

## GENERAL ZONING ORDINANCE INDEX

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**MANITOWISH WATERS  
ZONING ORDINANCE 2007-1  
As Amended Jan. 2024**

**ARTICLE I  
STATUTORY AUTHORITY**

- 1.1 **Statutory Authority:** This comprehensive revision of the Manitowish Water/Zoning Ordinance is adopted pursuant to the authorization contained in Sections 60.10(2)(c), 60.22, 60.62, 62.23, and 61.35 Wisconsin Statutes.
- 1.2 Manitowish Waters does hereby adopt by reference Vilas County Ordinance #81 Subdivision Control.
- 1.3 **Finding of Fact:** Uncontrolled use of the shorelands and pollution of the navigable waters and groundwater of Manitowish Waters would adversely affect the public health, safety convenience, and general welfare and impair the tax base. It is the responsibility of the town of Manitowish Waters to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; and preserve shore cover and natural beauty, and this responsibility is hereby recognized by Manitowish Waters, Wisconsin.
- 1.4 **Purpose:** For the purpose of promoting the public health, safety, convenience and general welfare, this Ordinance has been established to:
- A. Further the maintenance of safe and healthful conditions and prevent and control water pollution.
  - B. Protect spawning ground, fish and aquatic life.
  - C. Preserve shore cover.
  - D. Prevent erosion of the soil.
  - E. Preserve the compatibility of proposed development with existing land and water usage.

**ARTICLE II  
GENERAL PROVISIONS**

**Introduction and Explanation:** Article II contains the rules of legal interpretation established by the State Legislature and by the Courts. These provisions are placed in this Ordinance to assist readers in the interpretations of the requirements of the ordinance.

- 2.1 **Compliance:** The use of any land or water, the size, shape and placement of lots, the use, size and location 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 vegetation and trees, the subdivision of lots, shall be in full compliance with the terms of this Ordinance and other applicable regulations. Section 10.4A of this Ordinance specifies the uses which require issuance of a zoning permit.

- 2.2 **Interpretation:** In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other powers granted by Wisconsin Statutes.
- 2.3 **Severability:** If any section, clause, or provision of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.
- 2.4 **Nonimpairment of Deeds:** It is not intended by this Ordinance to repeal, abrogate or impair any existing deed restrictions, easements, covenants or Ordinances other than zoning, except where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail.
- 2.5 **Building Under Construction:** Nothing therein contained shall require any change in the plans, construction, size or designated use of any building or structure or part thereof for which a Zoning Permit under existing or previous requirements has been issued and that are under construction at the time that this Ordinance is adopted.
- 2.6 **Declaration:** This Ordinance is declared to be for the purpose of promoting the public health, safety and general welfare.
- 2.7 **Repeal of Previous Ordinance:** This Ordinance shall repeal and replace those portions of the previous Ordinance known as the Manitowish Waters Ordinance No. 86-1 and amendments thereto.
- 2.8 **Title:** This Ordinance shall be known as, referred to, and cited as the Manitowish Waters Zoning Ordinance No. 2007-1, As Amended January 2024.
- 2.9 **Effective date of this Ordinance:** The term effective date of this Ordinance shall be upon adoption and upon publication thereof.
- 2.10 **Dual Jurisdiction:** In addition to the Town of Manitowish Waters Zoning Ordinance, the Vilas County Shoreland Zoning Ordinance is in effect in the Town of Manitowish Waters in shoreland areas. A copy of the shoreland area in the Town of Manitowish Waters where both ordinances are in effect is available from the Town Zoning Administrator.
- 2.11 **Shoreland Areas:** Shoreland areas are those areas:
  - A. Within one thousand (1,000) feet of the ordinary high water mark (“OHWM”) 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.
- C. Notwithstanding the above, pursuant to Wis. Stat. § 59.692, this ordinance does not apply to lands adjacent to farm drainage ditches under the conditions described in Wis. Stat. § 281.31(2m).
  - 1. For purposes of this Ordinance, lakes, ponds or flowages in the town shall be presumed to be navigable if they are listed in the Wisconsin Department of Natural Resources publication “Surface Water Resources of Vilas County” or are shown on the United States Geological Survey quadrangle maps. Rivers and streams in the town shall be presumed to be navigable if they are designated as either continuous or intermittent waterways on the U.S.G.S. quadrangle maps. In the event of a dispute regarding navigability or the OHWM, the County Zoning Administrator’s determination shall control.

2.12 **Relationship between Town and County Ordinances:** The Town has attempted to utilize the County Shoreland Zoning Ordinance’s terms and language in an effort to facilitate the use of both ordinances. The County Shoreland Zoning Ordinance is the primary Zoning Ordinance in the shoreland area and is more comprehensive and detailed than the Town in certain areas and should be consulted for any development in the shoreland area. The Town’s Ordinance cannot be less restrictive than the County in the shoreland area. The Town’s Ordinance is more restrictive than the County in at least the following areas:

- A. Use restrictions in certain districts.
- B. Lot sizes in the R1 and R2 districts.
- C. Side yard Setbacks.

Conversely, the County requirements for a second residence on a parcel (Guest House under Town Zoning) are in some instances more restrictive than Town requirements.

### **ARTICLE III** **INTERPRETATIONS**

**Introduction and Explanation:** Article III contains description of how to interpret district boundaries, area requirements, highway setbacks and height requirements. The purpose of this article is to assist readers and the administrators of this Ordinance in making consistent Interpretations of the requirements.

3.1 **Determination of District Boundaries:** The boundaries of the districts established by this Ordinance for general zoning purposes are shown on the map entitled Zoning Map of Manitowish Waters (“Zoning Map”). The above map is on file in the Manitowish Waters

Office. The map on file in the Office of the Town Zoning Administrator shall be the official version and shall control in any case where zoning differences occur between it and other copies. All notations and references shown on the district map are as much a part of this Ordinance as though specifically described therein. The Zoning Administrator shall periodically update the map to reflect adopted changes.

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

3.2 **Interpretations of Yard Requirements:** The regulations contained through this Ordinance related to the size of the yard and other open spaces shall be subject to the following interpretations and exceptions:

- A. No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard or other open space required for another building.
- B. **Impervious Surface Limitations.** The maximum cumulative amount of impervious surfaces on a lot in the following zoning districts shall not exceed the following standards:
  - (1) For all Single-Family-Residential District waterfront lots, the maximum total area of impervious surfaces shall not exceed 4,000 square feet or twenty percent (20%) of the total lot area located within 300 feet from the OHWM, whichever is greater.
  - (2) For all Multifamily and Recreational District waterfront lots, the maximum total area of impervious surfaces shall not exceed 4,000 square feet or thirty

percent (30%) of the total lot area located within 300 feet from the OHWM, whichever is greater.

- (3) For all Business District lots, the maximum total area of impervious surfaces shall not in any case exceed 4,000 square feet or fifty percent (50%) of the total lot area located within 300 feet of the OHWM, whichever is greater.
- (4) For all Business District lots which utilize community storm sewer systems or equivalent, the maximum total area of impervious surfaces shall not in any case exceed 80% of the total lot area within 300 feet of the OHWM.
- (5) Existing impervious surfaces exceeding the limitations may be maintained and improved, but not expanded.

C. Setbacks for any structure from any highway or roadway shall be as follows:

- (1) Forty (40) feet from the road right-of-way or easement for a principal building.
- (2) Fifteen (15) feet from the road right-of-way or easement for an accessory building.

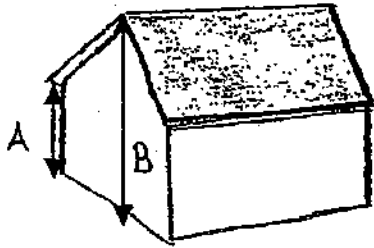
Exceptions to this setback requirement shall be placement of public telephone and electric service equipment, such as: poles, push poles, pole stubs, anchors, overhead and down guys and attachments, framing materials, cable, wire, conductor, overhead transformers, regulators, reclosures, capacitors, switch gear, lights and light boxes, pad mount terminal repeaters, meters and metering equipment. This exception does not apply to buildings housing switching panels and other similar equipment.

3.3 **Interpretations of Buildings Height Requirements:** The regulations contained throughout this Ordinance relating to the height of buildings or structures shall be subject to the following interpretations and exceptions:

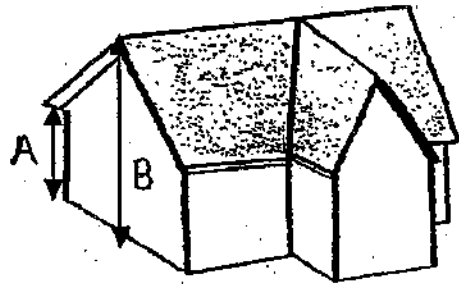
- A. For purposes of enforcement, the building height for gable, cross gabled, hip, cross-hipped, saltbox, and lean to roofs shall be the mean height. Mean height being defined as: (A) the measurement from the lowest point of finished grade to eave, PLUS (B) the measurement from the lowest point of finished grade to the highest roof point.  $\frac{A + B = C}{2}$  will give you the mean height or height of the building.

For purposes of enforcement the building height for Mansard and Gambrel roofs shall be the mean height. Mean height being defined as: (A) the lowest point of finished grade to the ridgeline and (B) the lowest point of finished grade to highest roof point.  $\frac{A + B = C}{2}$  will give you the mean height or height of the building.

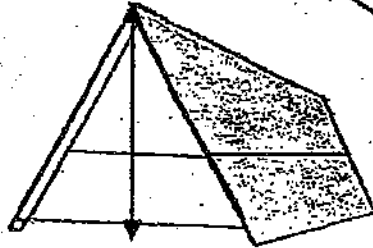
# INTERPRETATIONS OF BUILDING HEIGHT REQUIREMENTS



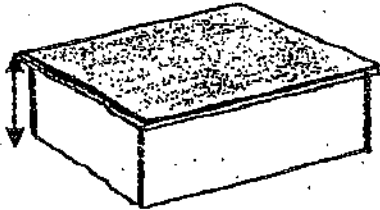
GABLE



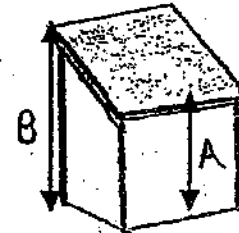
CROSS-GABLE



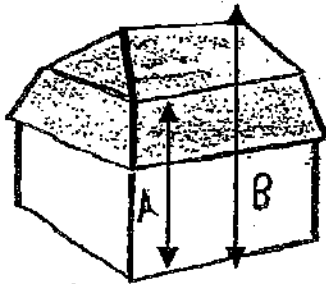
A-FRAME



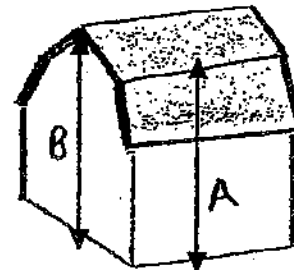
FLAT



LEAN-TO



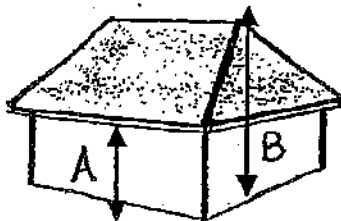
MANSARD



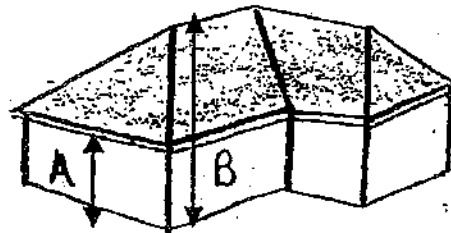
GAMBREL



GEODESIC DOME



HIP



CROSS-HIPPED

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

- B. Churches, schools and other public and quasi-public buildings, chimneys, cooling towers, water towers, farm silos, barns and other farm structures, solar collectors, windmills and necessary mechanical appurtenances, may be erected to a height not exceeding 60 feet or 5 stories, provided the front, side and rear yards required in the district in which such a building or structure is to be located are each increased at least one foot for each additional foot of height above the height limit otherwise established for the district in which such building or structure is to be located.
- C. Facilities exceeding building height requirements, which are subject to Section 3.3(B.) require a Zoning Permit to be issued by the Town Zoning Administrator. Before issuing the permit, the Zoning Administrator shall investigate and determine whether any such facility, which is to exceed 35 feet in height above ground level will create fire protection or other problems related to public safety. Upon a written determination that such problems may result, the Zoning Administrator shall reject the permit application or attach such conditions as deemed reasonable and necessary.

3.4 **Visual Clearance Triangles:** At the intersections of highways with highways where the grades are not separated, visual clearance triangles are established across each corner between the intersecting highways. Such visual clearance setbacks shall be straight lines, connecting two points on the intersection highway center lines, which points are located one hundred (100) foot distant from the intersections of the highway center lines. No building, structure, nor chattel of any kind, except necessary highway and traffic signs, public telephone and electrical equipment as listed in section 3.2 C of this Ordinance, temporary structures, and open fences through which there shall be clear vision, shall be hereafter constructed, erected or moved into the space within such setback lines. Except as herein provided no buildings or structures presently existing within such setback lines shall be removed or replaced hereafter in any way, except outside of the setback lines. No building or structure inside the established setback lines except open fences, necessary highway and traffic signs, and temporary structures herein before mentioned, shall be altered, enlarged or added to in anyway which will increase or prolong the permanency of any part located within established setback lines.

3.5 **Interpretation of Shoreland Lot Widths:** All shoreline lots must meet width requirements at both the shoreline and at the building area.

- A. For purposes of shoreline measurement, the lot width shall be the straight line distance between the two points where the side lot lines intersect the OHWM.
- B. For purposes of the building area line measurement, the lot width shall be the minimum distance between the side lot lines within the building area at right angles to the length.

- 3.6 **Building Limitations:** For the purpose of this Ordinance, there shall be one Principal Building and one Accessory Building (See definitions—Principal Building and Accessory Building) per lot as lot size is specified for each zoning district. Additional principal buildings and accessory buildings may be allowed as a conditional use provided that the buildings are located to meet applicable setback requirements. This section does not apply in the Planned Community Development District. In the Recreational District and General Business District, the limitation to one Principal Building applies only to Single Family and Multiple Family Residential uses.
- 3.7 **Setbacks from Water:** Lots that abut on navigable waters. All buildings, except piers, boat hoists and boat houses require a setback of at least 75 feet from the ordinary high water mark of navigable waters. Measurement shall be on a horizontal plane and to the closest point of structure to high water mark.

#### **ARTICLE IV** **ZONING DISTRICT REGULATIONS**

Article IV contains the requirements for each of the zoning districts in Manitowish Waters. The requirements include listing permitted uses, conditionally permitted uses, yard and building height requirements. Uses not particularly specified in this Ordinance shall be considered to be prohibited except such unclassified uses may, nonetheless, be permitted by the Town Board, only if such uses are substantially similar in character to the principal uses permitted in the district. Readers are referred to the official zoning map which is on file at the town's office for descriptions of district boundaries. Any change in the zoning map requires approval of the Manitowish Waters Board following the procedures specified in Article 10.6 of this Ordinance.

#### 4.1 **Single Family Residential District 1 (R1):**

- A. **Purpose:** The purpose of the Single Family Residential District is to create areas for exclusive low density residential use and prohibit the intrusion of uses incompatible with quiet and comfort of such areas.
- B. **Permitted Uses:**
1. One Single family detached dwelling unit which meets the yard requirements of the district. The minimum finished habitable living area for the Principle Structure dwelling unit shall be 960 square feet with minimum seven foot ceiling height. Finished exposed basement space may be included in the area calculation.
  2. One accessory building with a maximum footprint of 1,000 square feet. An accessory structure must be associated with a Principal Structure on the same lot, i.e., constructed after, or concurrently with, the Principal Structure.
  3. Essential Services.

4. Hobby Farms on lots greater than 5 acres and where no buildings or activity such as animal grazing occurs within 300 feet of the OHWM.

C. Conditional Uses:

1. Hobby farms other than those identified in 4.1(B)(4).
2. Accessory buildings in addition to the single unit permitted in 4.1(B)(2).
3. Accessory buildings with a footprint greater than 1,000 square feet. The maximum footprint allowed is 2,400 square feet.
4. Parks, playgrounds
5. Bed and Breakfast.
6. Home occupations.
7. One Guest House, which is not subject to the 960 square foot minimum size limitation of 4.1(B)(1). Caution: See Article 2.12
8. Forest Management.

D. Building Height Limits:

1. The principal building may not exceed 35 feet.
2. Accessory buildings may not exceed 15 feet, except garages which may not exceed 25 feet.

E. Minimum Lot Areas:

1. Sewered back lot: 1 acre.
2. Sewered lake lot: 50,000 square feet.
3. Unsewered back lot: 2 acres.
4. Unsewered lake lot: 50,000 square feet.

F. Minimum Lot Width:

1. Sewered back lots: 200 feet.
2. Sewered lake lots: 200' minimum at building setback line (building setback line is 75' from the Ordinary High Water Mark) and 200' at the shoreline, measured between the two points where the side lot lines intersect the OHWM.
3. Unsewered back lot: 200 feet.
4. Unsewered lake lots: 200' minimum at building setback line (building setback line is 75' from the Ordinary High Water Mark) and 200' at the shoreline, measured between the two points where the side lot lines intersect the OHWM.

G. Building Setback Requirements: Highway setbacks for principal and accessory building shall be in accord with section 3.2(C) of this Ordinance.

H. Side Yard Requirements:

1. Principal building: 25 feet.
2. Accessory building: 30 feet. The Article 8.2 allowance for a reduction in side yard setbacks for substandard lots does not apply to accessory buildings.

I. Rear Yard Requirements: Principal building is 40 feet. Accessory building 15 feet as measured from the property line or in each instance where the property is bounded by a public road, the setback shall be from the right-of-way.

4.2 **Multiple Family Residential District 2 (R2):**

A. Purpose: The purpose of multi-family residential districts is created to provide areas for attached dwellings, multi-family dwellings and duplexes with the necessary supporting uses but free from incompatible uses.

B. Permitted Uses:

1. All uses permitted in District 1.
2. Multi-family dwelling units.
3. Duplexes and attached dwellings, apartments, townhouses.
4. Bed and breakfast establishments.
5. Boarding houses and other types of ground lodging.
6. Resorts which do not serve food or alcoholic beverages.

C. Conditional Uses:

1. Motels.
2. Public and semi-public uses.
3. Utility facilities.
4. Resorts that do serve food and alcoholic beverages.
5. Hobby farms.
6. Private clubhouses.
7. Forest Management.

D. Building Height Limits:

1. Principal building; 35 feet.
2. Accessory building: 15 feet, except garages which may not exceed 25 feet.

E. Minimum Lot Areas:

1. Sewered back lots: One acre plus 7,500 square feet for each additional contiguous dwelling unit.
2. Sewered lake lots: 60,000 square feet plus 15,000 square feet for each additional contiguous dwelling unit.

3. Unsewered back lots: Two acres plus 15,000 square feet for each additional contiguous dwelling unit.
4. Unsewered lake lots: 60,000 square feet plus 15,000 square feet for each additional contiguous dwelling unit.
5. Lot length may not exceed three times the lot width to attain the minimum square footage.

F. Minimum Lot Width:

1. Sewered back lots: 200 feet.
2. Sewered lake lots: 300 feet plus 30 feet for each additional contiguous unit.
3. Unsewered back lots: 300 feet.
4. Unsewered lake lots: 300 feet lot width plus 30 feet for each additional contiguous unit.
5. Lot length may not exceed three times the lot width to attain the minimum square footage.

G. Building Setback Requirements: Highway setbacks shall be in accord with section 3.2(C) of this Ordinance.

H. Side Yard Requirements: Principal building; 25 feet, Accessory buildings; 15 feet.

I. Rear Yard Requirements: Principal building; 40 feet, Accessory buildings; 15 feet, as measured from the property line or in each instance where the property is bounded by a public road, the setback shall be from the right of way.

