the health,

safety, and welfare of their patrons and employees, as well as the citizens of the Town.

- (p) The disclosure of certain information by those persons ultimately responsible for the day-to-day operation and maintenance of sexually oriented businesses, where such information is substantially related to the substantial governmental interest in the regulation of such uses, will aid in preventing or limiting the adverse secondary effects described herein.
- (q) In light of Wis. Stat. § 66.0107(3), the Town lacks authority to regulate obscenity, and the Town does not intend by adopting this ordinance to regulate obscenity.
- (r) The United States Supreme Court has held that nude dancing is expressive conduct within the outer perimeters of the First Amendment to the United States Constitution and, therefore, is entitled to some limited protection under the First Amendment. Freedom of speech is among our most precious and highly protected rights, and the Town wishes to act consistently with full protection of those rights.
- (s) The enactment of this ordinance legitimately promotes the valid goals and intent of minimizing, preventing, and controlling the adverse secondary effects associated with sexually oriented businesses and does so in a content neutral manner while preserving numerous other means of free expression.
- (t) Reasonable regulation of the location and operation of sexually oriented businesses will protect the residents of the Town from the adverse secondary effects of sexually oriented businesses while providing those who desire to patronize sexually oriented businesses such opportunities within the Town as are appropriate for the location of sexually oriented businesses.
- (u) The general welfare, health, morals, and safety of the citizens of the Town will be promoted by the enactment of this ordinance.

(C) Definitions:

- (1) **ADULT ARCADE** means any place to which the public is permitted or invited wherein, for any form of consideration, electronically, electrically, or mechanically-controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by their emphasis on the exhibition or display of specified sexual activities or specified anatomical areas.
- (2) **ADULT BOOKSTORE, ADULT NOVELTY STORE, OR ADULT VIDEO STORE** means any commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration any one or more of the following:
  - (a) books, magazines, periodicals, or other printed matter; or photographs, slides, films, motion pictures, videos of any kind (including but not limited to DVDs, Blu-ray discs, or by way of streaming), or other visual representations; which are distinguished or characterized by their emphasis on the exhibition, display, depiction, or description of specified sexual activities or specified anatomical areas; or
  - (b) instruments, devices, or paraphernalia which are designed for use or marketed primarily for the sexual stimulation of the human genitals, anus, or female breast or for the sadomasochistic use or abuse of the user or others. Nothing in this definition shall be construed to include devices

primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of the materials or devices described in subparagraphs (a) or (b) above and still be categorized as an ADULT BOOKSTORE, ADULT NOVELTY STORE, or ADULT VIDEO STORE. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an ADULT BOOKSTORE, ADULT NOVELTY STORE, or ADULT VIDEO STORE so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials or devices. The materials covered by subparagraph (a) above shall expressly exclude films, motion pictures, videos, slides, or other similar visual representations given an "R" or "NC-17" rating by the Motion Picture Association of America.

- (3) **ADULT CABARET** means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:
  - (a) persons who appear in a state of nudity or semi-nudity; or
  - (b) live performances which are distinguished or characterized by their emphasis on the exhibition or display of specified anatomical areas or specified sexual activities; or
  - (c) films, motion pictures, videos, slides, photographs, or other visual representations which are distinguished or characterized by their emphasis on the exhibition or display of specified sexual activities or specified anatomical areas. This definition shall expressly exclude films, motion pictures, videos, slides, or other similar visual representations given an "R" or "NC-17" rating by the Motion Picture Association of America.
- (4) **ADULT MOTEL** means a hotel, motel, or similar commercial establishment which:
  - (a) offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, videos, slides, photographs or other visual representations which are characterized by their emphasis on the exhibition or display of specified sexual activities or specified anatomical areas; and has a sign visible from the public right-of-way which advertises the availability of said visual representations; or
  - (b) offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
  - (c) allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.
- (5) **ADULT MOTION PICTURE THEATER** means a commercial establishment where, for any form of consideration, films, motion pictures, videos, slides, photographs, or other visual representations are regularly shown which are distinguished or characterized by their emphasis on the exhibition or display of specified sexual activities or specified anatomical areas. This definition shall expressly exclude films, motion pictures, videos, slides, or other similar visual representations given an "R" or "NC-17" rating by the Motion Picture Association of America.
- (6) **ADULT THEATER** means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a

state of nudity or semi-nudity or live performances which are distinguished or characterized by their emphasis on the exhibition or display of specified anatomical areas or specified sexual activities.

- (7) **DISTINGUISHED** or **CHARACTERIZED BY** means the dominant or principal theme of the object referenced. For instance, when the phrase refers to films "which are distinguished or characterized by their emphasis on the exhibition or display of specified sexual activities or specified anatomical areas," the films so described are those whose dominant or principal character and theme are the exhibition or display of specified sexual activities or specified anatomical areas.
- (8) **EMPLOYEE** means a person who performs any service on the premises of a sexually oriented business on a full-time, part-time, or contract basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise and whether or not said person is paid a salary, wage, or other compensation by the operator of said business. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises or for the delivery of goods to the premises.
- (9) **ESCORT** means a person who, for any form of consideration, agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- (10) **ESCORT AGENCY** means a person or business association that furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other form of consideration.
- (11) **ESTABLISHMENT** means and includes any of the following:
  - (a) the opening or commencement of any sexually oriented business as a new business; or
  - (b) the conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business; or
  - (c) the addition of any sexually oriented business to any other existing sexually oriented business; or
  - (d) the relocation of any sexually oriented business.
- (12) **NUDE, NUDITY, or a STATE OF NUDITY** means the showing of the human male or female genitals, pubic area, vulva, or anus, with less than a complete opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple or the areola, or the showing of the covered male genitals in a discernibly turgid state.
- (13) **PREMISES** means the real property upon which the sexually oriented business is located, and all appurtenances thereto and buildings thereon, including but not limited to the sexually oriented business, the grounds, the private walkways, and the parking lots adjacent thereto under the ownership, control, or supervision of the owner or operator of the business.
- (14) **PERMITTEE** means a person in whose name a permit to operate a sexually oriented business has been issued, as well as any individual listed as an applicant on the application for a permit.
- (15) **PERSON** means an individual, proprietorship, partnership, corporation, association, or other legal entity.

