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902. ZONING DISTRICTS, LOT SIZES, SETBACKS AND PERMITTED USES

<p>902.1. Description of Zoning Districts and Related Permitted and Conditional Uses</p> <p>902.1.1. SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1)</p> <p>902.1.1.1. Purpose: the single-family residential district is created to provide areas for exclusive low density residential use and prohibit the intrusion of uses incompatible with the quiet and comfort of such area.</p> <p>902.1.1.2. Permitted Uses:</p> <ul style="list-style-type: none"> • Single-Family • Mobile Home - Individual • Guest House - Non-Rental • Home Occupations • Essential Services • Parks, Playgrounds & Golf Courses <p>902.1.1.3. Conditional Uses:</p> <ul style="list-style-type: none"> • Private Clubhouses • Public & Semi-Public Uses <p>902.1.2. MULTI-FAMILY RESIDENTIAL DISTRICT (R-2)</p> <p>902.1.2.1. Purpose: The Multi-Family Residential District is created to provide areas for two-family, multi-family, and condominiums, with the necessary supporting uses, but free from incompatible land uses.</p> <p>902.1.2.2. Permitted Uses:</p> <ul style="list-style-type: none"> • Essential Services • Group Lodging • Guesthouse - Non-Rental • Home Occupations • Mobile Homes - Individual 	<ul style="list-style-type: none"> • Parks, Playgrounds & Golf Courses • Private Clubhouses - over 1000 sq. ft. • Residential - Multi-Family: A building containing three or more single-family dwelling units • Residential Two-Family: A building containing two single-family dwelling units • Residential single-family Dwelling Unit • Parks & Playgrounds <p>902.1.2.3. Conditional Uses</p> <ul style="list-style-type: none"> • Community Living (CBRF) • Golf Courses • Public & Semi-Public Uses • Resorts • Utility Facilities <p>902.1.3. RESIDENTIAL DISTRICT (R-5)</p> <p>902.1.3.1. Purpose: The R-5 residential district is created to provide areas for exclusive low density residential use and prohibit the intrusion of uses incompatible with the quiet and comfort of such area. This district shall be all lands within 600 feet of Crab Lake and have a minimum lot size of 5 acres and 400 feet of water frontage.</p> <p>902.1.3.2. Permitted Uses</p> <ul style="list-style-type: none"> • Single Family • Guest House - Non-Rental • Home Occupations • Essential Services <p>902.1.3.3. Conditional Uses: None</p> <p>902.1.4. RECREATION DISTRICT -</p>
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(REC)

902.1.4.1. Purpose: The recreation district is created to provide areas primarily oriented toward outdoor recreation and areas located along and in proximity to lakes.

902.1.4.2. Permitted Uses:

- Agri-Business Forest Crops
- Auto & RV Sales, Service & Repair
- Auto Service Stations
- Banks, Credit Unions, Financial Institutions
- Bed & Breakfast
- Building & Trade Contractors - General & Special
- Campgrounds & Camping Resorts
- Community Living (CBRF - see Subchapter 911)
- Eating & Drinking Establishments
- Essential Services
- Forest Products Industries
- Golf Courses
- Group Lodging
- Guesthouse - Non-Rental
- Guesthouse - Rental, Apartment, etc.
- Health Care Facilities
- Hobby Farms
- Home Occupations
- Hotels/Motels
- Indoor Recreation
- Marinas - Commercial
- Mini Storage
- Mobile Homes - Individual
- Outdoor Amusement Facilities
- Parks, Playgrounds & Golf Courses
- Private Clubhouses (over 1,000 square feet)
- Professional Offices
- Public and Semi-Public Uses
- Residential - Single Family
- Residential - Single Family attached to Commercial Uses
- Residential - Multi-Family
- Residential - Multi-Family Dwelling Units on 2nd Story
- Resorts
- Retail Sales & Service
- Riding Stables
- Sales, Service & Repair (misc)

902.1.4.3. Conditional Uses:

- Airports & Landing Fields (private)
- Body Shops
- Gun Clubs
- Utility Facilities

902.1.5. COMMUNITY BUSINESS DISTRICT (CB)

902.1.5.1. Purpose: The Community

Business District is established to create, preserve and protect unincorporated villages, which have historically been places where retail stores and services have located. Lot area and dimension requirements in the CB District are lower than in other districts in order to promote compact business district environments.

