

TOWN OF SPIDER LAKE

LAND USE ORDINANCE 17-88

Original Enactment: Ordinance #4 4/4/67

Amended to #76-1 3/11/76

Amended to 17-88 2/22/89

Amendment adopted	4/20/00
Amendment adopted	5/11/00
Amendment adopted	7/15/02
Amendment adopted	3/19/03
Amendment adopted	6/11/03
Amendment adopted	7/21/04
Amendment adopted	10-22-06
Amendment adopted	7/22/07
Amendment adopted	2/17/08
Amendment adopted	7/20/08
Amendment adopted	8/16/09
Amendment adopted	11/16/09
Amendment adopted	2/17/11

TABLE OF CONTENTS

PART I: ZONING AND PLANNING	1
SECTION 1.0 INTRODUCTION	1
1.1 Purpose.....	1
1.2 Authority.....	1
1.3 Scope.....	1
1.4 Applicability	1
SECTION 2.0 DEFINITIONS	2
2.1 Interpretation.....	2
2.2 Words and Definitions.....	2
SECTION 3.0 ZONING DISTRICTS:.....	12
3.1 Establishment of Districts.....	12
3.2 Zoning Map and District Boundaries.....	12
SECTION 4.0 REGULATIONS	13
4.1 Application of Regulations	13
4.2 Standard District Regulations	13
4.3 Supplementary Regulations.....	18
4.4 Shoreland Regulations.....	19
SECTION 5.0 SIGNS.....	38
5.1 GENERAL SIGN REQUIREMENTS	38
5.2 WAY-FINDING SIGNS.....	40
5.3 OFF PREMISES ADVERTISING SIGNS.....	41
5.4 ON PREMISE SIGNS	41
5.5 TEMPORARY SIGNS	43
SECTION 6.0 REGULATION OF SPECIAL USES	45
6.1 General Provisions.....	45
6.2 Mineral Extraction	45
6.3 Salvage Yards.....	49
6.4 Garbage and Refuse Disposal Sites.....	51
6.5 Mobile Home Park	52
6.6 Trailer Camps and Camping Grounds	53
6.7 Major Recreational Equipment/Vehicles	54
6.8 Kennel or Kennel/Boarding	54
6.9 Resorts.....	55
6.10 Condominium.....	57
SECTION 7.0 SCREENING AND FENCING.....	61
7.1 General Provisions.....	61
SECTION 8.0 CONDITIONAL USES	62
8.1 Conditional Use.....	62
8.2 Procedure	62
8.3 Termination	62
8.4 Standards Applicable To All Conditional Uses.....	62
8.5 Conditions Attached to Conditional Uses.....	63
SECTION 9.0 ADMINISTRATIVE.....	65
9.1 Zoning Administrator.....	65
9.2 Land Use Permits	66
9.3 Violations	66
SECTION 10.0 NONCONFORMING USES	67
10.1	67
SECTION 11.0 ZONING BOARD OF APPEALS.....	69
11.1 Composition.....	69
11.2 Rules.....	69

11.3	Variances	69
11.4	Appeals	70
SECTION 12.0	AMENDMENTS	71
12.1	Procedure	71
12.2	Fee.....	71
12.3	Rezoning of Lands in the Wetland/Shoreland One District.....	71
SECTION 13.0	PUBLIC HEARING/NOTICES	73
13.1	Notice.....	73
13.2	Procedure	73
13.3	Fees	73
13.4	Notice within Shorelands	73
SECTION 14.0	SEVERABILITY	74
14.1	Conflict.....	74
14.2	Court Invalidation	74
SECTION 15.0	ZONE DISTRICTS.....	75
15.1	R-I Residential One District.....	75
15.2	RR-I Residential/Recreational One District.....	76
15.3	RR-2 Residential/Recreational Two District.....	77
15.4	A-I Agricultural One District.....	78
15.5	C-1 Commercial One District	79
15.6	I-1 Industrial One District	81
15.7	F-1 Forestry One District.....	81
15.8	W-1 Wetland/Shoreland One District.....	83
15.9	SP Shoreland Protection District.....	85
SECTION 16.0	DIMENSIONAL REQUIREMENTS.....	87
16.1	Town of Spider Lake, Lake Class Development Standards.....	88

LAND USE ORDINANCE # 17-88

PART I: ZONING AND PLANNING

SECTION 1.0 INTRODUCTION

1.1 Purpose

This part is established to promote public health, morals, safety, convenience and general welfare; to encourage planned and orderly land use development; to protect property values and the property tax base; to permit the careful planning and efficient maintenance of highway systems; to insure adequate highway, utility, health, education, and recreational facilities; to recognize the needs of agriculture, forestry, industry and business in future growth; to encourage uses of land and other natural resources which are in accordance with their character and adaptability; to preserve wetlands; to conserve soil, water and forest resources; to protect the beauty and amenities of landscape and man-made developments; to provide healthy surroundings for family life; to promote the efficient and economical use of public funds; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewage, solid waste disposal, schools, parks and other public requirements.

1.2 Authority

The Town Board of the Town of Spider Lake are exercising their authority pursuant to Wisconsin Statutes including but not limited to Sections 60.10, 60.62, 61.35 and 62.23 as has been done since April 4, 1967.

1.3 Scope

This Part shall regulate and restrict, among other things, the location, construction, and use of buildings, structures and the use of land in the unincorporated portions of the Town of Spider Lake; said portions shall be divided into districts, established to carry out the scope and purpose as set forth above.

1.4 Applicability

This part shall be considered and held to be minimum requirements. Whenever the requirements hereof are at variance, conflict, or inconsistency with the requirements of any other lawfully adopted regulation, statute, or ordinance or any private covenant, the most restrictive, or the one imposing the higher standards, shall govern.

SECTION 2.0 DEFINITIONS

2.1 Interpretation

For the purpose of this Ordinance, certain terms or words herein shall be interpreted and/or defined as follows: Words used in present tense shall include the future tense. The singular includes the plural. The word "person" includes an individual, all partnerships, associations, and bodies political and corporate. The word "lot" includes plot or parcel. The word "used" or "occupied" as applied to any land or building shall be construed to include intended, arranged, or designed use or occupancy. The word "shall" is mandatory, not permissive. All distances unless otherwise specified shall be measured horizontally.

2.2 Words and Definitions

ACCESSORY STRUCTURE OR USE: A detached subordinate structure or a use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building. Use of an accessory structure for a dwelling, living quarters or residence is prohibited. Construction of accessory structure must be accompanied with a principal structure building permit. (3-19-03)

ADDITION: Any increase in the square footage of a structure or building. Including decks attached to dwellings and detached decks which serve an exit. (10-22-06)

ALLEY: A narrow service way providing a secondary public means of access to abutting properties.

ALTERNATIVE OR RENEWABLE ENERGY SYSTEMS: Any energy system which uses a fuel source other than those derived from fossil fuels including .any form of energy obtained from the sun, wind, waves, water, biomass, waste or another natural renewable source, in contrast to energy generated from fossil fuels. (2/17/11)

APARTMENT HOUSES: A building containing accommodations for more than two families living independently of each other.

APARTMENT MOTEL: A building containing accommodations and cooking facilities for more than two families living independently of each other used for the temporary accommodations of tourists and not for permanent occupancy except by the owner or resident operator.

ARTERIAL OR MAJOR HIGHWAY: A street which serves or is designed to serve the rapid movement of concentrated volumes of traffic over relatively long distances. This type of street provides primarily for movement between, rather than within, activity areas.

ATTIC: A space under the roof and above the ceiling of the topmost part of a structure. (11-16-09)

BACK LOT: Shoreland lot without water frontage under any form of ownership. (5-4-04)

BED AND BREAKFAST: See State Statute, 254.61(1) (a) (b) (c) (d) (e) (f)

BLOCK: A parcel or tract of land bounded on at least one side by a public street and on the other sides by natural or manmade barriers or unplanned land.

BOARDING HOUSES: A building or premises where meals are served by pre arrangement, for definite periods of time, for compensation, for between five (5) and twenty (20) persons, not open to transients.

BOATHOUSE: Any permanent structure located on the same lot as the principal building and used for protecting or storing boats and related equipment for non commercial purposes.

BUILDING: Any structure used, designed, or intended for the protection, shelter, or roofed enclosure of persons, animals, or property.

BUILDING, HEIGHT OF: The vertical distance in feet to the peak of the roof from average grade. The average grade is the average of the highest and lowest point of exposed portion of the building to the ground.

BUSINESS OFFICE: A building not in a residential district, where activities such as bookkeeping, accounting, telephone sales, and telecommunications take place, but no retail sales services are performed. All on-site service provided to clients will take place inside of the building.

CAMPGROUND: A privately or municipally owned site designed, designated, maintained, intended, or used for the purpose of supplying a temporary location for major recreational equipment/vehicles, open to the public for free or paying camping purposes. See Page 46 (K) (10-22-06)

CAMPING CABINS: Any structure either built or constructed on a premise, or placed on said premise, which is not a tent, camping trailer, major recreational vehicle or equipment, or resort cabin that is used, advertised or designed for temporary shelter for visitors, tourists campers, or campground users, whether it be mobile or not, and is used strictly for shelter.

CAMPING TRAILER: A canvas or folding structure mounted on wheels and designed for temporary living and housekeeping purposes.

COLLECTOR STREET: A minor or local street which serves or is designed to serve the moderate speed movement of traffic from streets to major highways and to provide access to individual lots. This type of street provides for movement within rather than between activity areas.

CONDITIONAL USE: A use which is permitted by this ordinance provided that certain conditions specified in the ordinance are met and a permit for such use is recommended by the Plan and Review Commission and approved by the Town Board.

CONDOMINIUM: Any property subject to a condominium declaration established under Chapter 703 of the Wisconsin Statutes. For purposes of this ordinance, the requirements that apply to condominiums shall be the same as those which would apply to a physically identical development with an intended identical land use under a different form of ownership.

DEAD-END STREET: A street or portion thereof with only one vehicular outlet.

DECK: An exterior floor system supported on at least two opposing sides by an adjoining structure and/or posts, piers, or other independent supports. (7-22-07)

DEPENDENT RECREATIONAL EQUIPMENT/VEHICLES: A recreational vehicle which is dependent upon other facilities for toilet and lavatory.

DEVELOPMENT: Any man-made change to improved or unimproved real estate.

DWELLING: Synonymous with DWELLING UNIT see 22-a (3-19-03)

DWELLING UNIT: A building or portion thereof with rooms arranged, designed used or intended to be used for one family. Guesthouses with kitchen and bathroom facilities; and any accessory structure with a HABITABLE LIVING AREA are considered dwelling units. Houseboats and watercraft on land shall not be used as DWELLINGS or DWELLING UNITS. (3-19-03), (10-22-06)

DWELLING UNIT ENVELOPE: The measurements of the outside of an existing DWELLING UNIT or STRUCTURE measured at the perimeter of the outside walls or support, including the height measurements from the vertical distance in feet to the peak from average grade. Attached unroofed building elements, such as porches, decks, patios, steps and other similar STRUCTURES are not included in such measurements. (5-4-04)

DWELLING, MULTIFAMILY: A dwelling or group of dwellings on one (1) plot containing separate living units for two (2) or more families but which may have joining services and/or facilities.

EASEMENT: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

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, but are not limited to, surface, underground, or overhead gas; electricity; steam; water; sanitary sewerage; storm water drainage; and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewer 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.

EXPANSION: See Addition (10-22-06)

FAMILY: One (1) or more persons living, sleeping, cooking and eating on the same premises as a single housekeeping unit.

FARMING, GENERAL: The production of field or truck crops, or the raising of livestock and livestock products for commercial gain.

FLOOD PLAIN: The land adjacent to a body of water which has been or may be hereafter covered by flood water including but not limited to the Regional Flood.

FLOODWAY: The channel of a stream and those portions of the flood plain adjoining the channel that are required to carry and discharge the flood water of any river or stream but not limited to the Regional Flood.

FLOWAGE: An impoundment of a river or stream created by a downstream dam or similar man made flow-restricting structure. (5-4-04)

FOOTPRINT: The ground surface area of an existing structure or building measured at the perimeter of the outside wall or supports. Attached unroofed building elements, such as porches, decks, patios, steps and other similar structures are not included in such measurement. (5-4-04) Cantilevered portions of the Structure or building shall be considered to be part of the footprint. (10-22-06)

GAZEBO/SCREENED BUILDING: An accessory structure, typically screened on all or most sides and used for recreational activities. A gazebo/screened building shall not substitute for a boathouse.

“GARD GAZEBO” PERMIT:A land use permit issued in accordance with s.59.692(1v),Wis Stats. (5-4-04)

GREENHOUSE: A temporary or permanent structure devoted to the propagation, protection and cultivation of annual and perennial plants for resale or for personal use. (3-19-02)

HABITABLE LIVING AREA: The enclosed floor area arranged for living or sleeping. The area can include multiple levels of an existing structure with a ceiling height of at least 7 feet. The area does not include decks, open porches, garages or overhangs (3-19-02), (7-22-07)

HOME OCCUPATION: A gainful occupation conducted by a member of the family, within his or her place of residence, where the space used is incidental to residential use and no article is sold or offered for sale except such as is produced by such home occupation.

HOSPITAL: Unless otherwise specified, the term "hospital" shall be deemed to include sanitarium, sanatorium, preventorium, clinic, rest home, nursing home, convalescent home, and any other place for the diagnosis, treatment, or other care of ailments, and shall be deemed to be limited to places for the diagnosis, treatment, or other care of human ailments.

IMPERVIOUS SURFACE: Surfaces which prevent or impede normal water infiltration and/or cause runoff to other areas. Includes, but not limited to:

- (1) All buildings, and structures (area measured at roof gable end and eave lines),
- (2) Stairs, walkways, driveways and parking or other areas, comprised of brick, paver stone, cementitious substances, or any bituminous substance, including asphalt, and
- (3) Any sub base of plastic or any shield which prevents or impedes water penetration. Decks, stairways and walkways with gaps in their surface structure (e.g., wooden decks with open cracks between the deck boards) allowing water to readily pass through the structure are not considered an impervious surface. Any portion of a township road traversing a lot will not be included as part of the impervious surface for calculation purposes.

(5-4-04)

INTERNAL IMPROVEMENT: Modifications/alterations within a dwelling unit that do not result in the alteration of the dwelling unit envelope. A land use permit is not required for these activities. (5-4-04)

JUNK YARD: A lot, land structure, or part thereof, used primarily for the collecting, storage, and sale of waste paper, rags, scrap metal, or discarded material; or for the collecting, dismantling, storage, and salvage of machinery or vehicles not in running condition and for the sale of parts thereof.

KENNEL: A structure used for the harboring of more than three (3) animals, and not numbering more than 25, that are more than six (6) months old in age. (7/20/08)

KENNEL/ BOARDING: A structure used for the housing of small domestic animals, not over 300 pounds and owned by any person other than the property owner.

LAKE CLASS DEVELOPMENT STANDARDS: Restrictions of development based on Lake Classification as stated in Section 4.4 P).

LOGGING AND LANDING ROADS: Temporary roads used principally for the removal of forest products.

LAND DISTURBING ACTIVITIES: Construction, grading, filling, excavating or other activities which result in the temporary or permanent removal of vegetative cover, increased potential for soil erosion, increased stormwater runoff volumes or velocities, or increased total area of impervious surfaces and/or activities which include but are not limited to construction on steep slopes, development of private boat landings or access roads to the water body, development of paths to the shoreline requiring disturbance of the land to construct, and development of sand beaches not naturally occurring. (5-4-04)

LOFT: An upper room or floor which has a common wall open to the floor below. (8/16/09)

LOT: A parcel of land occupied or capable of being occupied by one building and accessory buildings or uses customarily incidental to it, including such open spaces as are required by this Ordinance.

LOT DEPTH OF: A mean horizontal distance between the front and rear lot lines, measured in the general direction of its side lot lines.

LOT WIDTH OF: The mean width measured at right angles to its depth.

LOT LINES: Any line dividing one (1) lot from another.

MAJOR RECREATIONAL EQUIPMENT/VEHICLES: A travel trailer, recreational park trailers, pickup coach, motor home, camping trailer, or tent which is either independent and/or self-contained and able to travel on a highway without a special permit and not to exceed 8'6" in width.

MITIGATION: The requirement to restore shoreline buffer functions that have been lost or adversely affected through development. (5-4-04)

MINE: A place commonly excavated from which test cores, base metals, ores, precious stone, gravel, etc., are taken by digging, drilling, washing the soil, etc.

MINERAL: A naturally occurring element or combination of elements; metallic, nonmetallic, or mineral fuel that occurs in the earth, but shall not include soil. Without limitation due to enumeration, the minerals of interest include:

- Metallic: Iron ore, copper, zinc, silver, gold, nickel, cerium, chromite, columbium, molybdenite, vanadium and zircon.
- Nonmetallic: Stone, sand and gravel, clay, talc, asbestos, graphite and marble.
- Mineral Fuel: Petroleum, natural gas, coal, peat and nuclear fuel source materials.

MINERAL EXTRACTION: The excavation or recovery of metallic, nonmetallic, or mineral fuels through processes and techniques such as digging, drilling, strip-mining, quarrying and underground methods. It shall not include the extraction of top soil when such activities are undertaken or proposed to be undertaken as a distinct land use.

MINING, DRILLING, DIGGING, QUARRYING, ETC.: All or part of the processes involved in the extraction and processing of mineral materials. Such activities shall normally be divided into four distinct phases:

- Exploration: On-site, geologic examination from the surface of an area by seismic, core, rotary, percussion, or other drilling or testing for the purpose of searching for mineral deposits. Exploration includes associated activities such as clearing and preparing sites or constructing roads for drilling.
- Prospecting: Examination of an area for the purpose of determining the quality and quantity of minerals other than by exploration, but including the obtaining of samples by physical means.
- Operation: Mineral extraction and/or processing for commercial purposes, including such operations as aggregate or ready mix plants, mixing of asphalt, mining or drilling services, processing of top soil, washing, refining or processing of metallic, nonmetallic, or mineral fuel materials.
- Reclamation: Process by which an area physically or environmentally affected by mineral extraction activities is rehabilitated to either its original state or to a pre-agreed state of long-term environmental stability.

MOBILE HOME: A vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of ridged uncollapsible construction, which has an overall length in excess of 45 feet. "Mobile home" includes the mobile home structure, its plumbing, heating, air conditioning and electrical systems, and all appliances and all other equipment carrying a manufacturer's warranty.

MOBILE HOME PARK: Any state approved plot, or plots of ground upon which two(2) or more units, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodations.

MOTEL: A building containing sleeping rooms for the temporary accommodations of tourists and not for permanent occupancy except by the owner or resident operator.

