

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.

#### 4.85 **Agriculture Preservation Overlay 8.5 (AP):**

- A. Purpose: The purposes of the Agriculture Preservation Overlay are to preserve land and water resources for food and fiber production, preserve productive farms by preventing land use conflicts between incompatible uses and establish eligibility for participation in the Wisconsin Farmland Preservation Program. The Agriculture Preservation Overlay may only apply on lands which are both in the Agriculture District (AG) and are identified as Farmland Preservation Areas in the Vilas County Farmland Preservation Plan. The Agriculture Preservation Overlay is intended to be certified under s. 91.36, Wis. Stats. by the Wisconsin Department of Agriculture, Trade and Consumer Protection.
- B. Permitted Uses:
1. Agricultural.
  2. Animal husbandry and forestry uses.
  3. Residential use, regardless of occupancy, existing as of January 1, 2014.
  4. Farm residences.
  5. Essential services.
  6. Roadside stands selling products produced on the farm.
  7. Structures and improvements that are consistent with and contributing to agricultural use.
  8. Bed and breakfast establishments on a farm that:

- a. Are conducted by the owner or operator of the farm
  - b. Require no buildings structures, or improvements other than those integral or incidental to the farm
  - c. Employs no more than 4 full-time employees annually
  - d. Does not impair or limit the current or future agricultural use of the farm or other protected farmland.
- 9. Logging as provided for in Section 5.10
- C. Conditional Uses:
  - 1. Public and semi-public uses if the town determines that all of following apply:
    - a. The use and its location in the AP district are consistent with the purposes of district.
    - b. The use and its location in the AP district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
    - c. The use is reasonably designed to minimize conversion of land, at and around the site of the use, from agricultural use or open space use.
    - d. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
    - e. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
  - 2. Utility facilities if the town determines that all of following apply:
    - a. The use and its location in the AP district are consistent with the purposes of the district.
    - b. The use and its location in the AP district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
    - c. The use is reasonably designed to minimize conversion of land, at and around the site of the use, from agricultural use or open space use.
    - d. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
    - e. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
  - 3. Warehousing and wholesaling on a farm that:
    - a. Is conducted by the owner or operator of the farm
    - b. Require no buildings structures, or improvements other than those integral or incidental to the farm
    - c. Employs no more than 4 full-time employees annually
    - d. Does not impair or limit the current or future agricultural use of the farm or other protected farmland.
- 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.
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- 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.

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.

## Article 10.6 Rules and Regulations additions

- 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.
  - I. All amendments which remove land from the Agriculture Preservation Overlay 8.5 (AP) may only be approved if the Town Board finds the following, after public hearing:
    - 1. The land is better suited for a use not allowed in the AP district.
    - 2. The amendment is consistent with the town's comprehensive plan.
    - 3. The amendment is substantially consistent with the Vilas County Farmland Preservation Plan.
    - 4. The amendment will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
  - J. The town shall by March 1 of each year provide to the Wisconsin Department of Agriculture, Trade and Consumer Protection, and to Vilas County, a report of the number of acres that the town has removed from the AP district during the previous year and a map that clearly shows the location of those acres.
- 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. Compliance and Penalty: It shall be the responsibility of the applicants, as well as their agent or other persons acting on their behalf, to comply with the provisions of the Manitowish Waters Zoning Ordinance 2006-1, as amended. 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 double the applicable permit fee(s). Further, upon written notification of the violation(s) by the Zoning Administrator or designated deputy, the cited party shall have 30 days from the date of notification to bring the violation(s) into compliance. Each day after the 30-day period that a violation exists, there may be further 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. 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 62.23 (7) (F) of the Wisconsin Statutes.

## **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 for the purpose of producing an income or livelihood.

**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.

**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.

**Farm:** All land under common ownership that is primarily devoted to agriculture use.

**Farm residence:** A single-family or duplex residence that is the only residential structure on the farm or is occupied by any of the following:

1. An owner or operator of the farm.
2. A parent or child of an owner or operator of the farm.
3. An individual who earns more than 50 percent of his or her gross income from the farm.

**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.