902.1.5.2. Permitted Uses:

- Community Living (CBRF)
- Bed & Breakfasts
- Hotels/Motels
- Resorts
- Auto Service Stations
- Eating & Drinking Establishments
- Financial Services
- Healthcare Facilities
- Hobby Farms
- Home Occupations
- Indoor Recreation Establishments
- Mini Storage
- Professional Offices
- Roadside Stands - Farm Produce
- Essential Services
- Golf Courses
- Public & Semi Public Uses
- building & Trade Contractors
- Guest House - Rental, Apartment, etc.
- Residential - Multi-Family Units on 2nd Stories
- Residential - Single Family Attached to Commercial Use

902.1.5.3. Conditional Uses:

- Residential - Single Family
- Mobile Home - Individual
- Residential - Multi-Family
- Guest House - Non-Rental
- Auto & RV Sales, Service & Repair
- Body Shops
- Kennels - Commercial
- Marinas - Commercial
- Private Clubhouses (over 1,000 square feet)
- Retail Sales & Services
- Riding Stables
- Sales, Service & Repair (misc)
- Warehouseing & Wholesaling

902.1.6. GENERAL BUSINESS DISTRICT (GB)

902.1.6.1. Purpose: The General Business District is established to create areas for a wide variety of commercial purposes on relatively large lots. Non-commercial property owners in this district should be prepared to accept inconveniences associated with mixing potentially non-compatible land use.

902.1.6.2. Permitted Uses:

- Auto & RV Sales, Service & Repairs
- Auto Service Stations
- Banks, Credit Unions, Financial Institutions
- Bed & Breakfast
- Building & Trade Contractors - General & Special
- Community Living (CBRF - see Subchapter 911)
- Eating & Drinking Establishments
- Essential Services
- Forest Products Industries
- Golf Courses
- Group Lodging
- Guesthouse - Rental, Apartment, etc.
- Health Care Facilities
- Hobby Farms
- Home Occupations
- Hotels/Motels
- Indoor Recreation
- Mini Storage
- Parks, Playgrounds & Golf Courses
- Private Clubhouses (over 1,000 square feet)
- Professional Offices
- Public and Semi-Public Uses
- Residential - Single Family attached to Commercial Uses
- Residential - Multi-Family
- Residential - Multi-Family Dwelling Units on 2nd Story
- Resorts
- Retail Sales & Service
- Roadside Stands - Farm Produce
- Sales, Service & Repair (misc)

902.1.6.3. Conditional Uses:

- Airports & Landing Fields (private)
- Body Shops
- Campground & Camping Resorts
- Guesthouse - Non-rental
- Kennels - Commercial
- Marinas - Commercial
- Mobile Homes - Individual
- Recycling Center: Objection - Emission of Odor, Dust, Fumes, Smoke & Noise
- Outdoor Amusement Facilities
- Residential - Single Family
- Riding Stables
- Utility Facilities
- Warehousing & Wholesaling

902.1.7. ALL PURPOSE (AP)

902.1.7.1. Purpose: The All-Purpose District is created to provide areas for a variety of mixed uses. Land in the District may be used for any purpose;

however, such uses are subject to the provisions of the Ordinance and all other local, state, and federal regulations.