MOTOR HOME: A portable structure constructed as an integral part of a self-propelled vehicle designed and used for temporary living and housekeeping purposes, including converted buses and vans.

MULTI DWELLING DEVELOPMENT: Development, regardless of form of ownership consisting of three or more DWELLING UNITS, condominium, resort, hotel or motel units or other units/structures intended for residential or long or short term rental uses, all of which are to be located on the same lot. (3-19-02)

NAVIGABLE WATER: All natural inland lakes within the Town of Spider Lake and all streams, ponds, sloughs, flowages and other water within the territorial limits of this Town which are navigable under the laws of this State.

NONCONFORMING STRUCTURE: A structure whose dimensions, location or other physical characteristics do not conform to the standards of the current zoning ordinance, although the use of the structure conforms to the requirements of the ordinance.

NONCONFORMING USE: A building, structure, lot or use of land existing at the time of original enactment of this Ordinance which does not conform to the regulations of the district or zone in which it is situated. (7-22-07)

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 or terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

ORDINARY MAINTENANCE AND REPAIR: Includes replacement of roofing, siding, windows, doors, painting and other general maintenance activities limited to the existing structural envelope. A land use permit is not required for these activities. (5-4-04)

PATIO: An unenclosed exterior ground structure used for dining or recreation. (7-22-07)

PICKUP COACH: A structure designed to be mounted on a truck chassis for temporary living and housekeeping purposes.

PLUMBING: Has the meaning specified under s. 145.01 (10), Stats. (8-16-09)

PRINCIPAL USE: The primary use of a property or structure. (5-4-04)

PRIVATE ROAD/ACCESS EASEMENT: See Section 4.2 A) 6)

QUARRY: An open excavation, usually for obtaining building stone, such as slate or limestone.

REFUSE: Combustible and non combustible rubbish, including but not limited to paper, wood, metal, plastic, glass, cloth and products thereof; litter and street rubbish, ashes; and lumber, concrete and other debris resulting from the construction or demolition of structures.

RESORT: A resort is a for-profit business holding a Seller's Permit and licensed by the Wisconsin Department of Health and Family Services, which provides rental to the public of dwelling units contained in one or more permanent buildings used primarily for recreational use. (5-4-04)

RESORT CABIN: An accommodation with or without cooking facilities for one or two families where the same is used as temporary accommodations for tourists and not for permanent occupancy.

RETAINING WALL: See 'STRUCTURE' for definition. (5-4-04)

RIP-RAP: Rock or other large aggregate that is placed to protect streambanks, lakeshore line, bridge abutments, outflow of drainage structures, or other erodible sites from runoff or wave action. (5-4-04)

ROOMING HOUSE: A structure designed for use of on premise employees for sleeping and bathroom facilities only, with a maximum of 12 employees per structure unit. (6-11-03)

SEASONAL DWELLING: A dwelling that is neither constructed nor intended for year round use. Dwelling must be in conformance with dimensional requirements of Section 16.0 and 16.1.

SHORE LANDS: The area of frontage on navigable waters measured from the normal high-water elevation within one thousand (1,000) feet from lakes, ponds and flowages; and three hundred (300) feet from rivers and streams; or to the land ward side of flood plains if that distance is greater. Dual zoning applies with Sawyer County Zoning as defined in Administrative Code NR115.

SHORELINE MEASUREMENT: The shortest horizontal straight line which can be established between points on the side lot lines at the water front end of a lot or parcel abutting a navigable lake or stream. At least one point along the horizontal straight line must lie on the ordinary water mark. (Approved 7-15-02)

SHORELINE VEGETATION PROTECTION AREA: A strip of land 35 feet wide inland from the OHWM of any navigable body of water, including but not limited to: streams, rivers, ponds, flowages and lakes. Term used synonymously with buffer zone, buffer area and buffer strip. (5-4-04)

SIGN: A sign is any structure, or natural object or part thereof or device attached thereto or printed or represented thereon which is intended to attract attention to any object, product, place, activity, person, institution, organization, or business, or which shall display or include any letter, work, model, banner, flag, pennant, insignia, device, or representation, used as or which is in the nature of an announcement, direction, or advertisement.

SLOPE: Degree of deviation of a surface from horizontal, measured as a numerical ratio, as a percent, or in degrees. Expressed as a ratio, the first number is the horizontal distance (run) and the second number is the vertical distance (rise), as 2:1. Percent slope is calculated as rise divided by run. A 2:1 slope is a 50 percent slope. Expressed in degrees, the slope is the angle from the horizontal plane, with a 90-degree slope being vertical (maximum) and a 45-degree slope being a 1:1 slope. (5-4-04)

STREET: Rights of way for ingress and egress, private or public, including streets, roads, avenues, or lanes.

STRUCTURE: Any construction, excluding fills, or any production or piece of work artificially built or composed of parts joined together in some definite manner having form, shape and utility. (7-15-02) Examples of structures would include, but not limited to, concrete, flagstone and block patios; concrete slabs and retaining walls etc. (10-22-06)

SUBDIVIDER: Any person, firm, corporation, partnership, or association who shall lay out, for the purpose of sale, lease, transfer, or building development, any subdivision or part thereof as defined herein.

SUBDIVISION: The division of a lot, parcel or tract of land by the owner thereof or the owner's agent for the purpose of sale, lease, transfer or building development, where the act of division creates five (5) or more parcels of five (5) acres or less each within a five (5) year period. (7-15-02)

TENT: A portable lodge of canvas or strong cloth stretched and supported by poles.

TOWN PLAN AND REVIEW COMMISSION: This Committee shall consist of the Town Board meeting as a Committee of the whole; as such this Committee fulfills the requirements of Wisconsin Statutes Section 62.23 relating to responsibilities of a "City Plan Commission.

TRAILER CAMPS & CAMPGROUNDS: A privately or municipally owned site designed, maintained, intended, or used for the purpose of supplying a location for major recreational equipment/vehicles, open to the public for free or paying for camping purposes.

USE: The specific purpose, for which land or a building is designed, arranged, intended, or may be occupied, or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

USE CORRIDOR: Altered area within the shoreline vegetation protection area to permit pedestrian access to a waterbody. Term used synonymously with view corridor. (5-4-04)

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

WETLAND/SHORE LAND DISTRICT: The zoning district created as part of the shore land zoning Ordinance, comprised of lands that are designated as wetlands on the wetland maps which have been adopted and made a part of this Ordinance.

WETLAND DELINEATION: The process of determining the boundary between non-wetland areas and wetlands. The Town of Spider Lake requires such delineation to be made by a Wisconsin state certified delineator. (5-4-04)

YARD, FRONT: An open unoccupied space on the same lot with the building between the front line of the building and the front line of the lot and extending the full width of the lot.

YARD, REAR: An open unoccupied space on the same lot with the building between the rear line of the building and the rear line of the lot and extending the full width of the lot.

YARD, SIDE: An open unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not on a rear line or a front line shall be deemed a side line.

YEAR ROUND DWELLING: A dwelling that is insulated and winterized. It may contain an inside water pressure system and it may be sewer. The dwelling must be in conformance with dimensional requirements of Section 16.0.

ZONING BOARD OF APPEALS: See Section 11

SECTION 3.0 ZONING DISTRICTS:

3.1 Establishment of Districts

For the purposes of this Part, the unincorporated areas of the Town of Spider Lake are hereby divided into the following types of Districts:

- A) R-I Residential District One
- B) RR-I Residential/Recreational District One
- C) RR-2 Residential/Recreational District Two
- D) A-I Agricultural District One
- E) C-I Commercial District One
- F) I-1 Industrial District One
- G) F-I Forestry District One
- H) W-I Wetland/Shoreland District One
- I) SP-I Shoreland Protection District (overlay)

3.2 Zoning Map and District Boundaries

The location and boundaries of these districts are shown in a map officially designated, "Official Zoning Map, Town of Spider Lake, Sawyer County, Wisconsin".

This map together with all explanatory matter and regulations thereon is an integral part of this Ordinance. Questions regarding the exact location of district boundaries shall be decided by the Zoning Administrator. Decisions may be reviewed on appeal to the Board of Zoning Appeals as provided in Section 11 of this Ordinance.

The "Official Zoning Map of the Town of Spider Lake, Sawyer County, Wisconsin", a copy of this Part, a copy of the Sawyer County Zoning Ordinances and a copy of the text of the "Official Zoning Map, Sawyer County, Wisconsin", shall be kept by the Town Clerk with the other official Town records and shall be available for public inspection. The official map shall be certified by the Chairman of the Town Board and attested by the Town Clerk. Any changes affecting zoning district boundaries or explanatory matter and regulations shall be made in accordance with the provisions of Section 62.23, Wisconsin Statutes. The Town Zoning Administrator shall also have copies of all of the foregoing which shall be available for public inspection.

SECTION 4.0 REGULATIONS

4.1 Application of Regulations

The use of any land or water; the size, shape, and placement of lots, the use, size, height, type and location of structures thereon; and the provisions for open spaces shall be in compliance with the regulations set forth on the official Zoning Map, Town of Spider Lake, Sawyer County, Wisconsin, in the text of this Ordinance.

4.2 Standard District Regulations

A) Setback Requirements on Highways and Roads

- 1) All State and U.S. Numbered highways are hereby designated Class A highways. The setback line for Class A highways and for any other roads designated as major roads on official maps in effect in the County shall be one hundred thirty (130) feet from the centerline of the highway, or sixty-six (66) feet from the right-of-way line, whichever is greater.
- 2) All County Trunk Highways not otherwise designated as Class A highways are hereby designated Class B highways. The setback for Class B highways and for roads designated as arterial roads on official maps in effect in the County shall be seventy-five (75) feet from the centerline of such highway or forty-two (42) feet from the right-of-way line, whichever is greater.
- 3) All Town roads not otherwise designated Class A highways are hereby designated Class C highways. The setback for Class C highways and for streets other than major and arterial roads designated as such on official maps in effect in the County shall be sixty-six (66) feet from the centerline of the highway or thirty-three (33) feet from the right-of-way line, whichever is greater.
- 4) A setback equal to the average setback of existing principal buildings located within five hundred (500) feet of a proposed building site and on the same side of the street, shall be permitted where five (5) of these buildings do not conform to the appropriate set back line.
- 5) Minor, readily removable structures such as open fences or signs permitted by this Part may be placed within setback lines. Public utility equipment without permanent foundations are also permitted. When deemed necessary by the Town Plan and Review Commission in connection with development such as highway improvement programs, property owners and public utilities may be required to remove, at their own expense and without right of compensation, any structures erected within setback lines.
- 6) The setback for structures shall be a minimum of thirty (30) feet from the center line of a Private road/Access Easement and a minimum road width of twelve (12) feet.
- 7) A temporary logging roads and landing/loading sites will be restored, as near as possible, to the original state within 150 feet from the center line of the town road right-of-way. Landing/loading sites shall not be on the town road right-of-way.

B) Visual Clearance at Intersections

In each quadrant of every road intersection, there shall be designated a visual clearance triangle bounded by the centerlines of the roads and a line connecting them, according to the road classification, as follows:

<u>Class</u>	<u>Distance</u>
A&A	200 feet
A&B	150 feet
A&C	100 feet
B&B	125 feet
B&C	75 feet
C&C	50 feet

Within this triangle, no object over two and one-half (2½) feet in height above these roads shall be allowed if it obstructs the view across the triangle. Posts and open fences are excluded from this provision. Tree trunks shall be exempt where they are unbranched to a height of ten (10) feet and located a minimum of thirty (30) feet apart.

C) Access Driveways

Access driveways to highways from abutting properties shall comply with the following requirements:

<u>Class of Highway</u>	<u>Minimum Distance of Highway Frontage Between Access Driveways for Separate Land Uses</u>	<u>Minimum Distance Access Driveways to the Right-of-Way of an Intersecting Highway</u>
Class A Highways Federal Aid Primary Hwy.	600 feet	300 feet
Federal Aid Sec. Hwys	500 feet	250 feet
Class B Highways	300 feet	150 feet
Class C Highways	75 feet	75 feet

Where there is no more than one lot abutting on Class A and Class B highways between access driveways, a service road of not less than fifty (50) feet right-of-way shall be provided across the entire frontage of each lot unless a temporary access permit has been granted with the approval of the agency having jurisdiction over the highway. Use of access is limited to the use authorized in the temporary access permit. This permit would be revocable when a frontage road is provided.

The maximum number and width of access driveways to highways and service roads shall be as follows:

<u>Type of Access Driveway</u>	<u>Maximum Number Of Access Driveways</u>	<u>Maximum Width of Access Driveways</u>
Commercial and Industrial Land Uses	2	35 feet
Other Land Uses	1	24 feet

Where cross-over in median strips have been provided, access driveways shall be directly opposite these cross-overs.

D) Driveway and Private Road Regulations *(7-20-08)*

- 1) No new driveway, road and/or temporary road entry way or access easement shall be constructed without a permit issued by the Town Zoning Administrator or his designee. After an application is submitted, consideration of all zoning, land use, traffic, safety, health and other relevant factors shall be considered before denying, permitting or permitting same with special conditions. An approved Town Driveway Permit must be in place before a land use, conditional use, special use or building permit can be issued.
- 2) All new driveways, roads, private and/or temporary road entry ways and access easements must meet and be maintained to the following minimum standards.
 - a. A 12 foot of driving surface.
 - b. A 16 foot cleared width.
 - c. A 14 foot cleared height
- 3) Existing driveways, roads, private and/or temporary road ways and access easements must meet the above minimum standards. It is ultimately the responsibility of the property owner to ensure and maintain adequate and safe access for emergency equipment. The property owner may be liable for damages to equipment if the above standards are not meet. The Town of Spider Lake will not be liable if emergency equipment is unable to gain access to the property.
- 4) No driveway apron shall extend out into the road further than the road edge or face of the curb, and under no circumstances shall such driveway apron extend into the gutter area where there is curbing. All driveway entrances and approaches shall be constructed so that they shall not interfere with the drainage of roads, side ditches, or roadside areas or with any existing structure on the right-of-way. All driveways and parking lots shall be graded in such way that no storm water reaches the roadway. *(2/17/11)*
- 5) The angle between the center line of the driveway and the curb line or road edge shall not be less than 70 degrees. *(2/17/11)*

- 6) The grade of that portion of any private driveway shall meet the grade of the existing public roadway at its edge and not cause an obstruction to the maintenance or clearing of such public roadway. *(2/17/11)*
- 7) Filling of ditches and/or culverts located within a public right-of-way is prohibited without written approval from the Town. *(2/17/11)*
- 8) No person shall locate, establish, construct or substantially reconstruct any driveway or private road in a public right-of-way without installing a culvert in full compliance with this section unless not required for drainage. Further, culverts shall be installed prior to construction work being commenced on the property served in a size and a thickness necessary to allow for adequate drainage, with a minimum size of twelve (12) inches in diameter (or equivalent elliptical or arch pipe). The culverts shall be placed in the ditch line at elevations that will assure proper drainage. The property owner shall install the culvert and be responsible for the cost thereof.
(2/17/11)

E) Excessive Height Permitted

Heights of the following structures may exceed ordinance limits for the district in which it is to be located with the approval of the Town Plan and Review Commission; cooling towers, lookout towers, silos, windmills, water tower spires, mechanical appurtenances, radio, and television aerials, masts and antennas.

F) Lot Sizes

- 1) No lot area shall be so reduced that the dimensional and yard requirements required of the Ordinance cannot be met. Lots existing and of record prior to adoption of Ordinance 76-1, but of substandard size, may be devoted to uses permitted in the district in which they are located, but will remain nonconforming.
- 2) If two (2) or more substandard lots with continuous frontage have the same ownership as of the original effective date of this Ordinance, the lots involved shall be considered to be one parcel for the purposes of this Ordinance.
- 3) Lots created after the original adoption of this Ordinance and which are not served by public sewer systems shall meet the minimum area requirements of the Wisconsin Administrative Codes, and Part II of this Ordinance.

G) Accessory Uses and Structures

- 1) Any permanent, roofed structure serving as an accessory building, if attached to the principal building shall be considered a part of the principal building. If such a structure is a building and is not attached to the principal building, it shall conform to the setback and other dimensional requirements of the Zoning District within which it is located.

- 2) The construction of accessory buildings on unimproved property is prohibited except on access lots where specifically permitted in this Ordinance.
- 3) Plumbing is prohibited in an accessory building unless the owner obtains a conditional use permit allowing plumbing. Use of an accessory building as a dwelling unit is prohibited.
- 4) A new dwelling unit may be constructed on a lot containing an existing dwelling unit provided that a land use permit is issued for the new dwelling and for the demolition of the existing dwelling unit or the conversion of it to an accessory building. In granting a land use permit, the Zoning Administrator shall attach the following conditions to the permit:
 - a) The existing dwelling unit will be demolished or changed to an accessory building.
 - b) If the existing dwelling unit is to be changed to an accessory building, all plumbing shall be removed within 30 days from the time of occupancy of the new dwelling unless a conditional use permit allowing plumbing is issued at or before the time that the land use permit is issued.
 - c) If the existing dwelling unit is to be demolished, demolition must be completed within 30 days from the time of occupancy of the new dwelling. If demolition is not completed within the 30 days allowed, then the town may impose the fines set out in Section 9.3 of the land use ordinance against owners and persons who applied for the land use permit for the new dwelling. Such persons also agree that they are subject to injunctive relief, and payment of court costs and attorney's fees incurred by the town to enforce compliance.
 - d) The owner or the owner agent shall notify the Zoning Administrator within 5 business days of the earlier date of the occupancy permit being issued or occupancy taken. Failure to notify the Zoning Administrator shall be deemed a separate violation of Section 9.3 of the land use ordinance and such violation shall subject the owners and persons who applied for the permit to the fines set out in Section 9.3 of the land use ordinance. Such persons also agree that they are subject to injunctive relief and payment of court costs and attorney's fees incurred by the town to enforce compliance.

H) Drainage, Sanitation, and Water Supply

- 1) No principal building shall be erected, structurally altered, or relocated on land which is not adequately drained at all times by reason of adverse soil conditions, steep slopes, shallow impermeable bedrock, or periodic flooding.
- 2) No principal building intended for human use or occupancy shall be erected, structurally altered, or relocated on a lot, unless provisions are made for safe and adequate facilities for water supply and disposal of sewage in accordance with the regulations of the Sawyer County Private Sewage System Ordinance and the appropriate requirements of the Wisconsin Administrative Codes.

