

## 1. Definitions - Presque Isle Shoreland and Zoning Ordinance

Presque Isle adopts the Vilas County list of definitions, by reference, in addition to the following definitions. In case of conflict, local definitions shall prevail.

**Antenna:** Any exterior structure designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves, which may include omnidirectional antenna (rod), directional antenna (panel) or parabolic antenna (disc). Also see Structure.

**Appeal:** Removing a cause from one jurisdiction to a superior jurisdiction for the purpose of obtaining a review and redetermination. Appeals from a decision of the Zoning Administrator may be taken to the Board of Adjustment. Appeals of a Board of Adjustment decision may be had only by writ of certiorari to the County Circuit Court.

**Back Lots:** 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, or more than 600 feet in Zoning District R-5.

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

**Boathouse:** A permanent accessory structure designed and used solely for the purpose of protecting or storing boats and/or marine equipment only.

**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 the building and all its appendages.

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

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

**Building Footprint:** That area confined by exterior walls and/or covered by a roof. Footprint is the measurement of length times width of exterior walls and any patios and/or decks covered by a roof.

**Building, Principal:** The building on the lot intended for primary use as permitted by the regulations of the zone in which it is located.

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

**Camper:** Any tent, vehicle, or other similar recreational item, whether driven, towed or hand carried, used for the purpose of daytime or overnight habitation.

**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 campers' 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 purposes of supplying accommodations for overnight use, open to the public and designated as a developed camp are 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 campers' motor driven vehicles.

**Camping:** The act of temporarily occupying a plot of land for a maximum period of 96 hours during which normal essential living and/or recreational activities are conducted without the benefit of a permanent structure having local or state government approved sanitary facilities for the disposal of human or other sewage or waste generated by the normal essential activities undertaken.

**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 service which is customarily carried on as a business.

**Co-location** - The location of more than one antenna or set of antennas on the same tower structure.

**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.

**Condominium:** A building, a part of a building, or a group of buildings, including associated land, jointly owned and operated under Chapter 703 of the State of Wisconsin for the mutual protection and benefit of an association of owners. The operations of a condominium unit are described in a condominium declaration.

**Condominium Conversion:** A parcel of land with an existing structure or structures converted to a condominium form of ownership.

**Condominium, Expandable:** A condominium to which additional units or property may be added.

**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 Vilas County Zoning Committee and the Presque Isle Zoning Administrator.

**CUP:** Conditional Use Permit

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

**Deck:** A structure attached to a dwelling, or anything with form, shape, or utility made of posts, beams, joists, and a floor joined together in order to create an elevated surface area.

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

the 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.

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

**Dwelling, Detached:** A single-family residence which is entirely 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 family dwelling designed for use by only one family or occupant, whether for seasonal, all season, temporary or other use.

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

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**Existing Structure:** A principal or non-principal structure in use at the time this Ordinance is adopted

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

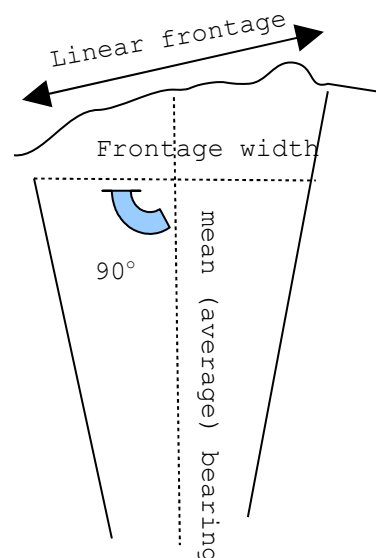
**Floor Area, Gross:** The sum of the gross horizontal areas of all occupied stories of a building.

**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 regarded 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.

**Frontage Width:** The frontage width shall be measured perpendicular to the mean (average) bearing of the side lot lines. This measurement shall start at the point where the side lot line intersects the OHWM and then measured on the perpendicular mean (average) to intersect the opposing side lot line. (See Diagram) See section 902.8.4 for exception on single lots existing prior to May 7, 1999.



**Garage, Private:** An accessory 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 building to be used by guests of the owner of the principal house located on the same lot or an adjacent lot. A guest house shall be limited to occasional and non-rental use. A guest house shall, if supplied with water, be connected to an approved sanitary system or holding tank.

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

**Health Care Facility:** Any structure housing a program and/or practitioner(s) which is(are) certified or licensed to deliver health care services to clients.

**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.

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

**Hobby Farm:** A pastime, not for any type of income. Hobby farms will be restricted to a minimum of five(5) acres, to domestic animals only, and to not more than five (5) animals total. No hobby farm will be allowed on land or lots within three hundred (300) feet of a navigable body of water.

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

1. The total space on a lot used for the home occupation shall not exceed 50% of the gross floor area of the principal building.
2. There shall not be more than three (3) employees other than members of the family.
3. There shall not be any outside storage associated with the home occupation and all occupations shall be conducted entirely within a building.

**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 to transient guests, with or without meals, for a continuous period of less than 30 days.

**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:** Any man-made surface that prevents or impedes the natural percolation of rainwater into the soil and thereby alters ground water flow or increases surface water runoff. Roofs, tennis courts, swimming pools, driveways, compacted or cemented patios, and parking lots are some examples of impervious surfaces.