902.1.7.2. Permitted Uses:

- Agri-Business - Forest Crops
- Agri-Business - Not requiring public services
- Agriculture - Animal Husbandry
- Agricultural Use, Improvements to
- Auto & RV Sales, Service & Repairs
- Auto Service Stations
- Banks, Credit Unions, Financial Institutions
- Bed & Breakfast
- Building & Trade Contractors - General & Special
- Body Shops
- Campgrounds & Camping Resorts
- Community Living (CBRF - see Subchapter 911)
- Eating & Drinking Establishments
- Essential Services
- Farmhouses & Farms
- Forest Products - not requiring public services
- Forest Products Industries
- Golf Courses
- Group Lodging
- Guesthouse - Nonrental
- Guesthouse - Rental, Apartment, etc.
- Health Care Facilities
- Heavy Equipment Storage Yards
- Hobby Farms
- Home Occupations
- Hotels/Motels
- Indoor Recreation
- Kennels - Commercial
- Manufacturing/Industrial
- Marinas - commercial
- Mini Storage
- Mobile Homes - Individual
- Motor Freight Terminals
- Outdoor Amusement Facilities
- Parks, Playgrounds & Golf Courses
- Private Clubhouses (over 1,000 square feet)
- Professional Offices
- Public and Semi-Public Uses
- Residential - Single Family
- Residential - Single Family attached to Commercial Uses
- Residential - Multi-Family
- Residential - Multi-Family Dwelling Units on 2nd Story
- Resorts
- Retail Sales & Service
- Riding Stables

- Roadside Stands - Farm Produce
 - Sales, Service & Repair (misc)
- 902.1.7.3. Conditional Uses:
- Airports & Landing Fields (private)
 - Communication Towers
 - Gun Clubs
 - Recycling Center: Objection - Emission of Odor, Dust, Fumes, Smoke & Noise
 - Salvage & Junkyards
 - Septic Disposal Sites
 - Utility Facilities
 - Warehousing & Wholesaling

902.1.8. FORESTRY (F)

902.1.8.1. Purpose: The Forestry District is created to set aside areas for forestry and other land uses. It is designed to reduce the demands on public services and to promote the preservation of forestlands for sustained yield forestry, wildlife habitats, aesthetics and recreation. It includes public lands, industrial forest areas, land without public access or services, and lands dedicated to a sustained natural undeveloped condition.

- 902.1.8.2. Permitted Uses:
- Agri-Business - Forest Crop
 - Agri-Business (Not Requiring Public Services)
 - Campgrounds & Camping Resorts
 - Eating & Drinking Establishments
 - Essential Services
 - Farmhouses & Farms
 - Forest Products - Not Requiring Public Services
 - Forest Products Industries
 - Parks, Playgrounds & Golf Courses
 - Residential Multi Family
 - Residential Single Family
 - Riding Stables

- 902.1.8.3. Conditional Uses:
- Airports & Landing Fields
 - Communication Towers
 - Gun Clubs
 - Hobby Farms
 - Mobile Homes - Individual
 - Public & Semi-Public Uses
 - Quarries & Mines
 - Utility Facilities

902.2. 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 THE TOWN OF PRESQUE ISLE". The aforementioned map, together with all explanatory matter

thereon, is hereby adopted by reference and declared to be a part of this Ordinance. The map is on file in the Zoning Office and in the office of the Town Clerk. The map on file in the Zoning Office shall be the official version and shall control in any case where 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 district map to reflect adopted changes.

902.3. ZONING DISTRICT REQUIREMENTS All Zoning Districts shall meet those requirements as specified in these sections.

902.4. LOT & FRONTAGE REQUIREMENTS - ALL DISTRICTS OFF WATER

902.4.1. For all property with frontage on a navigable body of water see Section 908.2. For off water property this section applies.

902.4.2. The area included within a private road right-of-way or a private road easement which runs through a lot to serve other property, shall be excluded in determining whether a lot meets minimum lot size requirements.

902.4.3. Residential Lots Without Water Frontage: Such lots created between May 9, 1959 and July 4, 1979 shall have a minimum of 100 feet of road frontage and be not less than 1½ acres in size (65340 sq. ft.), for single-family dwellings. Such lots created between July 5, 1979 and March 25, 2001, shall have a minimum of 200 feet of road frontage and be not less than 2 acres in size (87120 sq. ft.), for single-family or two-family dwellings. All lots created after March 25, 2001 shall not be less than 2 acres (87,120 square feet) in size for a single-family dwelling. Such lots shall have at least 50 feet of road frontage.