- 3) The Town Zoning Administrator shall not hereafter authorize a building to be erected, structurally altered, or relocated which has a private waste disposal system unless the plans for the system have been reviewed in accordance with the provisions of the Sawyer County Private Sewage System Ordinance and a Sanitary Permit has been issued. Private sewage disposal systems for dwellings units shall meet the location requirements of the Sawyer County Private Sewage System Ordinance and the applicable minimum standards of the Wisconsin Administrative Codes.
- I) Rebuilding destroyed structures. See Section 10.1 I)
 - J) Adverse Effects on Adjacent Properties.
Construction, grading, excavating or similar activities which result in drainage, runoff, erosion or the depositing of materials on to adjacent properties with different ownership shall not be allowed.
 - K) Soil Remediation/Landspreading of Contaminated Soils
 - 1) No person shall landspread, landfarm, or deposit on lands located in Town of Spider Lake, any soil which is contaminated by petroleum products. This restriction does not apply to:
 - a) Soils originating from a contaminated site within Town of Spider Lake undergoing DNR approved remediation.
 - b) The temporary stockpiling of petroleum contaminated soil prior to approved remediation or disposal. Temporary stockpiling may only be allowed at the site where the contamination occurred, must remain covered with an impermeable material, and have adequate diking/ditching around it to prevent run-off from contaminating native soil.
 - c) Landfills and asphalt hot mix plants properly licensed from the disposal or remediation of petroleum contaminated soils.
 - 2) Any person violating this ordinance shall cease and remove any soil placed in violation of this ordinance and be responsible for removing native soil which also may have been contaminated by their actions. A violator shall also be subject to a forfeiture of no less than \$1,000.00, together with the taxable costs in such action, and every day of violation shall constitute a separate offense. *(7-15-02)*
 - L) A Certified Survey Map is required for all land divisions in all Zone districts and approved by the Spider Lake Town Board. *(12-18-03)*

4.3 Supplementary Regulations

- A) Airport Safety Zones
Pursuant to Section 114.136 (2) (b), Wisconsin Statutes.
- B) Off Street Parking

- 1) Each parking space required shall be at least two hundred (200) square feet in area.
- 2) Residential uses shall be provided with at least one (1) parking space for each dwelling unit.
- 3) Commercial and industrial uses as listed and permitted in the zoning districts shall be provided, except as noted below with one (1) parking space for each two hundred (200) square feet of floor area. However, restaurants, taverns and similar establishments shall be provided with at least one (1) space for each three (3) seats devoted to patron use; motels, tourist cabins and similar establishments shall be provided with at least one (1) space for each unit; drive-in eating stands offering in-car service shall be provided with at least five (5) spaces for each person employed to serve customers, except hospitals, rest homes, schools and churches.
- 4) Public gathering uses shall be provided with at least one (1) space for each five (5) patrons to be accommodated on the premises.

C) Off Street Loading and Unloading

Any commercial or industrial building hereafter erected or placed on a lot shall be provided with sufficient off-street loading and unloading space so that no public streets or alleys need be blocked by such activities. In an Industrial District, such buildings shall be provided with a minimum of four hundred (400) square feet of off-street loading and unloading space.

4.4 Shoreland Regulations

A) Finding of Fact

Uncontrolled use of the shorelands and pollution of the navigable waters of the Town of Spider Lake would adversely affect the public health, safety, convenience, and general welfare and impair the tax base. The Legislature of Wisconsin has delegated responsibility to the counties and town 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 to preserve shore cover and natural beauty. This responsibility is hereby recognized by the Town of Spider Lake, Sawyer County, Wisconsin.

B) Purpose

For the purpose of promoting the public health, safety, convenience and welfare, this ordinance has been established to:

- 1) Further the maintenance of safe and healthful conditions and prevent and control water pollution through:
 - a) Limiting structures to those areas where soil and geological conditions will provide a safe foundation;
 - b) Establishing minimum lot sizes to provide adequate area for private sewage disposal facilities; and
 - c) Controlling filling and grading to prevent serious soil erosion problems.

- 2) Protect spawning grounds, fish and aquatic life through:
 - a) Preserving wetlands and other fish and aquatic habitat;
 - b) Regulating pollution sources; and
 - c) Controlling shoreline alterations, dredging and lagooning.
- 3) Control building sites, placements of structures and land uses through:
 - a) Separate conflicting land uses;
 - b) Prohibiting certain uses detrimental to the shoreland area;
 - c) Setting minimum lot sizes and widths; and
 - d) Regulating side yards and building setbacks from waterways.
- 4) Preserve shore cover and natural beauty through:
 - a) Restricting the removal of natural shoreland cover;
 - b) Preventing shoreline encroachment by structures;
 - c) Controlling shoreland excavation and other earth moving activities; and
 - d) Regulating the use and placement of boathouses and other structures.

C) Areas to be Regulated

- 1) Areas regulated by this Ordinance shall include all the lands, referred to herein as shorelands, in the unincorporated area of the Town of Spider Lake which are:
 - a) Within one thousand (1,000) feet of the ordinary highwater mark of navigable lakes, ponds and flowages. Lakes, ponds and flowages in the Town of Spider Lake shall be presumed to be navigable if they are listed in the Wisconsin Department of Natural Resources publication "Surface Water Resources of Sawyer County" or are shown on the United States Geological Survey quadrangle maps or other zoning base maps.
 - b) Within three hundred (300) feet of the ordinary highwater mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams in the Town of Spider Lake shall be presumed to be navigable if they are designated as continuous waterways or intermittent waterways on United States Geological Survey quadrangle maps. Flood Hazard Boundary maps, flood insurance rate maps, flood boundary-floodway maps, county soil maps, or other existing county or town flood plain zoning maps shall be used to delineate floodplain areas.
- 2) Determinations of navigability and ordinary highwater mark location shall initially be made by the Town Zoning Administrator. When questions arise,

the Zoning Administrator shall contact the appropriate district office of the Department of Natural Resources for a final determination of navigability or ordinary highwater mark.

- 3) Under Section 144.26(2)(b), Wisconsin Statutes, notwithstanding any other provision of law or administrative rule promulgated thereunder, this shoreland zoning Ordinance does 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.

D) Compliance

The use of any land or water, the size, shape and placement of lots, the use, type, and location of structures on lots, the installation and maintenance of water supply and water disposal facilities, the filling, grading, lagooning, dredging of any lands, the cutting of shoreland vegetation, the subdivision of lots, shall be in full compliance with the terms of this Ordinance and other applicable local, state, or federal regulations; except nonconforming uses under Section 10. Buildings, signs, and other structures shall require a permit unless expressly excluded by a provision of this Ordinance. Property owners, builders and contractors are responsible for compliance with the terms of this Ordinance.

E) Abrogation and Greater Restrictions

Where another town Ordinance is more restrictive than this Ordinance, that Ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise. This Ordinance is not intended to repeal, abrogate, or impair any existing deed restrictions, covenants, or easements. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail.

F) 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 the Wisconsin Statutes. Where a provision of this Ordinance is required by a standard in Chapter NR 115, Wisconsin Administrative Code, and where the Ordinance provision is unclear, the provision shall be interpreted in light of the Chapter NR 115 standards in effect on the date of the adoption of this Ordinance or in effect on the date of the most recent text amendment to this Ordinance.

G) Land Division Review

The Town shall review all land divisions pursuant to Section 236.45, Wisconsin Statutes and the Spider Lake Subdivision Control Ordinance. In such review, the following factors shall be considered:

- 1) Hazards to the health, safety, or welfare of future residents.
- 2) The property's relationship to adjoining areas.

- 3) Public access to navigable waters, as required by law.
- 4) Adequate storm drainage facilities.
- 5) Conformity to state law and administrative code provisions.

H) Sanitary Regulations

The County shall adopt sanitary regulations for the protection of health and the preservation and enhancement of water quality.

- 1) Where public water supply systems are not available, private well construction shall be required to conform to Wisconsin Administrative Code NR 112 and the Sawyer County Private Sewage System Ordinance.
- 2) Where a public sewage collection and treatment system is not available, design and construction of private sewage disposal systems shall conform to Chapter ILHR 83, Wisconsin Administrative Code and the Sawyer County Private Sewage System Ordinance.

I) SETBACKS FROM NAVIGABLE WATERS

INTRODUCTION: WDNR Administrative Rule NR 115(3)(b). "Permitted building setbacks shall be established to conform to health, safety and welfare requirements, preserve natural beauty, reduce flood hazards and avoid water pollution."

- 1) For lots that abut navigable waters, all new buildings and structures, except piers, and boat hoists, which may require a lesser setback, shall be setback at least seventy-five feet from:
 - a. The ordinary high-water mark of navigable waters.
 - b. A wetland connected to any navigable water with an elevation at or below the ordinary high-water mark.

For lots that abut wetlands not connected to navigable waters a setback of forty feet is required from the wetland boundary for all new building and structures.

All setback distances are measured from the overhang or appendage such as a deck, horizontally to the closest point of the OHWM.

Navigable wetlands shall be determined by the Department of Natural Resources or a certified private delineator. Certification of wetland delineation, if required, is the responsibility of the property owner.

(7-20-08)

- 2) New boathouses shall not be allowed within 75 feet of the OHWM of navigable waters.
- 3) Fences shall meet the following criteria: *(7-15-02)*

- a) A fence shall be set back a minimum of seventy-five (75) feet from the OHWM of the navigable waters and wetlands adjacent to any navigable water.
 - b) Maximum height - six (6) feet.
 - c) Fence shall follow the terrain contour.
 - d) A fence shall be constructed to allow the owner of the fence to maintain both sides without encroaching on adjacent property
 - e) Shall not obstruct the adjoining property owner's view of the water.
 - f) A building permit will be required for any fence over one hundred (100) lineal feet.
- 4) Stairways and Walkways: One pathway, elevated walkway or stairway will be allowed plus one additional powered lift if needed; may be constructed within seventy-five (75) feet of the ordinary highwater mark, providing: *(6-11-03) (10-22-06)*
- a) The structure shall be located in the use corridor. *(10-22-06)*
 - b) The structure is necessary to access the shoreline because of steep slopes or wet unstable soils.
 - c) Stairs and walkways shall not exceed four (4) feet in width.
 - d) Stairs and walkways shall be located so as to minimize earth disturbing activities and shoreline during construction. Stairs and walkways not be excavated from erodible soils, steep slopes or a bluff face.
 - e) Stairs and walkways shall be visually inconspicuous and inconspicuously colored as viewed from the adjacent waterway.
 - f) Rails and landings are permitted only where required for safety concerns. Landing shall not exceed four (4) feet by four (4) feet.
 - g) Canopies, roof's or enclosing shall be prohibited on stairways, walkways, and landings.
 - h) Decks and platforms are prohibited.
 - i) Powered lifts shall not exceed 6 feet in width;
 - j) The cumulative square footage of all landings located within 75' of the ordinary high-water mark of navigable waters shall not exceed 40 square feet. Attached benches, seats, tables, etc. are prohibited. *(10-22-06)*
 - k) The length and width dimensions of landings located at each end of a powered lift shall not exceed the width dimension of the lift. For example, landings at each end of a 6 feet wide powered lift shall not exceed 6 feet by 6 feet. *(10-22-06)*

- 5) Open structures within the shoreland setback area ["Gard Gazebo" Permits]. As required by s.59.692(1v), Wis Stats., the construction or placement of certain structures within the shoreland setback area shall be permitted if the following conditions are met:
 - a) The structure that is the subject of the request for a "Gard Gazebo" Permit has no sides, or has open or screened sides. Knee walls of 32 inches or less will be considered open construction.
 - b) That part of a structure that is nearest to the water shall be located at least 35 feet landward from the OHWM.
 - c) The structure shall not be constructed on slopes in excess of 20%.
 - d) The total combined floor area of all of the structures within the shoreland setback area of the property will not exceed 200 square feet. Walkways, stairways, and boathouses without decks shall be excluded in calculating this square footage.
 - e) The structure shall be visually inconspicuous (earthtones) and shall blend with native or restored vegetation at the site during the growing season.
 - f) The eave overhang shall not exceed one foot.
 - g) The side yard setback shall be a minimum of 30 feet.
 - h) The structure height shall not exceed 12 feet above the existing grade within the structure footprint.
 - i) Decks/flooring areas shall not exceed two (2) feet above existing grade.
 - j) Roofs of existing structures (i.e., boathouses, nonconforming accessory structures) shall not be converted to decks/seating areas.
 - k) Water, gas and sewer utilities shall not be connected to the structure.
 - l) Standard erosion and stormwater runoff controls must be implemented.
 - m) Mitigation shall be required and shall meet the requirements of Section 4.4(R) mitigation. Failure to comply with mitigation provisions may cause the Zoning Office to issue an order for removal or relocation of the structure allowed by the "Gard Gazebo" Permit.
- 6) Retaining walls shall not be allowed within 75' of the OHWM of navigable waters, within 75 feet of navigable wetlands or within 40 feet of nonnavigable wetlands.
 - (a) A need for retaining walls shall not be created by excavation activities.
 - (b) Existing retaining walls, at their point of replacement/major repair, shall be removed or reduced in height or rebuilt as deemed necessary by the Zoning Administrator. 10-22-06

J) Shoreline Vegetation Protection Area

- 1) Purpose: The purpose of tree and shrubbery cutting regulations applicable to the shoreland area is to protect scenic beauty, control erosion, and reduce effluent and nutrient flow from the shoreland. The provisions shall not apply to the removal of dead, diseased, or dying trees or shrubbery at the discretion of the landowner, or to silvi-cultural thinning upon recommendation of a forester.
- 2) Shoreline cutting: There shall be a shoreline vegetation protection area on each lot extending 35 feet landward from the OHWM. Within this area the removal of trees, shrubs and ground cover, mowing and filling, grading and other land disturbing activities are prohibited with the following exceptions:
 - a) Such activities may be in cooperation with Sawyer County Land and Water Conservation Department or as listed in Section 4.4(S) of Resource Management And Agricultural Exemptions.
 - b) Establishment of use corridor(s) for each lot by mowing, pruning and selective removal of trees, stumps and shrubbery. The use corridor(s) shall be more or less perpendicular to the shore, shall not exceed 30 feet in total width in any 100 feet of shoreline and shall be set back at least 15 feet from the side lot line. For lots having less than 100 feet of water frontage, the use corridor(s) width shall be reduced proportionally (e.g., a lot with 70 feet of water frontage would be restricted to a 21 feet wide use corridor(s) [70' x 0.30 = 21']). A use corridor(s) shall not be established where the absence of vegetation provides a similar naturally occurring opening. (2-1-08)
 - c) Use corridors for hotels, motels, resorts and campgrounds. Use corridors, at the discretion of the property owner, may be created either as a single corridor or as multiple corridors, but in no instance shall the total width of the corridors exceed 30% of the frontage of the lot.
 - d) Shoreline protection activities authorized by a Wisconsin DNR permit are allowed.
 - e) Removal of dead and diseased trees is allowed. Revegetation of the removal area is required. (10-22-06)
 - f) Removal of noxious vegetation (i.e., poison ivy, poison oak, ragweed) which poses a threat to health or safety is allowed. Revegetation of the removal area is required. (10-22-06)
 - g) Roadway approaches to State or Federal permitted stream crossings are allowed.
 - h) Natural shrubbery shall be preserved as far as practicable and, where removed, it shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and preserving natural beauty.

- i) A Conditional Use Permit will be required for any clear cutting on slopes greater than twenty (20) percent.
- j) Land disturbing activities in accordance with Section 4.4 T) STRUCTURES WITH NONCONFORMING SHORELINE SETBACKS are permitted. *(10-22-06)*
- k) Existing privately owned boat launch sites may be maintained with the use of fill material provided that:
 - (1) None of the fill material is allowed to migrate below the ordinary high-water mark,
 - (2) The fill material is immediately seeded/sodded after placement.
 - (3) The site shall not be used for launching activities until completely vegetated. *(10-22-06)*
- 3) Cutting more than thirty-five (35) feet inland as prescribed in the vegetation removal of the Town of Spider Lake, Lake Class Development Standards: From the inland edge to the outer limits of the shore lands, the cutting of trees and shrubbery shall be allowed when accomplished using accepted forest management and soil conservation practices, which protect water quality. Clear cutting within three hundred (300) feet of the ordinary high-water mark that exceeds ten thousand (10,000) square feet shall require a Land Use Permit.
- 4) Paths: Any path, road, or passage within the thirty-five (35) feet area shall be constructed and surfaced so as to effectively control erosion.
- 5) Public and private watercraft launching sites are allowed provided they comply with the following standards:
 - a) Construction on slopes steeper than 20% over a 50 foot horizontal distance is prohibited;
 - b) An access site on residential property shall not be allowed if an alternative site on the waterway is available to the general public;
 - c) Access sites shall be located within the use corridor; and
 - d) A State Chapter 30 permit shall be obtained for all construction below the OHWM
- 6) Piers, wharves, boat lifts, boathouses, shelters or any other accessory building shall be located in a Use Corridor. *(7-22-07)*
- K) FILLING, GRADING, LAGOONING, DREDGING, DITCHING, EXCAVATING and LAND DISTURBING ACTIVITIES WITHIN THE SHORELANDS AREA
 INTRODUCTION: Land disturbing activities may require notification, or County, State or Federal permits. Improper land disturbing activities can result in increased shoreline erosion and waterway sedimentation.

- 1) General standards: Filling, grading, lagooning, dredging, ditching or excavating which does not require a permit under Section 4.4 K) 2) may be permitted in the shoreland area provided the following conditions are met:
 - a) It is done in a manner designed to minimize erosion, sedimentation, and impairment of fish and wildlife habitat.
 - b) Filling, grading, lagooning, dredging, ditching, or excavating in a wetland/shoreland district *shall* meet the requirements of Section 15.8 of this Ordinance.
 - c) All applicable federal, state, and local authority must be obtained prior to a permit under this ordinance. *(10-22-06)*
 - d) Any fill placed in the shoreland area must be protected against erosion by the use of rip-rap, vegetative cover, or a bulkhead.
- 2) Permit required: Except as provided in Section 4.4 K) 3), a Conditional Use Permit is required:
 - a) For any construction or dredging commenced on any artificial waterway, canal, ditch, lagoon, pond, lake, or similar waterway which is within three hundred (300) feet of the ordinary highwater mark of a navigable body of water or which connects with a navigable body of water. *(10-22-06)*
- 3) Soil conservation practices: Soil conservation practices such as terraces, runoff diversions and grassed waterways which are used for erosion control shall not require a permit under Section 4.4 K) 2) when designed and constructed in accordance with the technical standards of the Soil Conservation Service.
- 4) Permit required: Except as provided in Section 4.4 K) 3), a Land Use Permit is required: *(10-22-06)*
 - a) For any filling or grading of any area which is within three hundred (300) feet of the ordinary high-water mark of navigable water, that exceeds ten thousand (10,000) square feet in area, or which has surface drainage toward the water, and on which there is any of the following:
 - (1) Any filling or grading on slopes of more than twenty (20%) percent.
 - (2) Filling or grading of more than one thousand (1,000) square feet on slopes of twelve (12%) percent to twenty (20%) percent.
 - (3) Filling or grading of more than two thousand (2,000) square feet on slopes of less of than twelve (12%) percent.
- 5) Permit conditions: In granting a Land Use Permit under 4.4 K) 2), the Zoning Administrator shall attach the following conditions, where appropriate, in addition to those provisions specified in Section 8.0. *(10-22-06)*
 - a) The smallest amount of bare ground shall be exposed for as short a time as feasible.