4.3 **General Business District 3 (GB):**

A. Purpose: The General Business District is established to create areas for a wide variety of commercial purposes on relatively large lots. The GB District is generally located along Highway 51. It separates uses into two categories: (1) on water where any part of the structure is located within 300 feet of the OHWM and (2) off water where all of the structure is located greater than 300 feet from the OHWM. Non-commercial property owners in this district should be prepared to accept inconveniences associated with mixing potentially non-compatible land uses.

B. On Water:

1. Permitted Uses:
  - a. All uses permitted in R1
  - b. Bed and breakfast establishments
  - c. Building and trade contractors
  - d. Eating and drinking establishments.
  - e. Financial institutions
  - f. Health care facilities

- g. Hotels and motels
- h. Indoor recreation establishments
- i. Professional offices
- j. Public and semi-public uses
- k. Retail
- l. Resorts

- 2. Conditional Uses:
  - a. Campgrounds and camping resorts.
  - b. Multiple Family Residences
  - c. Marinas – commercial.
  - d. Outdoor amusement facilities.
  - e. Sales service and repair, misc.
  - f. Forest Management.

C. Off Water:

- 1. Permitted Uses:
  - a. All uses permitted in R1
  - b. Agri-business (forest crop).
  - c. Auto & RV sales, service and repair, except body shops.
  - d. Auto service stations.
  - e. Bed and breakfast establishments
  - f. Building and trade contractors, general and special.
  - g. Eating and drinking establishments.
  - h. Financial institutions.
  - i. Forest products industries
  - j. Health care facilities
  - k. Hobby farms.
  - l. Hotels and motels
  - m. Indoor recreation establishments.
  - n. Marinas
  - o. Professional offices
  - p. Public and semi-public uses.
  - q. Resorts
  - r. Retail stores and commercial services.
  - s. Sales, service and repair, misc.
  - t. Storage buildings
- 2. Conditional Uses:
  - a. All uses permitted in R2
  - b. Body shops.
  - c. Campgrounds and camping resorts
  - d. Gun clubs and shooting ranges.
  - e. Kennels – commercial.
  - f. Objectionable emission of: odor, dust, fumes, smoke and noise.  
E.g., Recycling business.

- g. Outdoor amusement facilities
- h. Riding stables.
- i. Utility facilities.
- j. Warehousing and wholesaling.
- k. Forest Management.

D. Building Height Limits:

- 1. A principal building may not exceed 35 feet.
- 2. Accessory buildings may not exceed 15 feet, except garages which may not exceed 25 feet.

E. Minimum Lot Areas:

- 1. Sewered back lots: 40,000 square feet.
- 2. Sewered lake lots: 40,000 square feet.
- 3. Unsewered back lots: 65,340 square feet.
- 4. Unsewered lake lots: 40,000 square feet.
- 5. The lot areas of District 1 apply to District 1 uses and the lot areas of District 2 apply to District 2 uses.

F. Minimum Lot Widths:

- 1. Sewered back lots: 150 feet.
- 2. Sewered lake lots: 200 feet.
- 3. Unsewered back lots: 163 feet.
- 4. Unsewered lake lots: 200 feet.
- 5. The lot widths of District 1 apply to District 1 uses and the lot width of District 2 apply to District 2 uses.

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

H. Side Yard Requirements:

- 1. Principal building: 15 feet.
- 2. Accessory buildings: 5 feet.
- 3. Where a General Business District abuts a different zoning district, the side yard setbacks must conform to the district to which it abuts.

I. Rear Yard Requirements:

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

4.4 **Community Business (Downtown) District 4 (CB):**

- A. Purpose: This district established to create and preserve and protect downtown areas which have historically been places where retail stores and services have located. Lot area and dimension requirements in this district are lower than in other districts in order to promote compact business district environments.
- B. Permitted Uses:
1. Retail stores and services under 8,000 square feet.
  2. Professional offices.
  3. Eating and drinking establishments.
  4. Financial institutions.
  5. Indoor theaters.
  6. Bowling.
  7. Indoor recreation.
  8. Hotels.
  9. Motels.
  10. Resorts.
  11. Single Family Residential Uses.
- C. Conditional Uses:
1. Any structure 8,000 square feet and over.
  2. Any franchise store.
  3. Multiple Family Residences.
  4. Forest Management.
- D. Building Height Limits: Buildings may not exceed 35 feet.
- E. Minimum Lot Areas:
1. Sewered back lots: 20,000.
  2. Sewered lake lots: 20,000.
  3. Unsewered back lots: 40,000 square feet.
  4. Unsewered lake lots: 40,000 square feet.
  5. The lot areas for District 2 apply to District 2 uses.
- F. Minimum Lot Widths:
1. Sewered backlots: 100.
  2. Sewered lake lots: 200.
  3. Unsewered backlots: 100 feet.
  4. Unsewered lake Lots: 200' minimum at the building setback line (building setback line is 75' from the Ordinary High Water Mark) and 200' at the shoreline, measured between the two points where the side lot lines intersect the OHWM.
  5. The lot widths of District 2 apply to District 2 uses.

- G. Building Setback Requirements: Unsewered backlots; sufficient setback to accommodate car parking requirements. Lake lots; 75 feet from highwater mark.
- H. Side Yard Requirements: No side yard requirements where abutting established business structures, except where it adjoins a different zoning district, in which case it must conform to the district to which it abuts.
- I. Rear Yard Requirements: 25 feet.

4.5 **Recreational District 5 (Rec):**

- A. Purpose: The recreational district is created to provide areas with lake and highway access primarily for businesses oriented towards outdoor recreation; along with limited single family uses.
- B. Permitted Uses:
  - 1. Single Family Residential Uses.
  - 2. Resorts.
  - 3. Eating and drinking establishments.
  - 4. Clubs.
  - 5. Sporting goods stores.
  - 6. Bait shops.
- C. Conditional Uses:
  - 1. Mobile home parks. See also Section 5.1.
  - 2. Campgrounds. See also Section 5.2.
  - 3. Kennels.
  - 4. Stables.
  - 5. Radio and television transmitters.
  - 6. Motels.
  - 7. Multiple Family Residences.
  - 8. Forest Management.
- D. Building Height Limits:
  - 1. Principal building; 35 feet.
  - 2. Accessory buildings; 20 feet.
- E. Minimum Lot Areas:
  - 1. Sewered back lots: 60,000 square feet.
  - 2. Sewered lake lots: 60,000 square feet.
  - 3. Unsewered back lots: 65,340 square feet.
  - 4. Unsewered lake lots: 60,000 square feet.

5. For any use involving multiple dwelling units or rooms for occupancy (e.g. motels, resorts), the minimum lot areas and lot widths are: On water: The first dwelling unit or room unit requires 60,000 square feet, 200' lot width with 12,000 square feet and 100' lot width per additional dwelling unit; Off water: The first dwelling unit or room requires 60,000 square feet, 100' lot width plus an additional 12,000 square feet for each additional unit.

F. Minimum Lot Widths:

1. Sewered back lots: 150 feet.
2. Sewered lake lots: 200 feet.
3. Unsewered back lots: 163 feet.
4. Unsewered lake lots: 200 feet.
5. See 4.5(E) above for uses involving multiple dwelling units or rooms.

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

H. Side Yard Requirements: Principal buildings; 25 feet, Accessory buildings; 15 feet.

I. Rear Yard Requirements: Principal buildings; 45 feet, Accessory buildings; 18 feet.

4.6 **Light Manufacturing District 6 (I-Industrial):**

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

B. Permitted Uses:

1. All uses permitted in the 1, 2, 3, and 4 Districts.
2. Wholesale business.
3. Warehousing.
4. Indoor recreation.
5. Parks, cemetery.
6. Public housing.
7. Golf courses.
8. Utilities.

- C. Conditional Uses:
  - 1. Airports and landing fields.
  - 2. Forest Management.
- D. Building Height Limits: Buildings may be erected to a height not exceeding 35 feet.
- E. Building Setback Requirements: Highway setbacks for principal and accessory buildings shall be in accord with Section 3.2(C) of this Ordinance. The minimum setback for all structures shall be 75 feet from the ordinary high water mark of all navigable waters, except for boathouses.
- F. Side Yard Requirements: Principal buildings; 25 feet, Accessory buildings; 20 feet.
- G. Rear Yard Requirements: Principal buildings; 45 feet, Accessory buildings; 15 feet.
- H. Minimum Lot Width:
  - 1. Unsewered back lots: 100 feet at building setback limits.
  - 2. Unsewered lake lots: 200 feet minimum at the building setback line (building setback line is 75 feet from the Ordinary High Water Mark) and 200 feet at the shoreline, measured between the two points where the side lot lines intersect the OHWM.

4.7 **Forestry District 7 (F):**

- A. Purpose: The Forestry District is created to set aside areas principally for forestry. The purpose of the Forestry District is to reduce the public service demands, particularly school transportation and snow removal, in remote areas and to promote the preservation of forestlands for sustained yielded forestry, wildlife habitats, aesthetics and recreation.
- B. Permitted Uses:
  - 1. District 1 uses.
  - 2. Agricultural related businesses not requiring public services.
  - 3. Community living facilities (CBRF).
  - 4. Essential services.
  - 5. Forest products businesses and industries.
  - 6. Hobby farms.
  - 7. Logging as provided for in Section 5.10

C. Conditional Uses:

1. Gun clubs and shooting ranges.
2. Public and semi-public uses.
3. Quarries and mines.
4. Utility facilities.

D. Building Height Limits:

1. A principal building may not exceed 35 feet.
2. Accessory buildings may not exceed 15 feet, except farm buildings related to the production of agricultural products.

E. Minimum Lot Areas: 10 acres.

F. Minimum Lot Width: 300 feet.

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

H. Side Yard Requirements:

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

I. Rear Yard Requirements:

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

4.8 **Agriculture District 8 (AG):**

A. Purpose: The purposes of the Agriculture District are to preserve land and water resources for food and fiber production and preserve productive farms by preventing land use conflicts between incompatible uses. The District is generally intended to apply to lands in productive farm operations including lands historically exhibiting good crop yields or capable of such yields; lands which have been demonstrated to be productive for dairying, livestock raising, and grazing; land suitable for specialty crops such as cranberry production, sod farms, Christmas trees, and other types of food and fiber products. Wood lots and forest land which are part of commercial farm operations may be included in the district.

B. Permitted Uses:

1. Agricultural.
2. Animal husbandry and forestry uses.
3. Residential use.
4. Essential services.
5. Roadside stands selling products produced on the farm.
6. Structures and improvements that are consistent with and contributing to agricultural use.
7. Hobby farms.
  
8. Bed and breakfast establishments.
9. Logging as provided for in Section 5.10

C. Conditional Uses:

1. Public and semi-public uses.
2. Utility facilities.
3. Warehousing and wholesaling.

D. Building Height Limits: Buildings may not exceed 35 feet.

E. Minimum Lot Areas: 35 acres.

F. Minimum Lot Width:

1. Unsewered back lots: 100 feet at building setback limits.
2. Unsewered lake lots: 200' minimum at the building setback line (building setback line is 75' from the Ordinary High Water Mark) and 200' at the shoreline, measured between the two points where the side lot lines intersect the OHWM.

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

H. Side Yard Requirements: Principal buildings: 25 feet, Accessory buildings: 20 feet.

I. Rear Yard Requirements: Principal buildings: 45 feet, Accessory buildings: 18 feet.

(Left Intentionally Blank for Future Use)

(Left Intentionally Blank for Future Use)

4.9 **Planned Community Development District 9 (PCD):**

A. Purpose: The planned community development district is established to provide a regulatory framework designed to encourage and promote improved environmental design in the town of Manitowish Waters by allowing for greater freedom, imagination and flexibility in the development of land while insuring substantial compliance to the basic intent of the Zoning Code and the general plan for community development. To this intent it allows diversification and variation in the relationship of uses, structures, open spaces and heights of structures in developments conceived and implemented as comprehensive and cohesive unified projects. It is further intended to encourage more rational and economic development with relation to public services, and to encourage and facilitate preservation of open land.

B. Permitted Uses: The following uses are permitted in the planned community development district. Provided, however, that no use shall be permitted except in conformity with a specific and precise development plan pursuant to the procedural and regulatory provisions as hereinafter set forth.

Any use permitted by right or as a conditional grant in any of the other districts of this ordinance may be permitted subject to the criteria as established in 4.8(E) following, but such requirements as are made a part of an approved recorded precise development plan shall be, along with the recorded plan itself, construed to be enforced as a part of this ordinance.

C. Lot Area, Lot Width, Height, Floor Area Ratio, Yard and Usable Open Space Requirements: In the planned community development district there shall be no predetermined specific lot area, lot width, height, floor area ratio, yard and usable open space requirements, but such requirements as are made a part of an approved recorded precise development plan shall be, along with the recorded plan itself, construed to be and enforced as part of this ordinance.

D. Off-Street Parking: In the planned community development district, off-street parking facilities shall be provided in accordance with applicable regulations, and such requirements as are made a part of an approved recorded precise development plan shall be, along with the recorded plan itself, construed to be and enforced as a part of this ordinance.

E. Criteria for Approval: As a basis for determining the acceptability of a planned community development district application, the following criteria shall be applied to the precise development plan for such district with specific consideration as to whether or not it is consistent with the spirit and intent of this ordinance, has been prepared with competent professional advice and guidance, and produces significant benefits in terms of environmental design.

1. Character and Intensity of Land Use. In a planned community development district, the uses proposed and their intensity and

arrangement on the site shall have a visual and operational character which:

- a. Are compatible with the physical nature of the site with particular concern for preservation of natural features, tree growth and open space.
  - b. Would produce an attractive environment of sustained aesthetic and ecological desirability, economic stability and functional practicality compatible with the general development plans for the area as established by the community.
  - c. Would not adversely affect the anticipated provision for school or other municipal services.
  - d. Would not create a traffic or parking demand incompatible with the existing or proposed facilities to serve it. A traffic demand management plan and participation in a transportation management association may provide a basis for addressing traffic and parking demand concerns.
2. Economic Feasibility and Impact. The proponents of a planned community development district application shall provide evidence satisfactory to the Town Board of its economic feasibility, of available adequate financing, and that it would not adversely affect the economic prosperity of the Town or the values of surrounding properties including the cost of providing municipal services.
3. Engineering Design Standards. The width of street right-of-way, width and location of street or other paving, outdoor lighting, location of sewer and water lines, provision for storm water drainage or other similar environmental engineering consideration shall be based upon determination as to the appropriate standards necessary to implement the specific function in the specific situation; provided, however, that in no case shall standards be less than those necessary to insure the public safety and welfare as determined by the Town.
4. Preservation and Maintenance of Open Space. In a planned community development district, adequate provision shall be made for the permanent preservation and maintenance of common open space either by private reservation or dedication to the public.
- a. In the case of private reservation, the open area to be reserved shall be protected against building development by conveying to the Town as part of the conditions for project approval an open space easement over such open areas restricting the area against any future building or use except as is consistent with that of providing landscaped open space for the aesthetic and recreational benefit of the development. Buildings or uses for noncommercial, recreational or cultural purposes compatible with the open space objective may be permitted only where specifically authorized as part of the

development plan or subsequently, with the express approval of the Town Board following approval of building, site and operational plans by the Plan Commission.

- b. The care and maintenance of such open space reservation shall be assured by establishment of appropriate management organization for the project. The manner of assuring maintenance and assessing such cost to individual properties shall be included in any contractual agreement with the Town and shall be included in the title to each property.
- c. Ownership and tax liability of private open space reservation shall be established in a manner acceptable to the Town and made a part of the conditions of the plan approval.

- 5. Implementation Schedule. The proponents of a planned community development district shall submit a reasonable schedule for the implementation of the development to the satisfaction of the Town Board including suitable provisions for assurance that each phase could be brought to completion in a manner which would not result in adverse effect upon the community as a result of termination at that point.

- F. Procedure: The procedure for rezoning to a planned community development district shall be as required for any other zoning district change under this chapter, except that in addition thereto, the rezoning may only be considered in conjunction with the development plan, and shall be subject to the following additional requirements:

- 1. General Development Plan. The applicant shall file with the Plan Commission a general development plan which shall include the following information:
  - 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.
  - c. A plan of the proposed project showing at least the following information in sufficient detail to make possible the evaluation of the criteria for approval as set forth in 4.9(E) of this section.
    - i. The pattern of proposed land use including shape, size and arrangement of proposed use areas, density and environmental character.
    - ii. The pattern of public and private streets.
    - iii. The location, size and character of recreational and open space areas reserved or dedicated for public uses such as schools, parks, greenways, etc.
    - iv. A utility feasibility study.
  - d. Appropriate statistical data on the size of the development, ratio of various land uses, percentages of multifamily units by number of

- bedrooms, economic analysis of the development, expected staging, and any other plans or data pertinent to evaluation by the Town under the criteria of 4.9(E) of this section.
- e. General outline of intended organizational structure related to property owner's association, deed restrictions and private provision of common services.
2. Referral and Hearing.
- a. The Town Plan Commission shall forward a recommendation to the Town Board that the plan be approved as submitted, approved with modifications, referred for further consideration or disapproved. Upon receipt of the recommendation of the Town Plan Commission, the Town Board shall determine whether or not to adopt a proposed zoning change to establish the proposed planned community development district.
  - b. Approval of the rezoning and related general development plan shall establish the basic right of use for the area in conformity with the plan as approved, which shall be recorded by the Zoning Administrator 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.
3. Specific Implementation Plan. A specific and detailed plan for implementation of all or a part of a proposed planned community development district must be submitted within a reasonable period of time as determined by the Town Board. If a specific implementation plan has not been submitted within said time, which the Town Board determines to be a reasonable phase of the total plan, a petition to rezone the property back to the previous zoning from the planned community development district shall be filed by the Zoning Administrator with the Town Clerk for processing. The specific implementation plan shall be submitted to the Plan Commission and shall include the following detailed construction and engineering plans and related detailed documents and schedules:
- a. An accurate map of the area covered by the plan including the relationship to the total general development plan.
  - b. The pattern of public and private roads, driveways, walkways and parking facilities.
  - c. Detailed lot layout and subdivision plan where required.
  - d. The arrangement of building groups, and their architectural character.
  - e. Sanitary sewer and water mains.
  - f. Grading plan and storm drainage system.
  - g. The location and treatment of open space areas and recreational or other special amenities.

- h. The location and description of any areas to be dedicated to the public.
  - i. General landscape treatment.
  - j. Proof of financing capability.
  - k. Analysis of economic impact upon the community
  - l. A development schedule indicating: (1) the approximate date when construction of the project can be expected to begin; (2) the stages in which the project will be built and the approximate date when construction of each stage can be expected to begin; (3) the anticipated rate of development; (4) the approximate date when the development of each of the stages will be completed; and (5) the area and location of common open space that will be provided at each stage.
  - m. Agreements, bylaws, provisions or covenants which govern the organizational structure, use, maintenance and continued protection of the planned community development and any of its common services, common open areas or other facilities.
  - n. Any other plans, documents or schedules requested by the Town.
4. Approval of the Specific Implementation Plan.
- a. Following a review of the specific implementation plan, the Plan Commission shall recommend to the Town Board that it be approved as submitted, approved with modifications, referred for further consideration or disapproved. The procedure hereunder shall be the same as under 4.9(F)2.
  - b. Upon receipt of the Plan Commission recommendation, the Town Board may approve the plan and authorize the development to proceed accordingly, or disapprove the plan and send it back to the Plan Commission for further negotiation with the developer.
  - c. 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 basically as presented in the official submittal plans, shall be recorded by the Zoning Administrator at the applicant's expense within twelve (12) months of the date of approval by the Town Board in the Vilas County Register of Deeds office. This shall be accomplished prior to the issuance of any building permit. If the specific implementation plan is not recorded as approved within twelve (12) months of the date of approval by the Town Board, the approval shall be null and void, and a new petition and approval process shall be required to obtain specific implementation plan approval.

- d. No alteration of a PCD shall be permitted unless approved by the Town Plan Commission, provided however, the Zoning Administrator may issue permits for minor alterations that are compatible with the concept approved by the Town Board and the provisions of this ordinance. If a change or addition constitutes a substantial alteration of the original plan, the procedure provided in F. above, shall be required.