902.4.4. Commercial Lots Without Water Frontage:

902.4.4.1. Lots without water frontage created between May 9, 1959 and July 4, 1979, located along public roads and to be used for commercial purposes shall have a minimum of 100 feet of road frontage and shall not be less than 1½ acres in size (65340 sq. ft.) plus ½ acre (21780 sq. ft.) for each additional building used commercially. Lots

created between July 5, 1979 and March 25, 2001, to be used for commercial purposes shall have a minimum of 200 feet of road frontage and shall not be less than 2 acres in size (87,120 square feet) plus one acre (43560 sq. ft.) for each additional building used commercially.

902.4.4.2. New Commercial Lots:

Such lots shall have at least 200 feet of road frontage and shall not be less than two (2) acres in size (87,120 sq. ft.) plus one (1) acre (43560 sq. ft.) for each additional building over one (1) to be used for commercial purposes.

902.4.4.3. Commercial Residential Multi-Family:

Developments with three (3) or more residential units per structure shall each have at least 50 feet of road frontage and two (2) acres (87,120 square feet) of land for the first dwelling unit plus 20,000 square feet for each contiguous additional dwelling unit.

902.4.4.4. Commercial Mixed:

a mixture of single- and multi-family dwelling units and commercial establishments on the same lot. Requirements set forth in 5, 4, and 5 shall apply dependent on the type of structures on the lot.

902.5. GUESTHOUSES:

902.5.1. On Water:

One guesthouse with a footprint no greater than eight hundred (800) square feet and a total living area no greater than one thousand six hundred (1600) square feet shall be permitted on residential lots with water frontage, provided such lots have at least two hundred (200) feet of frontage and are at least two (2) acres in size. A guesthouse with a footprint no greater than one thousand (1000) square feet and no greater than two thousand (2000) square feet of living space shall be permitted on lots with at least three hundred (300) feet of frontage and three (3) acres of land. A guesthouse with a footprint no greater than one thousand two hundred fifty (1250) square feet and no greater than two thousand five hundred (2500) square feet of living space shall be permitted on lots with at least 400 feet of frontage and four (4) acres of land. Guesthouses shall not be allowed on two-family or multi-family dwelling sites.

902.5.2. Off Water:

One guesthouse

with a footprint no greater than eight hundred (800) square feet and a total living area no greater than one thousand six hundred (1600) square feet shall be permitted on residential lots that are at least two (2) acres in size. A guesthouse with a footprint no greater than one thousand (1000) square feet and no greater than two thousand (2000) square feet of living space shall be permitted on lots that have three (3) acres of land. A guesthouse with a footprint no greater than one thousand two hundred fifty (1250) square feet and no greater than two thousand five hundred (2500) square feet of living space shall be permitted on lots that have four (4) acres of land. Guesthouses shall not be allowed on two-family or multi-family dwelling sites.

902.6. IMPERVIOUS SURFACE STANDARDS OFF-WATER:

902.6.1. The cumulative amount of impervious surface on residential off-water lots shall not exceed 20% of the total surface area of the lot.

902.6.2. The cumulative amount of impervious surface on commercial off-water lots shall not exceed 30% of the total surface area of the lot.

902.7. WETLANDS: No more than 20% (8712 square feet per acre) of the required minimum square footage of the parcel shall be comprised of wetland.

902.8. SETBACK REQUIREMENTS & HEIGHT RESTRICTIONS OFF WATER:

902.8.1. No dwellings, cottages, cabins, or main buildings, including garages, service buildings or other structures shall be permitted within fifteen (15) feet of the lot line except that in the limits of the platted village and Community Business District all structures shall be permitted up to five (5) feet from the lot line.

902.8.2. No structure shall be permitted within thirty (30) feet of the right of way to public roads except for County roads. In the platted village or on any land located in the Community Business District the setback shall be ten feet from the right of way of a public road as indicated on the map of the platted village. These setbacks apply to the lot frontage setback only except in cases of lots with frontage on the two roads, in which case, frontage setback applies to both frontages.

902.8.3. Principal buildings shall not

exceed thirty-five (35) feet in height. Garages (unattached) shall not exceed twenty-five (25) feet in height. Accessory buildings shall not exceed fifteen (15) feet in height. The maximum height of guesthouses shall not exceed twenty-five (25) feet.