- b) Temporary ground cover, such as mulch or jute netting, shall be used and permanent vegetative cover shall be established.
 - c) Diversion berms or bales, silting basins, terraces, filter fabric fencing and other methods shall be used to prevent erosion.
 - d) Lagoons shall be constructed to avoid fish trap conditions.
 - e) Fill shall be stabilized according to accepted engineering standards.
 - f) Filling shall comply with any local flood plain zoning ordinance and shall not restrict a floodway or destroy the flood storage capacity of a flood plain.
 - g) Channels or artificial watercourses shall be constructed with side slopes of at least two(2) units horizontal distance to one (1) unit vertical distance, which shall be promptly vegetated, unless bulkheads or rip-rap are provided.
- 6) Excavation/grading/soil disturbance shall not take place within 25' of the crest of steep/erodible slopes as determined by the Zoning Administrator, unless Storm Water Retention Plan and a Slope Stability Analysis is approved by the Zoning Administrator. The Storm Water Retention Plan shall contain the same information required in Section 4.4 U) 2) a & b (10-22-06)

L) Lake Access

All private lake accesses; lake access easements; or outlots; deeded or contractual accesses for the purpose of lake access shall meet the following requirements. Such lake access parcels shall be restricted to lake access for only a single family lot, a single building site, a single family unit, a single family condominium unit or any other single area of a condominium designated as a unit. Campsites/RV sites located on a backlot are prohibited from utilizing said access. Same ownership means that both a lake access parcel and its backlot must have the same owner. A lake access parcel and its backlot may be transferred to a different owner. However, should the lake access parcel and its backlot be separated (i.e., different owners) the provisions of this section shall apply.

- 1) The access to a navigable waterway for back lot or off shore development shall be an undeveloped lot meeting the minimum lot and parcel size requirements of the Town of Spider Lake, Lake Class Development Standards in Section 16.1 of this Ordinance. The minimum required lot area shall exclude any wetlands. A cleared strip, ten (10) feet wide to contain the path that allows access to the lake through the lake access corridor (see Lake Class Development Standards), is the only clearing that is allowed.
- 2) The number of lots utilizing said access shall be limited to two (2). Each lot to have a maximum of one single family dwelling. (10-22-06)
- 3) Only one (1) accessory building, not to exceed 80 square feet, will be allowed on the lake access parcel meeting the requirements of Section 4.4 I) except that actual boat storage and human habitation is prohibited. The roof

must be pitched and cannot be used as a deck. The connection of any pressurized water system is prohibited.

- 4) No utilities shall be allowed on the lake access parcel (gas, electricity, water or phone).
- 5) The creation or use of land for a lake access shall be by conditional use only in the RR-1 and RR-2 zone districts in accordance with Section 8.0. The Plan and Review Commission shall consider the size, shape, depth, present and potential use of the lake and the effect of the private access on public rights in navigable waters.
- 6) Once created, a lake access parcel can never be built upon, unless its use as a lake access parcel is removed by a conditional use permit.
- 7) Major Recreational Equipment/Vehicles (i.e., camping equipment) shall not be placed on the parcel.
- 8) Shoreline LOTS not having access per this Section or Section 4.4(M) (Island Development) shall have a dry land access. *(10-22-06)*

M) Island Development

Islands and mainland accesses that were in the same ownership as of June 15, 1995, even though substandard in size, and remain in the same ownership after that date, do not have to comply with this section. Same ownership means that both an island and its mainland access must have the same owner. An island with its access may be transferred to a different owner. However, should the island and its access be separated (i.e., different owners) the provisions of this section shall apply. *(10-22-06)*

Islands that are subdivided or developed shall meet the following requirements.

- 1) The owner or developer of island lots shall provide a private lake access parcel on the mainland for ingress and egress to the island and for the storage of vehicles and boat trailers. The mainland lake access easement or outlot shall meet the minimum lot size requirements of the Lake Class Development Standards. The minimum required lot area shall exclude any wetlands. A contiguous buffer area of fifty (50) feet wide along each lot line running the full depth of the lot shall remain in its natural state. The cutting of vegetation or trees or the construction/placement of buildings within the buffer area is prohibited. *(10-22-06)*
- 2) The number of single family lots, parcels, building sites, single family units, or single family condominium units on the island utilizing said access shall be limited to not more than two (2). *(10-22-06)*
- 3) The construction or placement of any structure on the mainland access is prohibited.
- 4) The creation or use of mainland land for a lake access for island development shall be by conditional use only in the RR-1 and RR-2 zone districts in accordance with Section 8.0. The Plan and Review Commission shall consider the size, shape, depth, present and potential use of and the effect of the mainland lake access on public rights in navigable waters.

N) Town of Spider Lake, Lake Class Development Standards and Lists of Lakes by Classification.

After adoption of this section, or an amendment thereto, no lot shall be so reduced that the dimensional and yard requirements required by this Ordinance cannot be met. Lots existing and of record shall meet the minimum requirements of Section 4.2 E) and lots existing and of records, i.e., documented by recording of a metes and bounds description; or a Certified Survey Map; or a recorded platted subdivision, but of substandard size to the Town of Spider Lake, Lake Class Development Standards are hereby conforming to the Lot size requirements but may be nonconforming for dwelling unit construction. The construction of new dwellings or replacement dwellings; additions to existing structures and the construction of accessory buildings when a principal structure exists on the premises may be permitted by permit provided all other requirements, regulations, and setbacks can be met. Dwelling(s) construction must meet the minimum setback requirements stated in Section 16.0 dimensional requirements, regardless of when the lot was created.

- 1) A lot created prior to April 4, 1967 or as later amended, but substandard in size, may have a single family dwelling unit constructed on the lot provided that all minimum setback requirements can be met and a wastewater treatment system is installed. Additional dwelling units shall be constructed only in accordance with Lake Class Development Standards. *(10-22-06)*

O) Dimensional Requirements for Town of Spider Lake, Lake Class Development Standards See Section 16.0 & 16.1.

P) List of Town of Spider Lake, Lakes Classification

The following classification lists identify lakes four acres and larger in size and named in "Surface Water Resources of Sawyer County:" published by Wisconsin Department of Natural Resources and appearing by name on the 1:24000 scale topographic maps published by the US Geological Survey, commonly referred to as the U.S.G.S. Quadrangle Maps.

Named lakes Less than four acres in size and all unnamed lakes listed in the "Surface Water Resources of Sawyer County", Wisconsin Department of Natural Resources are considered Class (4) Wilderness Development protection lakes.

Development standards for rivers and streams refer to all rivers and streams in the Town of Spider Lake deemed by the Wisconsin Department of Natural Resources to be navigable.

F1 (Forestry One) Zone district supersede the Town of Spider Lake, Lake Classification Development Standards where they are more restrictive.

Classification 1	Classification 2	Classification 3	Classification 4	Classification 5
Big Spider	Clear		Beaver (S18, T42, R06)	rivers
Little Spider	Ghost		Boos	and
Lost Land	Lower Clam		Bull Head (S28, T 42, R06)	streams
North	Ole		Camp Four (S06, T42, R06)	
Teal	Upper Twin		Camp Smith	
			Catfish	
			Cattail	
			Christy	
			Davis	
			Dead	
			Delano	
			Eagle Nest	
			Evelyn	
			Fawn	
			Filing Shed	
			Goodman	
			Goodwin	
			Grant	
			Hadley	
			Helane	
			Holmes	
			Hope	
			Horshoe (S11, T42, R07)	
			Horshoe (S12, T42, R07)	
			Ike	
			Kelly	
			Lewis	
			Little Ole	
			Lynch	
			McClaine	
			Meadow	
			Noble	
			Partridge Crop	
			Patsy	
			Perch (S25, T42, R06)	
			Red Ike	
			Sickles	
			Spruce	
			Star	
			Stearns	
			Teal River Flowage	
			Two Deer	
			Whiplash	
			Wilson	

Lots of record, that are grandfathered in, shall meet the minimum requirements of Section 4.4 N), of the Town of Spider Lake Zoning Ordinance.

- Q) Compliance
 - Dual zoning applies with Sawyer County Zoning as defined in the Administrative Code NR115
- R) Mitigation Requirements

Mitigation is the requirement to restore (or create) shoreline buffer functions on all waterfront properties that do not meet Shoreline Vegetation Protection Area requirements (see Section 4.4(J) Shoreline Vegetation Protection Area). Mitigation shall apply only to the LOT for which a Land Use Permit is issued. (10-22-06)

- 1) Waterfront properties with an existing intact shoreline vegetative protection area. The application for a land use permit will require property owner certification on a form provided by the Zoning Administrator and photographic evidence of an intact shoreline vegetative protection area.
- 2) Waterfront properties without an intact shoreline vegetative protection area. The application for a land use permit will require a Mitigation Plan and Implementation Schedule to be approved by the Zoning Administrator prior to the issuance of the land use permit.
- 3) Mitigation responsibilities for condominiums. (10-22-06)
 - a) Mitigation is the responsibility of the condominium association and shall be in accordance with a mitigation plan and Implementation Schedule approved by the Zoning Administrator
 - b) Once approved, a plan can only be amended with the approval of the Zoning Administrator.
 - c) Land Use Permits shall not be issued until a copy of the approved plan has been submitted to the Zoning Department Administrator and the president of the association has submitted a letter to the Zoning Department Administrator stating that the association accepts responsibility for the mitigation.
- 4) Mitigation responsibilities for mobile home parks with shoreline frontage. (10-22-06)
 - a) Mitigation is the responsibility of the owner of the mobile park and shall be in accordance with a mitigation plan approved by the Zoning Administrator.
 - b) Once approved, a plan can only be amended with the approval of the Zoning Administrator.
 - c) Land Use Permits shall not be issued until a copy of the approved plan has been submitted to the Zoning Administrator.

S) RESOURCE MANAGEMENT AND AGRICULTURAL EXEMPTIONS

The following activities are exempted from the provisions of Section 4.4(J) Shoreline Vegetation Protection Area and Section 4.4(K) Filling, Grading, Lagooning, Dredging, Ditching and Excavating

- 1) Fish and wildlife habitat management activities if included in a Wisconsin Department of Natural Resources approved management plan.

- 2) Commercial timber harvest and other forestry activities including land disturbing activities (such as forestry road building) if:
 - a) Such lands are located in a Forestry or Agricultural Zone District;
 - b) All cutting practices near lakes and navigable streams must be consistent with shoreland zoning requirements, and
 - c) Such activity complies with appropriate practices specified in Wisconsin's Forestry Best Management Practices For Water Quality published by the Department of Natural Resources or a plan that may be approved by the Sawyer County Land and Water Conservation Committee.

- 3) Agricultural cultivation if:
 - a) Such lands are located in an Agricultural Zone District and;
 - b) Such activity complies with appropriate practices specified in Chapter NR 151 RUNOFF MANAGEMENT and shall be approved by the Town of Spider Lake Plan and Review Commission.

T) Structures With Nonconforming Shoreline Setbacks

WDNR Administrative Rule NR 115 (3)(e) addresses nonconforming uses. Alterations or additions are regulated. A conforming structure shall not be converted to a nonconforming structure by use of this section. Dwellings constructed based on an average setback from navigable waters are considered to be conforming to that setback. *(10-22-06)*

Expansion/additions/construction activities begins at the closest point of new construction to the OHWM.

Structures nonconforming to both shoreline and non shoreline setbacks (e.g. lot line set backs, road setbacks etc) may be expanded in accordance with the shoreline setback provisions of this section provided that the non-shoreline setback(s) nonconformance is not made more severe.

1) General:

- a) Attached uninhabitable structures (i.e., attached garage) may be converted to habitable area with the issue of a land use permit.

- b) Additions/alterations begin at the closest point of construction/alteration to the OHWM (i.e., point where new roof ties into an existing roof etc.).
(10-22-06)

2) Nonconforming principal structures (includes all dwellings any portion of which is less than 75 feet from the OHWM of navigable waters).

- a) A nonconforming principal structure any portion of which is less than 40 feet from the OHWM is permitted ordinary maintenance and repair and internal improvement. Expansion is not allowed except by variance.

- (1) New basements, additional stories, lofts, lateral expansion or accessory construction outside of the perimeter of existing enclosed dwelling space are not allowed except by variance.
 - (2) Replacement of foundation and/or roof support systems is allowed only per 4.4 T)(3) and shall meet the requirements of Section 4.4 (R) mitigation.
- b) A nonconforming principal structure no portion of which is less than 40 feet from the OHWM is permitted ordinary maintenance and repair and internal improvement. Replacement of foundation or roof support systems is allowed only per 4.4T)(3) and the issue of a land use permit. Such structures may also be expanded provided a land use permit is obtained and:
- (1) The existing structure includes at least 500 square feet of enclosed, habitable living space.
 - (2) Additions are located on the landward side of the structure.
 - (3) If an addition extends beyond the 75-foot setback, only that portion which is 75 feet or more from the OHWM may extend toward the side yard.
 - (4) The total footprint, including the existing structure and proposed addition, does not exceed 1500 square feet and the habitable living area does not exceed 3000 square feet, nor violate the impervious surface limitations of Section 4.4(U). impervious surface limitations.
 - (5) A maximum height of 26 feet from the lowest grade to the highest peak of the building is not exceeded.
 - (6) Basements may be converted to walkout basements only on the landward side.
 - (7) Standard erosion and storm water runoff control measures must be implemented.
 - (8) Mitigation shall meet the requirements of Section 4.4(R) mitigation details.
- 3) Nonconforming accessory structures. All nonconforming accessory structures are limited to ordinary maintenance and repair. Replacement of foundation or roof support systems is allowed only per 4.4(T)(3) below and may require mitigation. See Section 4.4(R) mitigation.
- 4) Replacement of Foundations and Roof Support Systems.
- a) A land use permit is required for replacement of all structure foundations (i.e. basements, crawl spaces, piers, posts, slabs, etc.) and roof support systems (i.e. rafters, trusses, beams, purlins, etc.).
 - b) Exterior walls must remain in place. *(10-22-06)*

- c) Foundation support components may be replaced to existing footprint dimensions only. Footings may be extended below the generally accepted frostline of the locality. Habitable area requiring exterior ingress/egress (i.e. walkouts, doors, windows etc.) shall not be created. *(10-22-06)*
 - d) Roof pitch may be increased for ventilation, snow-load or aesthetic purposes provided that:
 - (1) Habitable space is not created.
 - (2) Additional stories or lofts are not added.
 - (3) A maximum height of 26 feet from the lowest grade [of the existing structure] to the highest peak of the renovated structure is not exceeded.
 - (4) The vertical distance in feet from the main floor of the structure to the highest peak of the interior ceiling shall not exceed the greater of its current distance or 14 feet.
 - (5) Any attic created shall not add additional habitable space and access to the attic area shall not exceed a twenty-four inch by twenty-four inch opening.
 - (6) The original ridge line of the existing structure is maintained where feasible.
 - e) Mitigation may be required. See Section 4.4(R) mitigation for details.
 - f) Standard erosion and storm water runoff control measures must be implemented.
- 5) Nonconforming structures within the shorelands which are damaged or destroyed by violent wind, ice, snow, vandalism, fire or flood may be reconstructed provided: *(10-22-06)*
- a) Damage which is due to an intentional act of the owner may only be repaired in conformity with the ordinance.
 - b) The owner must establish by competent evidence the specific extent of damage to a structure and its improvements.
 - c) Repair and reconstruction are limited to that part of a structure and its specific improvements which were actually damaged and similar building materials are employed.
 - d) Repair and reconstruction are in compliance with all other provisions of applicable ordinances.
 - e) Mitigation may be required. See Section 4.4(R) Mitigation.

- f) A land use permit is required.
 - g) Standard erosion and storm water runoff control measures must be implemented.
- 6) Existing nonconforming boathouses. The ordinary maintenance and repair of nonconforming boathouses that extend waterward beyond the OHWM of any navigable waters shall comply with the requirements of s.30.121, Wisc Stats (Overwater Boathouses).
- 7) Owners of condominium units shall provide a letter of approval signed by an officer of the condominium association stating
- a) That the proposed expansion or construction activities has the approval of the condominium association, and
 - b) Who specifically (i.e., either the owner of the condominium unit or the condominium association) shall accept the responsibility for the completion of any required mitigation or other conditions required for the issue of any permit.
- 8) Nonconforming patios, screen porches and similar structures. *(7-22-07)*
- a) Patios
 - (1) Patios are allowed ordinary maintenance and repair
 - (2) Patios shall be replaced only by variance.
 - (3) Roofs shall not be constructed above Patios.
 - b) Screen porches and similar structures
 - (1) Screen porches are allowed ordinary maintenance and repair
 - (2) Screen porches shall be replaced only by variance.
 - (3) The open nature of Screen porches must be maintained. Screen porches shall not be enclosed with solid or similar walls. Existing screen walls may be replaced as ordinary maintenance and repair.
 - (c) Decks.
 - (1) Decks may be replaced within the existing footprint.
 - (2) Roofs shall not be constructed above decks.
 - (3) Decks shall not be screened or enclosed.

U) Impervious Surface Limitations

Extensive research shows that shoreland development results in increased quantities and velocities of runoff that may overwhelm infiltration capacity and transport sediment, nutrients and other pollutants directly to surface waters if proper management is not employed.

- 1) The maximum total area of impervious surfaces shall not exceed fifteen percent (15%) of a total shoreland lot area within 300' of the OHWM.
- 2) The limitation on impervious surfaces may be increased to no more than twenty-five percent (25%) only with a Conditional Use Permit. A conditional use application shall include, at a minimum, the following documentation:
 - (a) A topographic survey of sufficient scale (not less than 1" = 20') showing pre-construction and pre-excavation conditions including slopes/contours, water bodies, wetlands, vegetative cover, drainageways, roadways, buildings and all other impervious surfaces and any unique physical features of the lot.
 - (b) A site plan of similar scale showing the information required in (a) as proposed post-construction conditions, and shall include all erosion/sedimentation control measures, diversion/containment structures and total calculations of lot area and impervious surfaces.
- 3) Limitations on impervious surfaces located 300 feet or more from the OHWM
The following requirements are applicable only to properties with frontage on a lake, pond or flowage and apply to a maximum depth of 1,000 feet from the OHWM of the waterbody.
 - a) The maximum total area of impervious surfaces shall not exceed fifteen percent (15%) of the total shoreland lot area from a setback distance of 300' and landward from the OHWM.
 - b) The limitation on impervious surface may be increased to no more than thirty percent (30%) only with the submission and approval of the Zoning Department of a Rainwater/Snow Run-off Retention Plan containing the same information required in 2(a) and 2(b) for a Conditional Use Permit.