## **ARTICLE V**

### **REQUIREMENTS FOR SPECIFIC USES**

**Introduction and Explanation:** Article V contains rules regulating certain specific uses which have potentially high impact in terms of health, safety, and general welfare, the environment, aesthetics, traffic generation and valuation of adjacent and nearby properties. These requirements must be met regardless of whether the use is a permitted use requiring only a Zoning Permit or a conditional use requiring a Conditional Use Permit.

#### **5.1 Mobile Homes and Mobile Home Parks:**

##### **A. Requirements for Mobile Homes Within Mobile Home Parks:**

1. All mobile homes in the township must be in a designated state licensed mobile home park.
2. Mobile Home Foundations or Stands: Each mobile home of any unlicensed recreational vehicle used as a residence shall be placed on either:
  - a. A reinforced concrete pad of suitable thickness to support the home and appurtenances, but shall not be less than 4 inches; or
  - b. A foundation on suitable concrete footings at least 36 inches below grade.
3. Mobile Home Tie-Downs: Each mobile home shall be tied down by one of the following methods:
  - a. The mobile home shall be anchored and tied down with a minimum of two cross frame tie-downs, one at the front and one at the rear of the unit. The tie-down anchor rod shall be a steel rod of not less than 5/8 inch in diameter with a welded or forged eye at the top of a yoke-type fastening and tensioning device. The end of the anchor rod shall be hooked to prevent pulling out of concrete footing a minimum of 3 feet underground level.
  - b. Auger-type anchors are permissible but shall be as follows: shaft or auger to be at least 5/8 inch in diameter with auger head

to be 6 inches in diameter. Auger shall be anchored at least 4 feet deep in ground through a 4 inch concrete pad.

4. Skirting: All mobile homes shall be skirted within 30 days of placement on the lot. Skirting material shall consist of properly treated all weather materials which may include wood, cemented concrete blocks, decorative lattice or commercially available metal or plastic skirting.

B. Requirements for Mobile Home Parks:

1. Minimum Area: Minimum area for a mobile home park shall be 5 acres.
2. Density: Maximum density within a mobile home park shall be no more than 4 mobile homes per acre.
3. Access: There shall be no more than two vehicular access points from public roads, streets or highways into any mobile home park.
4. Buffer zone: The outer boundaries of all mobile home parks shall contain a thirty foot buffer zone consisting of a landscaped greenbelt with coniferous trees and shrub plantings. No mobile home shall be placed within 30 feet of the mobile home park boundary line. No mobile home site shall be within 30 feet of the mobile home park boundary line. No mobile home site shall be within 78 feet of the ordinary high water mark of a navigable body of water.
5. Site Numbering: All sites within mobile home parks shall be marked with permanent markers and numbered indicating each corner of the site.
6. Site size: Individual mobile home sites within a mobile home park shall be a minimum of 5,000 square feet. Mobile homes may not be placed within seven (7) feet of any site boundary line. Accessory structures shall not be placed within three (3) feet of any site boundary line. No mobile home or stand shall exceed 30% of the site area.
7. Recreation Areas: In all mobile home parks there shall be one or more recreation areas which shall be easily accessible to all mobile home park residents and shall be maintained by the owner of the mobile home park. The size of such recreation area shall not be less than 8% of the gross site area.
8. Sale of sites Prohibited: Individual mobile home sites within a mobile home park shall not be sold or transferred.
9. Sewage: An adequate and safe sewage system or public sewers shall be provided to each site within mobile home parks. Such systems shall be designed, constructed and maintained in accordance with the Vilas County Sanitation Ordinance and any other applicable local or state codes. Private septic systems or holding tanks serving individual mobile home units shall not be permitted in mobile home parks.
10. Water Supply: An accessible, adequate, safe and potable supply of water shall be provided to each site within mobile home parks. Where a public supply of satisfactory quality and pressure is available at the boundary of the mobile home park, connection shall be made thereto and it supply

shall be used exclusively. When a satisfactory public supply is not available, a private community water supply shall be developed and used as approved by appropriate state agencies. Individual sources for each mobile home unit shall not be permitted.

11. Refuse Disposal: The storage, collection and disposal of refuse in the mobile home park shall be so conducted as not to create health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution. The collection and disposal of refuse shall be the responsibility of the mobile home operator. The mobile home park is subject to the Vilas County Recycling Ordinance.
12. Utilities: All utilities services shall be underground except control instrumentation and substations, which must be screened by plantings or ornamental walls.
13. Mobile Home sales: The commercial sale of mobile homes or similar vehicles in a mobile home park is prohibited unless each vehicle is located on a mobile home site.
14. Storage: The park management may construct a structure for the storage of service equipment, park office, and other purposes accessory to the operation of the park. Such a structure may not be used for residential or purposes other than park operations.
15. Drainage: Every mobile home park shall be located on a well-drained area not subject to intermittent flooding. The premises shall be properly graded to prevent the accumulation of storm or other waters that may create hazards to the health and safety of the occupants. No mobile home site shall be located in an area that is situated so that the drainage from any source of pollution can be deposited thereon. Exposed ground surfaces in all parts of every parking area shall be paved or covered with stone screening or other solid materials, or protected with vegetative growth capable of preventing soil erosion and eliminating objectionable dust.
16. Parking: Every mobile home site shall be provided with two off-street parking places.
17. Responsibilities of Park Management:
  - a. The person to whom a permit for a mobile home park is issued shall operate the park in compliance with this Ordinance and H77 of the Wisconsin Administrative Code, shall provide adequate supervision and shall maintain the park and its facilities in a clean and sanitary condition.
  - b. The park management shall notify the park occupants of all of the provisions of this Ordinance. A copy of this Ordinance and H77 of the Wisconsin Administrative Code shall be available for inspection by park residents in the park's office.
  - c. The park management shall be responsible for the securing of the tie down anchors for each mobile home and attachment thereto as specified in this Ordinance.

- d. The park management shall be responsible for maintaining all private roads and drives within the park in a safe and dust-free condition.
- 18. Plan Drawing: Plan drawings of proposed mobile home parks must be submitted to the Manitowish Waters Zoning office. Application shall show all lots, lot sizes, roads, location of water sources, and sanitation facilities.

5.2 **Campgrounds, Camping, Resorts and Primitive Campgrounds:**

- A. Minimum Areas: Minimum area for a campground or camping resort shall be 10 acres and if located on a road or water frontage, must have a minimum of 300' Road and/or Waterfront frontage.
- B. Density: Maximum density within a campground or camping resort shall be no more than 14 campsites per acre.
- C. Access: There shall be no more than one access point from public roads, streets or highways into any campground or camping resort.
- D. Buffer Zone: The outer boundaries of all campgrounds and camping resorts shall contain a thirty foot buffer zone consisting of a landscaped greenbelt with coniferous tree and shrub plantings. No campsite shall be within 30 feet of the campground or camping resort outside boundary. No campsites shall be within 75 feet of the ordinary high water mark of a navigable body of water.
- E. Campsite Identification: All campsites within campgrounds or camping resorts shall be marked with permanent markers and numbered indicating each corner of the lot.
- F. Campsite Dimensions: Campsites within a campground or camping resort shall have minimum dimensions of not less than 40 feet wide and 50 feet long and the corners of said sites shall be marked by permanent markers or states and numbered.
- G. Campsite Sales Prohibited: Individual campsites within a campground or camping resort shall not be sold or transferred.
- H. Restroom Facilities: The campground management shall provide toilet facilities for each sex. There shall be a minimum of one set of facilities plus additional facilities for each 15 campsites.
- I. Sewage system: An adequate and safe community sewage system or public sewers shall be provided in all campgrounds. Such systems shall be designed, constructed and maintained in accordance with the Vilas County Sanitation Ordinance and any other applicable local or state codes. Private septic systems or holding tanks serving individual campsites shall not be permitted in campgrounds or camping resorts.

- J. Water Supply: An accessible, adequate, safe and potable supply of water shall be provided to all lots within campgrounds and camping resorts. Where a public supply of satisfactory quality and pressure is available at the boundary of the campground, connection shall be made thereto and its supply shall be used exclusively. When a satisfactory public supply is not available, a private community water supply shall be developed and used as approved by appropriate State agencies. Individual sources for each campsite shall not be permitted.
- K. Refuse Disposal: The storage, collection and disposal of refuse in the campground and camping resort shall be so conducted as not to create health hazards or air pollution. The collection and disposal of refuse shall be the responsibility of the campground operator.
- L. Drainage: Every campground shall be located on a well-drained area not subject to intermittent flooding. The premises shall be properly graded to prevent the accumulation of storm or other waters that may create hazards to the health and safety of the occupants. No campsite shall be located in any area that is situated so that the drainage from any source of pollution can be deposited thereon. Exposed ground surfaces in all parts of every parking area shall be paved or covered with stone screenings or other solid material or protected with vegetative growth capable of preventing soil erosion and eliminating objectionable dust.
- M. Camping on Residential Lots Not Within Campgrounds or Camping Resorts: Camping in tents, mobile campers, motor houses or other forms of temporary habitation structure on private or public land is permitted providing the applicant has received a sanitation permit from Vilas County. Such camping is not to exceed more than 2 weeks in any one calendar year except where building permit has been issued for dwelling on said site. Said temporary habitation unit must be removed within 60 days after new housing is occupied. Permit for 1 year only - concurrent with building permit.
- N. Parking: Every campsite shall be provided with two off-street parking spaces.
- O. Plan Drawing: Plan drawing of proposed campgrounds and camping resorts must be submitted to the Manitowish Waters Zoning Office with an application showing all sites, roads, location of water sources, and sanitation facilities.

### 5.3 **Commercial Marinas:**

- A. Marina Location: Commercial marinas shall be located more than 500 feet from any public beach or park.
- B. Compatibility: Commercial marinas are to be designed and constructed so as not to interfere with adjacent riparian owner's uses of the water for swimming, fishing, or boating, nor interfere with the public's free navigation.
- C. Location of Fuel: Fueling pumps and tanks shall be located two feet above the normal water elevation, and no fuel hose shall extend beyond a point necessary to

fuel boats at the closest proximity to land, and shall comply with Department of Industry, Labor and Human Relations standards.

- D. Waste Disposal: All commercial marinas shall be equipped with facilities for the disposition of domestic and septic wastes from boats.
- E. Dimensional Requirements: The following standards shall apply to commercial marinas and boat liveries:
  - 1. Minimum lot area requirement: 60,000 square feet.
  - 2. Minimum lot width at the waterline: 250 feet.
- F. Marinas Prohibited: Commercial marinas on lakes of less than 200 surface acres are prohibited unless the lake is part of a chain of two or more connecting bodies of water.

#### 5.4 **Junk and Salvage Yards.**

- A. Conditional use Permit Required: All Junk and Salvage yards are conditional uses and require a Manitowish Waters Conditional Use Permit.
- B. Setbacks: Junk and salvage materials shall not be located within seventy (70) feet of any public road, street or highway right-of-way or within one hundred fifteen (115) feet of side or rear property line.
- C. Screening: All Junk and Salvage yards shall be enclosed by a berm fence and/or planting screen so that materials are not visible from other properties in the vicinity of the site nor from a public right-of-way such as roads, streets, highways and waterways. Such fence and/or plant or plant material constituting such a screen shall be kept in good repair.
- D. Firebreak: An unobstructed firebreak shall be maintained twenty (20) feet in width completely surrounding any junk and salvage yard. For purposes of enforcement, a firebreak shall be an area void of vegetation over 12 inches in height, or any man-made combustible materials.

#### 5.5 **Sewage Disposal Sites and Toxic Waste Disposal:**

- A. Conditional use Permit Required: All sewage disposal sites are conditional uses and require a Manitowish Waters Conditional Use Permit.
- B. Setbacks: All sewage disposal sites shall be located at least 300 feet from any public right-of-way, other than the access road, and shall meet any other minimum setbacks specified in NR 113 of the Wisconsin Administrative Code.
- C. Access: The site shall have direct access to a public road having a year around, nine-ton per axle capacity.

- D. Toxic Wastes: Toxic and/or hazardous wastes such as pesticides, acids, caustics, pathological radioactive, flammable, explosive or similar harmful chemical wastes that require special handling and disposal thereof to protect and conserve the environment shall not be permitted to be transported into Manitowish Waters from any other municipality for the disposal or storage thereof.

5.6 **Metallic and Non-Metallic Metal Extraction:**

- A. Conditional Use Permit Required: All non-metallic mineral exploration, extraction and processing operations including exploration drilling, blasting, excavation, and other types of removal of mineral resources, and washing, crushing and processing of mineral resources, the erection of buildings and the installation of necessary machinery used in said extraction or processing, and the preparation of hot blacktop mix and ready-mix concrete are conditional uses and require conditional use permits.
- B. Plan: An application for a Conditional Use Permit shall be submitted by the owner and shall include an adequate description of the operation; a plan of the site showing the proposed and existing roads and drives, the sources, quantity and disposition of water to be used, if any; estimated dates for completion of the extraction and commencement and completion dates for the reclamation; a reclamation plan and such other information as may be necessary to determine the nature of the operation and the effect of the surrounding area.
- C. Reclamation Plan: The reclamation plan shall contain adequate provisions that all final slopes around the area be flatter than a three (3) to one (1) horizontal slope in a sand, gravel or borrow pit operation, or in safe angle of repose in a quarrying operation; excavations below the grade of the nearest abutting public street or highway shall be set back from the street or highway a distance not less than that required for buildings and structures under this Ordinance; excavations made to a water producing depth shall not be less than three (3) feet measured from the low water mark, all final slopes shall be covered with topsoil from the original site and seeded to prevent erosion; the plan shall require that after completion of the anticipated operation that the area be cleared of all debris and be left in a workmanlike condition.
- D. Length of Operation: Application for a Conditional Use Permit for a mineral extraction operation for a hot mix blacktop mix plant or ready mixed concrete plant, shall be for a period of time stated in the application or as modified by the Planning Commission. Modification of the application or reclamation plan may be permitted or additional conditions may be required upon application. The Committee shall consider the effect of the proposed operation and the proposed reclamation upon existing and future conditions, including streets, neighboring land development, land use drainage, water supply, water pollution, air pollution, soil erosion, natural beauty and land value of the location.

- E. Non-Conforming Uses: All existing mineral extraction operations shall be considered non-conforming uses and may be continued providing that they have been worked prior to the date of the adoption of this Ordinance and that they have been registered with the Town of Manitowish Waters within one year of the date of the adoption of this Ordinance.
- F. Exceptions for Agriculture Practices: Conditional Use Permits are not required for land leveling activities or conservation practices on agriculture land and where fill material or aggregate is removed from the property as an incidental activity.
- G. Portable Mixing Plants: Portable cement batch or mixing plants, or portable hot mix blacktop plants used in connection with a highway improvement or construction project, do not require a Conditional Use Permit. Material produced by such a plant shall be used only for the project and the sale or use of material at any other location will require a Conditional Use Permit.
- H. Buffer Zone: The outer boundaries of all mineral extraction sites shall include a 50 foot buffer zone consisting of a landscaped greenbelt of coniferous trees. Where mature existing vegetation presently screening the site exists, the non-coniferous species do not need to be removed, but any new planting shall be coniferous species.

5.7 **Gun Clubs and Shooting Ranges:**

- A. Conditional use Permit Required: All gun clubs and shooting ranges for firearms are conditional uses and require Conditional Use Permits. In the issuance of such a Conditional Use Permit the Planning Commission shall evaluate the following:
  - 1. Potential hazards to adjacent uses.
  - 2. Topography and ground cover.
  - 3. Noise.
- B. Location: The firing of rifles and shotguns within a gun club or shooting range shall not be permitted directly towards or over navigable waters, public or private roads or drives, towards any building or structure nor directly towards any population concentration located within one mile. There shall be:
  - 1. An adequate shot fall or bullet impact area.
  - 2. A defined firing line or firing direction.
  - 3. Adequate target backstops for the firing of rifled arms.
- C. Posting: Shooting ranges shall be clearly identified by signs not less than four square feet in gross area located at intervals of not less than 25 yards around the perimeter and shall be maintained in legible condition.

5.8 **(Article 5.8 Deleted/Reserved for Future Use)**

5.9 **Fences:**

A. Permitting Requirements:

1. Conditional Use Permit Required.
  - a. All permanent fences greater than 12.0 feet in height.
  - b. All permanent fences greater than 6.0 feet in height and located less than 15.0 feet from the property boundary line.
  - c. All permanent fences greater than 6.0 feet in height and located between a building setback line and the property boundary line.
2. Zoning Permit.
  - a. All other permanent fences.

B. Fence Standards: Fence height limitations are as follows:

1. 0-75 Feet from Shoreline. No fences are permitted between 0 and 75 feet from the shoreline.
2. 75 feet and greater from the Shoreline. Fence height is limited to the Permitting Requirements as stated in Section 5.9(A).
3. The decorative face of any fence shall face outward.
4. Notwithstanding the limitations in Article 5.9(A), a fence which is intended to prevent animal damage to a garden and which 90% of the fence can be seen through (e.g. wire mesh/chain link) does not require a permit.

C. Fence Measurements: Fence height and setback measures shall be as follows:

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

5.10 **Forest Management and Tree Removal:**

A. Definitions (for the purpose of this section): The intent of these definitions is to provide a difference between logging operations where forest management is the rule and where, simple tree removal is required by a homeowner for purposes other than forest management.

1. **Logging:** Harvesting forestry products on parcels of land ten acres or greater, for profit, and/or to promote forest management on the property.

2. **Tree Removal:** On parcels of land less than 10 acres, cutting and/or harvesting forest products to promote forest management and/or to remove trees for other purposes on the property. On parcels of land ten acres or greater, tree removal occurs when cutting trees for purposes other than logging on the property such as building a home or installing a septic system.
3. **Slash:** Any tree-tops, limbs, bark, abandoned forest products, windfalls or other debris left on the land after timber or other forest products have been cut. (From Wisconsin's Forestry Best Management Practices, 1995)
4. **Harvesting:** The felling, skidding, processing, loading, and transporting of forest products. (From Wisconsin's Forestry Best Management Practices, 1995)
5. **Basal Area:** The cross-sectional area 4-1/2 feet above ground expressed in square feet per acre of all trees with a diameter of 5 inches and larger. (From Wisconsin's Forestry Best Management Practices, 1995)
6. **Select Cutting:** A minimum of 60 square feet of basal area per acre in trees five inches in diameter at breast height (DBH) and larger, evenly distributed. Trees smaller than 5" in diameter shall be preserved to maintain underbrush growth and to protect the quality of the shoreland buffer area.
7. **DBH:** Diameter at breast height; the average diameter (outside the bark) of a tree 4.5 feet above mean ground level. (From Wisconsin's Forestry Best Management Practices, 1995).
8. **Best Management Practices (BMP):** Manual titled "Wisconsin's Forestry Best Management Practices for Water Quality (March, 1995) providing guidance for protecting water quality during forest management activities. Although only a guide, the BMPs are standard practices throughout the State of Wisconsin. The use of BMPs in the Town of Manitowish Waters are considered minimum standards in Forest Management.
9. **Forest Law Programs:** Wisconsin managed forest tax programs, including Forest Crop Law, Woodlands Tax Law, and Managed Forest Law.
10. **Clear Cutting:** The cutting down or removal of all, or nearly all trees on one parcel or a defined area of one parcel.
11. **Forest Management:** The removal of trees and shrubbery for the purposes of improving forest esthetics, wildlife habitat, timber stand improvement, enhancing water quality or recreational opportunities, and/or fire prevention. May include such practices as timber harvesting, planting and replanting of native species, and cutting roads or pathways through the forest. All Forest Management practices shall be established by a qualified Forester.

12. **Timber Stand Improvement:** The Forest Management practice of targeting for removal dead, diseased, dying, and/or poor quality timber to allow the remaining trees to fully use the growing space.