- (16) **REGULARLY FEATURES** or **REGULARLY SHOWS** means a consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as part of the ongoing business of the sexually oriented business.
- (17) **SEMI-NUDE, SEMI-NUDITY, or a STATE OF SEMI-NUDITY** means the showing of the human male or female genitals, pubic area, vulva, or anus with not more than a complete opaque covering or the showing of the female breast with not more than a complete opaque covering of the nipple or areola.
- (18) **SEXUALLY ORIENTED BUSINESS** means an adult arcade, adult bookstore, adult cabaret, adult motel, adult motion picture theater, adult novelty store, adult theater, adult video store, or escort agency.
- (19) **SPECIFIED ANATOMICAL AREAS** means:
  - (a) the human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
  - (b) less than completely and opaquely covered human genitals, pubic region, vulva, anus, or the nipple and areola of the human female breast.
- (20) **SPECIFIED SEXUAL ACTIVITIES** means any of the following:
  - (a) the fondling or other erotic touching of another person's genitals, pubic region, buttocks, anus, or female breasts; or
  - (b) sex acts, including but not limited to intercourse, oral copulation, masturbation, or sodomy.
- (21) **TRANSFER OF OWNERSHIP OR CONTROL** of a sexually oriented business permit means and includes any of the following:
  - (a) the sale, lease, or sublease of the sexually oriented business; or
  - (b) the transfer of securities which constitute a controlling interest in the sexually oriented business, whether by sale, exchange, or similar means; or
  - (c) the establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the sexually oriented business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

(D) **Classification:** Sexually oriented businesses are classified as follows:

- (1) adult arcades;
- (2) adult bookstores, adult novelty stores, and adult video stores;
- (3) adult cabarets;
- (4) adult motels;
- (5) adult motion picture theaters;
- (6) adult theaters; and
- (7) escort agencies.

(E) Legal Pre-Existing Uses:

- (1) Applicability: Any sexually oriented business lawfully operating prior to the Effective Date as set forth in section 1.611 of this chapter shall be deemed a legal pre-existing use, is not subject to the requirements of this ordinance, and may be continued although such use does not conform with the provisions of this ordinance, subject to the conditions of this section. Nothing in this section shall be construed as allowing the establishment of a new sexually oriented business on the premises or within the structure of a legal pre-existing use.
- (2) Burden of Proof: The property owner shall have the burden to prove that:
  - (a) The sexually oriented business was legally established and in existence prior to the Effective Date; and
  - (b) The use of the premises as a sexually oriented business prior to the Effective Date was so active and actual and was not merely casual and occasional or incidental to the principal use, such that the property owner has acquired a vested interest in the continuance of such a use.
- (3) Structural Alteration, Addition, or Repair: No structural alteration to, addition to, or repair of any building or structure with a legal pre-existing sexually oriented business use over the life of the building or structure shall exceed 100 percent of its then-existing building footprint at the time it became a legal pre-existing sexually oriented business use unless it is permanently changed to conform to the requirements of this ordinance.
- (4) Permitting: An application with respect to the structural alteration of, addition to, or repair of a building or structure with a legal pre-existing sexually oriented business use must be made on a form provided by the Town. Within thirty (30) days after receipt of such a completed permit application, the Zoning Committee shall approve or deny the issuance of a permit to an applicant. The Zoning Committee shall approve the issuance of a permit to an applicant unless it is determined by a preponderance of the evidence that the proposed structural alteration of, addition to, or repair of the building or structure would be non-compliant with any applicable laws and ordinances other than this ordinance. If any such application is denied, the Zoning Committee shall, within five (5) days following the denial, issue to the applicant written notification as to why the permit was denied. Judicial review of such a denial shall be available via section (M) of this ordinance.

(F) Sexually Oriented Business Permit Required:

- (1) A permit under this ordinance shall be required for the establishment of a sexually oriented business. A permit may be issued only for one sexually oriented business located at one fixed and certain place. Any person who desires to operate more than one sexually oriented business must have a permit for each.
- (2) It shall be a violation of this ordinance for any person to operate a sexually oriented business without a valid sexually oriented business permit issued by the Town under this ordinance, and each day that the operation continues is to be considered a separate and distinct violation subject to civil forfeiture.
- (3) An application for a sexually oriented business permit must be made on a form provided by the Town.

- (4) All applicants must be qualified according to the provisions of this ordinance. The application may request, and the applicant shall provide, such information as to enable the Town to determine whether the applicant meets the qualifications established in this ordinance.
- (5) A person who wishes to operate a sexually oriented business must sign the application for a permit as an applicant. If a person (as defined in this ordinance) other than an individual wishes to operate a sexually oriented business, all persons legally responsible for the operations of the sexually oriented business or who have power to control or direct its operations must sign the application for a permit as an applicant. Such persons include but are not limited to general partners, corporate officers, corporate directors, and controlling shareholders. Each applicant shall be considered a permittee if a permit is granted.
- (6) The completed application for a sexually oriented business permit shall contain the following information and shall be accompanied by the following documents:
  - (a) If the applicant is:
    - (i) an individual, the individual shall state his/her legal name and any aliases and submit proof that he/she is 18 years of age or older; or
    - (ii) a corporation, the corporation shall state its complete name, the date and state of its incorporation, evidence that the corporation is in good standing under the laws of its state of incorporation, the names and capacity of all officers, directors, and controlling shareholders, and the name of the registered corporate agent and the address of the registered agent for service of process; or
    - (iii) a partnership, joint venture, limited liability entity, or other type of business organization where two (2) or more persons have a financial interest, the entity shall state its complete name, the type of entity, and the names of persons having a financial interest in the entity.
  - (b) If the applicant intends to operate the sexually oriented business under a name other than that of the applicant; the applicant must state the fictitious name of the sexually oriented business and submit the required registration documents.
  - (c) The single classification of permit for which the applicant is filing.
  - (d) The location of the proposed sexually oriented business, including a legal description of the property and its street address.
  - (e) The applicant's mailing address, email address, and telephone number.
  - (f) A sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.
  - (g) A current certificate and straight-line drawing prepared within thirty (30) days prior to application by a registered land surveyor depicting the property lines and the structures containing any existing sexually oriented businesses or uses specified in paragraph (O)(2) of this ordinance within one thousand (1,000) feet of the premises to be certified, as well as the boundary of any zoning district identified in paragraph (O)(1) of this ordinance within one five hundred (500) feet of the premises to be certified. For purposes of this paragraph, a use shall be considered existing or established if it is in existence at the time an application is submitted.

- (h) If an applicant wishes to operate a sexually oriented business which will exhibit on the premises, in a viewing room or booth of less than one hundred fifty (150) square feet of floor space, films, motion pictures, videos, or live entertainment which are distinguished or characterized by their emphasis on the exhibition or display of specified sexual activities or specified anatomical areas, the applicant shall comply with the application requirements set forth in section (P) of this ordinance.