SECTION 5.0 SIGNS

(12-03-03)

The purpose of these sign design standards is to establish guidelines for regulating the placement, maintenance, size and visual character of signs in the Town of Spider Lake, which are visible from public roadways or navigable waterways.

5.1 GENERAL SIGN REQUIREMENTS

- A) Unless specified otherwise in this Ordinance, any sign preexisting that requires a permit in the Town of Spider Lake shall, within 3 years of the adoption of this Ordinance require a permit and comply with permit requirements including a fee and permit. All new signs as of the date of adoption of this Ordinance that require a permit will display a permit sticker.
- 1) Any sign presenting a safety hazard or sign advertising a non-existent entity will be removed after 60 days of owner notification.
 - 2) Upon the adoption of this Ordinance, no sign shall be enlarged or replaced without a new sign permit.
 - 3) Signs lawfully existing before the date of enactment of this ordinance may be continued although the use, size, or location does not conform with the provisions of this ordinance. However, permits shall be obtained for all signs erected before such date, and such signs shall be deemed a nonconforming use or structure; and the provisions of Section 10.0 shall apply. Such permits will be issued free of charge. *(8-16-09)*
 - 4) A sliding fee scale will be established for these 2 classes of signs.
 - a) Way finding for businesses and residences
 - b) Off premise advertising for business.

On premise exterior advertising signs will require a permit, but it will be issued free of charge.
 - 5) The Town of Spider Lake will issue permits according to this schedule:
 - a) Initial Sign Approval: Prior to erection of any sign, the permittee shall provide the Town with a completed sign permit and permit fees.
 - b) Final Approval: Upon finding that the erected sign meets all of the requirements of this Ordinance, the Town of Spider Lake shall issue the final sign approval and issue a permit sticker to the permittee within 30 days which will be displayed on the face of the sign. *(8-16-09)*
 - c) Town will maintain a photo file of approved signs. Owner shall furnish photograph of completed installation within 30 days
- B) Any change in a business or transfer in ownership will require existing signs be issued an updated permit and a new photograph will be required within 30 days. *(8-16-09)*

- C) All signs are required to be kept in good repair and maintain a neat appearance. Routine maintenance to an existing sign is allowed without a permit as long as there are no changes to the sign's original design as specified in the sign permit. Any changes, beyond routine maintenance, to an existing sign must be made compliant with this Ordinance and will require that the sign is re-permitted or the sign will be considered noncompliant and a citation will to be issued. *(8-16-09)*
- D) Earth toned colors for sign backgrounds are required on all off premise signs. Fluorescent colors, blaze orange, glitter, sparkles, flashing lights or beacons are prohibited. Reflective materials for the sign lettering or trim are permitted. Lettering may be of any other color except as noted above.
- E) Externally lit off-premise and on-premise signs are permissible where the source of light is designed and located in a manner that shields direct view of the light source from a highway driver and it is shielded above from illuminating the night sky. This can be accomplished by using hoods (on or around the light), landscaping that shields the light source, or light placement that directs illumination onto the sign only.
- F) No part of a sign or sign structure shall exceed 15 feet above the ground's surface. Except for a sign in ditches or valleys where, the top of the sign shall not exceed 15' above roadway. *(8-16-09)*
- G) Sign structures are the posts, poles, or materials used to support a sign. Sign structures must be a solid earth tone color or constructed of natural materials such as logs, stone or wood. Barber-poled striped, non-earth tone colored, and/or reflective materials or advertising used on supports are prohibited.
- 1) Except for way-finding sign, no more than one sign, incorporating a maximum of two sign faces, may be attached to each sign structure.
 - 2) "V-shaped" sign structures, where a maximum of two signs is erected at a single location on two structures are permitted as long as the angle between the two structures does not exceed 90 degrees. V-shaped signs shall be counted as one sign with a total of two sign faces. *(8-16-09)*
- H) Prohibited signs in the Town of Spider Lake include:
- 1) Roof signs that are placed upon, project from, or are erected above the eaves of the roof or incorporated into the roof itself.
 - 2) Billboards defined as any sign or aggregate of signs sharing the same sign face whose dimension is greater than 16 sq. ft. in size.
 - 3) Vehicles or trailers used for displaying advertising parked on the public right-of-way (ROW) or on private property as to be seen from the public ROW.
 - 4) Bills, posters, placards, and circulars within the public ROW or on public property.

- 5) Signs which all or parts thereof revolve, flash, blink, or incorporate moving or rotating lights.
- 6) Lights, or other illuminated devices, producing any type of motion.
- 7) Resemble traffic signs, except required signs on multiple use trails.
- 8) Signs which obstruct vision on roadways.
- I) Sign structures may be erected in the right-of-way but not closer than 18 ft. from a roadway centerline whichever is greater.
- J) A sign will be considered abandoned and subject to removal, 90 days after the adoption of this ordinance, if it:
 - 1) Advertises a business that has ceased operation for a period of one year.
 - 2) The sign's advertising space remains vacant of an advertising message for a period of one year.
 - 3) Signs that have not obtained a permit according to the requirements of this ordinance.
- K) The posting of any sign to a tree or utility pole is prohibited except for "No trespassing signs", "closed area", "game farm", or "tree farm" signs which are in conformity with Wisconsin Statutes. *(8-16-09)*
- L) All types of ice fishing shelters used on any lake in the Town of Spider Lake are prohibited from displaying any information other than the mandatory minimum required by the Department of Natural Resources.
- M) Before installation, it is the responsibility of the sign installer to contact Diggers Hotline.

5.2 WAY-FINDING SIGNS

Way finding signs are used only for finding direction to a business or residence and may include a business logo but not include advertising. The intent of this ordinance is to establish uniformity in way finding signs throughout the town by grouping signs on collector boards.

- A) Department of Transportation permitted signs on State right-of-ways, with the exception of recreational trail way-finding signs, will be white arrow type signs.
- B) Way-finding signs, located on roads other than state or federal highways, are permitted for both businesses and private residences.
 - 1) Size for residential signs will be 6 inches by 4 feet.
 - 2) Size for business signs will be 6 or 12 inches by 4 feet.

3) Colors will be dark brown with yellow letters or arrows.

- C) Way-finding signs may only be erected at intersections of state, county and/or town roads. A business will be allowed a maximum of one sign for each direction of travel at each intersection. Signs will be grouped into sign assemblies that arrange signs from the top of the mounting posts to the bottom.
- D) Illumination or the use of reflectors, reflective tape, or paint on way-finding signs is prohibited.
- E) Recreational Trail Way-finding signs, used on snowmobile trails or other recreational trails, must conform to state trail marker standards, but are not to exceed 6" x 24" in size.
- F) Way finding signs installed on a collector board will not require a permit. A (No Fee) permit will be required for the erection of the collector board.

5.3 OFF PREMISES ADVERTISING SIGNS

Off premise advertising signs are signs not located on the property where the business is conducted.

- A) A maximum of two (2) off-premise permanent signs within the Town of Spider Lake, advertising products or services are permitted for each business establishment.
- B) It is recommended that businesses group off premise signs in order to minimize visual clutter.
- C) Each off premise advertising sign may have an advertising space no greater than 16 sq. feet in aggregate, including the border and trim, but exclusive of supports. Only two sign faces are permitted per sign structure.
- D) Multiple smaller signs may be incorporated within a single sign face but will be subject to the 16 sq. ft. maximum sq. footage requirements. Neither the height nor the width of any off-premise sign shall exceed 8ft.

5.4 ON PREMISE ADVERTISING SIGNS WITHIN THE SHORELAND DISTRICT

On premise signs are defined as those signs located on the principal site where the business activity specified on the sign is normally conducted.

- A) Signs shall not be located within the shoreline vegetation protection area.
- B) A Conditional Use Permit is required.
- C) Only one sign is allowed.
- D) Such signs shall:
 - 1) Not exceed 24 square feet in area.
 - 2) Not exceed 12 feet in height

- 3) Be located on the same premises as the business.
- 4) If lighted, be lighted only with down focused lighting.
- 5) All illuminated signs for commercial purposes shall be turned off between 11:00 P.M. and sunrise, EXCEPT that signs may be illuminated while the business facility is open to the public. All forms of flashing, rotating, or moving lights shall be prohibited. *(8-16-09)*
- 6) Fluorescent colors, blaze orange, glitter, sparkles, flashing lights, or beacons are prohibited. Reflective materials for sign letters or trim are permitted. The use of earth toned colors for on-premise signs is strongly encouraged. *(8/16/09)*

E) Mitigation may be required. See Section 4.4 (R) mitigation for details *(10-22-06)*

5.5 ON PREMISE ADVERTISING SIGNS NOT WITHIN THE SHORELAND DISTRICT

On premise signs are defined as those signs located on the principal site where the business activity specified on the sign is normally conducted.

- A) Sign permits for on-premise exterior advertising signs are required but shall be issued free of charge. "Occupational Signs" denoting only the name and profession of an occupant in a dwelling, commercial building, or institutional building and "Business Directory" signs that only list the services, hours of operation, or menus offered within a building shall not be required to obtain a permit provided that they are no more than 2 square feet in size and located in such a manner to be visible from the nearest public right-of-way. *(8-16-09)*
- B) A maximum of two (2) on premise signs within the Town of Spider Lake, advertising products or services are permitted for each business establishment that are visible from a public road or waterway.
- C) Each on premise advertising sign may have an advertising space no greater than 32 sq. feet in aggregate, including the border and trim, but exclusive of supports. Only two sign faces are permitted per sign structure.
- D) Floodlighting a building or sign, where floodlights are used to up-light the exterior is prohibited.
 - 1) General Requirements: All lighting shall be controlled in such a way as to not shine up into the sky or onto any neighboring properties. Examples of ways in which this shall be accomplished are:
 - a) Use of fully shielded cut-off fixtures.
 - b) Directing light fixtures downward rather than upward.
 - 2) Specific Requirements
 - a) Where used for security purposes or to illuminate walkways, roadways, equipment yards and parking lots, only fully shielded cut-off style light fixtures shall be utilized.

- b) Where used for signs or for decorative effects or recreational facilities, such as for building, landscape or ball field illumination, the outdoor light fixtures shall be shielded and focused to minimize light pollution. *(8/16/09)*
 - c) All outdoor lighted signs installed and maintained upon private property within all zoning districts shall be turned off between 11:00 P.M. and sunrise, EXCEPT when used for security purposes or to illuminate walkways, roadways, equipment yards and parking lots.
 - d) All illuminated signs for commercial purposes shall be turned off between 11:00 P.M. and sunrise, EXCEPT that signs may be illuminated while the business facility is open to the public. All forms of flashing, rotating, moving lights shall be prohibited. *(8-16-09)*
 - e) All outdoor light pole fixtures shall not exceed a maximum height of thirty (30) feet.
- 3) Exemption: Holiday lighting shall be exempt from the requirements of this section.
- E) Fluorescent colors, blaze orange, glitter, sparkles, flashing lights, or beacons are prohibited. Reflective materials for sign letters or trim are permitted.
- 1) The use of earth toned colors for on-premise signs is strongly encouraged
- F) Internally Illuminated Signs: A maximum of two internally illuminated sign faces are allowed per business and must be located on the business's primary premise.
- G) Internally illuminated vending machines, arcade machines, mechanical rides, and mechanical amusement devices shall not be viewable from the public right-of-way or a navigable waterway.
- H) Neon signs are allowed as on-premise advertising signs so long as the neon sign complies with requirements of this ordinance. Neon, externally illuminated, or non-illuminated signs that state the following messages: "No Vacancy", "Vacancy", "Closed", "Open" and "Immediate Seating", are not considered an advertising sign and are not subject to on-premise advertising sign requirements as long as the sign does not exceed 3 square feet. *(8-16-09)*

5.5 TEMPORARY SIGNS

Temporary signs are signs that comply with the following requirements shall not require a sign permit.

- A) Special Event Signs that advertise a one time per year event, campaign, or activity that will occur within 30 days of the sign being erected must be removed within seven days of the completion of the activity they are promoting.
- B) Job-site Construction Site Signs denoting owners, occupants, architect, engineer, or contractors of improvements under construction must be located on the job site and may be limited to one and not exceed 8 sq. ft. in size. They must be removed upon completion of the construction. Construction signs for

other than residential shall not exceed 15 sq. ft. They must be removed within 7 days of the completion of the construction

- C) Real Estate Signs are not to exceed 4 sq. ft. in area. Such signs may only advertise the sale, rental, or lease of the premises upon which the sign is temporarily located. In addition to the Real Estate Signs, no more than three (3) directional arrows, each of which is not to exceed 6" by 24" in size, may be placed at separate road intersections leading to the premises for sale, rental or lease, provided that the person placing such directional signs obtains the written consent of the landowner who owns the property where such directional arrows are to be placed. All Real Estate Signs and directional arrows, on or off premise must be removed within 7 days of the closing of the sale, rental or lease of the premises. *(8-16-09)*
- D) Political Signs are signs conveying a political message for a public election or a referendum sign shall not exceed 4 sq. ft. in size and will be removed within seven (7) days following the election or referendum. Signs shall not be installed more than 30 days prior to the event.
- E) Banners, Bunting or Flagging: May be displayed on the exterior of a commercial or public building 30 days prior to and seven days after a commercial business's official grand opening or a recognized community event. Banners and signs furnished by beer wholesalers to Class B licensees are prohibited by Wisconsin State Statutes 125.33 (1) and (2) from being displayed outside of these businesses.
 - 1) Exception: Protective flagging for septic systems and other areas that requires marking for reasons of health, safety, or general welfare is exempt.
- F) Circulars, Political Advertisements, and Special Event Notices: The posting of circulars, political advertisements, special event promotions, placards on trees, traffic sign posts, and utility poles and way-finding signs are prohibited. The person(s) erecting these signs must provide their own post and remove this type of sign within seven (7) days of the completion of the event it promotes. Signs shall not be installed more than 30 days prior to the event.
- G) Signs not removed by the above-allotted time will be removed by the town and the expense bill to the person responsible for the sign.

5.7 WARNING SIGNS

Warning signs such as "Beware of Dog" and similar warning signs not to exceed 200 sq inches are not required to obtain a permit but shall otherwise comply with the provisions of this Ordinance. *(8-16-09)*

SECTION 6.0 REGULATION OF SPECIAL USES

6.1 General Provisions

Except as added or altered hereafter in this section, the procedure and requirements of Section 8.0, governing conditional uses, shall apply.

6.2 Mineral Extraction

A) Purpose

The purposes of this Section are to protect mineral extraction operations against problems caused by intrusion of incompatible land uses, to allow for protection of deposits of minerals and to insure that all metallic, nonmetallic, and mineral fuels operations conducted in such a manner as to be economically sound with a minimum of environmental degradation. These provisions are intended to apply; without limitation due to enumeration, to all phases of any mineral recovery effort (exploration, prospecting, operation and reclamation) of the type of metallic ores, nonmetallic resources, and mineral fuels cited as such in the definitions section of this Ordinance. Mineral extractions and mining shall also be subject to applicable Wisconsin Administrative Codes and Wisconsin Statutes.

B) Conditional Uses

All four phases of mining operations and activities shall be allowed only in those zone districts in which such mining activities are a conditional use, and shall be consistent with the general provisions of Section 8.0 of the Ordinance and the rules and standards enumerated in this Section 6.2.

- 1) Applicants for a Conditional Use Permit under 6.2 B) above shall specify whether they are seeking a temporary or regular Conditional Use Permit. A temporary Conditional Use Permit shall be used only during the exploration and/or prospecting phases of a mining or drilling operation and shall not be effective for more than one (1) year from the date of issuance; unless renewed upon re-application for periods of one (1) year.
- 2) A regular Conditional Use Permit shall be required for the operation and reclamation phases of mineral extractions and mining. Exploration and/or prospecting phases may be included in a regular conditional use application. The regular Conditional Use Permit shall be granted for a period not to exceed five (5) years, but may be renewed upon re-application for periods of up to three (3) years.
- 3) Applicants seeking temporary Conditional Use Permit for exploratory mining or drilling and/or prospecting phases may be required to supply the Plan and Review Commission with information on the operational and reclamation phases that relate to the exploratory and/or prospecting phases.
- 4) Fees for a temporary Conditional Use Permit and a regular Conditional Use Permit mining shall be established by the Plan and Review Commission. The fee schedule shall be posted in the Town Hall.

C) Rules and Standards for Nonmetallic Mining

The following rules and standards shall apply to any nonmetallic mineral extraction operations judged by the Plan and Review Commission.

- 1) Asphalt mixing plants and rock crushers shall be located no less than one thousand (1,000) feet from any residence other than that of the permit holder. Asphalt mixing plants and rock crushers shall conform to state, federal, or local pollution standards. The location and operation of asphalt mixing plants and rock crushers shall be by Conditional Use Permit only.
- 2) The operation shall be conducted so as to minimize, insofar as practicable, the production of noise, vibration, or dust which is hazardous or substantially annoying to persons located off the premises.
- 3) All parts of a nonmetallic mineral extraction operation at which there is an excavation of ten (10) feet or more in depth shall have a perimeter slope which is no steeper than two (2) feet horizontal to one (1) foot vertical.
- 4) When extractions are discontinued, all machinery and equipment which exists incidental to the operation shall be removed. The excavation shall be drained, if necessary and, if it is possible to do so, such draining shall be accomplished by removing obstructions to natural drainage so that water will not collect therein; all banks or cuts not in rock shall be sloped at an angle not steeper than one and one-half (1½) feet horizontal to one (1) foot vertical, except that banks or cuts located within two hundred (200) feet of a road right-of-way shall be sloped no steeper than three (3) feet horizontal to one (1) foot vertical, pit or quarry bottoms shall be left in a generally level condition, excess boulders, rocks, stones, or other unusable materials shall be buried; scrap machinery and similar debris shall be removed. These reclamation activities shall be completed within three (3) months of the date of discontinuance.
- 5) Nonconforming Nonmetallic Operations: Preexisting nonmetallic mineral extractions are those operations involving the excavation, removal and/or processing of nonmetallic minerals which operations were in active use during any part of a five (5) year period prior to the effective date of this Section and which is not in conformity with the provisions of this Ordinance. The continuation of such nonconforming nonmetallic operations shall be subject to Section 10.0; and no expansion or enlargement of the existing operation, over the life of the operation, shall exceed fifty percent (50%) of its current area unless it is permanently changed to conform to the requirements of this Ordinance.