B. Permitting Requirements:

1. General. All tree removal and logging require a Zoning/Land Use Permit from the Town Zoning Administrator. Permits obtained under Article 5.10 are at no cost to the applicant.
  - a. Within 75' of the Ordinary High Water Mark of any Lake, River, or named Stream: Permit required for all tree removal. Shrubbery and natural vegetation shall be preserved as far as practicable, and if allowed to be removed, shall be replaced with vegetation equally effective in meeting the objective of limiting runoff through preservation of vegetative cover.
  - b. Within 300' of the Ordinary High Water Mark of any Lake, River, or named Stream: Permit required for all tree removal. Shrubbery and natural vegetation shall be preserved as far as practicable.
  - c. Greater than 300' from the Ordinary High Water Mark of any Lake, River, or named Stream: Permit required for all tree removal, with the exception that dead, diseased, or dying trees, and shrubbery, may be removed at the discretion of the landowner.
2. In areas zoned Forestry or Agriculture, before any tree removal or logging, the landowner shall submit a plan communicating the location of the proposed removal or logging to the zoning office. This plan shall include the legal description to the nearest  $\frac{1}{4}$  -  $\frac{1}{4}$  Section and approximate start and finish dates of the logging or removal operation.
3. In areas zoned other than Forestry or Agriculture, logging is prohibited. Tree removal is allowed as per the provisions of 5.10(C) and for purposes of Forest Management as a Conditional Use.
4. Exceptions.
  - a. Public Exceptions. A Zoning Permit is not required when logging is performed on public lands (State, Federal, County, and Town); however, there shall be no tree removal or logging in a 30 foot buffer area extending out from the road right-of-way.
  - b. Managed Lands through Forest Law Programs(s). Although a permit is not required, the landowner shall be responsible for adhering to all Town of Manitowish Waters Ordinances. A plan must be submitted by the landowner communicating the location of the proposed logging to the zoning office prior to the start of any harvesting. This plan shall include the legal description to

the nearest 1/4-1/4, Section and approximate start and finish dates of the harvesting operation.

C. Tree Removal and Logging Limitations.

1. Tree Removal Limitations. Tree removal limitations are provided to protect shoreland areas as well as to preserve the scenic beauty of Manitowish Waters, and as long as the permitting requirement under Section 5.10 (B) is met.
  - a. Select cutting is the minimum standard for tree removal. Tree and vegetation removal exceeding the select cutting standard is considered clear cutting.
  - b. Prohibition of clear cutting. Clear cutting shall be prohibited other than for the following areas and purposes:
    - (i) Building Footprint plus 30 feet. For the placement and maintenance of a building with a basement, crawl space, or slab, using the exact dimensions of the exterior walls plus thirty feet (30') from each exterior wall.
    - (ii) Septic System. For the installation of a private septic system.
    - (iii) Road. Twenty feet (20') wide roadway from a public road or easement to the principal structure and does not encroach on any setback.
    - (iv) To allow for the creation of a new (non-existing) commercial parking lot, but only in Districts 3, 4, 5, and 6, and then only as Conditional Use.
    - (v) Clear cutting is allowed in areas zoned Forestry and Agriculture, but only if a plan is submitted by the landowner, as required under Section 5.10(B)2.
  - c. Shorelands. In addition to the above prohibition on clear cutting, shorelands are subject to a County Shoreland Alteration Permit.
2. Logging Limitations. Logging limitations are included in this Ordinance to promote Northwoods aesthetics, prevent sedimentation and provide intact habitat buffer areas for wildlife.
  - a. Setbacks from OHWM
    - (i) Rivers and Stream Setbacks
      - From 0 to 75 feet – No Cutting Allowed.
      - From 75 to 150 feet – Select Cutting.
    - (ii) Lake Setbacks
      - From 0 to 75 feet – No Cutting Allowed.
      - From 75 to 300 feet – Select Cutting.
  - b. Basal Area Requirements. In areas of permitted select cutting, a minimum of 60 square feet per acre, DBH, evenly distributed shall be maintained during logging operations. Natural shrubbery, trees, and undergrowth shall be preserved as far as practicable when harvesting within the select cutting areas.

c. **Slash Requirements.** The maximum slash height permitted shall be 24 inches.

3. **Road Right-of-Ways.** To the maximum extent permitted by law, tree removal and logging shall be prohibited in road rights-of-way.

5.11 **Bed and Breakfast:** Any place of lodging that provides 4 or less rooms for rent to transient guests within owner's personal residence and licensed by the State of Wisconsin and issued a Conditional Use Permit by the Planning Commission for all Districts.

5.12 **Towers and Antennas:** Section 5.12 covers two distinct areas in relation to the Airport, the first being all lands within the 3 mile perimeter of the airport boundary, whether within the Township boundary or not, and the second being all lands within the Town of Manitowish Waters and outside of the 3 mile perimeter from the airport boundary. Section 5.12 is adopted pursuant to Wisconsin State Statutes §§ 114.135 and 114.136 as well as §§ 60.62, 61.35, and 62.23(7).

A. **Purpose:**

1. This section is created to accommodate the communications needs of residents and businesses while protecting the health, safety and general welfare of our community, protecting our airport flight paths, and also taking into consideration the environmental and aesthetic values our community thrives on to support its extensive tourist trade;
2. Facilitate the provision of wireless communication services to the residents and businesses of Vilas County and surrounding areas;
3. Minimize adverse visual effects of wireless communication facilities through careful siting and design standards;
4. Avoid potential damage to adjacent properties from the construction and operation of wireless communication facilities through structural standards and setback requirements; and
5. Maximize the use of existing and approved towers, buildings or structures to accommodate new wireless communication antennas to reduce the number of towers needed to serve the community.
6. To protect the taxpayer investment in the airport's infrastructure by helping to ensure an object is not constructed which would negatively impact the use of the airport.

B. **Definitions:** As used in Section 5.12, the following words have the meanings indicated:

1. **Airport** - The Manitowish Waters Airport located in Sections 8, 16 & 17, Township 42 North, Range 5 East, Vilas County, Wisconsin.
2. **Airport Boundary** - Boundary as depicted on the Height Limitation Zoning Map.
3. **Alternate Tower Structure** - shall mean man-made structures such as elevated tanks, electric utility transmission line towers, non-residential

- buildings, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers. Free standing signs are not considered to be alternative tower structures.
4. Antenna - any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves, which may include omni-directional antenna (rod), directional antenna (panel) or parabolic antenna (disc).
  5. Co-location - The location of more than one antenna or set of antennas on the same tower structure.
  6. Compound - Area that encompasses the tower and/or antenna, any buildings associated with the tower or antenna, and any support wires for the tower or antenna.
  7. FAA - Federal Aviation Administration
  8. FCC - Federal Communications Commission
  9. Hazard - Any man-made structure or object of natural growth, which obstructs the air space required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off.
  10. Height - when referring to a tower or similar structure, the distance measured from the ground level to the highest point on the tower or other structure, even if said highest point is an antenna.
  11. HLZM - Height Limitation Zoning Map - A map created by the Department of Transportation specifically for the airport in the Town of Manitowish Waters, dated March 12, 1995.
  12. Tower - any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, PCS towers, alternative tower structures, and the like, including towers erected for reception of television transmission of a private party solely for personal use.
  13. Tower Accessory Structure - any structure located at the base of a tower for housing base receiving or transmitting equipment or tower control equipment.
  14. Town - The Town of Manitowish Waters Town Board or its designees.
  15. Wireless Communications - any personal wireless services as defined in the Telecommunications Act of 1996, including FCC licensed commercial wireless mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging and similar services that currently exist or may be developed.
  16. Planning Commission - The Town of Manitowish Waters Planning Commission.

C. Lands Within the 3 Mile Perimeter of the Airport Boundary:

1. All zones established by this section are as shown on the map dated March 12, 1995 entitled "Height Limitation Zoning Map, Manitowish Waters Airport, Vilas County, Wisconsin", which is attached hereto and adopted as part of this ordinance.
2. No structure shall be constructed, altered or located to a height in excess of the elevation indicated on the map referred to in Section 5.12(B)1. of this ordinance. Any structure constructed, altered or located in violation of this ordinance shall be removed at the owner's expense.
3. Non-Conforming Uses
  - a. Not Retroactive. The regulations prescribed by this ordinance shall not be construed to require the removal, lowering or other change or alteration of any structure not conforming to the regulations as of the effective date of this ordinance, except as otherwise provided by in Section 5.12(B)3.c. Nothing herein contained shall require any change in the construction, alteration or intended use of any structure, if the construction or alteration of such was begun prior to the effective date of this ordinance, and if such construction or alteration is diligently proceeding. However, any expansion or enlargement of a non-conforming structure must be in conformance with the current ordinance regulations.
  - b. Removal by Purchase. This section shall not interfere with the removal of non-conforming uses by purchase or the use of eminent domain.
  - c. Existing Uses. Before any non-conforming structure may be replaced, altered, or rebuilt, a permit shall be applied for and secured, authorizing such change, replacement or repair.
  - d. Conflicting Regulations. Where there exists a conflict between any of the regulations or limitations prescribed in this ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of the structure or any other matter, the more restrictive limitations or requirements shall govern and prevail.

D. Lands Outside and/or Inside the 3 Mile Perimeter of the Airport Boundary:

1. District Height Limitations: The requirements set forth in this article shall govern the location of towers and antennas that are installed or exceed a height in excess of the height limitations specified for each zoning district.
2. Amateur Radio or Receive Only Antennas: This article also governs personal towers or antennas owned and operated by a federally-licensed amateur radio station operator or used exclusively as a personal receive only antenna, to the point that the antenna meets all setbacks of its zoning district and the setback from the Ordinary High Water Mark.
3. Pre-Existing Towers and Antennas: Any tower or antenna existing prior to the effective date of this article shall not be required to meet the

requirements of this article, other than the requirements of Sections 5.12(D). and 5.12(F). Any such towers or antennas shall be referred to in this article as "Pre-Existing Towers" or "Pre-Existing Antennas". Upon request, the Tower/Antenna owner shall provide the information as outlined in Section 5.12(E)6.

4. Require permits/approvals from Wisconsin Department of Transportation and Federal Aviation Association as required under the jurisdiction of State Statute ss. 114.135 and must also follow D.O.T. Administrative Code, Trans 56.

E. General Guidelines and Requirements for Lands Inside & Outside the 3 Mile Perimeter:

1. Purpose/Goals: The purpose of this article is to establish general guidelines for the siting of towers and antennas. The goals of this article are 1. To encourage the location of towers in non-residential areas and minimize the total number of towers throughout the community, 2. To strongly encourage the joint use of new and existing tower sites, 3. To encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the airport and community is minimal, 4. To encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impacts of the towers and antennas, and 5. To enhance the ability of the providers of telecommunications services to provide such services to the community.
2. Principal or Accessory Use: Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed and antennas that are installed, in accordance with the provisions of this article shall not be deemed to constitute the expansion of a non-conforming use or structure.
3. Inventory of Existing Sites: Each application for an antenna and/or tower shall provide to the Planning Commission an inventory of all existing towers, over 95 feet in height, that are within the jurisdiction of the Town of Manitowish Waters and within 5 miles of the border thereof, including specific information about location, height, and design of each tower. The Planning Commission may share such information with other applicants applying for administrative approvals or Conditional Use permits under this article or other organizations seeking to locate antennas within the jurisdiction of the Town of Manitowish Waters provided, however, that

- the Planning Commission is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
4. Aesthetics and Lighting: The guidelines set forth in this section shall govern the location of all towers, and the installation of all antennas governed by this article, provided however, that the Planning Commission may waive these requirements if it determines that the goals of this article are better served thereby.
    - a. Towers shall maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
    - b. At a tower or antenna site, the design of the buildings and related structures shall to the extent possible, use materials, colors, textures, screening and landscaping that will blend the tower/antenna facilities to the natural setting and environment.
    - c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
    - d. Towers/antennas shall not be artificially illuminated unless required by the FAA or other applicable authority. If lighting is required, the Planning Commission shall review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.
    - e. Towers, antennas or attachments shall not be used for displaying any advertising. If FCC rules require that the owner's name be shown on the tower or antenna, it shall be posted not more than 6 feet above the ground on a placard no larger than 2 square feet.
  5. Federal Requirements: All towers/antennas must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the Federal Government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers/antennas governed by this article shall bring such towers/antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers/antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna by the Town, at the expense of the tower and/or antenna owner or at the expense of the property owner in the case where the owner of the tower or antenna is leasing the property upon which the tower or antenna is installed.
  6. Building Codes, Safety Standards: To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in

compliance with standards contained in applicable state and local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Town concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon written notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower or antenna into compliance with such standards. If the owner fails to bring such tower or antenna into compliance within said thirty (30) days, the Town may remove such tower or antenna at the expense of the tower and/or antenna owner, or at the expense of the property owner in the case where the owner of the tower or antenna is leasing the property upon which the tower or antenna is installed.

- a. All towers shall be reasonably protected against unauthorized access. The bottom of the tower from ground level to 12 feet above ground shall be designed to preclude unauthorized climbing and the compound shall be enclosed with a six (6) feet high fence with a locked gate.
- b. Security lighting for on-ground facilities and equipment is permitted, as long as it is down shielded to keep light within the boundaries of the compound.

F. Permit Requirements:

1. Permitted Uses - The uses listed in Section 5.12(F)(2) are deemed to be permitted uses and shall not require a Conditional Use Permit. Nevertheless, all such uses shall comply with Section 5.12(F) of this article and all other applicable articles.
2. Specific Permitted Uses - The following uses are specifically permitted, however, they do require a Manitowish Waters zoning permit:
  - a. Installing an antenna on an existing alternative tower structure, so long as said additional antenna adds no additional height to the existing structure.
  - b. Installing an antenna on an existing tower of any height including a pre-existing tower, and further including the placement of additional buildings or other supporting equipment used in connection with said antenna, so long as the addition of said antenna adds no additional height to the height of the existing structure.
  - c. Personal antennas and towers over 50 feet in height, but less than 100 feet in height.
3. Conditional Use Permits - The Conditional Use Permit Section 5.12(F)(3) relates strictly to Towers and Antennas and has a fee associated with it that is in relation to the amount of research/information required of the application. Tower or Antenna Conditional Use Permits shall be renewed

yearly. All other functions of the Conditional Use Permit Section 10.5 of this Ordinance are in effect. The following provisions shall govern Tower and Antenna Conditional Use Permits:

- a. If the tower or antenna is not a permitted use under Section 5.12(F)(2) of this article, then a Conditional Use Permit shall be required prior to construction or alteration of any tower, or the placement of any antenna.
  - b. Towers and antennas may only be located in the Agricultural, Community Business, Forestry, Governmental and Light Industrial Zoning Districts within the Town of Manitowish Waters. In no case shall a tower, antenna, or its related equipment be located closer than the distance of its height, plus 50' to a navigable lake or river. In any case where a tower, antenna or its related equipment would be located closer than 1/4 mile to the border of the Powell Marsh Wildlife Area, an Environmental Assessment study is required.
  - c. If a Conditional Use Permit is granted, the Planning Commission may impose conditions to the extent the Planning Commission concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
  - d. Any information of an engineering nature that the applicant submits whether civil, mechanical, electrical or other, shall be certified by a licensed professional engineer.
  - e. If approved, each application will be conditioned upon the Town's receipt of a bond ensuring Section 5.12(F) is complied with currently and in the future. This bond shall be renewed on a yearly basis, and submitted with the yearly renewal application for the antenna/tower. The amount of the bond shall be determined by the Planning Commission based on the type of tower/antenna to be installed, but in no case shall be less than \$20,000.
4. Information Required: Each applicant requesting a Conditional Use Permit under this article shall submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning property location and size, topography, frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the Planning Commission to be necessary to assess compliance with this article.
  5. The Planning Commission may employ, on behalf of the Town, an independent technical expert to review technical materials submitted by the applicant or to prepare any technical materials required but not submitted by the applicant. The applicant shall pay the cost of such review and/or independent analysis as a part of their permit application.
  6. Factors Considered in Granting Conditional Use Permits: The Planning Commission shall consider the following factors in determining whether

to issue a Conditional Use Permit, although the Planning Commission may waive or reduce the burden on the applicant of one or more of these criteria if the Planning Commission concludes that the goals of this article are better served thereby.

- a. Height of the proposed tower or antenna.
  - b. Capacity of the tower structure for additional antenna equipment to accommodate expansion, or to allow for co-location of another provider's equipment.
  - c. The frequency of the tower and/or antenna's receiving and/or transmission signals. This pertains to how often the tower will be expected to function (not the MHZ), i.e. daily, weekly, monthly, yearly.
  - d. The type of consumer services to be provided (i.e. cellular, PCS, etc.)
  - e. Proximity of the tower to residential structures, residential district boundaries, public roads, the Manitowish Waters Airport and navigable water bodies.
  - f. Nature of uses on adjacent and nearby properties.
  - g. Surrounding topography.
  - h. Surrounding tree coverage and foliage.
  - i. Design of the tower, with a particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness
  - j. Availability of suitable existing towers and other structures as discussed in Section 5.12(F)(7) of this article.
  - k. Proposed ingress and egress.
7. Availability of Suitable Existing Towers or Other Structures: No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:
- a. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements, assuming applicant's requirements are within standard industry requirements for the type of antenna to be installed.
  - b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements, assuming applicant's requirements are within standard industry requirements for the type of antenna to be installed.
  - c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
  - d. The applicant's proposed antenna would cause electromagnetic interference with antenna on the existing towers or structures, or the

- antenna on the existing towers or structures would cause electromagnetic interference with the applicant's proposed antenna.
- e. The fees, costs, or contractual provisions required by the owner to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
  - f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
8. **Setbacks and Separation:** The following setbacks and separation requirements shall apply to all towers and antennas for which a Conditional Use Permit is required; provided, however, that the Planning Commission may reduce the standard setbacks and separation requirements if the goals of this article would be better served thereby. Towers must be setback a distance equal to the height of the tower from any off-site residential structure, or any parcel of land zoned residentially.
- a. Towers must be setback a distance equal to the height of the tower plus fifty (50') feet from any public road and navigable lake or river.
  - b. Towers, guys and accessory facilities must satisfy the minimum zoning district setback requirements.
9. The following requirements shall govern the landscaping surrounding towers for which a Conditional Use Permit is required; provided, however, that the Planning Commission may waive such requirements if the goals of this article would be better served thereby.
- a. Tower facilities shall be landscaped with a mixture of native deciduous and evergreen trees and shrubs that effectively screen the view of the tower compound from adjacent residential property. The standard buffer shall consist of a landscaped strip at least ten (10') feet wide outside the perimeter of the compound.
  - b. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived altogether.
  - c. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large wooded lots, natural growth around the property perimeter may be sufficient buffer. Wetlands may not be filled to locate Towers, antennas or related structures.
10. Traditional Zoning Permits are required for any buildings or additional structures required to control or aid in signal transmission that are located at the ground level.
11. **Landowners Acknowledgment:** Written acknowledgment by the landowner of a leased site that the landowner and all tower/antenna owners agree to abide by all applicable terms and conditions of the Conditional Use Permit, including the restoration and reclamation requirements of Section 5.12(F).

12. Once this Conditional Use Permit is approved, a yearly permit is required thereafter. This permit allows for the continuation of the Bond that is required and to update ownership and usage information.
- G. **Removal of Abandoned Antennas and Towers:** Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove same within ninety (90) days of written receipt of notice from the Planning Commission notifying the owner of such abandonment. If such antenna or tower is not removed within said ninety (90) days, the Town may remove such antenna or tower at the expense of the tower or antenna owner, or at the expense of the property owner upon which the tower or antenna is installed. If there are two or more users of a single tower, then this provision shall not become effective for a tower, until all users cease using the tower.
- H. **Reference to Other Ordinances:** All antennas or towers subject to more than one ordinance or section of an ordinance, due to height or any other matter shall be subject to the most restrictive ordinance.
- I. **Penalties:** Any person or company who violates the provisions of Section 5.12 shall be required to immediately bring the Tower or Antenna into compliance with this Ordinance, including, but not limited to, obtaining a permit, paying the required permit fee, incur a forfeiture, and shall pay such forfeiture in the amount of \$100.00 per day for the first five days of violation, increasing to a maximum penalty of \$1,000.00 per day thereafter. If a Tower or Antenna is constructed without a permit, the owner shall obtain a permit at a cost of double the initial permit fee and pay a forfeiture, or remove the structure. Each day a violation exists shall constitute a distinct and separate violation of this ordinance, and as such, forfeitures shall apply accordingly. In addition, as provided by this Ordinance, the Town may remove the tower at the owner's expense or at the expense of the landowner in the case where the property is leased.