(G) Issuance of Permit:

- (1) A permit granted pursuant to this section shall be subject to renewal pursuant to section (J)(1) below upon the written application of the applicant using the standard sexually oriented business permit application provided by the Town and a finding by the Zoning Committee that the applicant has not committed any act during the existence of the previous permit which would be grounds to deny an initial permit application as set forth in subsection (2) below. The renewal of the permit shall be subject to the payment of the fee as set forth in section (H) and follow the timeline set forth in paragraph (2) below.
- (2) Within thirty (30) days after receipt of a completed sexually oriented business application or renewal application, the Zoning Committee shall approve or deny the issuance of a permit to an applicant. The Zoning Committee shall approve the issuance of a permit to an applicant unless it is determined by a preponderance of the evidence that one or more of the following is true:
  - (a) An applicant is under eighteen (18) years of age; or
  - (b) An applicant has failed to provide information reasonably necessary for issuance of the permit or has falsely answered a question or request for information on the application form; or
  - (c) The premises to be used for the sexually oriented business have been found by the Zoning Committee or any other applicable health, fire, or zoning authorities as being non-compliant with applicable laws and ordinances; or
  - (d) The permit fee required by this ordinance has not been paid; or
  - (e) The application or an applicant of the proposed establishment is otherwise in violation of any of the provisions of this ordinance.If the Zoning Committee does not act to approve or disapprove the permit application within said thirty (30) day period, the application shall be deemed to have been approved.
- (3) The permit, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, the address of the sexually oriented business, and the classification for which the permit is issued pursuant to section (D) of this ordinance. All permits shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that they may be easily read at any time.
- (4) The Zoning Committee or any other applicable health, fire, or zoning authorities shall complete any certification that the premises are in compliance or not in compliance with applicable laws and ordinances within twenty (20) days of receipt of the completed application by the Town. If such certification is not completed within twenty (20) days, the premises shall be deemed to be in compliance for the purposes of issuing the permit.
- (5) A sexually oriented business permit shall issue for only one classification as found in section (D) of this ordinance.

- (6) If any application is denied, the Zoning Committee shall, within five (5) days following the denial, issue to the applicant written notification as to why the permit was denied.
- (7) Any discontinuation in the operation of a sexually oriented business for a period of twelve (12) months or more shall cause the permit to lapse and become void. A permittee whose permit has lapsed in this manner shall thereafter be subject to the procedures applicable to the issuance of new permits.

(H) Fees:

- (1) Every application for a new sexually oriented business permit shall be accompanied by a \$250.00 non-refundable fee.
- (2) Every sexually oriented business seeking a renewal permit shall pay to the Town a non-refundable permit renewal fee of \$100.00 prior to issuance of the renewal permit.
- (3) All permit applications and fees shall be submitted to the Town Clerk.

(I) Inspection:

- (1) An applicant or permittee shall permit representatives of any applicable police, health, fire, and zoning authorities to inspect those portions of the premises of a sexually oriented business that patrons or customers are permitted to occupy for the purpose of insuring compliance with the law at any time it is open for business.
- (2) A person who operates a sexually oriented business or his agent or employee commits a violation of this ordinance if he refuses to permit such lawful inspection of the premises at any time it is open for business. Each day that such violation continues will be considered a separate and distinct violation subject to civil forfeiture.
- (3) The provisions of this section do not apply to areas of an adult motel which are currently being rented by a customer for use as a permanent or temporary habitation.

(J) Expiration of Permit:

- (1) Each new permit issued under this ordinance shall expire on June 30 of the second calendar year following the date of issuance. (For example, any permit issued during the calendar year 2020 would expire on June 30, 2022.) Each permit may be renewed only by making application as provided in section (F) of this ordinance. Application for renewal shall be made at least thirty (30) days before the expiration date, and when made less than thirty (30) days before the expiration date, the expiration of the permit will not be affected. Once renewed, each permit will expire two (2) years from the date of its issuance.
- (2) When the Town denies renewal of a permit, the applicant shall not be issued a permit for one (1) year from the date of denial. If, subsequent to denial, the Town finds that the basis for denial of the renewal permit has been corrected or abated, the applicant may be granted a permit if at least ninety (90) days have elapsed since the date denial became final.

**(K) Suspension of Permit:**

- (1) The Town shall suspend a permit for a period not to exceed thirty (30) days if it determines that a permittee or an employee of a permittee has:
  - (a) violated or is not in compliance with any section of this ordinance; or
  - (b) refused to allow an inspection of the sexually oriented business premises as authorized by this ordinance.
- (2) If the Zoning Committee determines that facts exist warranting the suspension of a permit under this ordinance, the Zoning Committee shall notify the permittee, in writing and by personal delivery or certified mail, of the Zoning Committee's intent to suspend the permit, including the grounds for such a suspension. Within five (5) business days of receipt of such notice, the permittee may provide to the Zoning Committee, in writing, a response that shall include a statement of reasons why the permit should not be suspended.

If the permittee provides no such written response to the Zoning Committee within the time specified above, the Zoning Committee shall notify the permittee, in writing and by personal delivery or certified mail, that the permit has been suspended and the reasons for said suspension. Such notice shall include a statement advising the permittee of the right to challenge the suspension in a court of competent jurisdiction pursuant to section (M) of this ordinance. If the permittee provides a timely written response, the Zoning Committee shall, within three (3) business days of its receipt of said response, place on the agenda for a meeting of the Board of Appeals a hearing to consider the suspension of the permit and notify the permittee in writing of the date and time of the hearing before the Board of Appeals.

Said hearing shall be conducted within fourteen (14) days of the Zoning Committee's receipt of a permittee's written response to a notice of intent to suspend. At said hearing, the Zoning Committee shall present such evidence and witnesses as it believes warrant a suspension of the permit. At said hearing, the permittee shall have the opportunity to be represented by counsel, to present evidence and witnesses on his or her behalf, and to cross-examine witnesses presented on behalf of the Town. At said hearing, the Board of Appeals shall determine if sufficient grounds exist to warrant the suspension of the permit. If the Board of Appeals determines that such grounds exist and determines to suspend the permit, the Board of Appeals shall provide notice to the permittee, in writing and by personal delivery or by certified mail, of the fact of the suspension and the grounds for the suspension. Such notice shall include a statement advising the permittee of the right to challenge the suspension in a court of competent jurisdiction pursuant to section (M) of this ordinance.

All notifications to the permittee described herein shall be directed to the most current business address of the permittee on file with the Town.

**(L) Revocation of Permit:**

- (1) The Town shall revoke a permit if a cause of suspension in section (K) occurs and the permit has been suspended within the preceding twelve (12) months.
- (2) The Town shall also revoke a permit if it determines that:
  - (a) a permittee gave false or misleading information in the material submitted during the application process or omits material facts; or

- (b) a permittee has knowingly allowed the consumption of alcohol on the premises; or
  - (c) a permittee has knowingly allowed the possession, use, or sale of controlled substances on the premises; or
  - (d) a permittee has knowingly allowed prostitution on the premises; or
  - (e) a permittee has knowingly operated the sexually oriented business during a period of time when the permittee's permit was suspended; or
  - (f) a permittee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sex act to occur in or on the permitted premises, except the provisions of this paragraph shall not apply to an adult motel unless the permittee knowingly allowed sexual activities to occur either in exchange for money or in a public place or within public view; or
  - (g) a permittee is delinquent in payment of any fees past due required under this ordinance; or
  - (h) the permittee has become ineligible to obtain or maintain a permit.
- (3) When the Town revokes a permit, the revocation shall continue for one (1) year, and the permittee shall not be issued a sexually oriented business permit for one (1) year from the date the revocation became effective. If, subsequent to revocation, the Town finds that the basis for the revocation has been corrected or abated, the applicant may be granted a permit if at least ninety (90) days have elapsed since the date the revocation became effective.