902.8.4. Movable Structures: A movable structure may not be placed within 75 feet of the ordinary high water mark (OHWM) of any lake, river or stream, 15 feet of any side lot line, and 30 feet of a rear lot line. Nor may a moveable structure be placed within thirty (30) feet of the right of way adjacent to a public road. A movable structure one hundred sixty (160) square feet or less in area, and less than twelve (12) feet in height at its roof peak, shall not require a zoning permit or fee. A movable structure larger than one hundred sixty (160) square feet in area, or greater than twelve (12) feet in height at its roof peak shall require a zoning permit as outlined in Section 901.4.2, and shall require the payment of a permit fee as prescribed in the zoning fee schedule.

902.9. DIVISION OF LAND

902.9.1. Land divisions are those changes to property descriptions that result in the creation of a new tax parcel. All divisions of land require the preparation of a plat (a map) prepared by a Wisconsin Professional Land Surveyor (PLS).

902.9.2. All proposed divisions of land, whether on or off water regardless of size of the original parcel or of size of proposed new parcels, shall be submitted to the Zoning Committee for review. At least six (6) copies of a Certified Survey Map (CSM), or of a subdivision plat, must be submitted to the Zoning Administrator at least one week prior to a scheduled meeting of the Zoning Committee. Both CSM plats and subdivision plats must be prepared in accordance with requirements set forth in Wis. Stats. Chapter 236. Surveyors should also note the requirements set forth in Chapters 902, 906, 908 and 909 of the Town of Presque Isle Comprehensive Shoreland District and Zoning Ordinance. Land dividers may submit a preliminary CSM or subdivision plat, prior to submitting the final plat, or they may present only a final plat. The Zoning Committee has no jurisdiction to approve plats but acts as an advisory

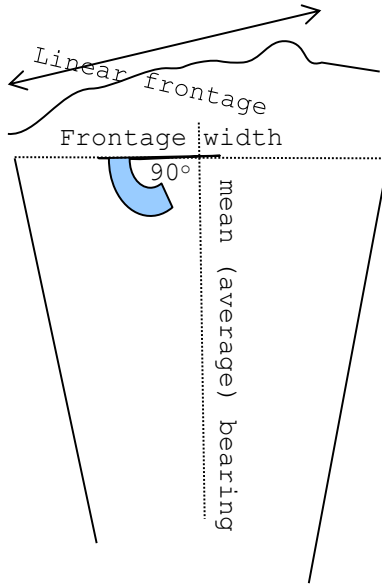
Committee to the Town Board. The Zoning Committee shall recommend approval of the plat, conditional approval, or denial of the plat, stating in writing and in detail any conditions of approval, or reasons for denial. The minutes of the Zoning Committee may serve as written documentation for the decision. Only final plats of land divisions that meet the requirements of the Presque Isle Comprehensive Shoreland District and Zoning Ordinance will be recommended to the Town Board for their approval; the Committee shall submit this recommendation to the Town Board within 30 days of the recommendation decision meeting. Failure of the Town Board to act within 60 days after receipt of the Committee's recommendation shall constitute approval.

902.9.3. 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.

902.9.3.1. Lands under common ownership separated by a public road shall not constitute a single lot and if a nonconforming lot is created with no water frontage, said lot may have a non-habitable private storage structure on it if the following requirements are met. The non-conforming lot shall have a minimum lot size of three thousand (3000) square feet and the private storage structure shall have a maximum foot print of nine-hundred-fifty (950) square feet with a roof consisting of a single gable without dormers and shall meet all other garage height and setback requirements set forth in the ordinance. In addition, no water or sanitary facilities are permitted within or in connection with the structure.

902.9.4. Property owners proposing any dimensional or land description changes to existing parcels, both on and off water, must submit the proposed modifications to the Zoning Administrator for review. The Zoning Administrator shall have the authority to approve these changes providing the following factors are met: 1) No new parcels are created; 2) Proposed changes do not produce a land parcel that violates

property dimensional features required by the Presque Isle Comprehensive Shoreland District and Zoning Ordinance provisions. Parcel boundary changes resulting in the creation of new parcels are land divisions and will be governed by applicable subsections of Section 902.9.