## ARTICLE VI SIGNS

**Purpose:** The purpose of this Article is to create the legal framework to regulate, administer, and enforce outdoor sign advertising and display within the Town of Manitowish Waters. This Ordinance recognizes the need to protect the safety, welfare and property values of the community while providing for adequate business identifications, advertising, and communication.

6.1 **Definitions:** The following definitions pertain specifically to Article VI Signs. General Zoning Definitions in Article XIII shall additionally apply.

**Abandoned Sign:** A sign that no longer correctly advertises a bona fide business, lessee or owner or a sign that no longer advertises a product or activity conducted or available on

the premises where the sign is displayed.

**Attachments/Auxiliary Signs:** A sign mounted separate and attached to the primary sign, which provide additional information. (i.e. open/closed, hours, direction, warning).

**Awning Sign:** Any sign or graphic attached to, painted on or applied to an awning or awning canopy. Any portion of an awning containing the name of a business or is otherwise a sign, shall be treated as a sign. The size is determined by measuring the rectangle containing any graphic and/or letters.

**Banner:** A long strip of cloth or material affixed to a pole, wire or rope, which is located outdoors and which has lettering on it as an advertisement, greeting or similar message.

**Building Face Computation:** The square footage of the face shall be computed as the linear length of the wall frame multiplied by the height of the wall measured to the eave line.

**Center Line (of highway or road):** A point (line) equal distance from the edges of the median separating the main traveled ways of a divided highway, or the center line of the main traveled way of a non-divided road.

**Changeable Copy/Message Sign (reader board); Electronic:** A sign such as a time/temperature sign, message center or reader board equipped with electronic or electric copy or message changes.

**Changeable Copy/Message Sign (reader board); Manual:** A sign such as a message center or reader board with manual copy or message changes.

**Directional Sign:** The traditional “White Arrow” signs that display the names of establishments.

**Directory Signs (multi-tenant):** A sign displaying the names of two or more businesses and/or the name of the entire complex such as a shopping center, offices or a group of professionals.

**Double Faced Sign (back-to-back sign):** A sign with identical copy on both sides of one sign board or on two sign boards back-to-back or in a “V”.

**External Lighting:** Lighting of a sign which mounts on the outside of a sign (flood lights, overhead lights, fluorescent lights).

**Flashing Sign:** A sign whose illumination is not kept constant in intensity at all times when in use and which exhibits changes in light color, direction or animation. Illuminated signs which indicate the date, time and temperature will not be considered flashing signs.

**Governmental Signs:** Any sign used for posting legal notices, identification of streets,

traffic regulations, notice of danger or other emergencies, or the posting of a notice of trespassing.

**Ground Elevation:** Ground Elevation shall mean the average elevations of the ground upon which the sign supports are placed. This does not include a berm or other area elevated above the surrounding ground.

**Free Standing Sign:** A sign that is supported by one or more columns, upright poles or braces extended from the ground or from an object on the ground, or that is erected on the ground where no part of the sign is attached to any part of a building, structure, or other sign. A Free Standing Sign may be a Portable Sign.

**Height of Sign:** The height of a sign is the vertical distance measured from the grade at the highway right-of-way line where the sign is located, to the highest point of the sign.

**Inflatable Sign:** Sign which is held up by means of inert gases, hot air, or fans.

**Moving or Flashing Sign:** Any sign having lights or illumination which flashes, moves, rotates, scintillates, blinks, flickers, varies in intensity or color or uses intermittent electrical pulsations. The exception to this is seasonal light, such as Christmas lights.

**Non-Conforming Sign:** Any sign that meets the legal requirements enforced at the time it was installed but is not conforming to the current ordinance.

**Off Premise Sign:** A sign which advertises a residence, business, merchandise, product, service or entertainment which is offered off the premises from where the sign is displayed.

**On Premise Sign:** A sign which advertises a business, merchandise, product, service or entertainment which is offered on the premises where the sign is displayed.

**Parcel:** Contiguous real estate, irrespective of public roads.

**Portable Sign:** Any sign which is designed to be transported.

**Projecting Sign:** A sign affixed to any part of a building or structure which extends beyond the building or structure.

**Roof Sign:** A sign erected, constructed, maintained upon, or which projects above the roofline of a building.

**Sandwich Board Sign:** A hinged or unhinged A-frame portable sign which is generally temporary in nature and placed near the road way.

**Sign:** An object, including a structure, movable object, wall or image displaying any message visible to the public.

**Sign Size (Area):** That area enclosed by one continuous line, connecting the extreme points or edges of a sign. The area shall be determined using the largest sign area or silhouette visible at any one time from any one point. This area does not include the main supporting sign structure, but all other ornamental attachments, inner connecting links, etc. which are not a part of the main supports of the sign, are to be included in determining sign area.

**Sign Face:** The total surface area of a sign including the trim or border and copy area.

**Sign Permit:** The documentation process for the Town of Manitowish Waters and the State of Wisconsin for the erection of a sign.

**Sign Structure:** Any device or material which supports or is capable of supporting a sign in a safe stationary position, including decorative covers.

**Special Event Sign:** A sign for events such as grand opening, vehicle shows, displays, craft shows, benefits, fund-raisers, festivals, and other limited term events.

**Temporary Sign:** Signs installed for a limited time to advertise events, sales or special offers. Included are legal signs put up before final sign is installed.

**Wall Sign:** A sign attached to, painted upon, placed against, or supported by the exterior surface of any building.

**Wall Sign (Area):** Only the Sign Face shall be used to calculate the Wall Sign Area (length multiplied by height).

## 6.2 **Sign Standards:**

- A. No signs shall hereafter be located, erected, moved, totally reconstructed, extended, enlarged, converted, or structurally altered without an approved Town Sign Permit unless specifically exempted by this ordinance. It may be necessary to also obtain state and county permits.
  
- B. Article VI authorizes the use of signs visible from public rights of way, including navigable waterways, provided the signs are:
  - 1. Located on roads and highways maintained by the Town of Manitowish Waters or Vilas County unless specifically exempted or prohibited by this Ordinance.
  - 2. Designed, constructed, installed, and maintained in such a manner that they do not endanger public safety or traffic safety.
  - 3. Legible, readable, and visible in the circumstances in which they are used.
  - 4. Respectful of the reasonable rights of other advertisers whose messages are displayed.

- C. Sign content, letter size, color and font should be safely legible at the distance from the intended viewer and speed they will be traveling.
- D. Sign content and background color and lighting (if used) should be complementary. Please refer to the United States Sign Council at: <http://www.ussc.org> for more information.
- E. Maintenance and Repair: Every Sign, including but not limited to those Signs for which permits are required, Signs damaged by vandalism, weather or other acts of nature; shall be maintained in a safe, presentable, and good structural condition at all times, including replacement of defective parts, painting (except when a weathered or natural surface is intended), repainting, cleaning and other acts required for the maintenance of said Sign.
- F. Responsibility for Compliance: The Owner of the Parcel on which a Sign is placed and the Person owning the Sign are each fully responsible for the condition and the maintenance of the Sign, and the area around the Sign.
- G. The Town shall cause to be removed any deteriorated or dilapidated Signs under the provisions of Wisconsin Statutes.

6.3 **Signs Authorized Without A Sign Permit (Permit Exempt Signs):** Subject to other applicable requirements and permits, the following Signs are authorized without a Sign Permit provided the sign does not contain flashing lights or moving parts.

- A. Governmental Signs: Governmental Signs do not require a permit.
- B. Small Sign: One Sign per Parcel denoting the name and address of the owner or occupant. The sign shall not be illuminated and shall not exceed three (3) square feet in area. Warning signs such as “No Trespass” or “Beware of Dog” are not limited to one per parcel but are limited to no more than two (2) Small signs in any 500 linear feet on the parcel.
- C. Commercial occupational and directional signs: Business directional “White Arrow” signs measuring 6” x 48” nominal size located on town roads and 8” x 60” on state and federal highways (as regulated by Vilas County) denoting only the name and profession or business use of an occupant in a dwelling, commercial or institutional building. These Signs are allowed in the Highway Right of Way on town Roads and shall only be installed by the Town Road Crew on posts supplied by the Town.
- D. Real Estate signs not exceeding four (4) square feet in area which advertise the sale, rental or lease of the premises upon which said signs are located, provided such signs are removed upon the sale, rent or lease of the subject property. There may be one of each sign per road facing.

- E. Flags: Governmental flags do not need a permit. The Zoning Administrator may require large or numerous governmental flags to be subject to the ordinance. A flagpole may not exceed thirty (30) feet above ground level. Nongovernmental flags are Signs subject to the permitting provisions of this Ordinance.
- F. Warning Signs: Signs exclusively devoted to warning the public of dangerous conditions and unusual hazards such as drop offs, high voltage, fire danger, and explosives are permitted. Warning Signs may not exceed sixteen (16) square feet.
- G. Historical, Cultural and Natural Site Signs: A sign erected by a government agency, which exclusively denotes a recognized historical, cultural or natural site, is permitted. This sign shall not exceed three (3) square feet unless otherwise provided by state or federal law.
- H. Banners: Banners used on a private residential property no more than seven (7) days in any calendar year do not need a permit.
- I. Political Signs: Political signs not exceeding twelve (12) square feet providing such signs are removed within seven (7) days following election except that a sign erected before a primary election may remain in place until seven (7) days after the next general election if the sign solicits support for a candidate, political party or referendum question that is before the electorate in both the primary and general election.
- J. Local Non-Profit: Local Non-Profit organizations may promote a local event with signs no more than four (4) weeks prior to the event provided that signs are removed within 48 hours after the event and the sign size does not exceed 64 square feet.
- K. Temporary Construction Signs: Temporary construction signs at sites under construction are allowed provided that each sign does not exceed four (4) square feet in size, there is only one such sign placed on each parcel of land per Contractor with a maximum of five (5) Temporary Construction Signs per building site and the sign(s) is/are removed within seven (7) days after completion of the project and all applicable setbacks are met.

6.4 **Signs Authorized With a Permit:** The Zoning Administrator shall issue a Permit for signs in accordance with the following provisions.

- A. Residential Neighborhood Identification Signs: A Residential Neighborhood (Single-Family Subdivision, Multiple-Family Housing Development, etc.) is permitted to have one Residential Neighborhood Identification Sign for each Entrance Street or road facing. Such signs shall not extend into any public right-of-way. The face of the sign shall not exceed twelve (12) square feet. The height of the sign may not exceed eight (8) feet above the ground elevation.

- B. Double Faced Signs: Double faced signs on two (2) sign boards may be mounted parallel to each other or in a “V” configuration. If the signs are mounted parallel to each other they shall not be separated by more than one foot. If the signs are mounted in a “V”, the signs at the closed end of the “V” shall be no more than one foot apart and the angle of the “V” at the open end of the “V” shall be no greater than 45 degrees from a line running through the center of the “V”. Both sign faces shall have identical signage.
- C. Sign Size: The maximum area for any Freestanding, Wall, Roof or Awning sign shall be 38 square feet for each sign facing, exclusive of supports. Also, see Article 6.5 for exceptions.
- D. Sign Elevation: No Free Standing Sign shall exceed twelve (12) feet above Ground Elevation. If the ground elevation at the sign is below the elevation of the adjacent road, then the adjacent road elevation shall be considered Ground Elevation for the sign.
- E. Wall Signs: Wall signs placed against the exterior walls of buildings shall not project more than six (6) inches out from the building’s wall surface and shall not extend above the wall upon which it is placed. A Wall Sign is permitted on one wall face only.
- F. Roof Signs: Roof signs shall not exceed one (1) foot above the roof peak.
- G. Commercial, Institutional, Retail, Industrial Manufacturing, Wall, Roof and Free Standing Signs: One Wall, roof or Awning Sign and one Free Standing Sign are permitted on each commercial retail and industrial manufacturing parcel with a message relating to the business activities on the premises. Unless more restrictive zoning applies, setbacks for Free Standing Signs from property lines shall be at least equal to the height of the sign. Signs may be placed inside the window areas of commercial or retail establishments without a permit. The Sign area may not exceed twenty-five (25%) percent of the area of the window. Temporary notices of time bound events (specific sales, community festivals, etc.) are exempt from these Window Sign Standards. Awnings and canopies with advertising signage will be considered “on building signage”. A business may be permitted any number of signs not designed to be read from the roadways, whose sole purpose is to direct or control traffic which has already entered the property.
- H. Agricultural Wall and Free Standing Signs: One Wall and one Free Standing Sign per parcel with a message relating to the agricultural activities on the premises with a total square footage not to exceed thirty-two (32) square feet in total area is permitted. Unless more restrictive zoning applies, Free Standing Sign setbacks shall be at least equal to the height of the sign. Temporary Signs relating to seasonal agricultural activities, i.e. crop variety trials, “pick your own berries” or produce sales, may not in aggregate exceed an additional 20 square feet or be used for more than six (6) months in any calendar year.

- I. Forestland Wall and Free Standing Signs: One Wall or free Standing Sign per parcel with an area not to exceed sixteen (16) square feet with a message relating to forest management or forest products is permitted.
- J. Non-Dwelling Use Signs: A Non-Dwelling Use in a residential area, such as a school, a religious facility, an institutional use, a clubhouse, etc. is permitted to have one Free Standing Sign and one Wall Sign, neither of which shall exceed twelve (12) square feet in area.
- K. Internally Lit Signs with a Transparent/Light Background: Internally Lit Signs with a transparent or light background color are permitted when in compliance with other provisions of the Ordinance.
- L. Internally Lit Dark Background Signs: Internally Lit Dark Background Signs are permitted when in compliance with other provisions of the Ordinance (for public safety these are preferred over Internally Lit Light Background Signs).
- M. Manually Changeable Message Signs: Manually Changeable Message Signs are permitted when in compliance with other provisions of this Ordinance.

6.5 **Signs Authorized with a Permit; Exceptions:**

- A. Directory Signs: When more than one separately licensed business establishment is located in a single building or property, or when multiple buildings are located on a single Parcel; a single directory sign is permitted for the entire building complex.
- B. Individual tenant sign size (up to 4) shall be computed using the following formula provided that the square feet dedicated to the building or development name is adjusted for speed and the setback, measured from the Highway Center Line, is calculated in the following manner:
  - 1. Up to 100 feet: Ten (10) square feet at 0-34 mph; 14 square feet at 35-55 mph.
  - 2. 100' or more: 14 square feet at 0-34 mph; 18 square feet at 35-55 mph.
- C. Free Standing Signs: The size of a Free Standing On-Premise sign shall be computed based on the following formula provided that the square feet dedicated to the building or development name is adjusted for speed and the setback, measured from the Highway Center Line is calculated in the following manner:
  - 1. 38 square feet at 0-34 mph; 64 square feet at 35-55 mph.

- D. Wall Signs: The maximum sign face area of an individual Wall Sign shall be determined using the following formula measured from the center line of the adjacent roadway. A minimum of 38 square feet of the building face shall be available regardless of the building size.
  - 1. 20% of one building face up to 100'
  - 2. 30% of one building face at 100'-200'
  - 3. 40% of one building face at 200' or more
- E. Measuring Sign Setbacks with Conflicting Highway Right of Ways: Where Federal, State or County Highway Right of Ways overlaps Town Right of Ways; Town Right of Way Sign Setback Measurements shall be measured from the center line of the prevailing Federal, State or County Highway.

6.6 **Prohibited Signs:** The following limitations, obligations, and prohibitions apply to all Signs legally subject to this Ordinance:

- A. Absence of Sign Permit: Any Sign, for which a Permit has not been issued and which is not a "Sign Authorized Without A Permit" is prohibited.
- B. Abandoned Signs: Signs made obsolete or abandoned by either the closing of a business or changing of business or landowner are prohibited.
- C. Signs advertising a business or event which has become inactive, closed or terminated, excluding seasonal closure, shall be removed or covered within 30 days following the event or business becoming inactive, closed or terminated.
- D. Off-Premise Signs: Off-premise signs are prohibited in the Town of Manitowish Waters.
- E. Black and White Residential Directional "White Arrow" signs on all town road highway right of ways.
- F. Roof Signs and Projecting Signs: Roof Signs exceeding one (1) foot above the high point of the roof line and Projecting Signs exceeding six (6) inches are prohibited.
- G. Public Property: No portion of a privately-owned Sign, or its supporting structures, such as poles or cables, shall be placed on, or within the air space above, publicly owned property, a public right-of-way unless specifically exempted by this Ordinance.
- H. Destruction of Vegetation: Cutting or killing trees larger than 3" diameter at breast height growing on public right-of-ways to enhance visibility of a Sign is prohibited.
- I. The use of beacon lights is prohibited.

- J. Any lighting of a sign shall not be directed toward a neighboring residence or highway.
- K. Electronically Changeable Message Signs: Electronically Changeable Message Signs are prohibited.
- L. Revolving Signs: Revolving Signs are prohibited.
- M. Traffic Interference: A Sign (other than a traffic sign installed by a governmental entity) shall not simulate or imitate the size, lettering, or design of any traffic sign in such a manner as to interfere, mislead, or confuse the public.
- N. Parked Vehicle: Any Sign on a motor vehicle, trailer, farm implement or other mobile equipment, which is parked in a position visible to traffic on a public road, waterway, or parking area for a period longer than six (6) days in a 60-day period, is prohibited.
- O. Visual Obstruction: Signs shall not be placed so as to obstruct the visibility of pedestrians and motorists at intersections and driveways.
- P. Natural Areas: Signs in wetlands except Governmental and Warning Signs are prohibited.
- Q. Signs placed within 75 feet of the OHWM are prohibited.
- R. No Bunting or similar flagging, street banners or temporary signs are permitted to be displayed on the exterior of the premises with the exception of a business advertising a grand opening or special event. These signs will be allowed for a period of time not to exceed one week prior to and one week following the event. Protective flagging for septic systems and other areas which require marking for reasons of health, safety or general welfare is exempt.
- S. Posting bills, posters, placards and circulars on trees is prohibited. Trees shall not be used as sign supports with the exception of "NO TRESPASSING" signs which are in conformity with Wisconsin Statute 943.13 and official snowmobile and cross-country ski trail markers.
- T. Ice Shanty Signage: No Signage, other than the DNR required name and address in letters not to exceed four (4) inches in height, is permitted on ice shanties.

6.7 **Non-Conforming Signs:** The intent of this ordinance is to encourage the eventual elimination of Signs which do not comply with the Ordinance. The elimination of non-conforming Signs is important to the Purpose of this Ordinance. However, it is also the intent of the Ordinance to avoid unreasonable invasion of property rights while accomplishing removal of Non-Conforming Signs.

- A. Compliance: Within twelve (12) months of the adoption of this Ordinance the Zoning Administrator shall inventory all of the signs in the town of Manitowish

Waters and make a determination on Non-conforming signs. Upon determination that a Sign is Non-conforming, the Zoning Administrator shall use reasonable efforts to notify in writing the user of the property on which the sign is located that the sign is Non-Conforming.

- B. Continuance: Use of a Non-Conforming sign may be continued if it is maintained in good condition unless as otherwise provided above. It shall not, however, be replaced by another Non-Conforming Sign. It may not be structurally altered so as to prolong the life of the Sign. It may not be re-established after damage or destruction if the Zoning administrator determines that the estimated cost of reconstruction exceeds a 50% of the estimated replacement cost. However, it may be replaced if damaged or destroyed by a criminal act.
- C. Abandoned Signs are considered a public nuisance and as such, shall be remedied by the Sign Owner within sixty (60) days of receiving notice from the Zoning Administrator. After sixty (60) days the Sign may be removed by the Zoning Department at the Sign owner's expense.