If the Zoning Committee determines that facts exist warranting the revocation of a permit under this ordinance, the Zoning Committee shall notify the permittee, in writing and by personal delivery or certified mail, of the Zoning Committee's intent to revoke the permit, including the grounds for such a revocation. Within five (5) business days of receipt of such notice, the permittee may provide to the Zoning Committee, in writing, a response that shall include a statement of reasons why the permit should not be revoked.

If the permittee provides no such written response to the Zoning Committee within the time specified above, the Zoning Committee shall notify the permittee, in writing and by personal delivery or certified mail, that the permit has been revoked and the reasons for said revocation. Such notice shall include a statement advising the permittee of the right to challenge the revocation in a court of competent jurisdiction pursuant to section (M) of this ordinance. If the permittee provides a timely written response, the Zoning Committee shall, within three (3) business days of its receipt of said response, place on the agenda for a meeting of the Board of Appeals a hearing to consider the revocation of the permit and notify the permittee in writing of the date and time of the hearing before the Board of Appeals.

Said hearing shall be conducted within fourteen (14) days of the Zoning Committee's receipt of a permittee's written response to a notice of intent to revoke. At said hearing, the Zoning Committee shall present such evidence and witnesses as it believes warrants a revocation of the permit. At said hearing, the permittee shall have the opportunity to be represented by counsel, to present evidence and witnesses on his or her behalf, and to cross-examine witnesses presented on behalf of the Town. At said hearing, the Board of Appeals shall determine if sufficient grounds exist to warrant the revocation of the permit. If the Board of Appeals determines that such grounds exist and determines to revoke the permit, the Board of Appeals shall provide notice to the permittee, in

writing and by personal delivery or by certified mail, of the fact of the revocation and the grounds for the revocation. Such notice shall include a statement advising the permittee of the right to challenge the revocation in a court of competent jurisdiction pursuant to section (M) of this ordinance.

All notifications to the permittee described herein shall be directed to the most current business address of the permittee on file with the Town.

- (M) Judicial Review: After denial of a permit under this ordinance, denial of a renewal of such a permit, or suspension or revocation of any such permit, the applicant or permittee may seek prompt judicial review by statutory or common law writ of certiorari of such administrative action in any court of competent jurisdiction. The Board of Appeals is not competent to review the denial of a permit under this ordinance or the denial of a renewal of such a permit. The administrative action shall be promptly reviewed by the court.
- (N) Transfer of Permit: A permittee shall not transfer ownership or control of a permit to operate a sexually oriented business under this ordinance to another, nor shall a permittee operate a sexually oriented business under the authority of a permit issued under this ordinance at any place other than the address designated on the permit.
- (O) Location of Sexually Oriented Businesses:
- (1) A person commits a violation of this ordinance if the person operates or causes to be operated a sexually oriented business within five hundred (500) feet of, or within, the boundary of a Residential – Low Density District, Residential – Medium Density District, Multi-Family Residential District, Lakeshore Residential District, Lakeshore Resort/Residential District, or Rural Residential District as defined in sections 1.304 – 1.309 of this chapter.
  - (2) A person commits a violation of this ordinance if the person operates or causes to be operated a sexually oriented business within one thousand (1,000) feet of:
    - (a) A church, synagogue, mosque, temple, or other building which is used primarily for religious worship and related religious activities; or
    - (b) A public or private school or educational facility, including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, continuation schools, special education schools, junior colleges, and universities. For the purposes of this subsection, a school includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school; or
    - (c) A public park or recreational area which has been designated for park or recreational activities, including but not limited to a park, playground, nature trail, beach, swimming pool, reservoir, athletic field, basketball or tennis court, pedestrian/bicycle path, or other similar public land which is under the control, operation, or management of the Town or another governmental entity; or
    - (d) A campground as defined in section 1.111 of this chapter; or
    - (e) A resort as defined in section 1.111 of this chapter; or
    - (f) Any premises that in any manner sells or dispenses alcohol or is licensed pursuant to the alcohol beverage control regulations of the state; or
    - (g) Any residence in a zoning district allowing single or multi-family dwellings as permitted uses.

- (3) A person commits a violation of this ordinance if that person causes or permits the establishment or transfer of ownership or control of a sexually oriented business within one thousand (1,000) feet of another sexually oriented business.
  - (4) A person commits a violation of this ordinance if that person causes or permits the establishment of more than one sexually oriented business in the same building, structure, or portion thereof.
  - (5) Each day that the operation continues in violation of paragraphs (1) through (4) above is to be considered a separate and distinct violation subject to civil forfeiture.
  - (6) For the purpose of paragraphs (1) and (2) of this section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a sexually oriented business is conducted to the nearest property line of the premises of a use specified in paragraph (2) or the nearest boundary line of a zoning district listed in paragraph (1). Presence of a political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.
  - (7) For purposes of paragraph (3) of this section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.
  - (8) Any sexually oriented business lawfully operating before the Effective Date as set forth in section 1.611 of this chapter that is in violation of paragraphs (1) through (4) of this section shall be deemed a legal pre-existing use. The legal pre-existing use will be permitted to continue so long as the establishment of a new sexually oriented business does not occur on the premises or within the structure as defined in paragraph (C)(11) above and the provisions of section (E) above are satisfied.
  - (9) A sexually oriented business lawfully operating with a permit issued under this ordinance is not in violation of this ordinance by the location, subsequent to the grant or renewal of the sexually oriented business permit, of a use listed in paragraphs (2) and (3) of this section within one thousand (1,000) feet of the sexually oriented business. This provision applies only to the renewal of a valid permit and does not apply when an application for a permit is submitted after a permit has expired or been revoked.
- (P) Regulations Pertaining to Exhibition of Sexually Explicit Films, Videos, or Live Entertainment in Viewing Rooms:
- (1) A person who operates or causes to be operated a sexually oriented business which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space live entertainment, films, motion pictures, or videos which exhibit or display specified sexual activities or specified anatomical areas, shall comply with the following requirements:
    - (a) Upon application for a sexually oriented permit, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises

in which patrons will not be permitted. A manager's station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six (6) inches. The Town may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

- (b) The application shall be sworn to be true and correct by the applicant.
- (c) No alteration in the configuration or location of a manager's station may be made without the prior approval of the Town.
- (d) It is the duty of the permittee of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
- (e) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If two or more manager's stations are designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.
- (f) It shall be the duty of the permittee to ensure that the view area specified in subparagraph (e) remains unobstructed by any doors, curtains, partitions, walls, merchandise, display racks, or other materials and, at all times, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the diagram filed pursuant to subparagraph (a) of this subsection.
- (g) No viewing room may be occupied by more than one person at any time.
- (h) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five (5) foot-candles as measured at the floor level.
- (i) It shall be the duty of the permittee to ensure that the illumination described above is maintained at all times that any patron is present in the premises.
- (j) No permittee shall allow openings of any kind to exist between viewing rooms or booths.