902.10. NON-CONFORMING USES

902.10.1. LOTS OFF WATER:

902.10.1.1. The lawful use of a lot existing at the time of adoption or amendment of this zoning Ordinance may be continued although such use does not conform to the provisions of this Ordinance.

902.10.1.2. Lots platted and recorded prior to May 8, 1959 are exempt from the minimum frontage and area requirements heretofore mentioned except that any lot must meet the impervious surface and setback requirements of this Ordinance. Any guest house must meet the requirements of section 5 of this Ordinance.

902.10.1.3. Lots created after May 8, 1959 that do not meet the minimum requirements of this Ordinance are deemed unbuildable. No structure, whether permanent or moveable, shall be permitted.

902.10.2. STRUCTURES:

902.10.2.1. The lawful use of a building, structure or premise existing at the time of adoption or amendment of this Ordinance may be continued

although such use does not conform to the provisions of the Ordinance. If such non-conforming use is discontinued for a period of 12 months, any future use of the building and premises shall conform to the Ordinance with the exception of building(s) or premise(s) in probate, foreclosure or other form of litigation, or actively listed on the market. If a building(s) or premise(s) does not meet any of the four previous exceptions, the twelve-month grace period may also be renewed after the building(s) or premise(s) has been fully used for its prior purposes thirty (30) consecutive days within each twelve-month period.

902.11. VISUAL CLEARANCE

TRIANGLES: At the intersection 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 intersecting highway centerlines, which points are located one hundred (100) feet distant from the intersection of the highway centerlines. No building, structure, or chattel of any kind, except necessary highway and traffic signs, public telephone and/or electrical equipment, temporary structures, and open fences, through which there shall be unobstructed 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 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 any manner.

902.12. SPECIAL REQUIREMENTS FOR THE PLATTED VILLAGE

902.12.1. Existing lots in the unincorporated platted village shall not be sub-divided for the purpose of creating smaller lots. They may, however, be divided and the parcels attached to adjacent lots for the purpose of creating larger lots, so long as no smaller parcel remains.

902.12.2. Any new building constructed on

Main Street of the platted village shall be for commercial purposes, except that owner occupied living quarters may be attached.

902.12.3. If the principal structure on the lot is used for residential purposes, an accessory building may be constructed on the lot.

902.13. MISCELLANEOUS REQUIREMENTS

902.13.1. Island Access Lots: No structures shall be permitted on island access lots unless only one island dwelling unit has access via this access lot and then only one structure of 160 square feet or less in area and less than twelve(12) feet in height at its roof peak shall be allowed. Such structure must meet all set-back requirements of this Ordinance. An island access lot shall meet the applicable base minimum size and frontage requirements for that particular body of water as set forth in this Ordinance.

902.13.2. Outside Privies: Outside privies shall be prohibited except by special permission of the Town Board, provided they do not constitute an eyesore or create a nuisance to adjacent properties. If permitted, construction must be in accordance with DSPS Regulations, Vilas County Sanitation Ordinance, and other applicable regulations. Complaints will be filed in writing with the Zoning Administrator who shall notify the Town Board, which shall conduct a public hearing, and if such hearing discloses a nuisance exists, shall order the removal of the nuisance within 30 days.

902.13.3. Tree Removal: It shall be unlawful for any person, firm, or corporation to cut trees within one hundred (100) feet of the centerline of any public roadway in the Town of Presque Isle, except in the following two instances: (1) Such cutting may be done under the direction of the Town Board to improve such roadway; (2) Such cutting may be done in preparation for properly permitted building and driveway construction projects; in these instances, no trees shall be removed except to make room for the building foundation and driveway to allow minimal operating space for the construction crews and equipment, not to exceed thirty (30) feet around the building foundation and four (4) feet along each side of the driveway (See 906.3). Slash

resulting from such directed cutting shall be removed with three (3) months of completion of the cutting operation. This provision shall not apply to the removal of dead and dying or diseased trees and shrubbery or silvi-cultural thinning upon recommendation of a forester.