**Junk Yard:** A fenced-in enclosure, where used or 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 or equipment shall constitute a salvage or junk yard.

**Lake lots:** Lots with frontage on a lake, pond, or flowage, or with 50% or more of their area within 200 feet (in District 5–600 feet) of a lake, pond or flowage.

**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 which one or more lots is five acres or less or abuts on a navigable body of water.

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

**Limited Common Area:** Limitation imposed on common area which determines closest allowable distance to individual condominium units.

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

**Local Ordinance:** Any town or municipal Ordinance, portion of an Ordinance, or amendments thereto, adopted by a local unit of government with authority contained in Chapter 60.74 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. A lot line may not extend across a public roadway (including a public easement road right-of-way), a private road in which the roadbed is wholly or partially owned by others, or land owned by others. A single lot may not be separated by a public roadway, a private roadway in which the roadbed is wholly or partially owned by someone or some entity other than the owner of the lot in question, or land owned by others.

**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 Line:** 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 lot lines.

**Lot Width:** The average perpendicular distance between the side lot lines.

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

**Minimum Lot Width:** The minimum lot width shall be measured at the OHWM setback line.

**Mitigation:** Any action needed to maintain the beauty of our land and purity of our waters, such as, but not limited to: The retention, restoration

or enhancement of a natural vegetative buffer zone inland from the ordinary high water mark; the maintenance or restoration of wildlife habitat; measures that protect ground water and minimize surface water run-off; removal of non-dwelling buildings within the 75 foot setback.

**Mobile Home:** A structure, transportable in one or more sections, which is eight (8) feet or more in width and is thirty-two (32) body feet or more in length, and which is built on a permanent chassis, and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein. Mobile homes include manufactured housing as defined in Chapter 101, Wisconsin Statutes (1983).

**Mobile Home Park:** Any plot or plots of ground owned by a person, state or local government upon which two (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 home lot which has been reserved for the placement of one mobile home unit and the exclusive use of its occupants.

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

**Movable structure:** Anything erected, having shape, form, use or utility, which may be placed upon the ground without the assistance or use of a foundation or anchoring device(s).

**Navigable Waters:** Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, 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 or 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 occupied or intended for temporary occupancy by recreational vehicles for transient dwelling purposes.

**Patio:** Anything level with the ground or filled into level and topped with sand, stone, cement, patio blocks, etc. to make the area safely serviceable for recreation.

**Pitch:** For this ordinance, “pitch” is considered to be the rise over one-half the building width (i.e. the run).

**Principal Structure:** Principal structures include dwelling units (except non-rental guest houses), commercial buildings or other non-accessory structures in which the principal use of the lot is being conducted. Principal structures do not include boathouses or accessory structures such as decks, gazebos, storage buildings, or non-rental guest houses.

**Private Driveway:** A “private driveway is a vehicular access route serving one or two parcels.

**Private Roadway:** A “private roadway” is a vehicular access route serving three or more parcels.

**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.

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

**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" 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 included within the dimensions or areas of such lots or parcels.

**Riparian:** an owner of land adjacent to navigable waters.

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

**Service Station:** Any building or premises which sells 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.

**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 any served by a sewerage system as defined and regulated by Wisconsin Administrative Code Chapter NR 110.

**Shorelands:** Land within the following distances from the ordinary high water mark of navigable

waters: 1,000 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.

**Sign:** A name, identification, description, display or illustration which directs attention to an object, product, place, activity, person, institution, organization or business.

**Sign, Gross Surface Area Of:** The entire area within a single, contiguous perimeter enclosing the extreme limits of such sign. Such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display.

**Site Plat:** A drawing or design which shows the proposed land use, construction or practice.

**Solid Waste Transfer Station:** A waste disposal operation which consists of the temporary deposit of garbage and recyclables for further transfer to a sanitary landfill.

**Street (Avenue, Place, 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:** Anything erected, having shape, form, use or utility, the use of which requires a permanent location on the ground. Stairways to the water, signs, billboards or other advertising medium, detached or projecting, shall be construed to be structures. For the purposes of enforcement all satellite dishes, whether on wheels or permanently affixed to the ground shall be considered structures.

**Structure, Accessory:** Anything erected having shape, form, use or utility, which may or may not be attached to a principle structure, used for storage or other ancillary use.

**Structural Alteration:** Any change in the supporting members of a building such as bearings, wall columns, beams or girders, or any substantial changes in the roof and exterior wall.

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

**Tower:** Any structure with a height greater than fifty-five (55) feet above grade. The term includes, but is not limited to, self-supporting lattice towers, guy towers, monopole towers, radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, PCS towers and alternative tower structures, and the like, excluding towers erected for the reception of television transmission of a private party solely for personal use.

**Town:** Reference to town shall mean the Town of Presque Isle 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 or 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 purposes of camping. For enforcement purposes travel trailer parks are considered park grounds.

**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 or 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 Town Board of Adjustment to construct, alter or use a building or structure in a manner that deviates from the dimensional standards of this Ordinance.

**VCSZO:** Vilas County Shoreland Zoning Ordinance as amended.

**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.

**Wetlands:** Those areas where water is at, near or above the land surface long enough to be capable of 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 lowest 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 such zoning lot is located.

**Yard, Front:** A front yard is a yard paralleling 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 or a 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.