- (k) No person shall make or attempt to make an opening of any kind between viewing booths or rooms.
  - (l) The permittee shall, during each business day, regularly inspect the walls between the viewing booths to determine if any openings or holes exist.
  - (m) The permittee shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.
  - (n) The permittee shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition board, or other porous material shall be used within forty-eight (48) inches of the floor.
- (2) A person having a duty under subparagraphs (a) through (n) of paragraph (1) above commits a violation of this ordinance if he knowingly fails to fulfill that duty. Each day that the violation continues is to be considered a separate and distinct violation subject to civil forfeiture.
- (Q) Additional Regulations for Escort Agencies:
- (1) An escort agency shall not employ any person under the age of eighteen (18) years.
  - (2) A person commits an offense if the person acts as an escort or agrees to act as an escort for any person under the age of eighteen (18) years.
- (R) Prohibition Against Children In A Sexually Oriented Business: A person commits a violation of this ordinance if the person knowingly allows a person under the age of eighteen (18) years on the premises of a sexually oriented business. Each admission is to be considered a separate and distinct violation subject to civil forfeiture.
- (S) Alcohol: It shall be prohibited in a sexually oriented business to serve, sell, use, provide, or consume any intoxicating liquor, cereal malt beverage, or any other alcoholic beverage.
- (T) Hours of Operation: No sexually oriented business may remain open at any time between the hours of two o'clock (2:00) a.m. and eight o'clock (8:00) a.m. on weekdays and Saturdays and two o'clock (2:00) a.m. and twelve (12:00) p.m. on Sundays.
- (U) Additional Regulations:
- (1) It shall be prohibited in a sexually oriented business for a person to engage in specified sexual activities.
  - (2) It shall be prohibited in a sexually oriented business for a person to appear nude or semi-nude unless the person is an employee who, while nude or semi-nude, is at least five (5) feet from any patron or customer and on a stage at least two (2) feet above the floor.
  - (3) It shall be prohibited for an employee of a sexually oriented business, while nude or semi-nude, to receive directly any pay or gratuity from any patron or customer or for any patron or customer to pay or give any gratuity directly to any employee of a sexually oriented business while that employee is nude or semi-nude. For

the purposes of this paragraph, "directly" means to require physical contact such as the direct touching of skin, other body parts, or clothing.

- (4) It shall be prohibited for an employee of a sexually oriented business, while nude or semi-nude, to touch a patron or customer or the clothing of a patron or customer or for a patron or customer to touch an employee while that employee is nude or semi-nude.
- (V) Responsibilities of the Permittee Any act or omission of an employee constituting the violation of the provisions of this ordinance shall be deemed the act or omission of the permittee for the purposes of determining whether the permittee's license shall be revoked, suspended, or renewed.
- (W) Exceptions: The provisions of this ordinance do not apply to the following establishments: theaters, performing arts centers, civic centers, and dinner theaters where live dance, ballet, music, and dramatic performances of serious artistic merit are offered on a regular basis and in which the predominant business or attraction is not the offering of entertainment which is intended for sexual interests or titillation of customers and where the establishment is not distinguished by an emphasis on or the advertising or promotion of nude or semi-nude performances. While expressive live nudity may occur within these establishments, this ordinance seeks only to minimize and prevent the secondary effects of sexually oriented businesses on the community. Negative secondary effects have not been associated with the establishments referenced in this section.
- (X) Injunction: A person who operates or causes to be operated a sexually oriented business without a valid permit or otherwise in violation of this ordinance is subject to a suit for injunction as well as prosecution for forfeitures consistent with section 1.609 of this chapter.
- (Y) Conflicting Ordinances Repealed: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

## **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 a 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 re-zonings 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 Statutes. Terms of office for Committee Members shall be three (3) years. Of those first appointed, one shall serve for one (1) year, two shall serve for two (2) years and two shall serve for three (3) years. The Town Chairperson shall also appoint the presiding officer, subject to confirmation by the Town Board.

#### **(C) VACANCIES AND REMOVALS:**

A person appointed to fill a vacancy on the Zoning Committee shall serve for the remainder of that term. Appointments will be done in the same manner spelled out in Chapter 1.66(2). Appointees to the Town Zoning Committee may be removed only by a majority vote of the Town Board.

#### **(D) JURISDICTION AND AUTHORITY:**

The Zoning Committee of the Town shall have the following duties and responsibilities:

- (1) Supervise the administration of this chapter and other ordinances as approved by the Town Board, including enforcement of this chapter as provided in §1.609 of this chapter.
- (2) Hold public hearings and decide upon the issuance of conditional use permits pursuant to §1.606 of this chapter.
- (3) Hold public hearings on proposed amendments to this chapter and make recommendations on such amendments to the Town Board.
- (4) Oversee the forwarding of the appropriate zoning permits and fees to the Town by the Zoning Administrator.
- (5) Advise and assist the Zoning Administrator in the interpretation of this ordinance.
- (6) Other zoning related duties as may be delegated by Wisconsin Statutes or by the Town Board or as specified in any section of this Zoning Ordinance.

#### **(E) MEETINGS AND RULES:**

Meetings of the Zoning Committee shall be held at the call of the chair and at such other times as the Committee may determine. The chair or in the chair's absence,

the acting chair, may administer oaths and compel the attendance of witnesses. All meetings of the Committee shall be open to the public. The Committee'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 hearings and other official actions, all of which shall be immediately filed in the office of the Board of Appeals and shall be public record. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney. The Zoning Committee shall adopt further rules which are not in conflict with the Wisconsin Statutes as necessary to carry out its authorized business. Agendas for committee meetings must be posted in accordance with Wisconsin Open Meeting Laws and the minutes of any meeting must be turned into the Clerk after they are approved by the Committee.

#### **1.603 ZONING ADMINISTRATOR:**

The Zoning Administrator and Deputy Zoning Administrator shall be appointed by the Zoning Committee and confirmed by the Town Board. The Town Board may designate an acting administrator. The duties and responsibilities of the Zoning Administrator shall be:

- (A) Defined by the Zoning Committee in a document that shall be:
  - a. External to this chapter
  - b. Subject to approval by the Town Board
- (B) Overseen by the Zoning Committee

#### **1.604 BOARD OF APPEALS:**

##### **(A) INTRODUCTION AND EXPLANATION:**

This section describes the Board of Appeals. This 5-member board has powers directly granted to it by the State Legislature. The statutory duties of the Board are to hear and decide appeals from decisions of the Zoning Administrator, and to consider variances from the strict requirements of this chapter where a unique hardship exists and where a waiver of this chapter can be granted without destroying the purpose and intent of this chapter.