D) Rules and Standards for All Other Mining Activities

- 1) Applications for Conditional Use Permits to conduct mineral extractions or processing activities shall be accompanied by the following information:
 - a) Ownership and management data: Information on the location of the proposed sites of the operations, ownership of the land, leasehold, license and other property interests, and accurate information on the identity of all individuals, partnerships, associations or corporations, which will be involved in control of the proposed operation. The purpose of this requirement is to allow the Plan and Review Commission to

determine accountability for all conditions it decides to impose upon the activities. The information provided shall be sufficiently detailed and complete to accomplish this purpose.

- b) Operations plan data: Full and complete information on the precise nature of mineral extractions or processing activity that is proposed to be undertaken.
 - c) Reclamation plan data: Full and complete information on the nature of reclamation which the applicant purposes to undertake.
- 2) Standards for decisions by the Plan and Review Commission in conditional use applications for mineral extraction or processing activities. In order to grant a Conditional Use Permit the Plan and Review Commission must find:
- a) The mineral extraction and/or processing is an allowable conditional use in the zone district, and an appropriate land use at the site in question, based upon consideration of such factors as:
 - (1) Existence of mineral deposits;
 - (2) Proximity of the site to transportation facilities and to market areas; and
 - (3) Ability of the operation, as described in the proposed operations plan, to avoid harm to the public health, safety, welfare and to the legitimate interests of nearby properties.
 - b) That an operations plan, which the Plan and Review Commission shall direct, shall be imposed as a condition of approving the Conditional Use Permit and will protect affected public and private rights against undue interference.
 - c) That a reclamation plan, which shall similarly be imposed as a condition of approval, will be enforceable and, as enforced, will result in a condition which is reasonably safe, attractive, and if possible, conducive to productive new uses for the site.
 - d) The Plan and Review Commission shall attach such conditions to each approved application as are necessary to assure that the operation will satisfy the standards set forth above.
 - e) The Conditional Use Permit shall be in effect for a period specified by the Plan and Review Commission not to exceed five (5) years and may be renewed upon application for periods of up to three (3) years. All permitted operations shall be inspected at least once every year by the Plan and Review Commission or its agents and shall be inspected at the time a request for renewal is before the Plan and Review Commission, to determine if all conditions of the operation are being complied with.
 - (1) If such inspections yield information showing that all conditions have been met, the applicant shall be entitled to renewal of the permit unless such renewal would be contrary to State law.

- (2) Permits may be amended upon application to allow extensions or alterations in operations under new ownerships or managements.
- f) A termination of mining or drilling activities on a site which is the subject of approved Conditional Use Permit for a period of one year or more shall disentitle the permit holder to a right of renewal at the end of the permit period despite compliance of former operations and/or conditions of the original permit, unless:
 - (1) Such a discontinuance was specified as part of the original operations plan; or
 - (2) The operator has applied for and received Plan and Review Commission approval of an amendment to the original permit placing the operation in inactive status with accompanying conditions as to interim or partial reclamation.
- g) The Plan and Review Commission shall require reasonable assurance that the conditions it imposes will be satisfied. Such assurance shall be achieved through some combination of:
 - (1) Performance bonds or substitute guarantees in the form of pledged collateral;
 - (2) Proximity of the site to transportation facilities and to market areas;
 - (3) Clear identification of the relationship between landowners, leasee, licensee, operators, and the signing of written pledges by those persons who assume responsibility for various elements of the conditions imposed.
- 3) Impacts of particular concern to the Plan and Review Commission in evaluating plans and proposals, and in imposing conditions, prior to the granting of Conditional Use Permit for mineral extractions activities. The Plan and Review Commission shall use its conditional use powers in such a way as to minimize, on-location and off-site, the potential for mineral extractions activities to:
 - a) Exploration Activities
 - Affect springs and water wells
 - Remove vegetation
 - Create litter
 - Encourage off-road vehicle use
 - Compact and disturb soils
 - b) Drilling Operations
 - Remove vegetation
 - Create noise
 - Destroy archaeological sites
 - Displace wildlife
 - Potential mud pit problems
 - Potential erosion problems

- Potential off-road vehicle use on access roads
 - Create aesthetic problems
 - Affect surface or groundwater quality
- c) Production Activities
- Remove vegetation
 - Create noise and odor problems
 - Displace wildlife
 - Create aesthetic problems
 - Destroy archaeological sites
 - Potential safety problems
 - Affect surface or groundwater quality
- d) Transportation and Pipeline Facilities
- Remove vegetation from right-of-way
 - Cause silt and sediment in streams
 - Cause bank erosion
 - Mix topsoil with substrate
 - Change wildlife habitat
 - Displace wildlife
 - Create aesthetic problems
 - Potential safety problems
 - Encourage off-road vehicle use and trespass problems
- e) Stockpiling/Storage of Extracted Minerals
- The stockpiling/storage of extracted solid minerals in excess of 500 cubic yards or extracted non solid minerals in excess of 34,000 gallons on property other than from which extracted shall require a special use permit. (Note: 1 cubic yard contains 67.329 gallons)
- Note: Establishes a permit requirement for the off-site storage of extracted minerals.

6.3 Salvage Yards

No salvage yard shall be permitted in the Town of Spider Lake except in conformance with the standards, rules, and regulations of Wisconsin Administrative Codes and the requirements herein specified.

A) General

No salvage yard shall be permitted in the Town of Spider Lake except in conformance with the standards, rules, and regulations and requirements herein specified. A salvage yard shall not be operated until it has been authorized by conditional use by the Town Plan and Review Commission and a Conditional Use Permit obtained.

B) Locational Criteria

No person shall establish, operate, maintain or permit the use of property for salvage within the following areas:

- 1) Within one thousand (1,000) feet of any navigable lake, pond, or flowage.
- 2) Within three hundred (300) feet of a navigable river or stream.
- 3) Within a flood plain.

- 4) Within wetland or critical habitat area.
- 5) Within any area from which the Zoning Administrator, after investigation, finds there is a reasonable probability that oil, gas, antifreeze, or a liquid material leaching there from may have a detrimental effect on any surface water or groundwater or the environment.

C) Plan of Operation

No person or firm shall establish a new salvage yard or expand an existing salvage yard until a plan of operation has been submitted to and approved by the Plan and Review Commission in writing. The plan of operation shall include at a minimum the following:

- 1) A map and aerial photograph of the area showing land use and a zone district map showing zone districts within one-half (1/2) mile of the salvage yard boundaries. The maps and aerial photograph shall be of sufficient scale to show all salvage yard boundaries, all homes, industrial buildings, roads, watercourses and other applicable details. All such details, plus the topography and north direction shall be identified and indicated on the maps and aerial photographs.
- 2) A plot plan of the site showing direction, dimension, elevation, surface drainage, access roads, fencing, means of limiting access such as gates to yard, method of screening and proposed layout of operation covering location of salvage material processing area, non salvageable material storage area and liquid material handling and storage area.
- 3) A report indicating the following:
 - a) The type and expected quantity and source of material to be brought to the yard.
 - b) The type of equipment to be provided at the yard for processing purposes.
 - c) The means for on-site storage of non salvageable items and the means for disposal.
 - d) Types and means for fencing and screening of the salvage yard property.
 - e) Procedures for emergency fire control.
 - f) Persons responsible for actual operation and maintenance of the yard.
 - g) Operation procedures which detail how compliance will be achieved with Section 6.3D).

D) Operational Requirements

No person shall operate or maintain a salvage yard except in conformance with the approved plan of operation and the following practices:

- 1) Garbage or similar putrescible material and refuse shall not be present at a salvage yard.
- 2) No salvage yard shall be operated at a solid waste land disposal unless both operations are completely separated or fenced.
- 3) No open burning of solid waste shall be conducted.
- 4) The yard shall be surrounded by a solid fence to screen it from the surrounding area.
- 5) A sign shall be posted at the entrance indicating the owners name and the hours the yard will be open. Letters shall be a minimum of two (2) inches high with one-half (1/2) inches minimum width and in a color distinct from its background.
- 6) The operation shall be conducted in an orderly and aesthetic manner.

E) Existing Salvage Yards

- 1) All existing salvage yards that do not meet the required screening must be screened with a solid fence effective with the adoption of Section 6.3.
- 2) All existing salvage yards that do not comply with the licensed area specified in the original DNR license will remove all salvaged vehicles and materials to the original licensed area, effective with the adoption of Section 6.3.

F) Antique and Hobby Autos

Any person may engage in collecting and refurbishing antique vehicles with a maximum of twelve (12) autos in screened or enclosed storage and in compliance with Section 6.3B) 5).A Conditional Use Permit will be required from the Plan and Review Commission after investigation of the premises.

G) Exemptions

- 1) Operations used exclusively for the storage of two (2) or less inoperable or unlicensed vehicles are exempt from the requirements of Section 6.3.
- 2) Auto service repair garages and auto body shops are exempt when vehicles are placed or stored for repair purposes.

H) Force and Effect

Following adoption by the Town Board of Supervisors, Section 6.3 shall be in full effect and force as provided in Section 60.61 and 60.62, Wisconsin Statutes.

6.4 Garbage and Refuse Disposal Sites

No garbage or refuse disposal sites shall be permitted in the Town of Spider Lake except in conformance with the rules and regulations of NR 180 and NR 151 of the Wisconsin Administrative Code. Garbage and refuse disposal sites shall be permitted by Conditional Use Permit only.

6.5 Mobile Home Park

Except as otherwise specifically authorized, no mobile home intended for occupancy whether temporary or permanent shall be located within the Town of Spider Lake except in a mobile home park, the plan of which has been approved by the Plan and Review Commission, Town Board and the appropriate State agency. Such parks shall meet the following requirements:

- A) Minimum size: ten (10) acres. Maximum size: fifteen (15) acres.
- B) Maximum number of mobile home sites: three (3) per each usable acre excluding wetland and setbacks.
- C) Minimum width of mobile home site: forty (40) feet.
- D) Maximum height of mobile home: twenty-two (22) feet.
- E) Minimum distance between mobile homes: twenty (20) feet on all sides including appendages.
- F) Minimum distance between mobile home and service road: thirty (30) feet including appendages.
- G) Each mobile home site shall be connected to a public or common water supply and a public or common sewage disposal system.
- H) All drives, parking areas, and walkways shall be at least gravel surfaced. There shall be one (1) parking space for each mobile home and additional parking spaces for automotive vehicles within the park, totaling not less than one and one quarter (1 1/4) parking spaces for each mobile home space.
- I) No mobile home sales office or other business or commercial use shall be located on the mobile home park site. However, laundries, washrooms, recreation rooms, maintenance equipment storage, and one (1) office are permitted.
- J) Minimum setbacks: Fifty (50) feet from all front, side, and rear lot lines of the mobile home park.
- K) Each mobile home shall be placed on a four (4) inch crushed rock base of size sufficient to accommodate the use. The location of each stand shall be at such elevation, distance, and proximity to access ways that the placement and removal of the mobile home is practical and in satisfactory relationship to its surroundings. Appropriate material, properly graded, placed, and compacted so as to be durable and adequate for the support of the maximum anticipated loads during all seasons should be used.
- L) All mobile home parks shall be screened in accordance with Section 7.0 of this Ordinance.
- M) All mobile homes shall meet the construction standards of the Mobile Home Manufacturing Association, and applicable state and federal laws.

- N) Mobile home parks shall comply with the sanitation regulations of the Sawyer County Private Sewage System Ordinance and the appropriate requirements of the Wisconsin Administrative Codes.
- O) Any trailer over (320) three hundred and twenty square feet in area or over (8'6") eight feet six inches wide will be classified as a mobile home under this Ordinance.
- P) No mobile home is allowed within the shore lands as defined in Wisconsin Administrative Code NR 115.
- Q) Any action that results in a change in use of a mobile home park as defined in Section 2.0 Definitions (MOBILE HOME PARK), shall not result in the creation of lots/sites/parcels that are substandard in size based on the most restrictive requirements of either the lakes Classification or the property's zone district.
Examples of such changes in uses would be, but are not limited to, the conversion of a mobile home park from sites that are leased, rented or open to the public for nonpermanent use, to sites that are intended to be offered to the public for purchase. (10-22-06)

6.6 Trailer Camps and Camping Grounds

All major recreational equipment/vehicles and camping cabins must be located in a Federal, State, County, and Town or in a privately owned campground, the plan of which has been approved by the Town Board and appropriate State agencies. Such campgrounds and trailer camps shall meet the following requirements:

- A) Minimum size: Five (5) acres.
- B) Maximum number of sites: Seven (7) per each useable acre excluding wetlands and set backs and not to exceed fifty six (56) total sites.
- C) Each site shall be plainly marked and surfaced.
- D) All drives and parking areas other than those at individual sites shall be surfaced with at least a gravel surface.
- E) Central toilet, shower, and washing facilities shall be provided in sufficient quantity, as determined by the appropriate State Agencies as provided by State Statutes.
- F) Water supply and sewage disposal shall comply with the regulations of the Sawyer County Private Sewage System Ordinance and the appropriate requirements of the Wisconsin Administrative Codes.
- G) No sites shall be less than fifty (50) feet from the front, side, or rear lot lines of the camp.
- H) Wetland and shoreline areas shall not be altered.
- I) The screening provisions of Section 7.0 of this Ordinance shall be met.

- J) Construction, building, placement or use of a Camping cabin on the grounds or premises of a trailer camp or campground shall not be a permitted use and shall be considered a conditional use requiring compliance with Section 8.0 of this Ordinance and shall not exceed two hundred forty (240) square feet and ten (10) feet in height. The connection or installation of any plumbing fixtures, sewer or water facilities is prohibited. Camping cabins shall not have any interior walls, partitions, second story or loft.
- K) Use of a trailer camp or campground is strictly for temporary use. See State Statutes HFS178.
- L) Any action that results in a change in use of either campgrounds or RV parks as defined in Section 2.0 Definitions (Campground), shall not result in the creation of lots/sites/parcels that are substandard in size based on the most restrictive requirements of either the lakes Classification or the property's zone district. Examples of such changes in uses would be, but are not limited to, the conversion of a campground/RV park from sites that are leased, rented or open to the public for nonpermanent use, to sites that are intended to be offered to the public for purchase. *(10-22-06)*

6.7 Major Recreational Equipment/Vehicles

No major recreational equipment/vehicles shall be parked or stored on any lot in a residential zoning district in the Town of Spider Lake except in a garage or carport or behind the nearest portion of a building to a street or road. Such equipment/vehicles may be parked anywhere in the Town of Spider Lake for a period not to exceed twenty-four (24) hours during loading or unloading. No such equipment/vehicles shall be used for living or housekeeping purposes when parked or stored on a lot, or in any location not approved for such use. This section does not apply to trailer camps or camping grounds.

6.8 Kennel or Kennel/Boarding

As defined here in shall be a conditional use, if there are more than three (3) small domestic animals such as cats and dogs boarded, housed, or kept for the purpose of breeding, sale or sporting purposes, for other than personal and private use. Said conditional use shall meet the following requirements. *(7/20/08)*

- A) Lot size: Five (5) acres.
- B) Lot width: Two hundred (200) feet.
- C) Side yard setback: Fifty (50) feet.
- D) Backyard setback: Fifty (50) feet.
- E) Front yard setback: Section 4.2 A), setback requirements on highways and roads.
- F) Sanitary facilities provided for under applicable Wisconsin Administrative Codes.
- G) Perimeter fencing: minimum height of five (5) feet with minimum depth underground of twelve (12) inches; minimum fence gauge of eleven (11).

- H) Living quarters on the same premises as kennel with occupancy restricted to property owner-operator.
- I) Subject to the provisions of Chapter 174 of the Wisconsin Statutes.
- J) The maximum number of animals over five (5) will be determined by the Conditional Use Permit.

6.9 Resorts

The special uses in this subsection shall be considered as conditional uses and the procedure and requirements of Section 8.0 governing Conditional Use Permits shall apply.

A) **New Resorts.** The development and construction of new resorts shall comply with all requirements of this Ordinance as they pertain to the issue of land use permits for residential dwelling construction. Each dwelling unit within such new resort must meet the minimum lot size, width and depth requirements of the Lake Class Development Standards, and shall require immediate contiguous lakeshore frontage.

B) **Existing Resorts.**
Introduction: Recognizing the historical and economic significance of resorts in The Town of Spider Lake, certain special consideration is given to help assure their continued survival and viability. Except for the items contained below, all resorts must meet the criteria specified elsewhere in this ordinance.