#### 6.8 **Sign Permit Requirements:**

- A. Permit: A Zoning Permit is not required for "Exempt Signs" or "Signs Authorized Without A Permit". A Permit must be obtained from the Zoning Department for any changes to existing signs and new signs.
- B. Application: Applications for Zoning Permits for signs shall be made upon a form provided by the Zoning Department for this purpose. The Application shall contain the following information:
  - 1. Name, address, phone, and if available, fax and e-mail of the Person applying for the Permit.
  - 2. Name, address, phone, and if available, fax and e-mail of the Person owning the Parcel upon which the Sign is proposed to be placed.
  - 3. Location of the building, structure and Parcel on which the Sign is or will be attached or erected.
  - 4. Position of the Sign in relation to nearby buildings, structures, property lines, existing or proposed rights-of-way, ordinary high water marks of waterways, and the setback of applicable zoning ordinances.
  - 5. Two (2) copies of the Sign plans and specifications.
  - 6. The method of construction and/or attachment to a building or to the ground shall be explained in the plans and specifications.
  - 7. A copy of stress sheets and calculations, if deemed necessary by the Zoning Department, showing the structure as designed for dead load and wind pressure.
  - 8. Name, address, phone, and if available, fax and e-mail of the Person who has or will be erecting the sign.
  - 9. Such other information as the Zoning Department may require to prove compliance with this Ordinance and any other applicable laws.

6.9 **Sign Construction Requirements:**

- A. Material: Where feasible, Signs should be constructed of weather resistant wood, or other natural material.
- B. Codes: All Signs shall conform to the latest edition of the applicable building and electrical codes.
- C. Fastenings: All Signs must remain safe and secure during the period of use.
- D. All parts of the Signs, including bolts and cables, shall remain painted as necessary, and free of corrosion.
- E. Fire Escapes: A Sign may not obstruct a fire escape.
- F. Lighting: External lighting shall be shielded from view and shall be focused upon the sign to avoid stray lighting. Flashing, rotating, and intermittent lighting are prohibited.
- G. Identification: All Signs for which a Permit is required shall identify the name and operating telephone number of the Person responsible for the Sign.
- H. Proximity to Electrical Conductors: Signs and all supporting structures shall be no closer to electrical utilities than is permitted by applicable codes. No Sign, including cables and supports, shall, in any event, be within six (6) feet of any electrical conductor, electrical light pole, electric streetlamp, traffic light, or other public utility pole.
- I. Sanitation: Property surrounding any Ground Sign shall be maintained in a clean and sanitary condition. It shall be free from weeds, rubbish, and flammable material.
- J. Landscaping: The area beneath and around a Sign shall be landscaped with plants, ground cover and materials so as to complement the site and integrate the Sign with buildings, parking areas, surrounding vegetation and natural features of the landscape.

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**ARTICLE VII**  
**OFF-STREET PARKING AND DRIVEWAYS**

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

**7.1 General Rules:**

- A. Parking lots containing five (5) or more parking spaces which are located in the Residential Districts or adjacent to residential lots, shall be screened along with the side or sides of such lots which abut the lot lines of residential lots by a solid wall, fence or evergreen planting of equivalent capacity or other equally effective means, built or maintained at a minimum height of four (4) feet. If parking lots so located are lighted, the lights shall be shielded so as to prevent undesirable glare or illumination of adjoining residential property.
- B. The parking of only one unoccupied travel trailer, camper, or other recreation vehicle may be located on a lot provided it is parked at the rear of the lot, and it meets the setback requirements for an accessory building in the district in which it is located. Such travel trailers, campers, or recreation vehicles may not be utilized for dwelling or sleeping purposes except where used for temporary occupancy during the construction of a home or cottage, provided that it is on the same lot where a zoning permit and building permit has been issued for the building of a home or cottage. Such temporary dwellings shall be used for a period of no longer than one year and shall be connected to adequate sanitary facilities.
- C. No heavy equipment, other than one school bus or one truck used for business purposes and stored overnight, may be parked on a lot in a residential district.
- D. Business and commercial users shall provide off-street improved parking spaces for one car for each 150 square feet of building area.

**7.2 Required Off-Street Parking Spaces for Specified Uses:**

- A. New retail or local business places, banks, offices, and professional offices and personal service shops shall provide at least one off-street parking space for each two hundred (200) square feet of ground floor area plus at least one additional parking space for each five hundred (500) square feet of upper floor area.
- B. Building combining business and residential use shall provide at least one off-street parking space for each three hundred (300) square feet of area devoted to business use, plus at least one parking space for each family for which accommodations are provided on the premises.

- C. Motels, lodging houses and dormitories shall provide at least one parking space for each guest room.
- D. Restaurants, taverns, and similar places for eating and for refreshments, except curb service establishments, shall provide at least one parking space for each fifty (50) feet of floor space devoted to the use of the patrons.
- E. Funeral homes and mortuaries shall provide at least one parking space for each fifty (50) feet of space devoted to parlors.
- F. Bowling alleys shall provide at least five (5) parking spaces for each alley.
- G. Industrial uses shall provide at least one parking space for each two (2) employees on the premises at any one time, plus at least one additional space for each vehicle operated in connection with such use for which parking on the premises is required.
- H. Any use not specifically named shall be assigned to the most appropriate classification by the Zoning Administrator subject to appeal to the Board of Adjustment.

7.3 **Driveways and Private Roads:**

- A. No driveways or private roads will be permitted to be constructed within 15 feet of an adjoining property owner's lot line unless the adjoining property owner(s) to be affected by such road give a written letter of consent to the effect that they do not object to the construction of the driveway or private road being closer than 15 feet from the lot line. A copy of the letter shall be forwarded to the Zoning Administrator to be kept on file.
- B. Width of a driveway to one's principal building must be 20 feet wide and have a 12 foot height clearance.

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**ARTICLE VIII**  
**NONCONFORMING USES AND STRUCTURES**

**Introduction and Explanation:** Article VIII contains rules pertaining to uses, structures and lots which existed before the effective date of this Ordinance which may not be in full compliance with the provisions of this Ordinance. The practices of accepting nonconforming uses, dwellings, nonconforming trade and industry and nonconforming lots is commonly referred to as "grandfathering" or accepting under a "grandfather clause". Nonconforming uses, dwellings, trade and industry existing at the time of the adoption of this Ordinance are permitted in cited cases to continue. Nonconforming lots existing at the time of the adoption of this Ordinance may generally be constructed upon, providing minimum requirements are met.

8.1 **General Limitations on Nonconforming Structures or Use:** When any structure including signs, or the use of any structure or premises, has become nonconforming as defined in Article VIII of this Ordinance, such nonconformity may continue subject to the following limitations:

- A. As long as no structural alterations are made, a nonconforming use of a structure may be changed to another nonconforming use of the same or a more restrictive classification.
- B. Whenever any part of a building, structure, or land occupied by a nonconforming use is changed to or replaced by a conforming use, such premises shall not thereafter be used or occupied by a nonconforming use, though the building may have been originally designed and constructed for the prior nonconforming use.
- C. Whenever a nonconforming use or part thereof has been discontinued for twelve (12) consecutive months such use shall not, after being discontinued or abandoned, be reestablished, and the use of the premises thereafter shall be in conformity with the regulations of the zoning district in which the use is located.
- D. Where no enclosed building is involved, discontinuance of a nonconforming use for twelve (12) months shall constitute abandonment, and shall not thereafter be used in a nonconforming manner.
- E. There shall be no external alterations of and/or additions to a structure which is used for a nonconforming use.
- F. Should any structure be damaged or totally destroyed by violent wind, vandalism, fire, flood, ice, snow, mold or infestation, the structure may be restored to the size, location and use that it had immediately before the damage or destruction occurred provided there is no further encroachment toward the waterway and/or lot line that made the structure or use nonconforming. In addition, the septic system serving the structure or use will be brought up to code by compliance with applicable Wisconsin Administrative codes and county codes. Notwithstanding the above, the size of a structure may be larger if necessary for the structure to comply with applicable state or federal requirements.

- G. Structural alterations are allowed on a maximum of 50% of the nonconforming structure.
- H. Maintenance, repair and internal improvements to structures having nonconforming uses or nonconforming structures are permitted provided the exterior building envelope is not altered beyond the thickness of new materials.
- I. Such maintenance, repairs and internal improvements include, but are not limited to: replacement or installation of windows, skylights, doors, vents, siding, insulation, shutters, gutters, flooring, shingles and other roofing, repairing walls or floors of a foundation, or internal improvements within the existing building envelope.
- J. Maintenance, repairs and internal improvements do not include structural alterations, external alterations and/or additions to a structure or replacement of existing structures subject to Sections 8.1(F), (G), (L), and (M).
- K. An increase in roof pitch is permitted provided the living space is not increased and the height of the structure does not exceed other building height limitations.
- L. External alterations of and/or additions to a structure (expansion) which is nonconforming for reasons other than encroachment within setback area from water is permitted as follows:
  - (1) Vertical expansion is permitted up to the applicable height regulation.
  - (2) Forward rearward and lateral expansions are allowed provided there is no increase in the nonconformity. Any existing encroachment may not be continued in the expansion.
- M. External alterations of and/or additions to a structure (expansion) which is nonconforming because of encroachment within setback area from water is permitted as follows:
  - (1) No forward, lateral or vertical expansion is permitted within setback area.
  - (2) Rearward expansion (away from water) is permitted provided it does not expand laterally within the setback area. Any existing encroachment may not be continued in the expansion. For example, if a structure violates the side yard setback and is located within the 75-foot setback area, rearward expansion would only be permitted if the Board of Appeals grants a variance.
  - (3) Beyond setback area, expansion shall be permitted the same as permitted for new conforming construction.
  - (4) All other expansion within setback area shall be permitted only by the granting of a variance by the Board of Appeals.
  - (5) The existing structure may only be expanded one time from the effective date of this ordinance.
  - (6) Expansion shall be limited to a maximum of 50% of the enclosed habitable living area of the structure or portions of the structure.

- 8.2 **General Limitations of Nonconforming Lots:** Nothing in this Ordinance will prohibit the lawful use of a sub-standard sized lot for the erection of a structure that can conform to the minimum setback, side yard and rear yard requirements of this Zoning Ordinance, provided the lot was described and recorded in the Vilas County Register of Deed's office prior to the effective date of this Ordinance. Any deviation from the setback, side yard or rear yard requirements shall require issuance of a variance by the Board of Adjustment as provided in Article XI of this Ordinance. For an existing substandard lot, the applicable side yard setbacks shall be reduced 1 foot for every 10 feet by which the lot is substandard in width at the building site; however, a variance is required for any reduction below the minimum side yard setback of 15 feet.
- 8.3 **Disposition and sale of Nonconforming Lots in Resorts:** In the disposition and sale of resorts which existed prior to the creation of this Ordinance, lake lots with cabins may be created and sold providing such lots meet the minimum requirement of Article IV, Section 4.1.

**ARTICLE IX**  
**SUBDIVISION CONTROL AND APPROVAL PROCEDURES**

- 9.1 **Manitowish Waters hereby adopts by reference** Vilas County Subdivision Control Ordinance #81.
- A. Proposed subdivision plats of one or more lots shall be submitted as a Certified Survey Map, or a series of Certified Survey Maps, per the provision of Chapter 236 of the Wisconsin Statutes to the Manitowish Waters Zoning Administrator for review and compliance with the Manitowish Waters Zoning Ordinance for minimum lot size requirements, with the current fee, and then presented to the Manitowish Waters Planning Commission for further review. The subdivision shall further incorporate the requirements of 9.2 (A), (B), (C), and (D), and is subject to approval by Vilas County Zoning authorities.
- 9.2 **Additional Requirements**
- A. A subdivider or his agent shall provide deed restrictions in zoning district 1, 2, 3, and 4, and 5 which shall include:
1. No autos, trucks, machinery or vehicles of any type shall be stored on any lot unless in operable condition and/or in current license.  
Exception: Does not apply to Districts 3 and 4.
  2. The exterior of all buildings shall be completed within one year from start of construction. "Exterior" to include siding, windows, roof and trim, painting or staining, stairs, walks, and yard clean up. Excavation and/or cutting of timber is the start of construction.

3. No animals, livestock or poultry of any kind shall be kept or maintained shall be kept or maintained for breeding, sale, boarding or veterinary purposes whatsoever. Exception: Kennels are allowed in Districts 3 and 5 as a Conditional Use.
4. All single family residential units constructed on these lots shall comply with Manitowish Waters Ordinances and shall contain a minimum livable floor area that meets the requirements of 4.1(B)(1) of the Manitowish Waters Zoning Ordinance.

B. Keyhole access:

1. Definition: Keyhole access means the division of any off-water parcel of land into two or more lots, with each such lot having either an easement over, or a deeded interest in a water-front parcel of land so as to allow the owners of such off-water lot access to the body of water upon which the water front lot borders.
2. Keyhole access so defined is prohibited in all districts.

C. Lot Divisions:

1. A conforming lot may not be subdivided into a non-conforming lot.
2. Two non-conforming lots may be joined to create a conforming lot or larger non-conforming lot, and shall be submitted as a Certified Survey Map per the provision of Chapter 236 of the Wisconsin Statutes to the Manitowish Waters Zoning Administrator for review and compliance with the Manitowish Waters Zoning Ordinance for minimum lot size requirements, with the current fee, and then presented to the Manitowish Waters Planning Commission for further review.
3. Any proposed changes in lot lines between existing conforming or non-conforming lots shall be submitted as Certified Survey Maps per the provision of Chapter 236 of the Wisconsin Statutes to the Manitowish Waters Zoning Administrator for review and compliance with the Manitowish Waters Zoning Ordinance for minimum lot size requirements, with the current fee, and then presented to the Manitowish Waters Planning Commission for further review.
4. Any existing structures on a newly subdivided lot are subject to existing setback requirements.

D. Roadways:

1. Roadways developed as part of a subdivision intended to be dedicated as Town Roads shall have a width of 66 feet and be constructed in accordance with the Town of Manitowish Waters standards prior to subdivision final plat approval.
2. Roadways developed as part of a subdivision intended to remain as private roadways, and serving more than two lots, shall have a minimum width of 33 feet with a minimum road surface of 20 feet. All roadways shall be constructed prior to subdivision final plat approval.

9.3 **Violations, Penalties, and Appeals:**

A. Any violation of this Ordinance not corrected on the written order of the Zoning Administrator within 30 days, shall be referred to the Planning Commission, who shall determine further action to be taken.

B. The violation of any condition attached by the Zoning Administrator or Planning Commission to a land division shall constitute a violation of this Ordinance.

C. Penalties: Any person, firm, or corporation, including those working for others, who violates any provision of this Ordinance shall be subject to a forfeiture of \$100.00 for the first violation and \$250.00 each for every subsequent violation, plus the costs of prosecution. Each day a violation exists shall constitute a distinct and separate violation of this ordinance.

D. Variances and Appeals: An appeal from the decisions of the Zoning Administrator and/or Planning Commission in regard to this Article may be taken to the Board of Appeals, as per the provisions of Article XI of the Manitowish Waters Zoning Ordinance, by the applicant for the land division, applicant's agent, or any aggrieved party.

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**ARTICLE X**  
**ADMINISTRATION**

**Introduction and Explanation:** Article X describes how the Ordinances are administered and enforced. This Article creates and defines the Town Zoning Administrators Office. The Administrator is a Town employee who advises citizens and landowners of their rights and obligations under these Ordinances, issues permits, makes inspections to determine compliance with these Ordinances, and recommends legal actions to obtain compliance with the Ordinances. The Administrator acts under authority delegated by the Town Board.

Zoning Permits must be obtained from the Manitowish Waters Zoning office or from the Zoning Administrator. The Zoning Administrator may issue zoning permits when the use for which permission is requested is listed in the Ordinances as a permitted use. Conditional Use Permit applications must be decided upon by the Planning Commission. Amendments to the Zoning Ordinance and Rezoning must be passed upon by the Town Board after review and recommendation by the Planning Commission. Variances and Appeals of Administrative Decisions must be decided upon by the Board of Appeals under procedures described in Article XI of this Ordinance.

10.1 **Creation of the Planning Commission:** The Planning Commission shall be appointed by the Town Board as provided in Section 60.62(4) of the Wisconsin Statutes and there shall be seven members on the Planning Commission consisting of all three Town Board members and four citizen members. The Town Board shall serve concurrent with their respective Town Board terms. Citizen members shall serve for 3-year terms with a two-term limit. The two-term limit may be waived if no other qualified applicant applies for the position. The Chairperson shall be selected by the Town Board Chairperson. The Planning Commission shall have the following duties and responsibilities:

- A. Supervise the administration of the Zoning Ordinance and other Ordinances as approved by the Town Board.
- B. To hold public hearings and decide upon the issuance of Conditional Use Permits.
- C. To hold public hearings on proposed Amendments to this Ordinance and to make recommendations on such Amendments to the Town Board.
- D. To perform other duties in connection with zoning or land use planning as may be delegated to it by Wisconsin Statutes or by the Town Board

10.2 **Office of the Zoning Administrator:** There is hereby created the office of the Zoning Administrator to be hired by the Town Board. The Zoning Administrator shall perform duties under guidelines and supervision of the Planning Commission and Town Board. The duties and responsibilities of the Zoning Administrator shall include:

- A. Advise applicants for permits as to the provisions of the Ordinance and assist them in preparing applications.

- B. Issue Zoning Permits as provided in this Ordinance.
- C. Keep records of all permits issued, inspections made, work approved and other official actions.
- D. Determine questions of the exact location of district boundaries.
- E. Serve as staff to the Planning Commission. In this capacity the Zoning Administrator may present staff reports on all applications for Zoning Amendments, Conditional Use Permits, and other matters requiring Planning Commission action.
- F. A Deputy Zoning Administrator shall be designated by the Town Board. Said designee shall be expected to fulfill the Office of Administrator when assistance is needed or the Administrator is unable to perform these obligations.
- G. Issue citations to those found in noncompliance with the provisions of this Ordinance.

10.3 **Establishment of Official Town Zoning Map:** All land use districts in effect in Manitowish Waters shall be shown on the Zoning Map of Manitowish Waters, with all explanatory matter thereon. Location of the Zoning Map, regardless of the existence of copies of the Zoning Map which may from time to time be made or published, shall be in the office of the Town of Manitowish Waters Zoning Administrator. The Zoning Map shall be the final authority as the current zoning status of the land and water areas, and buildings of other structures in the town.

10.4 **Rules and Procedures for Issuance of a Zoning Permit:**

- A. No new building or structure shall hereafter be erected, and no existing building or structure shall be added to in a manner altering its exterior dimensions, or moved or changed in use and no logging or tree removal shall occur until a Zoning Permit has been issued. Exceptions to this requirement are:
  - 1. Public telephone and electrical service equipment as listed in Section 3.2 C of this Ordinance.
  - 2. Satellite antennas less than 2 feet in diameter.
 Such excepted structures, however, must comply in all other respects with the provisions of this Ordinance. In all instances the minimum standards of the Wisconsin Administrative Code will be required in the construction, electrical, plumbing, heating, and water supply installation unless further restricted by state, county or local Ordinances.
- B. Application for a Zoning Permit must contain the following: name and address of the owner of the property, fire number of the property, legal description of the parcel, size and location of the building to be erected or moved on or onto the property, proposed use of the building or premises, type of construction and any other applicable information, including sanitary permit number.