##### **(B) CREATION OF THE BOARD OF APPEALS.**

###### **(1) Appointment:**

The Saint Germain Board of Appeals is hereby created as authorized by §62.33(7)(e) Wis. Stats. which is applicable to Towns with village powers. The Board of Appeals shall consist of five (5) members appointed by the Town Board Chairman subject to confirmation of the Town Board of Supervisors for terms of three (3) years, except that of those first appointed one (1) shall serve for one (1) year, two (2) for two (2) years and two (2) for three (3) years. The Town Board Chairman shall designate one (1) of the members as chairperson. The Town Chairman shall appoint for staggered terms of three (3) years, two (2) alternate members of such board, in addition to the five (5) members above provided for. Annually, the Town Board Chair shall designate one (1) of the alternate members as 1st alternate and the other as 2nd alternate. The 1st alternate shall act, with full power, only when a member of the board refuses to vote because of interest or when a member is absent. The 2nd alternate shall so act only when the 1st alternate so refuses or when more than one (1) member of the board so refuses or is absent.

###### **(2) Qualifications:**

Each member of the Board of Appeals shall be a resident elector of the Town and no member of the Board of Appeals may serve as a member of the Zoning Committee created under Section 1.602.

**(C) JURISDICTION AND AUTHORITY:**

The Board of Appeals shall have the following powers:

- (1) Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Committee or Zoning Administrator in the enforcement of this chapter.
- (2) Hear and decide appeals of conditional use and non-conforming use decisions by the Zoning Committee.
- (3) Authorize, upon appeal in specific cases, such variances from the terms of this chapter as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship and so that the spirit of this chapter shall be observed and substantial justice done.
- (4) Elect a secretary and vice-chair of the Board of Appeals, both of whom shall be members of the Board of Appeals.
- (5) Variance decisions made by the Board of Appeals and Conditional Use Permit decisions made by the Board of Appeals altering previous decisions made by the Zoning Committee or Zoning Administrator shall be recorded by the Town with the Vilas County Register of Deeds.

**(D) MEETINGS AND RULES:**

Meetings of the Town Board of Appeals shall be held at the call of the chairman and at such other 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 such Board shall be open to the public. The Board's secretary shall keep a written record of the outcome of the vote of each member on each question and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Appeals and shall be a public record. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney. The Board of 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.

**1.605 RULES AND PROCEDURES FOR ISSUANCE OF A ZONING PERMIT:**

**(A) APPLICATION:**

- (1) An application for a zoning permit shall contain the following:
  - (a) Name and address of the owner of the property.
  - (b) Legal description of the parcel.
  - (c) Size and location of the structure to be erected on or moved onto the property.
  - (d) Proposed use of the structure or premises.
  - (e) Type of construction.
  - (f) Where applicable, a detailed landscaping buffer plan (See §1.307, §1.311 and §1.312 of this chapter.)
  - (g) In the case of planned residential unit development, evidence of the approval of a general development plan and recording of a specific implementation plan with the Vilas County Register of Deeds pursuant to §1.408 of this chapter.
  - (h) Any other applicable information, including sanitary permit number.
  - (i) Payment of the applicable permit application fee as prescribed in Appendix A of this Chapter. (Exception: Permitted projects on Town property are exempt from permit fees).

- (2) The application shall include a site plan accurately showing the dimensions of the lot or parcel, the dimensions of the proposed buildings, parking areas and vehicle capacity (for commercial uses), tree removal plans (for trees greater than 6 inches in diameter measured at a height 4 feet from the base of the tree), proposed landscaping plan, the distance in feet from the abutting street or highway centerline and from the side and rear lot line, the size and location of any existing buildings and such other information as deemed necessary. The Zoning Administrator may require a copy of a plat of survey prepared by licensed surveyor, evidence of compliance with the Ch. 5, Land Division, the Vilas County Sanitary Code, the Vilas County Land Division and Subdivision Ordinance, Vilas County Trunk Highway Access Control Regulations or any other federal, State, county or Town laws, ordinances and regulations and/or any additional information required as a condition precedent to the issuance of a zoning permit, including proof of State approval for public buildings.
- (3) The application shall be signed by the applicant and the property owner or their respective representatives, provided however, that if a prospective owner desires a prior finding on a proposed construction or use before consummation of purchase, such a person may apply for a permit and, if a permit is denied, may appeal to the Board of Appeals.
- (4) In the case of an application for structural alterations, additions or major repairs to a backlot non-conforming structure, issuance of a zoning permit requires review and approval of the application by the Zoning Committee. The Zoning Administrator shall forward the application to the Zoning Committee immediately upon receipt and the Zoning Committee shall consider the application at a regularly scheduled meeting within 21 days of receipt of the application.

**(B) ISSUANCE:**

- (1) Coincident with the issuing of a zoning permit, the Zoning Administrator shall prepare a card, certifying that a permit has been issued. This card shall bear the same number as the permit and identify the construction and premises covered by the permit. The card shall be posted in a conspicuous place on the premises during the construction and construction shall be deemed to begin when any earth disturbing activity takes place that will lead to the installation of footings, piers, posts, pilings, or foundations. Earth disturbing activity for soil evaluation testing shall not be considered the start of construction.
- (2) Any permit obtained through material misrepresentation shall be null and void.
- (3) A permit issued pursuant to the provisions of this subsection shall expire one year from the date of issuance if substantial construction is not started within that time. Such a permit will expire if construction, once started, does not diligently proceed to completion within one year of starting time. An applicant is entitled to a one time renewal upon payment of the zoning permit renewal fee. Such renewal will expire if construction does not diligently proceed within 6 months of the date of the renewal permit. Upon the expiration of the renewal permit, if construction has not diligently proceeded, a new application for a zoning permit must be filed.

**(C) AUTOMATIC APPROVAL:**

Notwithstanding any other provision of this section, a completed application for a zoning permit, accompanied by the necessary fee, and in compliance with any other requirements set by the Town, shall be automatically approved if more than 45 days pass from the day the application is submitted to the Town and the Town has failed to take any action to consider, approve or deny the application.

(D) **TEMPORARY PERMIT:**

- (1) A temporary permit may be issued owing to unforeseen circumstances arising or under special conditions whereby a regular zoning permit cannot be secured and/or is not applicable, such as the following, but not limited to:
  - (a) For the storage of chattel on a county or Town highway right-of-way.
  - (b) For any temporary structures or uses inadvertently omitted from this chapter.
  - (c) For the parking of a mobile home or other form of habitation structure during the construction of a dwelling, provided the temporary structure is located on the same lot where a zoning permit has been issued for the dwelling under construction and the structure's wastewater and sewage enters the septic system that will service the dwelling.
  - (d) In order to accommodate individuals in emergency situations.
- (2) A temporary permit under this subsection shall be valid for six months from the date of issuance.