- 1) A resort existing at the time this ordinance is put in effect, but does not meet the minimum LOT size for the number of existing principal buildings, is “grandfathered” for the number of those principal buildings. Existing principal buildings may be replaced with the issue of a Land Use Permit and:
 - a) Compliance with 6.9 (5) a-d
 - b) The resort owner agrees to provide mitigation to the shoreline in an area between the building and the shoreline for the width of the building (See Section 4.4 R) MITIGATION. *(10-22-06)*
- 2) The minimum lot size shall consist of a minimum lot width of one hundred (100) feet, a minimum lot depth of two hundred (200) feet and a minimum lot area of twenty thousand (20,000) square feet. Notwithstanding this provision, a resort cabin shall not be sold individually at any point in time unless it meets the requirements for the minimum two hundred (200) feet of frontage under other provisions of Ordinance No.17-88
- 3) **Yard Setback Required:** As indicated for RR-2 District in the Zoning Schedule - Dimensional Requirements as stated in Section 16.0
- 4) **Minimum Floor Area Residence:** As indicated for RR-2 District in the Zoning Schedule Dimensional Requirements as stated in Section 16.0.
- 5) A resort in existence at the time this ordinance is put in effect shall have its landmass treated in its entirety and be exempt from lot size and frontage requirements of the Lake Class Development Standards. Calculations of

landmass for purposes of this section relating to existing resorts shall not include that portion of a resort that has been converted to a condominium type of ownership in which the dwelling units (resort cabins) are privately owned and such unit owner is entitled to the exclusive ownership and possession of that unit. The land mass to be deducted shall be the minimum parcel area per condominium unit based on the most restrictive of either Lake Class Development Standards or zone district requirements. Existing resort regulations shall be based on density and land mass as follows:

- a) The cumulative square footage of all impervious surfaces within 300 feet of the OHWM shall not exceed 15% of the total square footage of the resort land area that is located within 300 feet of the OHWM.
 - b) The cumulative square footage of all impervious surfaces more than 300 feet from the OHWM but within the Shoreland District shall not exceed 30% of the total square footage of the resort land area located more than 300 feet from the OHWM but within the Shoreland District.
 - c) A conditional use permit shall be required to exceed these impervious surface requirements. An application for a conditional use permit shall be submitted per Section 8.0. Impervious Surface Limitations.
 - d) All standards for setbacks from septic systems, wells, roadways, side yards, and wetlands apply.
- 6) Construction of additional principal buildings within an existing resort shall meet the following density/setback criteria:
- a) All of item B(4)(a), above.
 - b) Be at least 75 feet from the OHWM.
 - c) Be at least 20 feet from any other building.
 - d) Conditional Use Permit requirements for Multi-Dwelling Development shall apply.
 - e) Have a minimum frontage of 100 feet adjacent to any lake, pond, flowage, river, stream or public roadway maintained by a government entity for each existing and proposed resort cabin.
 - 1) To determine lakeshore frontage per dwelling unit, divide the total lake shore frontage by the total number of existing and additional dwelling units. *(10-22-06)*
- 7) An existing dwelling unit, any part of which is less than 75 feet from the OHWM, may be expanded by up to 50% of its footprint so long as:
- a) The total footprint, including the existing structure and proposed additions, shall not exceed:

- 1) 1000 square feet for those structures, any part of which is located less than 40 feet from the OHWM, or
 - 2) 1500 square feet for those structures located between 40' and 75' from the OHWM
- b) The maximum height shall not exceed 26 feet from the lowest grade of the existing building.
 - c) It does not cause a violation of item B(4)(a), above.
 - d) The expansion of the footprint shall be landward and does not move the dwelling unit closer to the OHWM.
 - e) No portion of the addition will be less than 20 feet from any other Dwelling Unit.
 - f) Expansion of an existing Dwelling Unit located closer than 20 feet to another Dwelling Unit. Expansion shall not increase the setback nonconformity to an existing Dwelling Unit.
 - g) The resort owner agrees to provide mitigation to the shoreline in an area between the cabin and the shoreline for the width of the cottage (see Section 4.4 R) MITIGATION).
 - h) Expansion of an existing principal building with shoreline on two or more sides. Expansion shall not increase the shoreline setback non-conformity. *(10-22-06)*
- 8) Any use corridor shall not exceed 30 feet in width and the cumulative width of all use corridors within the resort shall not exceed 30% of the total shoreline frontage except as provided in Section 4.4 J) 2) c). *(10-22-06)*

6.10 Condominium *(03-19-03)*

- A) A condominium is defined hereunder in Section 2.2 (18)
- B) Pursuant of Wisconsin Statutes SS 703.27, any property, or parcel of real estate, or condominium unit or other condominium improvement shall be governed by all rules and regulations of this Ordinance that can be imposed upon a physically identical development under a different form of ownership, or upon a substantially similar land use, under a different type of ownership.
- C) A Condominium Plat shall be reviewed by the Town of Spider Lake Zoning Administrator and the Town of Spider Lake Plan and Review Commission prior to the recording in the county of recording. Said review shall be completed within 10 working days after submission of the condominium instrument, and if not completed within said time period, said instrument shall be deemed approved. The instrument maybe rejected only if it fails to comply with the applicable requirements of SS 703.095, 703.11 (2)(a)(c)(d) and (3), 703.275(5) and 703.28(1m) or if the surveyor certificate under 703.11(4) is not attached to or included in the Condominium Plat, and said plat must comply with the Town of Spider Lake Ordinances regarding condominiums. An approval, disapproval,

or approval with conditions of any Condominium Plat or declaration shall be made in writing and issued by the Town of Spider Lake Plan and Review Commission.

- D) If a Condominium Declaration and Plat, or the creation thereof, modifies, alters, or otherwise changes the land use of the subject property at the time of the creation of said Condominium Plat and Declaration, and said change of use is not an allowed use under any provision of this Ordinance which is applicable to the subject property, the creation of the Condominium Plat shall be considered a Conditional Use and subject to the Conditional Use provisions of Section 8 of this ordinance.
- E) Application standards. 1) The committee shall apply all zoning regulations and other rules promulgated by the Town of Spider Lake to any Condominium Plat, property, or unit as would be applicable to any physically identical development under a different form of ownership, or to a substantially similar land use under a different form of ownership. The dimensional requirements of Section 16.0 and 16.1 shall govern the applicable lot size, height, set backs, floor area, roadway frontage, river frontage and lake shore frontage, lot depth and lot size. Each condominium unit shall comply with any and all regulations under this Ordinance that would be imposed upon a physical identical or similar structure or development under a different form of ownership.
- F) New Condominiums. All new condominium development of land that is not part of an existing condominium of record shall be in accordance with WiStat.703.27 and shall comply with all requirements of this ordinance as they pertain to the issue of land use permits for residential dwelling construction.
- G) Existing Condominiums. Upon adoption of this amendment, (Insert date) existing condominiums of record, as indicated by the recording of a condominium plat and condominium declaration, that do not meet the minimum requirements for residential development as stated in this ordinance may expand only to the extent of the existing and proposed units as indicated on the recorded plat. The creation of additional units beyond those indicated on the plat shall be in accordance with the lake class development standards.
 - 1) Expansion of condominium units. The expansion of existing non conforming condominium units shall be in accordance with Section 4.4T Structures with nonconforming shoreline setbacks or Section 4.4T Structures non-conforming to other than shoreline setbacks.
 - 2) Owners of condominium units shall provide a letter of approval signed by an officer of the condominium association stating:
 - a) That any proposed expansion or construction activities has the approval of the condominium association, and
 - b) Who specifically (i.e., either the owner of the condominium unit or the condominium association) shall accept the responsibility for the completion of any required mitigation or other conditions required for the issue of any permit.

- H) To determine lakeshore frontage per dwelling unit, divide the total lake shore frontage by the total number of existing and additional dwelling units.
- I) A Condominium Plat, which borders or is adjacent to a navigable body of water, stream or river, which is subject to the Shore Land Development rules, and the Lake Classification Standards of the Town of Spider Lake, shall so comply with all regulations there under. Each new condominium dwelling unit shall require sufficient immediate contiguous lake shore frontage, square footage and lot size, so as to comply with the provisions of the Lake Classification Standards of this Ordinance.
- J) All Condominium Plats and developments shall comply with Chapter 703 Wisconsin Statutes.
- K) Refer to PART II Subdivision Control 2.16 *(12/18/03)*

6.11 Alternative or Renewable Energy Systems *(2/17/11)*

A) Purpose and Intent

In order preserve public health and safety as well as to promote the other purposes set forth in Section 1.1 of this ordinance, a conditional use permit is required for the construction, installation or modification of alternative or renewable energy systems. These systems include, but are not limited to: solar systems, wind energy systems, geo-thermal units, and energy producing digester systems. External wood burning units, not solely used for heating of an existing residential structure on the site, also require a conditional use permit.

The provisions of this section are intended to be no more restrictive in those instances where Wisconsin statutes or administrative rules apply to political subdivisions in determining whether to issue a conditional use permit (See for example Wis. Stat 66.0401). Such statutes and rules are incorporated herein by reference.

B) Conditional Use

In addition to the general requirements contained in Section 8, any person seeking a conditional use permit for an alternative or renewable energy system shall disclose whether the system has a primary or secondary purpose of providing energy to third parties and shall provide the following information along with a copy of the conditional use application:

- 1) A site plan for the system that clearly shows:
 - a) The proposed location of the system or unit on the site owned or leased by the applicant;
 - b) The components of the system or unit (including but not limited to height, size, etc.);
 - c) The relationship to property lines; existing structures, required setbacks and easements;
 - d) Elevation drawings showing natural features
- 2) An engineering analysis showing the system is designed to operate in compliance with current laws such as air quality standard requirements,

noise abatement, etc., and denoting the energy generating capacity of the system

- 3) An estimate of the useful life of the system
- 4) A description of the decommissioning process and the cost of decommissioning or removal of the system

C) General

- 1) For the purpose of issuance of necessary permits and inspections all alternative energy systems are deemed to be structures. As a condition of the issuance of the conditional use permit for an alternative or renewable energy system, the permit holder shall allow access to the site by the Zoning Administrator.
- 2) Alternative and Renewable Energy Systems also shall be subject to the conditional use procedures and provisions as provided in Section 8.
- 3) In evaluating proposed alternative energy systems, consideration shall also be given to whether the proposed location is in an area designated primarily for residential or commercial development.

D) SEVERABILITY

The provisions of this section shall be deemed severable and it is expressly declared that the Spider Lake Town Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid and if any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

E) EXCLUSION

Individual solar powered lights and solar collector panels less than 144 square inches are exempt from these requirements.

SECTION 7.0 SCREENING AND FENCING

7.1 General Provisions

Screening and/or fencing as required by this Part shall be subject to the following provisions:

A) Approval Required

Any use or conditional use listed in this Ordinance requiring screening or fencing shall be permitted only when authorized by the Town Board and subject to its approval of a screening or fencing plan for that particular use.

B) Objective

Planting or other suitable screening including fences or free standing walls shall be required when deemed necessary for screening or enclosure purposes by the Plan and Review Commission and Town Board such as around outdoor storage yards, industrial property lines, salvage yards, refuse disposal sites, quarries, mines, mobile home parks, trailer camps, and campgrounds. Such provisions shall be required to the extent needed to provide for.

- 1) Screening of objectionable views.
- 2) Adequate shade.
- 3) Enclosure of storage materials.
- 4) Public health and safety.
- 5) Establishing a suitable setting for the particular use and other facilities.

C) Extent:

- 1) Screen planting: Adequate to screen objectionable views effectively within a reasonable time; in some cases temporary screening devices may be required until suitable screen planting can be achieved.
- 2) Other planting: For mobile home parks and campgrounds, other planting should be adequate in size, quantity, and character to other improvements, to provide adequate privacy and pleasant outlook for living units, to minimize reflected glare, and to afford summer shade.
- 3) Existing planting: Acceptable as required planting to the extent that it is equivalent, suitable and preserved in good condition.
- 4) Fences and walls: Appropriately designed for the function intended and shall be substantially constructed to withstand conditions of soil, weather, and use. Refer to Section 4.4 I)4) of the ordinance.
- 5) All screening, fences, and walls required by this Ordinance shall be maintained so as not to provide an objectionable view by themselves.

SECTION 8.0 CONDITIONAL USES

8.1 Conditional Use

Any use designated in this Ordinance by Conditional Use Permit shall be permitted only upon issuance of a Conditional Use Permit authorized by the Town Plan and Review Commission and Town Board. A discretionary statement requiring an Environmental Impact Analysis may be required.

8.2 Procedure

- A) Application and Fee. An appropriate form, together with the fee as determined by the Town Board, shall be filed with the Town Zoning Administrator.
- B) Public Hearing. Before the Town Board shall pass upon the application, the Town Plan and Review Commission shall hold a public hearing on said applicant's request after which the Committee shall make a recommendation thereon to the Town Board.
- C) Notice. Prior to the aforementioned public hearing, notice thereof shall be given as specified in Section 13.0 of this Ordinance.
- D) Town Board Action. After receiving the recommendation of the Town Plan and Review Commission, the Town Board shall approve the applicant's request, approve it with conditions attached or refuse it. Any approval with conditions attached or refusal shall state in writing the grounds therefore. The approval of the conditional use shall expire twelve (12) months from the date of the approval, if the Conditional Use Permit has not been obtained.
- E) Recording. When a Conditional Use Permit is issued, an appropriate record shall be made of the land use and structures permitted; and shall be applicable solely to the structures, use and/or property so described. The Town Zoning Administrator shall keep such as part of his official records.

8.3 Termination

Where a conditional use does not continue in conformity with the conditions of the permit issued, the conditional use shall be terminated by action of the Town Board.

8.4 Standards Applicable To All Conditional Uses

In passing upon a Conditional Use Permit, the Plan and Review Commission and Town Board may evaluate the effect of the proposed use upon:

- A) The maintenance of safe and healthful conditions.
- B) The prevention and control of water pollution including sedimentation.
- C) Existing topographic and drainage features and vegetative cover on the site.
- D) The location of the site with respect to flood plains and flood ways of rivers or streams.
- E) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.

- F) The location of the site with respect to existing or future access roads.
- G) The need of the proposed use for a shoreland.
- H) Its compatibility with uses on adjacent land.
- I) The amount of liquid wastes to be generated and the adequacy of the proposed disposal system.
- J) Location factors under which:
 - 1) Uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source;
 - 2) Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase that possibility.

8.5 Conditions Attached to Conditional Uses

Upon consideration of the factors listed above, the Town Board may attach such conditions, in addition to those required elsewhere in this Ordinance, that it deems necessary in furthering the purposes of this Ordinance. Violation of any of these conditions shall be deemed a violation of this Ordinance. Such conditions may include specifications for (without limitation because of specific enumeration): type of shore cover; increased setbacks and yards; specified sewage disposal and water supply facilities; landscaping and planting screens; period of operations; operational control; sureties; deed restrictions; locations of piers, docks, parking and signs; and type of construction or any other requirements necessary to fulfill the purposes and intent of this Ordinance.

In order to secure information upon which to base its determination, the Town Board may require the applicant to furnish, in addition to the information required in the application or other zoning permit, the following information:

- A) A plan of the area showing contours, soil types, highwater mark, groundwater conditions, bedrock, slope and vegetative cover.
- B) Location of buildings, parking areas, traffic access, driveways, walkways, piers, open spaces and landscaping.
- C) Plans of buildings, sewage disposal facilities, water supply systems and arrangements of operations.
- D) Specifications for areas of proposed fillings, gradings, lagooning or dredging.
- E) Other pertinent information necessary to determine if the proposed use meets the requirements of this Ordinance.
- F) Identical to Section 6 and Appendix A of Subdivision Control Ordinance. Upon consideration of the factors listed above, the Plan and Review Commission and Town Board may require an Environmental Impact Analysis as defined in Article 6 Appendix A in Part II Subdivision Control

The Town Board in evaluating each application may request the County Soil and Water Conservation District or other government agencies to make available expert assistance from those state and federal agencies which are assisting said district or agencies under a memorandum of understanding and any other state or federal agency which can provide technical assistance.

SECTION 9.0 ADMINISTRATIVE

9.1 Zoning Administrator

- A) The Town Board shall appoint a Town Zoning Administrator for the administration and enforcement of provisions of this entire ordinance. The Town Board may also authorize designation of a Deputy Zoning Administrator to assist the Town Zoning Administrator in the enforcement and administration of this ordinance.
- B) Duties in administering and enforcing this entire ordinance, the Town Zoning Administrator and any of his/her deputies shall perform the following duties:
- 1) Provide necessary forms and applications for Permits and the like.
 - 2) Issue Land Use Permits where provisions of this Ordinance have been met.
 - 3) Issue Conditional Use Permits when authorized by the Town Board.
 - 4) Survey the Town upon adoption of this Ordinance and when necessary, upon passage of amendments, identify and record information relative to nonconforming uses and structures.
 - 5) Maintain files of applications, permits and other relevant information.
 - 6) Make a monthly update of his/her activities to the Town Board with an annual report in January.
 - 7) Make onsite inspections as required in administering and enforcing this Ordinance.
 - 8) Be responsible for the proper notice requirements for hearings and like matters.
 - 9) Investigate and report violations of this Ordinance to the appropriate Town Plan and Review Commission and Town Board.
 - 10) The duties and authority of a building inspector, as designated in Wisconsin Statutes 62.23 shall be exercised by the Town Zoning Administrator.
 - 11) Keep the zoning book updated including amendments.
- C) Powers: The Town Zoning Administrator and his/her duly appointed deputies shall have powers and authority including but not limited to the following:
- 1) Access to any structure or premises for the purpose of performing his/her duties between 8:00 A.M. and 6:00 P.M. Issuance of a special inspection warrant may be requested upon the discretion of the Zoning Administrator.
 - 2) Upon reasonable cause or question as to proper compliance, to order the revocation, in writing, of any Land Use Permit and to issue, in writing, Cease and Desist Orders requiring the cessation of any building, moving, alteration,

or use which is in violation of the provisions of this Ordinance. Any such violation which is not corrected upon said written order within the time specified in the order, which shall be not less than thirty (30) days following the date of said order, shall be referred to the Town Plan and Review Commission. The Town Plan and Review Commission shall recommend action to the Town Board which shall determine any further action. No litigation shall be commenced without Town Board approval.

9.2 Land Use Permits

- A) Permit Required: No structure shall be built, moved or structurally altered and no land use shall be substantially altered until a Land Use Permit has been issued by the Town Zoning Administrator. The Town Zoning Administrator shall not issue said permit for a structure or a land use not in conformity with the requirements of this Ordinance, nor shall he issue a permit for a structure designed or intended for human use or occupancy until a Certified Soil Test is filed in the office of the Sawyer County Zoning Administrator and said test is approved by said office.
 - 1) Accessory structures meeting all requirements of this ordinance under 100 sq feet will not require a permit; however a separation of 10 feet must be maintained between all structures. Any addition to an accessory structure that increases space to more than 100 sq ft requires a permit; *(7/20/08)*
- B) The fee for filing applications for Land Use Permits shall be established by the Town Board. A copy of the current fee schedule shall be posted in the Town Hall.
- C) Application Procedure: Applications for Land Use Permits shall be submitted on a form provided by the Zoning Administrator and accompanied by a legal description of the property, scale maps or drawings showing accurately the location, size, and shape of the land involved and of any proposed structures; including the relation to abutting wetlands, streets, lakes, or streams the existing and proposed use of said land and the number of families to be accommodated.
- D) Expiration: A Land Use Permit shall expire twelve (12) months from the date of issuance if no substantial progress has been made on the permitted project within that time. In any event the permit shall expire twenty-four (24) months from the date of issuance.

9.3 Violations

Any person, firm, association, or corporation who is found guilty of violating any section of his Ordinance shall forfeit a sum up to two hundred dollars (\$200.00) for each day of violation, costs of prosecution, plus cost stated in current CITATION AND FEE SCHEDULE. Each day's failure to comply shall constitute a separate violation. Any imposed penalty shall be in addition to the required compliance. Default of court ordered payments except by reason of bona fide indigency shall result in imprisonment in the Sawyer County Jail for a period not to exceed six (6) months.