1. See Article **VI. Signs**: Chapter 6.7 for separate permitting and application requirements for zoning permits for signs.
- C. The application shall include a scale drawing of the premises, showing the dimensions of the lot or parcel, the dimensions of the proposed buildings, the distance in feet from a butting street or highway and from the side and rear lot line, the size and location of any existing buildings and such other information as deemed necessary. The Administrator may also require evidence of compliance with the Vilas County Sanitary Code, the Vilas County Land Division and Subdivision Ordinance, Vilas County Trunk Highway Access Control Regulations or any other federal, state, county, or town requirements as a condition precedent to the issuance of a Zoning Permit. The Zoning Administrator shall not be responsible for determining the location of lot lines and may require the applicant to furnish a land survey of such lines. The Zoning Administrator may also require any additional information necessary to decide upon the issuance of a Zoning Permit including proof of state approval for buildings of public use.
  - D. The application shall be signed by the owner(s) and the duly authorized representative or agent (if one exists). A faxed signature will be acceptable in the interim until the actual hard copy arrives. (The faxed signature will not be considered legally binding). If a prospective owner desires a prior finding on a proposed construction or use before consummation of purchase, such person may apply for a permit. If the permit is denied, the same person may appeal to the Town Board of Appeals.
  - E. Coincident with the issuing of a Zoning Permit the Zoning Administrator shall prepare a card, certifying that a permit has been issued. This card shall bear the same number as the permit and identify the construction and premises covered by the permit. The card shall be posted in a conspicuous place on the premises during the construction, and construction begins when any earth disturbing activity takes place that will lead to the installation of footings, piers, posts, pilings, or foundations. Earth disturbing activity for the purpose of soil evaluation testing shall not be considered the start of construction.
  - F. Any permit obtained through material misrepresentation shall be null and void.
  - G. A permit issued pursuant to the provisions of this section 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. If a delay in construction does occur, a new Zoning Permit must be obtained. The exterior of any permitted building must be finished within one year from the issuance of the permit. Exterior must be finished with standard commercial siding materials or wood. Wood exteriors must be stained, varnished or painted; Mill slabs or tarpaper covering will not be permitted.

- H. Temporary Permit. A temporary permit may be issued owing to unforeseen circumstances arising, or under special conditions whereby a regular zoning Permit cannot be secured and/or is not applicable, such as the following, but not limited thereto:
1. For any temporary structures.
  2. For the parking of a mobile home or other form of habitation structure during the construction of a dwelling provided the temporary structure is located on the same lot where a Zoning Permit has been issued for the dwelling under construction and the structure's waste water and sewage enters the septic system that will service the dwelling.
  3. In order to accommodate individuals in emergency situations.

#### **10.5 Rules and Procedures for Issuance for Conditional use Permits:**

- A. Initiation of Conditional Use Permit Application: Any person, firm, corporation, organization having a threshold interest, a possessory interest entitled to exclusive possession, or a contractual interest, which is specifically enforceable in the land for which a Conditional Use Permit is sought, may file an application to use such land for one or more conditional uses provided for in this Ordinance provided that use is one which is conditionally permitted by the Zoning Ordinance in the zoning district where the parcel is located.
- B. Application for Conditional Use Permit: An application for a Conditional Use Permit shall be filed with the Zoning Administrator on a form prescribed by the Zoning Administrator. The application shall be returned to the Zoning Administrator and forwarded to the Planning Commission.
- C. Hearing an Application: Upon receipt of the application the Planning Commission shall hold a public hearing on each application for Conditional Use Permit at such time and place as shall be established by the Planning Commission. 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 Planning Commission shall, by rules, prescribe from time to time. Notice of public hearing shall be given by publication as a Class 2 notice as provided for in section 985 of the Wisconsin Statutes.
- D. Standards: A Conditional use Permit shall not be granted by the Planning Commission unless such Commission shall find that all of the following conditions are present:
1. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort, or general welfare.
  2. That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use.

3. That the establishment of the conditional use will not impede the normal and orderly (development and improvement of the surrounding property for uses permitted in the district.
  4. That adequate utilities, access roads, drainage and other necessary site improvements have been or will be provided.
  5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
  6. That the conditional use shall conform to all applicable regulations of the district in which it is located.
- E. Conditions and Guarantees: Prior to the granting of a Conditional Use Permit, the Planning Commission 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 subsection 10.5 D above. In all cases in which conditional uses are granted, the Commission 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.
- F. Appeal from action by Planning Commission: An appeal from the decisions of the Planning Commission may be taken to the Manitowish Waters Town Board by the applicant for the Conditional Use Permit or by any aggrieved party. Such appeal must specify the ground thereof in respect to the finding of the Planning Commission and must be filed with the Manitowish Waters Town Board within 30 days of the final action of the Planning Commission. The Manitowish Waters Town Board 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 Planning Commission shall be affirmed unless the Manitowish Waters Town Board reverses or modifies the action of the Planning Commission.
- G. Effect of Denial of Application: No application for a conditional use which has been denied wholly or in part by the Planning Commission shall be resubmitted for a period of one year from the date of said denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Planning Commission. In any case, where a Conditional Use Permit, issued under this Ordinance, has not been instituted or construction begun within one year of the date of approval shall be null and void without further action by the Planning Commission.
- H. Revocation of Conditional Use Permit: If the Planning Commission finds that the standards and the conditions stipulated in a Conditional Use Permit are not being complied with, the Committee may revoke the Conditional Use Permit. Appeals from the action of the Planning Commission may be as provided above in Subsection 10.5.F.

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 shall be in conformity with these Ordinances.

10.6 **Rules and Procedures for Recommending Amendments in the Zoning Ordinance Text or Zoning Map:**

- A. The Town Board of Manitowish Waters may from time to time alter, supplement, or change the boundaries and regulations contained in this Ordinance in the manner provided by Section 62.23 (7)(d)2. of the Wisconsin Statutes.
- B. Petitions for amendments of the Zoning Ordinance text or map may be made by any property owner in the area to be affected by the amendment, by the Town Board or by the Planning Commission. Forms for submitting petitions shall be provided by the Zoning Administrator.
- C. Completed petition forms shall be filed with the Town Clerk who shall immediately refer the petition to the Planning Commission.
- D. Upon receipt of the petition the Planning Commission shall schedule a public hearing thereon. Notice of the time and place of such hearing shall be given by publication of Class 2 Notice as provided under Section 985 of the Wisconsin Statutes.
- E. As soon as possible after the public hearing, the Planning Commission shall act on the petition recommending approval, modification, or disapproval. If its action is favorable to granting the requested change or any modification thereof, it shall cause an Ordinance to be drafted effectuating its determination and shall submit such proposed Ordinance directly to the Town Board with its recommendation. If the Planning Commission recommends denial of the petition, it shall report its recommendations directly to the Town Board with its reasons for such action.
- F. In addition thereto, such amendments as here above provided, shall be submitted to the Vilas County Board for approval before such amendments become effective.
- G. Upon receipt of the recommendation of the Planning Commission the Town Board shall adopt, modify, or deny the petition. Actions of the Town Board are subject to protest as provided in Section 62.23 (7) (d)2m of the Wisconsin Statutes.
- H. The Zoning Administrator shall send certified copies of all shoreland amendments to the Department of Natural Resources if approval is required, and also a copy to Vilas County as reference.

10.7 **Permit Application Fees:** Whenever an applicant files an application for any permit or review in this Ordinance the applicant shall pay a fee in accordance with the fee schedule established by the Town Board.

10.8 **Enforcement:**

- A. **Penalty:** Any person, firm, or corporation, including those doing work for others, who violates any of the provisions of this Ordinance shall be subject to an initial fine of \$1,000.00 (Exception: Tree removal in violation of, or absence of, a required permit in a location greater than 300 feet from the Ordinary High Water Mark of any lake, named stream, or river, shall be subject to initial fines of \$500.00). Each day that a violation continues to exist after actual receipt of written notice of violation shall be subject to daily forfeitures (as per 10.8(B)(3)). Every violation of this Ordinance is a public nuisance, and the creation thereof may be enjoined, and the maintenance thereof may be abated pursuant to Section 60.61(6) of the Wisconsin Statutes.
  
- B. **Responsibility for Compliance:** The landowner and/or occupier, and any person, firm, or corporation working on behalf of landowner or occupier, making improvements to a property that violates this Ordinance shall each be subject to a separate initial fine. For example, if a contractor removes a tree in violation of this Ordinance, the contractor shall be subject to the initial fine of 10.8(A); the owner shall be subject to a separate initial fine of the same amount, and any other who directs the removal of the tree by the contractor shall be subject to a separate fine of the same amount. Further, upon written notification of the violation(s) by the Zoning Administrator or designated deputy, a cited party shall have 30 days from the date of receipt of such notification to (1.) Bring the violation(s) into compliance, or (2.) Enter into a written agreement with the Office of the Zoning Administrator which details a plan for restoration and/or remediation, or (3.) Upon failing to fulfill either (1.) or (2.), become subject to daily forfeitures of not less than \$50.00 nor more than \$500.00. Each day a violation exists shall constitute a distinct and separate violation of this Ordinance, and as such, forfeitures shall apply accordingly.
  
- C. **Injunction:** Any use or action which violates the provisions of this ordinance shall be subject to a court injunction prohibiting such violation.
  
- 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 a permit granted by that office, 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 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 registered mail to owner's last known address or when the owner has been served by such notice by any method authorized by the Law of Wisconsin.

- E. Appeals of Enforcement: Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Ordinance may request and shall be granted a hearing on the same before the Board of Appeals as provided for in Article XI of this Ordinance.
- F. Emergency Conditions: Whenever the Zoning Administrator finds that an emergency situation exists such as sudden, unexpected occurrences or combinations thereof, unforeseen conditions or circumstances at the time beyond one's control, adverse weather conditions, meeting a time table which requires immediate action to protect the public health, safety and welfare, the Administrator may, without notice or hearing, issue an order citing the existence of such emergency and may require that such action be taken as may be deemed necessary to meet the emergency. Notwithstanding any other provisions of this Ordinance such order shall become effective immediately. Any person to whom such order is directed shall comply therewith immediately. Appeals or challenges to emergency orders may be brought after emergency conditions have ceased to the Board of Appeals.
- G. Power to condemn and remove deteriorating structures shall be exercised in accordance with the applicable Wisconsin statutes.
- H. The Planning Commission, the zoning administrator and its duly authorized staff shall, after presenting proper identification, be granted access to any premise during regular business hours, for the purpose of performing inspections necessary to assure compliance with the zoning ordinance. However, if entry is refused after presentation of identification, the administrator may procure a special inspection warrant in accordance with WI Statute 66.0119. The expense of such warrant is to be born by the property owner being served.

## **ARTICLE XI**

### **BOARD OF APPEALS**

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

11.1 **Creation of the Board of Appeals:** A Board of Appeals is hereby created as authorized by the applicable Wisconsin Statute, Section 61.35 and Section 62.23(7)E. The Board of Appeals shall consist of 5 members who shall be appointed by the Town Board for terms of three years and until their successors are appointed or elected. The Board of Appeals shall choose its own chairman. The Town Board shall appoint a secretary to be paid a set fee per hearing, such fee to be set by said Board. The secretary shall attend all on-site

inspections and public hearings, and record the minutes and/or transcripts of the Board of Appeals and shall keep a written record of the Board in a minute book.

11.2 **Jurisdiction and Authority:** The Town Board of Appeals shall have the following powers:

- A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the appropriate administrative official in the enforcement of this Ordinance.
- B. To authorize upon appeal in specific cases such variances from the terms of the Ordinance as will not be contrary to the public interest, where, owing to special conditions a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship, and so that the spirit of the Ordinance shall be observed and substantial justice done.

11.3 **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 said Board shall be open to the public. The Board's secretary shall keep a written record of the outcome of the vote of each member on each question and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of 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 County Board which are not in conflict with the Wisconsin Statutes.

11.4 **Procedures for Hearing 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 Manitowish Waters affected by a decision of the office of the Zoning Administrator. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the office of the Secretary of the Board of Appeals a notice of appeal specifying the grounds thereof. Upon filing of an appeal, the Zoning Administrator shall transmit to the Board all of the paper constituting the record upon which the action appealed from was taken.
- B. **Stay of Proceedings:** An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Town 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 a restraining order which may be granted by the Town Board of Appeals or by a Court of law.

- C. Notice of Hearing: The Town 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 Section 985 of the Wisconsin Statutes. Notice of time, place and purpose of such hearing shall also be given to the applicant or appellant, Zoning Administrator, and Town Clerk. If the appeal involves area subject to the Shoreland Ordinance or within a 100 year flood plain, notice of the public hearing and a copy of the Board's decision shall be provided to the Vilas County and the Wisconsin Department of Natural Resources district office..
- D. Findings of Board: The Town Board of Appeals, upon its findings, shall render a decision on the appeal within a reasonable time. The Board, upon the majority vote, may reverse, affirm, or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. Decisions of the Town 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.

11.5 **Procedures for Hearing Variance Requests:**

- A. Application for Variance: An application for a variance may be filed by a property owner or owner's agent with the Board of Appeals, on forms provided by the Town.
- B. 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 Section 985 of the Wisconsin Statutes. Notice of time, place and purpose of such hearing shall also be given to the applicant or appellant, Zoning Administrator and Town Clerk. If the variance request involves area subject to the Shoreland Ordinance or within 100-year flood plain notice of the public hearing and of the Board's decision shall be provided to the Wisconsin Department of Natural Resources district office and Vilas County.
- C. Findings of the Board: The Board of Appeals, upon its findings, shall render a decision on the variance request within a reasonable time. A Board decision requires a majority vote. All decisions and findings of the Board of Appeals on appeal shall in all instances be final administrative determination and shall thereafter be only subject to review by a court of law.
- D. Standards of Variances: The Board of Appeals may authorize such variances from the terms of the Ordinance to dimensional standards which will not be contrary to the public interest, where, owing to special conditions a literal enforcement of the Ordinance will result in unnecessary hardship, and so that

the spirit of the Ordinance shall be observed and substantial justice done. The Board of Appeals shall use the following guidelines in interpreting this standard:

1. The particular physical surroundings, shape or topographic conditions of the specific property involved could result in a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulation were to be carried out.
2. The conditions upon which the application for a variance is based would not be applicable generally to other property within the same zoning classification:
3. The purpose of the variance is not based exclusively on a desire for economic or material gain by the applicant or owner.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any person presently having an interest in the property.
5. The granting of a variance will not be detrimental to the welfare or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire or otherwise endanger the public health, safety and welfare or substantially diminish or impair property value in the neighborhood.
7. No variance shall have the effect of allowing, in any district, uses not permitted in that district.

The Board of 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 Ordinance.

- E. 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.
- F. Board of Appeals shall adopt such rules as it deems necessary for the conduct of its business and may exercise all the powers and is vested with all the duties conferred on such boards by Section 62.23(7)E of the Wisconsin Statutes.

## **ARTICLE XII**

### **WATER RELATED ACTIVITY**

The Town Board of the Town of Manitowish Waters has adopted the PIER PLANNER by reference from the Wisconsin Department of Natural Resources, publication WZ-017 (3/93 revision).

## **ARTICLE XIII** **DEFINITIONS**

**Introduction and Explanation:** Article XIII contains brief definitions of key words and phrases used throughout the Ordinance. For the purpose, intent, understanding and clarification of this Ordinance the following definitions shall apply. In the instance where a word is not defined, the latest edition of Webster's Unabridged Dictionary shall be used to define a word.

**Agriculture:** For purposes of enforcement of this Ordinance agricultural use includes, but is not limited to, beekeeping, commercial feedlots, dairying, egg production, floriculture, fish and fur farming, forest and game management, grazing, livestock raising, orchards, plant greenhouses, and nurseries, poultry raising, raising of grain, grass, mint and seed crops, raising of fruits, nuts and berries, sod farming and vegetable raising.

**Antenna:** See Structure.

**Arterial Street:** A public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways as well as arterial streets, highways and parkways.

**Automobile Salvage Yard:** Any area of land where two or more unlicensed vehicles, and/or accumulation of parts thereof, are stored in the open and are not being restored to operation; or any land, building, or structure used for the wrecking or storing of such motor vehicles.

**Automobile Service Station:** Any building or premises which sell gasoline, oil and related products to the motoring public. This shall include repairs, washing and lubrication, but shall not include body work, painting or dismantling.

**Backlots:** Lots which do not front on a navigable body of water or which do not have 50 percent or more of their total area within 200 feet of a navigable body of water.

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

**Bed and Breakfast:** Any place of lodging that provides four or less rooms for rent to transient guests within the owners personal residence licensed by the State of Wisconsin and the only meal served is breakfast.

**Boarding House:** A building other than a hotel where meals or lodging and meals are furnished for compensation for three (3) or more persons not members of a family, not open to daily transients as a hotel or restaurant.

**Boathouse:** A permanent accessory structure designed and used solely for the purpose of protecting and storing boats for noncommercial purpose with principal access doors to water side.

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

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

**Building, Accessory:** A subordinate, non-habitable, detached building which is clearly incidental to, and customarily found in connection with, the principal building to which it is related and which is located on the same lot as the principal building.

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

**Building Height:** The vertical distance, measured from the mean elevation of the finished grade along the front of the building to the highest point on the roof or flat roofs; to the mean height level between the eaves and the ridge for gable and hip roofs; to the deck line for mansard roofs.

**Building Principal:** A non-accessory building in which the principal use of the lot on which it is located is conducted. For example, if a lot zoned for community business is to be used for multifamily purposes, the principal building would be the multifamily building.

**Building Setback Line:** A line measured across the width of the lots at that point where the main structure, including any overhang, is in accordance with the setback provisions.

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

**Campground means any of the following:**

- A. Primitive Campground means two or more sites owned by a person, state or local government designated, maintained, intended or used for the purpose of supplying a location for overnight camping where locations are accessible by canoe, boat or by hiking, but not by camper's motor vehicles. Such areas open to the public and designated as usable by the public as primitive campground areas may be set aside for free or pay camping purposes.
- B. Developed campground and camping resort means any parcel or tract of land of five acres or more, containing two or more sites, and owned by a person, state or local government accessible by automobile, or other engine driven vehicle designed, maintained, intended or used for the purpose of supplying accommodations for overnight use, open to the public and designated as a developed camp area and set aside for free or paying camping purposes.
- C. Walk-in Camp means a facility equivalent to a developed campground or camping resort of two or more sites except that it is not accessible by camper's motor drive vehicles

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

**Club:** An association of persons organized for a common purpose but not including any group organized primarily to render a source which is customarily carried on as a business.

**Condominium:** A property subject to a condominium declaration established under Chapter 703, Wisconsin Statutes

**Condominium Conversion:** A property converted to a condominium form of ownership.

**Condominium Expandable:** A condominium to which additional units or property or both may be added in accordance with the provisions of a declaration, this Ordinance, and Chapter 70.3, Wisconsin Statutes.

**Conditional Uses:** Certain land uses which are specifically mentioned in this Ordinance which may have impacts dependent upon specific circumstances. Conditional uses as specified in this Ordinance require issuance of Conditional use Permits approved by the Manitowish Water Plan Commission (Note: Conditional Use Permits are the same as special exceptions).

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

**D.B.H.:** Diameter at Breast Height: A forestry term used to consistently measure the diameter of a tree's outside bark at four and one half feet above ground level.

**Deck:** Floor-like platform of horizontal sections.

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

**Drainage System:** One or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.

**Dry Boathouse:** A boathouse located 5' behind the ordinary high water mark, on the shoreland. No living quarters are allowed.

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

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

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

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

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

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

**Earth Tone:** Neutral color tones associated with the earth during summer such as; tans, browns, russets and greens in subtle, not bright color tones. White color is allowed.

**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, stormwater drainage and communications 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.

**External Alteration of and/or Addition to (Expansion):** Any increase in the living space of a structure by any means such as but not limited to erection of lofts by installation of a dormer or new roof and enclosing a deck.

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

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

**Fence:** A structure to separate or enclose.

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

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

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

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

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

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

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

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

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

**Garage. Private:** An accessory, non-inhabitable structure primarily intended for and used for the enclosed storage or shelter of the private motor vehicles of the families resident upon the premises. Carports are considered garages.

**Guest House:** A principal building to be used occasionally by guests of the owner of the principal house located on the same lot. A guest house is not an accessory building.

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

**Hobby:** An activity for fun, not for financial gain.

**Hobby Farm:** A pastime not for income. Hobby farms will be restricted to domestic animals, not including household pets. One (1) domestic animal will be allowed on a two (2) acre parcel. Two (2) to five (5) domestic animals will be allowed on a minimum of five (5) acres. No more than five (5) animals in total.