**1.606 RULES AND PROCEDURES FOR ISSUANCE OF CONDITIONAL USE PERMITS:**

(A) **INITIATION OF CONDITIONAL USE PERMIT APPLICATION:**

Any person having a freehold interest, a possessory interest entitled to exclusive possession or a contractual interest which is specifically enforceable in the land for which a conditional use permit is sought may file an application, signed by the owner, to use such land for one or more of the conditional uses provided for this chapter, provided the use is one which is conditionally permitted by this chapter in the zoning district where the parcel is located.

(B) **APPLICATION FOR CONDITIONAL USE PERMIT:**

An application for a conditional use permit shall be filed with the Zoning Administrator on a form prescribed by the Zoning Administrator. The application shall be accompanied by such plans and other information as may be prescribed by the Zoning Administrator or the Zoning Committee. The Zoning Committee or Zoning Administrator shall notify all property owners within a 300-foot radius of the property in question that a conditional use permit has been applied for. Notice shall be by regular mail and the last known names and addresses of the property owners shall be those names and addresses as shown on the Township tax records.

(C) **HEARING ON APPLICATION:**

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 prescribe by rules from time to time. Notice of public hearing shall be given by publication as a Class 2 notice as provided for in §985, Wis. Stats.

(D) **STANDARDS:**

A conditional use permit shall not be granted by the Zoning Committee, unless the Committee shall find that all the following conditions are present:

- (1) The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.
- (2) The uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially

impaired or diminished by establishment, maintenance or operation of the conditional use.

- (3) 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) Adequate utilities, access roads, drainage, buffer areas and landscaping and other necessary site improvements have been or will be provided.
- (5) 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) The conditional use shall conform to all applicable regulations of the district in which it is located.

**(E) CONDITIONS AND GUARANTEES:**

- (1) Prior to the granting of a conditional use permit, the Zoning Committee may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use deemed necessary to promote the public health, safety and general welfare of the community and to secure compliance with the standards and requirements specified in sub. (4) above. In all cases in which conditional uses are granted, the Zoning Committee shall require evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.
- (2) Conditional Use Permits approved by the Zoning Committee shall be recorded by the Town with the Vilas County Register of Deeds

**(F) AUTOMATIC APPROVAL:**

Notwithstanding any other provision of this section, a completed application for a conditional use permit, accompanied by the necessary fee and in compliance with any other requirements set by the Town, shall be automatically approved if more than 45 days pass from the day the application is submitted to the Town and the Town has failed to take any action to consider, approve or deny the application. An application for a conditional use permit for a planned residential unit development pursuant to §1.408 of this chapter shall be automatically approved if more than 90 days pass from the day the completed general development plan is submitted to the Town and the Town has failed to take any action to consider, approve or deny the application.

**(G) APPEAL FROM ACTIONS BY THE ZONING COMMITTEE:**

An appeal from the decision of the Zoning Committee may be taken to the Board of Appeals by the applicant for the conditional use permit or by an aggrieved party. Such appeal must specify the grounds thereof in respect to the finding of the Zoning Committee and must be filed with the Board of Appeals within 30 days of the final action of the Zoning Committee. 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 shall be affirmed, unless the Board of Appeals reverses or modifies the action of the Zoning Committee.

**(H) EFFECT OF DENIAL OF APPLICATION:**

No application for a conditional use which has been denied wholly or in part by the Zoning Committee shall be resubmitted for a period of one year from the date of such denial, except on the grounds of new evidence or proof of change of conditions

found to be valid by the Zoning Committee. In any case, where a conditional use permit issued under this section has not been instituted or construction begun within one year of the date of approval, it shall be null and void without further action by the Zoning Committee.

(I) **REVOCATION OF CONDITIONAL USE PERMIT:**

If the Zoning Committee finds that the standards and the conditions stipulated in a conditional use permit are not being complied with, the Zoning Committee may revoke the conditional use permit. Appeals from the actions of the Zoning Committee may be as provided above in sub. (7).

(J) **CEASED CONDITIONAL USES:**

A conditional use permit for any use which has been ceased for a period of one year, except because of probate, litigation or offering for sale, will be deemed to have been terminated and any future use must be in conformity with this chapter.

**1.607 APPEALS:**

(A) **FILING APPEALS:**

Appeals to the Town Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the Town affected by a decision of the office of the Zoning Administrator or of the Zoning Committee. Such appeal shall be taken within 30 days as provided by the rules of the Board of Appeals by filing with the Town Clerk a notice of appeal specifying the grounds thereof. Upon filing of an appeal, the Zoning Administrator shall transmit to the Board all the paper constituting the record upon which the action appealed from was taken.

(B) **STAY OF PROCEEDINGS:**

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator or the Zoning Committee certifies to the Board of Appeals that such a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by restraining order which may be granted by the Board of Appeals or by the court of law.

(C) **NOTICE OF HEARING:**

The Board of Appeals shall fix a reasonable time for the hearing of the appeal. Notice of time, place and purpose of such hearing shall be given by publication as a Class 2 notice as provided for in §985, Wis. Stats. Notice of time, place and purpose of such hearing shall also be mailed via first class mail to the applicant or appellant, Zoning Administrator and each property owner within a 300' radius of the affected property. If the appeal involves area subject to the Vilas County Shoreland Ordinance or within a 100 year floodplain a copy of the Board's decision shall be provided to Vilas County.

(D) **FINDINGS OF THE BOARD:**

The Board of Appeals, upon its findings, shall render a decision on the appeal within a reasonable time. The Board, with the concurring vote of 4 members, may reverse or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made and, to that end, shall have the powers of the officer from whom the appeal is taken. Decisions of the Board of Appeals shall thereafter be subject to review by a court of law upon the filing of a writ of certiorari within 30 days of the Board's decision. The grounds for any decision reversing or modifying shall be stated.

## **1.608 VARIANCES:**

### **(A) INTRODUCTION AND APPLICABILITY:**

A variance is an exemption from the application of a setback, dimensional or density standard required by this chapter or a use which varies from that otherwise permitted under this chapter. In the case of a request for a deviation which is 5% or less of a required setback, dimensional or density standard under the following paragraphs, this section shall not apply and the procedures under §1.606 shall be used:

- (1) Dimensional and minimum dwelling area standards contained in §1.202 of this chapter.
- (2) Setback standards contained in Zoning District Regulations §1.304 through §1.315 of this chapter and waterfront lot densities incorporated by reference from the Vilas County Shoreland Zoning Ordinance.
- (3) Dimensional and density requirements for campgrounds contained in §1.403(2) of this chapter.

### **(B) 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 forms provided by the Town, together with a nonrefundable fee for the administration of this chapter.

### **(C) NOTICE OF HEARING:**

The Board of Appeals shall fix a reasonable time for hearing variance requests. Notice of time, place and purpose of such hearing shall be given by publication as a Class 2 notice as provided in Ch. 985, Wis. Stats. Notice of time, place and purpose of such hearing shall also be mailed via first class mail to the applicant or appellant, Zoning Administrator and each property owner within a 300 feet radius of the affected property. If the variance request involves area subject to the Vilas County Shoreland Ordinance or within a 100-year floodplain, notice of the public hearing and of the Board's decision shall be provided to the Wisconsin Department of Natural Resources district office.

### **(D) STANDARDS FOR VARIANCES:**

- (1) The Board of Appeals may authorize such variances from the terms of this chapter to dimensional standards which will not be contrary to the public interest where, owing to special conditions, a literal enforcement of this chapter will result in unnecessary hardship and so that the spirit of this chapter shall be maintained and substantial justice done. The Board of Appeals shall use the following guidelines in interpreting this standard.
  - (a) The physical surroundings, shape or topographic conditions of the specific property involved could result in a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out.
  - (b) The conditions upon which the application for a variance is based would not be applicable generally to other property within the same zoning classification.
  - (c) The purpose of the variance is not based exclusively on a desire for economic or material gain by the applicant or owner.
  - (d) The alleged difficulty or hardship is caused by this chapter and has not been created by any person presently having an interest in the property.
  - (e) 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.

- (f) 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.
- (2) The Board of Appeals 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 chapter.

(E) **FINDINGS OF THE BOARD:**

The Board of Appeals, upon its findings, shall render a decision on the variance request within a reasonable time. Re-hearings, reconsiderations and new applications seeking the same relief concerning the same property after a previous application has been denied will not be heard by the Board of Appeals unless a substantial change of conditions or circumstances has intervened between the time the matter was first decided by the Board of Appeals and the subsequent application. A change of ownership or the passage of time without additional conditions or circumstances will not justify another hearing before the Board. All decisions and findings of the Board of Appeals shall in all instances be final administrative determinations and shall thereafter be only subject to review by a court of law.

(F) **LENGTH OF VALIDITY:**

No order of the Board of Appeals granting such variance shall be valid for longer than one year from the date of such order, unless a zoning permit is obtained within such period and the erection or alteration of the building is started or the use commenced.

**1.609 ENFORCEMENT AND PENALTIES:**

(A) **RESPONSIBILITY FOR COMPLIANCE.**

It shall be the responsibility of the applicants as well as their agents or other persons acting on their behalf to comply with the provisions of this chapter. Any person, firm or corporation causing a violation or refusing to comply with any provision of this chapter will be notified in writing of such violation by the Town Zoning Administrator, giving the person responsible a time period not to exceed 30 days in the case of construction, or seven days in the case of failure to obtain a permit, from the date of receipt by certified mail of the letter of notification to have the violation brought into compliance with the provisions of this chapter. Every violation of this chapter is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated according to law.

(B) **FORFEITURE:**

Any person, firm or corporation, including those doing work for others, who violates any provisions of this chapter shall be subject to a forfeiture of \$100.00 plus court costs for the first violation, \$250.00 plus court costs for the second violation and \$500.00 plus court costs for all subsequent violations. Each day a violation exists shall constitute a distinct and separate violation and forfeitures shall apply accordingly.

(C) **INJUNCTION:**

The Town may enforce this chapter by subjecting any person, firm or corporation, including those doing work for others, who violate any of the provisions of this chapter, to a court injunction prohibiting such violations.

(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 chapter, the Zoning Administrator shall give notice to the owner of record as hereinafter provided. Such notice shall be in writing and shall include a statement of the reason for the suspension of the permit. It shall allow 30 days for the performance of any act it requires. If work cannot be completed in the 30 day period, an extension may be granted if 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 such notice by any method authorized by the laws of Wisconsin. The Zoning Administrator may proceed to stop all use or actions pursuant to this subsection.

(E) **APPEALS OF ENFORCEMENT:**

Any person affected by any notice which has been issued in connection with the enforcement of any provision of this chapter may request and shall be granted a hearing of the same before the Board of Appeals.

(F) **EMERGENCY CONDITIONS:**

Whenever the Zoning Administrator finds that an emergency exists, such as sudden, unexpected occurrences, unforeseen conditions or circumstances at the time beyond one's control, adverse weather conditions, meeting a timetable which requires immediate action to protect the public health, safety and welfare, the Administrator may, without notice of 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. Any person to whom such order is directed shall comply therewith immediately. Appeals or challenges to emergency orders may be brought to the Board of Appeals after emergency conditions have ceased. The Zoning Administrator may proceed to abate the emergency condition pursuant to this subsection.

**1.610 ZONING FEES:**

Fees for Zoning permits and other related services are adjusted periodically and approved by the Town Board. They appear as Appendix A(1) to this ordinance.

**1.611 EFFECTIVE DATE:** This ordinance is effective on publication or posting and revises Town of St. Germain Code of Ordinances, Chapter 1 - Zoning adopted July 22, 2021, repeals and replaces Town of Saint Germain Zoning Ordinance SG-92, adopted September 02, 1995, and all its subsequent amendments and/or Saint Germain Zoning Ordinance, Chapter 1 adopted prior to August 1, 2016, and its subsequent amendments. This chapter is effective on publication or posting. The Town Clerk shall post or publish this ordinance as required under §60.80, Wis. Stats.

Adopted this 26th<sup>th</sup> day of January 2023

Attest

---

Tom Christensen, Town Chairman

---

June Vogel, Town Clerk

# **Town of St. Germain, Vilas County Code of Ordinances, Chapter 1 – Zoning**

## **APPENDIX A(1) ZONING FEES** (Amended January 26, 2023)

<b>PERMIT / SERVICE</b>		<b>FEE</b>
1	Dwelling 1st floor (includes attached garage, deck, porch)	\$0.15/sq. ft.
	Dwelling basement, crawl space, or 2 <sup>nd</sup> floor	\$0.08/sq. ft.
	Dwelling additions	Same as above with \$65.00 minimum
2	Unattached garage or accessory building	1st floor \$65.00 + 2nd floor at \$0.08/sq. ft.
3	Commercial & Industrial building, new and additions	\$0.15/sq. ft.
4	Other structures	\$65.00
5	Permit renewal (all structural permits)	\$65.00
6	Permit, temporary	\$65.00
7	Additional inspection	\$50.00
8	Conditional Use Permit (approved or denied)	\$250.00
9	Zoning map amendment (approved or denied)	\$350.00
10	Variance review (approved or denied)	\$350.00
11	Board of Appeals review (approved or denied)	\$350.00
12	Condominium plat or Land subdivision review	\$200 up to 3 units + \$50 each additional unit
13	Property number (fire number)	\$130.00
14	Motor Vehicle Public Road Access	\$75.00
15	After the fact permit	Triple (3x) applicable permit fee
16	Sexually Oriented Business permit	New \$250.00, Renewal \$100.00

These fees are effective upon posting or publishing and repeal and replace all previous Town of St. Germain Zoning Fees.

Adopted this 26<sup>th</sup> day of January 2023

Attest

---

Tom Christensen, Town Chairman

---

June Vogel, Town Clerk