**Home Occupation:** The following requirements shall be met:

- 1) The total space used for the home occupation shall not exceed 50% of the gross floor area of the principal building.
- 2) Other than immediate family, there should be no more than one full-time or two part-time employees.
- 3) There shall not be any outside storage associated with "Home Occupation."
- 4) All work shall be conducted entirely within one building and no business activity shall take place outside of this one building.
- 5) If the home occupation involves students, there shall be no more than four students present at any one time, with a maximum of eight students per day.
- 6) There shall be no rooming provided to anyone outside of the immediate family except for one employee or student.

- 7) No activity shall be permitted which is noxious, offensive, or hazardous by reason of pedestrian or vehicular traffic, or by the creation of noise, odor, refuse, heat, vibration, smoke, radiation, or any other objectionable emissions, or by interference with television, radio, or similar reception.

**Hotel:** A building containing lodging rooms, a common entrance lobby, halls, and stairway; where each lodging room does not have a doorway opening directly to the outdoors, except for emergencies, and where more than 50% of the lodging rooms are for rent transient guests, with or without meals, for a continuous period of less than 30 days.

**Houseboat:** A houseboat or watercraft which provides living quarters for one or more persons, with or without sanitary facilities.

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

**Impervious Surface Areas:** Surfaces, which limit or impede normal infiltration and/or cause additional runoff to other areas. Includes, but is not limited to buildings, structures, decks, walkways, driveways and parking areas (including graveled areas).

**Junkyard:** A fenced-in enclosure, where used and second-hand materials are bought, sold, exchanged, stored, baled, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. For the purpose of this Ordinance, junk yard includes an auto salvage yard but does not include uses established entirely within enclosed buildings. Two or more inoperative machines, two unlicensed automobiles or pieces of equipment shall constitute a salvage or junk yard.

**Lake lot:** Lot with frontage on a navigable lake, pond, or flowage or with 50% or more of their area within 200 feet of a navigable lake, pond, river, or flowage. These lots are sometimes referred to as waterfront lots.

**Land Division:** Any division of a lot, parcel, tract, or block by the owner thereof or his agent, for the purpose of transfer of ownership or building development which creates one or more parcels or building sites of five acres or less.

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

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

**Local Ordinances:** Any town or municipal Ordinance, portion of an Ordinance, or amendments thereto, adopted by a local unit of government pursuant to authority contained in Chapter 60 of the Wisconsin Statutes.

**Lot:** A parcel, piece or portion of land, defined by metes and bounds, certified survey, recorded land subdivision plat or other means and separated from other lots, parcels or similar units by such description, and where applicable having its principal frontage upon a street, road or waterway.

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

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

**Lot Lines:** A property boundary line of any land parcel held in single or separate ownership; except that where any portion of the property boundary line extends into the abutting street or alley, the property boundary line shall be deemed to be the street or alley right-of-way line.

**Lot. Through:** A lot which has a pair of opposite lot lines along two substantially parallel streets, and which is not a corner lot. On a 'through lot- both street lines shall be deemed front lines.

**Lot Width:** The average horizontal distance between the side lot line of a lot measured within the lot boundaries or the minimum distance between the side lot lines within the building area at right angles to the length.

**Manufactured Home:** A structure transportable in one or more sections, which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on-site is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein and which complies with all manufactured home construction and safety standards established under 42 U.S.C. 5401-5426, which became effective June 15, 1976.

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

**Marine Railway System:** A commercially available mechanical system with rails leading from the land on which the boathouse is constructed, into the water, for the purpose of transporting and parking a boat into a boathouse and back out to the water.

**Marine Storage Unit:** A type of dry boathouse currently allowed on the shorelands of Manitowish Waters. A small storage structure located between 5' - 20' behind the ordinary high water mark, on the shoreland. No living quarters are allowed.

**Mining:** All or part of the processes of obtaining metallic minerals other than for exploration or prospecting, including commercial extraction, agglomeration, beneficiation, construction of roads, removal of over-burden, and the production of refuse.

**Mineral Exploration:** The on-site geographic examination from the surface of an area by core, rotary, percussion, or other drilling where the diameter of the hole does not exceed 18 inches for

the purpose of searching for metallic minerals or establishing the nature of unknown metallic mineral deposit and includes associated activities such as clearing and preparing sites or constructing roads for drilling. For the purposes of this section, exploration does not include drill holes constructed for the purpose of collecting soil samples or for determining radio activity by means of placement of radiation-sensitive devices.

**Mineral Prospecting:** Engaging in the examination of an area for the purpose of determining the quality of minerals other than for exploration, but including the obtaining of an ore sample by such physical means as excavating, drilling, construction of shafts, ramps, tunnels, pits and the production of refuse and other associated activities.

**Mineral Prospecting Site:** The lands on which prospecting is actually conducted as well as those lands on which physical disturbance will occur as a result of such activity.

**Mining Site:** The surface area from which the minerals or refuse or both have been removed, the surface area covered by refuse or lands distributed by the construction or improvement of haulageways, and any surface areas on which structures, equipment, materials and any other things used in the mining operation are situated.

**Mobile Home:** A single family dwelling built on or before June 15, 1976, designed to be towed or transported and used as a residential dwelling, but does not include a manufactured home. Mobile home also means any coach, cabin, trailer, travel trailer, motor home, house car or other structure which is, or was originally construed or designed to be transported by any motor vehicle upon a public highway and designed, equipped or used for sleeping, eating or living quarters or as a place of business, or is intended to be so used, whether mounted upon wheels or supports or capable of being moved by its own power or transported by another vehicle, and includes any additions, attachments, foundations, annexed or appurtenances thereto.

**Mobile Home Park:** Any plot or plots of ground owned by a person, state or local government upon which 2 or more units, occupied for dwelling or sleeping purposes regardless of mobile home ownership, and whether or not a charge is made for such accommodation.

**Mobile Home Stand:** That part of an individual mobile lot which has been reserved for the placement of one mobile home unit and the exclusive use of its occupants.

**Motels:** A building or group of buildings containing rooms which are offered for compensation for the temporary accommodation of transients, where there is no permanent occupancy of any unit except by the owner, his agent or his employees.

**Navigable Waters:** Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, slough, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state under Section 144.26(2)(d), Wisconsin Statutes. Notwithstanding any other provision of law of administrative rule promulgated thereunder, Shoreland Ordinances required under Section

59.971, Wisconsin Statutes, and Chapter NR 115, Wisconsin Administrative Code, do not apply to lands adjacent to farm drainage ditches if:

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

**Nonconforming Lot:** Any lot created and recorded prior to the effective date of this Ordinance or amendment thereto which does not conform to the size or lot dimension requirement herein.

**Nonconforming Dry Boathouse:** A boathouse located 95% or more behind the ordinary high water mark, on the shoreland. Examples of a non-conforming dry boathouse might have any of the following situations; living quarters, plumbing fixtures, dredged out to have lake water inside - acting as a wet boathouse, etc. A non-conforming dry boathouse is something other than a currently allowed dry boathouse.

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

**Nonconforming Trade or Industry:** Any business lawfully conducted on a premise at the time of the effective date of this Ordinance, or amendment thereto, which does not conform to the regulations herein.

**Nonconforming Uses and Structures:** The lawful use or location of a building, structure or property which existed at the time this Ordinance (or an applicable amendment to this Ordinance) took effect and which is not in conformity with the provisions of this Ordinance.

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

**Patio:** A rock or brick courtyard at grade.

**Permanent Boat Shelter:** A structure placed in or built over the water for berthing or storage of a boat and other marine accessory materials. The structure must have a roof, but may not have side walls of any type. This structure remains permanently anchored during all seasons. The structure must allow free movement of the water underneath.

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

**Principal Structure:** The Principal Structure shall be the primary residence in Single Family, Multi-Family and Agricultural Zoning Districts. In Community Business, the Principal Structure shall be the primary place of business. The Principal Structure may be the primary residence or the primary place of business for the Recreational Zoning District.

**Primary Residence:** Primary Residence in District I & II shall be a structure for human habitation only. No metal clad buildings allowed.

**Private Sewage Disposal System:** A sewage disposal system other than a public sewage system, including septic tanks, soil absorption system, privies, holding tanks and privately owned common sewerage facilities including package treatment plants, lagoons and irrigation systems.

**Public and Semi-Public uses:** Public and semi-public uses in the sense of this Ordinance are uses principally of an institutional nature and serving a public need, such as private and nursery schools, libraries, museums, post offices, police and fire stations, government offices, town halls and public garages.

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

**Public Way:** Any public road, street, highway, drainageway or part thereof.

**Quarrying:** The removal of rock, slate, gravel, sand, topsoil or other natural material from the earth by excavating, stripping, leveling or any other such process.

**Reclamation:** The process by which an area physically or environmentally affected by mining is rehabilitated to either its original state, or is shown to be physically or economically impractical or environmentally or socially undesirable to a state that provides long-term environmental stability.

**Recreational Area:** Any park, playground, ballfield, ski hill, sport field, swimming pool, riding stable or riding academies or other facilities and areas constructed for recreational activities and open for use by the public or private organizations.

**Recreational Vehicle:** Any of the following:

- A. Travel Trailer: A vehicular, portable structure built on a chassis, designed to be used as temporary dwelling or travel, recreational and vacation uses and identified as a travel trailer by the manufacturer.
- B. Pick-up Coach: A structure designed to be mounted on a truck, chassis for use as a temporary dwelling for travel, recreation and vacation.
- C. Motorhome: A portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.

- D. Camping Trailer: A canvas or folding structure mounted on wheels and designed for travel, recreation and vacation use.
- E. Tent: A portable lodge of canvas or strong cloth, stretched and sustained by poles or other means of support.

**Recreational Vehicle Parking Area:** A parcel of land on which two or more spaces are temporarily occupied or intended for temporary occupancy by recreational vehicles for transient dwelling purposes.

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

**Riding Stables or Riding Academies:** For the purpose of this Ordinance, shall include buildings or premises used for the rent or lease of horses or animals for riding.

**Right-of-Way:** A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main sanitary or storm sewer main. The usage of the term right-of-way- for zoning purposes shall mean every right-of-way hereafter established and shown on a plat or certified survey map which is separate and distinct from the lots or parcels adjoining such right-of-way and not including within the dimensions or areas of such lots or parcels.

**Roadside Stand:** A farm building used or intended to be used solely by the owner or tenant of the farm on which such building is located for the sale of farm products.

**Sanitary Landfill:** A waste disposal operation or site which consists of dumping garbage, rubbish and other debris into a depression or trench.

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

**Satellite Dish:** See Structure.

**Screen:** A specific planted area to hide at least 75% line-of-sight vision to be affective all year.

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

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

**Sheds:** An accessory structure primarily intended for and used for an enclosed storage or shelter of personal possessions; size not to exceed 96 square feet area.

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

**Shorelands:** Lands within the following distances from ordinary high water mark of navigable waters: 1000 feet from a lake, pond or flowage; and 300 feet from a river or stream or to the landward side of the flood plain, whichever distance is greater.

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

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

**Special Exception:** See Conditional Uses.

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

**Structure:** Any construction, production or piece of work artificially built up or down composed of parts purposefully joined together in some definite manner; a combination of materials installed on, above, or below the surface of a parcel of land, the use of which requires a location on the ground or attached to something on the ground.

**Structural Alteration:** Any changes in the supporting members of a building such as bearings, wall columns, beams or girders, which does not result in an increase in living space.

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

**Town:** Reference to town shall mean any town of the county including the Town Board, Town Clerk or any designated town committee.

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

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

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

**Travel Trailer Park:** Any public or private premises having two or more travel trailers including buildings established for temporary day and overnight habitation by persons other than the owner of the parcel using travel trailers or similar recreation vehicles for the purpose of camping. For enforcement purposes travel trailer parks are considered parkgrounds.

**Unnecessary Hardship:** That circumstance where special conditions which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this Ordinance.

**Unsewered:** A structure or parcel where the domestic sewage is treated by means of a private sewage system as defined by Wisconsin Statutes, Chapter 145. Private sewage systems include, but are not limited to, septic tanks, soil absorption fields, and holding tanks.

**Use Principal:** The primary use of a property of structure.

**Use Accessory:** A subordinate use which is clearly and customarily incidental to the principal use of a building or premises and which is located on the same lot as the principal building or use except for such accessory parking facilities as are specifically authorized to be located elsewhere.

**Utility Facilities:** Utility owned structures not related to the direct delivery of utility service to households or businesses. Utility facilities include power generating plants, electrical utility substations, utility offices, treatment plants, sanitary stations, and sanitary landfills.

**Variance:** An authorization granted by the Board of Appeals to construct, alter or use a building or structure in a manner that deviates from the dimensional standards of this Ordinance.

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

**Warehouse:** A storehouse for wares and goods, a receiving house; may include any structure to store goods.

**Wet Boathouse:** A boathouse located 5% or more beyond the ordinary high water mark, toward the water. A non-conforming boathouse that may or may not have living quarters contained within. A wet boathouse typically has, or at one time had, lake water inside to float a boat. The DNR has jurisdiction over these boathouses.

**Wetlands:** Those areas where water is at, near or above the land surface long enough to be capable or supporting aquatic or hydrophytic vegetation, and which have soils indicative of wet conditions.

**Yard:** A yard is an open space on a zoning lot which is unoccupied or unobstructed from its lower level to the sky, except as otherwise provided herein. For the purpose of this Ordinance, a "yard" extends along a lot line to a depth or width specified in the yard regulations for the zoning district in which zoning lot is located.

**Yard, Front:** A front yard is a yard parallel along the full length of the front lot line between the side lot lines. For purposes of enforcement, the front lot line shall be considered the lot line

bordering a public or private vehicular right-of-way, except for lake lots where the front lot line shall be considered the lot line bordering the navigable body of water.

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

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

**APPENDIX I**  
**MOVING PERMITS**

1. Before a permit to move any building from one location to another is issued by the Deputy Zoning Administrator, the party applying therefore shall give bond in the amount of One Thousand dollars (\$1000.00) with good and sufficient sureties, indemnifying judgments, costs and expenses which might accrue against the Town of Manitowish Waters and keep the Town harmless for liabilities in issuing such permit.
2. Every permit to move a building shall designate the route to be taken and limit the time for removal. The removal shall be continuous if the Town Board orders, until completion, with the least possible obstructions to traffic and thorough fares. Lighted lanterns shall be placed at each end of the building at night. It shall be the responsibility of the owner to secure special permits as required by the State, County and Public Utilities.
3. No permit is necessary if an owner moves a building on his own property, if no roads are crossed, as long as the relocated building complies with all applicable provisions of the Manitowish Waters Zoning Ordinance.

**SEVERABILITY**

The amendments to the Manitowish Waters General Zoning Ordinance 2007-1 shall take effect and be enforced the day after being approved by the Vilas County Board of Supervisors pursuant to Section 60.62 of the Wisconsin Statutes.

Final Adoption by the Town Board of Manitowish Waters, Vilas County, Wisconsin the \_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Town Chairperson

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Clerk

Approved by Vilas County Board of Supervisors, \_\_\_\_\_

**APPENDIX II  
HOLDING TANK PROVISION**

**MANITOWISH WATERS ORDINANCE 2006-1**

Appendix Section II, Minimum Specification  
Paragraph 10, Page 33

This agreement is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_, by and between the Town of Manitowish waters hereinafter called "Owner".

We hereby acknowledge that an application has been made for a building (zoning permit) on the following described property, to-wit.

or that continued use of the existing premise requires that a holding tank be installed on the property for the purpose containment of sewage and/or that property described above will not pass percolation test, and that a holding tank offers an alternative. we also acknowledge that said property cannot now be served by a municipal sewer or septic-soil absorption system. Therefore, as an inducement to the Town of Manitowish Waters to approve the issuance of a sanitary permit for the above described premises, we hereby agree and bind ourselves as follows:

1. Owners agree to conform to all applicable requirements of the Plumbing Code relating to holding tanks. Anytime the Town, through its Deputy Zoning Administrator or other authorized inspector deems it necessary to pump out the holding tank, the owner shall have said work done within forty-eight (48) hours or the Town of Manitowish Waters will have said work done and charge same back to owner, charging the compliance deposit, required by Section 6. The owner further agrees that the Town of Manitowish Waters may enter upon the property described above at any reasonable time to inspect or pump or haul wastes from the subject holding tank. To facilitate entry for inspection and/or the hauling of contents of said holding tank, the Owner agrees to furnish the Town of Manitowish Waters with a key to the locking cover of the holding tank and if entry to said premises is through a locked gate should either of the locks be changed, this Owner agrees to furnish the Town of Manitowish Waters with a duplicate key within forty-eight (48) hours of such change of locks.
2. The Owner agrees that all charges and other costs incurred by the Town of Manitowish Waters for inspection, pumping, hauling or otherwise servicing and maintaining said holding tank in such manner to prevent or abate any nuisance of health hazard caused by such holding tank shall be paid by the Owners compliance deposit. The Town of Manitowish Waters shall notify the Owners of such costs which shall be paid by the Owners. In the event the compliance deposit does not satisfy the costs. Owners hereby specifically agree that all of said costs may be placed on the tax roll as a special assessment for the abatement of said nuisance and said tax shall be collected as provided by the Statutes of the State of Wisconsin.

3. The Owners hereby agree that a contract shall be entered into between the Owners and an authorized, licensed pumper/hauler within thirty days after receipt of state approved plans for a holding tank and that a copy of said contract will be furnished to the Town of Manitowish Waters. Said contract will run continuously and upon a change of pumper/hauler by the Owners, a copy of the new contract which must duplicate the guarantees to the Town of Manitowish Waters will be furnished to the Town of Manitowish Waters within thirty (30) days. The contract entered into with a licensed pumper/hauler shall specify that sewage contents be disposed of at a site meeting the requirements of Administrative Code, Chapter NR 113. The Owners agree that removal of the contents of said holding tank by anyone other than a state licensed hauler is grounds for immediate revocation of the holding tank permit by the Town of Manitowish Waters. The Owners further agree that it is a violation of the Plumbing Code to by-pass, attempt to by-pass, or otherwise incapacitate the audible, visual alarm which is part of the holding tank system.
  
4. The Owners agree to have a semi-annual pumping report submitted to Vilas County and the Town of Manitowish Waters which will state the name of the Owners, location of the property on which the holding tank is located, the pumper/hauler name, dates of pumping, volumes pumped, and the disposal site. An annual report including a summary of the pumping history of the previous year shall be submitted to the Department of Industry, Labor, and Human Relations by Vilas County, per Section IHLR 145.01(15), Wisconsin Statutes.
  
5. This agreement will remain in effect only until the sanitary permit agent in Vilas County certifies that the subject property is served either by a public sewer or a septic tank absorption system that complies with H 63 of the Wisconsin Administrative Code. In addition, this agreement shall be canceled by executing and recording said certification with reference to this agreement in the tract index office for Vilas County indicated on this agreement.
  
6. In order to secure compliance with said agreement, the Owners shall deposit in an interest-bearing account with the town of Manitowish Waters a sum of \$250.00 for each holding tank. This compliance deposit will be utilized if the Owner fails to pay pumping/hauling charges, ordered by the Town of Manitowish Waters, within thirty days of billing by the Town of Manitowish Waters. In the event that a portion of the compliance deposit is utilized by the Town of Manitowish Waters, the Owners are required to bring the deposit back to the principal sum of \$250.00 within thirty days. If the \$250.00 compliance deposit is not fully replaced the balance needed to do so shall be obtained by placing a special assessment on the tax roll. Interest earned from the interest-bearing account will be remitted to the Owners on an annual basis.
  
7. This agreement shall be binding upon the governmental unit indicated and the Owners, heirs and assignees shall run with the deed.

Witness our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_ SIGNATURE OF TOWN OFFICIAL

(include title)

\_\_\_\_\_  
SIGNATURE OF OWNER(S) \_\_\_\_\_

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ the above named persons \_\_\_\_\_, to me known to be the persons who executed the foregoing instrument and acknowledged the same. \_\_\_\_\_