SECTION 10.0 NONCONFORMING USES

- 10.1** The lawful use of a building, structure, sign, or property which existed at the time this Ordinance, or any applicable amendment to this Ordinance, took effect and which is not in conformity with the provisions of this Ordinance, including the routine maintenance of such a building or structure, may be continued, subject to the following conditions. The term "area" for the purposes of this section is hereby defined to be a measurement of the main floor area as measured on the exterior of the building in question, not taking into account the area in any basement or second story therein.
- A) If a nonconforming use is discontinued for twelve (12) consecutive months, any future use of the building, structure, or property shall conform to this Ordinance.
 - B) The maintenance and repair of nonconforming boathouses that extend waterward beyond the ordinary highwater mark of any navigable waters shall comply with the requirements of Section 30.121, Wisconsin Statutes.
 - C) If the nonconforming use of a temporary structure is discontinued; such nonconforming use may not be recommenced.
 - D) Uses which are nuisances shall not be permitted to continue as nonconforming uses.
 - E) No structural alteration, addition or repair to any building or structure in a nonconforming use over the life of the building or structure, shall exceed fifty (50) percent of its original area. The term "area" for the purpose of this section is hereby defined to be a measurement of the main floor area as measured on the exterior of the building in question.
 - F) If the proposed alteration, addition, or repair of a building or structure in a nonconforming use is prohibited because it is in excess of fifty (50) percent of the original area, the property owner may still make the proposed alteration, addition, or repair if:
 - 1) The nonconforming use is permanently changed to a conforming use;
 - 2) The property owner obtains a variance from the Board of Appeals or the Circuit Court finds in the property owner's favor;
 - 3) The Town Board approves an amendment in the zone district upon petition from the property owner, pursuant to Section 12.0 of this Ordinance.
 - G) Nonconforming buildings or structure may not be torn down and replaced without meeting proper conforming setbacks.
 - H) A not to exceed a five (5) foot crawl space may be added providing entire existing structure height does not increase more than three (3) feet or exceed height requirement specified in Section 16.1. Basements shall not be permitted.

- I) Nonconforming structures damaged or destroyed by violent wind, fire, flood or vandalism after October 14, 1997: as required by SS 59.692 (1s), Wisconsin Statutes, if a land owner can establish that a nonconforming structure has been destroyed, the structure may be reconstructed or repaired to the size, location and use it had, immediately before the damage occurred. Repairs are authorized under this provision only to the extent that they are necessary to repair the specific damage caused by violent wind, fire, flood or vandalism, and only that portion of the nonconforming structure that has been destroyed may be reconstructed, subject to the following conditions.
 - 1) The land owner shall bear the burden of proof as to the size, location or use a destroyed or damaged nonconforming structure had immediately before the destruction or damage occurred. The Zoning Administrator must make an on-site inspection of the damaged structure BEFORE any reconstruction will be permitted.
 - 2) The structure was maintained on a regular basis and was structurally sound.
 - 3) The new structure can not be constructed any closer to the lake, stream, river, wetland or road than that of the original footprint.
 - 4) The structure can not exceed the original area of the original footprint. Additions will be allowed subject to Section 10.0 and 10.1 E)
 - 5) Any grading, filling or dredging associated with reconstruction or repair must comply with Section 4.4 A) of this Ordinance. Excess fill, rock or materials associated with reconstruction or repair shall be removed from the site and may not be deposited within the building setback required by Section 4.4 I) of this Ordinance.
 - 6) The nonconforming structure's sanitary system, if any, shall be brought up to current standards for new construction as required by Sawyer County.
 - 7) All possible measures must be taken to avoid excessive runoff or erosion. Native vegetation shall be planted or restored to the extent possible. A plan of which shall be submitted along with the Land Use Permit.
- J) Dividing a non conforming parcel or lot is prohibited unless this division creates conforming parcels or lots.
- K) No division of land shall create a nonconforming use.

SECTION 11.0 ZONING BOARD OF APPEALS

11.1 Composition

A Zoning Board of Appeals is hereby created. Such Board shall be appointed in accordance with the provisions of Section 62.23 (7) of the Wisconsin Statutes.

11.2 Rules

- A) Call for meetings: The Zoning Board of Appeals shall meet at the call of the Chairman at a fixed time and place, and at such other time as the Zoning Board of Appeals may determine.
- B) Open Meetings: All meetings of the Zoning Board of Appeals shall be open to the public.
- C) Public Hearing Location: Any Public Hearing which the Zoning Board of Appeals is required to hold under paragraph four (4), shall be held in the town hall or another place as convenient as may be to the location or locations to be considered at such Public Hearings. The location of the meeting shall be included in the notice given of such hearing by name, address, or other commonly known means of identification.
- D) Notification of public hearing as specified in 11.4 (B) (1).
- E) Minutes: The Zoning Board of Appeals shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be public record.
- F) Powers and duties:
 - 1) The Zoning Board of Appeals shall adopt such additional rules as it deems necessary to carry into effect the regulations of the Town Board.
 - 2) It shall hear and decide appeals where it is alleged there is error in any order, requirements, decision, or determination made by an administrative official in the enforcement or administration of this Ordinance.
 - 3) It may grant a variance from the dimensional requirements of this Ordinance pursuant to Section 11.3.

11.3 Variances

- A) The Zoning Board of Appeals may grant, upon application, a variance from the terms of this Ordinance where an applicant can convincingly demonstrate that literal enforcement of the provisions of the ordinance:
 - 1) Will result in unnecessary hardship of the applicant, which is to be interpreted to mean that the owner has no reasonable use of the property.

- 2) Is due to special conditions unique to the property.
 - 3) Is not contrary to public interest.
 - 4) Is not due to self-created hardships.
- B) A variance shall not grant or increase any use of property which is prohibited in the zone district.
- C) Before passing on an application for a variance the Zoning Board of Appeals shall hold a public hearing pursuant to Section 13.0 of this Ordinance.

11.4 Appeals

- A) Appeals to the Zoning Board of Appeals may be made by any person aggrieved or by an officer, department, board, or bureau of the county affected by any decision of the Zoning Administrator or other administrative officer. Such appeal shall be made within a reasonable time, as provided by the rules of the board, by filing with the officer whose decision is in question, and with the Zoning Board of Appeals, a notice of appeal specifying the reasons for the appeal. The Zoning Administrator or other officer whose decision is in question shall promptly transmit to the board all the papers constituting the record concerning the matter appealed.
- B) Hearing appeals:
- 1) The Zoning Board of Appeals shall fix a reasonable time for a hearing on the appeal. The board shall give a public notice thereof by publishing a Class 1 notice under Chapter 985, Wisconsin statutes and in addition a similar notice must be posted in 3 public places in the township, specifying the date, time, and place of the hearing and the matters to come before the board. All Class 1 notices must appear at least ten (10) calendar days prior to the hearing. Notice shall be mailed to the parties of interest.
 - 2) A decision regarding the appeal shall be made as soon as practical.
 - 3) The final disposition of an appeal to the Zoning Board of Appeals shall be in the form of a written resolution or order signed by the chairman and secretary of the board. Such resolution shall state the specific facts which are the basis of the board's determination and shall either affirm, reverse, vary, or modify the order, requirement, decision, or determinations appealed, in whole or in part, or dismiss the appeal for lack of jurisdiction or prosecution or grant the appeal.

SECTION 12.0 AMENDMENTS

12.1 Procedure

The Town Board may amend this Ordinance in accordance with the procedures prescribed in Section 62.23 of the Wisconsin Statutes.

12.2 Fee

Any petition for amendment submitted by other than a governmental body shall be accompanied by a fee to defray the cost of advertising, investigation, and processing, as stated in current CITATION AND FEE SCHEDULE.

12.3 Rezoning of Lands in the Wetland/Shoreland One District

A) Notice to the Department of Natural Resources: For all proposed text and map amendments affecting the wetland/shoreland provisions, the appropriate district office of the Department of Natural Resources shall be provided with the following:

- 1) A copy of the petition for a text or map amendment within five (5) days after filing of such petition with the Town;
- 2) A copy of the notice of the public hearing to be held on a proposed amendment, at least ten (10) days prior to the hearing;
- 3) A copy of the Plan and Review Commission's findings and recommendations on each proposed amendment within ten (10) calendar days after submission of those findings to the Town Board;
- 4) Written notice of the Town Board's decision on the proposed amendments within ten (10) days after it is issued.

B) Rezoning Criteria.

- 1) A wetland, or a portion thereof, in the wetland/shoreland district shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:
 - a) Storm and flood water storage capacity;
 - b) Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;
 - c) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
 - d) Shoreline protection against soil erosion;
 - e) Fish spawning, breeding, nursery, or feeding grounds;

- f) Wildlife habitat;
 - g) Areas of special recreational, scenic or scientific interest, including scarce wetland types.
- 2) If the Department of Natural Resources notifies the Town that a proposed text or map amendment to the wetland/shoreland provisions of this Ordinance may have a significant adverse impact upon any of the criteria listed in Section 12.3 B) of this Ordinance, that amendment if approved by the county board, shall contain the following provision:

"This amendment shall not take effect until more than thirty (30) days have elapsed after written notice of the county board's approval of this amendment is mailed to the Department of Natural Resources. During that thirty (30) day period the Department of Natural Resources may notify the Town that it will adopt a superseding shoreland Ordinance for the Town under the Wisconsin Statutes. If the Department of Natural Resources does so notify the Town, the effect of this amendment shall be stayed until the Wisconsin Statute adoption procedure is completed or otherwise terminated."

SECTION 13.0 PUBLIC HEARING/NOTICES

13.1 Notice

Adequate notice shall be given of any public hearing required by the provisions of this Ordinance, stating the time, place and the purpose for which it is being held.

13.2 Procedure

- A) Notice of the Public Hearing shall be given in accordance with Section 62.23 (7) of the Wisconsin Statutes.
- B) In addition, when the hearing or variance involves a proposed change in the zone district classification of any property or the granting of a conditional use, copy of the notice shall be posted in the vicinity of the public hearing and shall be mailed to the owners of all lands within five hundred (500) feet of any part of the land included in such proposed change, conditional use or variance at least ten (10) calendar days before such public hearing. The failure of such notice to reach any property owner shall not invalidate any amending Ordinance or granting of a conditional use.

13.3 Fees

The various fees and costs associated with the administration of this Land Use Ordinance shall be detailed in the current Citation And Fee Schedule posted in the Town Hall.

13.4 Notice within Shorelands

- A) Written notice shall be given to the appropriate district office of the Department of Natural Resources and Sawyer County Zoning Administrator at least ten (10) calendar days prior to hearings on proposed variances, conditional uses, appeals for map or text interpretations, and map or text amendments.
- B) Copies of decisions on variances, conditional uses, appeals for map or text interpretations, and map or text amendments shall be submitted to the appropriate district office of the Department of Natural Resources and Sawyer County Zoning Administrator within ten (10) calendar days after they are granted or denied.

SECTION 14.0 SEVERABILITY

14.1 Conflict

All other Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

14.2 Court Invalidation

If any portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected.

SECTION 15.0 ZONE DISTRICTS

GENERAL: The Permitted Uses and Conditional Uses stated for each zone district are intended to be representative in nature - not all inclusive. Uses similar to those listed as Permitted Uses may be permitted by the Zoning Administrator; uses similar to those listed as Conditional Uses may be permitted by the Town of Spider Lake, Plan and Review Commission. (7-20-08)

15.1 R-I Residential One District

This district provides for one (1) family and two (2) family year round residential developments protected from traffic hazards and the intrusion of incompatible land uses. It is intended to encourage such development around existing residential areas where soil conditions are suitable for such development and in those which can be economically and readily served by utilities and municipal facilities.

A) Permitted Uses

- 1) One (1) family and two (2) family year round dwellings.
- 2) Private garages, carports, and boathouses.
- 3) Essential services and utilities intended to serve the principal permitted use.
- 4) Signs subject to the provisions of Section 5.0.
- 5) Horticulture and gardening.
- 6) Customary accessory uses provided such uses are clearly incidental to the principal use and that no such use generates traffic or noise that would create a public nuisance.

B) Conditional Uses:

- 1) Multifamily (3 or more) dwelling units.
- 2) Public and semipublic uses including but not limited to the following: public and private schools, churches, public parks and recreational areas, hospitals, rest homes and homes for the aged, fire and police stations, and historic sites.
- 3) Telephone, telegraph and power transmission towers, poles and lines, including transformers, substations, relay and repeater stations, equipment housing and other necessary appurtenant equipment and structures.
- 4) Home occupation or professional offices provided no such use occupies more than twenty-five percent (25%) of the total floor area of the dwelling, not more than one (1) nonresident person is employed on the premises and

such use will not include an operational activity that would create a nuisance or be otherwise incompatible with the surrounding residential area.

5) No use shall involve sewage disposal plants, garbage incinerators and maintenance, repair or storage buildings.

6) Alternative Or Renewable Energy Systems. *(2/17/11)*

15.2 RR-I Residential/Recreational One District

This district is intended to provide for residential development in areas of high recreational value where soil conditions and other physical features will support such development without depleting or destroying natural resources.

A) Permitted Uses.

1) One (1) family and two (2) family dwellings.

2) Private garages, carports and boathouses.

3) Horticulture and gardening.

4) Essential services and utilities to serve the principal permitted use.

5) Signs subject to the provisions of Section 5.0.

6) Customary accessory uses provided such uses are clearly incidental to the principal permitted use.

B) Conditional Uses:

1) Telephone, telegraph and power transmission towers, poles and lines, including transformers, substations, relay and repeater stations, equipment housing and other necessary appurtenant equipment and structures.

2) Home occupation or professional offices provided no such use occupies more than twenty-five percent (25%) of the total floor area of the dwelling or seven hundred fifty (750) square feet in an auxiliary building, not more than one (1) nonresident person is employed in the premises and such use will not include an operational activity that would create a nuisance or be otherwise incompatible with the surrounding residential area.

3) Lake access subject to provisions of Section 4.4L).

4) Lake access for island development subject to provisions of Section 4.4 M).

5) Alternative Or Renewable Energy Systems. *(1/20/11)*

15.3 RR-2 Residential/Recreational Two District

This district is intended to provide for residential development and essential recreation oriented services in areas of high recreational value where soil conditions and other physical features will support such development without depleting or destroying natural resources.

A) Permitted Uses:

- 1) One (1) family and two (2) family dwellings.
- 2) Private garages, carports and boathouses.
- 3) Horticulture and gardening.
- 4) Essential services and utilities to serve the principal permitted use.
- 5) Signs subject to the provisions of Section 5.0.
- 6) Customary accessory uses provided such uses are clearly incidental to the principal permitted use.

B) Conditional Uses

- 1) Mobile home parks, trailer camps and campgrounds subject to the provisions of Section 6.5 and 6.6.
- 2) Telephone, telegraph and power transmission towers, poles and lines, including transformers, substations, relay and repeater stations, equipment housing and other necessary appurtenant equipment and structures.
- 3) Recreational service oriented uses such as restaurants, cocktail lounges, marinas, sport shops and bait sales, and other recreational services which in the opinion of the Town Plan and Review Commission are of the same general character or clearly incidental to a permitted use or use authorized by a Conditional Use Permit. (3-19-02)
- 4) Kennels for small domestic animals subject to the provisions of Section 6.8.
- 5) Mineral exploration, prospecting, and reclamation.
- 6) Home occupation or professional offices provided no such use occupies more than twenty-five percent (25%) of the total floor area of the dwelling or seven hundred fifty (750) square feet in an auxiliary building, not more than one (1) non-resident person is employed on the premises, and such use will not include an operational activity that would create a nuisance or be otherwise incompatible with the surrounding residential area.

- 7) Lake access subject to provisions of Section 4.4 (L).
- 8) Lake access for island development subject to provisions of Section 4.4 (M).
- 9) Bed and Breakfast.
- 10) Multi-dwelling development or other similar development including a condominium, hotel, motel, or resort, or other development, which in the opinion of the Town of Spider Lake Plan and Review Commission are of the same general scale and character. Does not include conversion of existing properties to a different form of ownership (i.e. to condominium ownership) unless dwelling units are being proposed by plat or other means that would be in addition to the existing rental dwelling units. Does not include existing multi-dwelling developments unless creating additional dwelling units.
(3-19-02)
- 11) Greenhouse and Florist. (3-19-02)
- 12) Rooming House see definition number 60 (6-11-03)
 - a) Maximum Rooming House structure/unit size shall not exceed 1000 (one thousand) square feet.
 - b) Shall be no more than 12 on premise seasonal employees per rooming house.
 - c) No more than 3 (three) bathroom facilities per rooming house.
 - d) No cooking or dining facilities are permitted in rooming house.
 - e) The intended use of a rooming house is for seasonal on premise employee and shall not be rented, leased or sold as a separate unit.
- 13) Alternative Or Renewable Energy Systems. (1/20/11)

15.4 A-I Agricultural One District

This district is intended to provide for the continuation of general farming and related activities in those areas best suited for such development; and to provide for orderly development of residential, commercial, and industrial development.

A) Permitted Uses:

- 1) All agricultural land uses, buildings and activities, except farms for the disposal of garbage or offal.
- 2) One (1) family and two (2) family dwellings but only when occupied by owners and/or persons engaged in farming activities on the premises.

- 3) Roadside stands for the sale of products grown on the premises if sufficient off-street parking space for customers is provided.
- 4) Vacation farms and other farm oriented recreational uses such as riding stables, winter sports activities and game farms.
- 5) Cemeteries and mausoleums.
- 6) Essential services and utilities intended to serve a permitted principal use on the premises.
- 7) Woodlots and tree farms.
- 8) Customary accessory uses provided such uses are clearly incidental to a principal permitted use.
- 9) Signs subject to the provisions of Section 5.0.

B) Conditional Uses

- 1) One (1) family and two (2) family year round dwellings.
- 2) Public and semi-public uses including but not limited to the following: public and private schools, churches, public parks and recreational areas, hospitals, rest homes, homes for the aged, fire and police stations and historic sites.
- 3) Telephone, telegraph and power transmission towers, poles and lines, including transformers, substations, relay and repeater stations, equipment housing, and other necessary apparent equipment and structures.
- 4) Kennel for small domestic animals subject to the provisions of Section 6.8.
- 5) Greenhouse and Florist *(3-19-02)*
- 6) Alternative Or Renewable Energy Systems. *(1/20/11)*

15.5 C-1 Commercial One District

This district is intended to provide for the orderly and attractive grouping locations, of retail stores, shops, offices and similar commercial establishments.

A) Permitted Uses: Facilities such as, but not limited to the following:

- 1) Retail stores and shops offering convenience goods and services.
- 2) Business and professional offices and studios.

- 3) Banks, and savings and loan offices.
- 4) Public and semi-public buildings and institutions.
- 5) Commercial entertainment facilities.
- 6) Laundromats.
- 7) Restaurants.
- 8) Taverns.
- 9) Medical and dental offices.
- 10) Auto service stations and maintenance facilities.
- 11) Mini storage.
- 12) Recreation service oriented facilities as stated in the RR-2 District.
- 13) Motels and cabin resorts provided such use complies with the requirements of Section 6.9.
- 14) Living quarters attached to the business, provided that occupancy is restricted to the property owner or business operator and his immediate family.

B) Conditional Uses:

- 1) Public and semi-public conditional uses as stated in the R-1 District. 15.1 B)2)
- 2) New and used car sales establishments.
- 3) Transportation terminals.
- 4) Wholesaling establishments.
- 5) Farm implement sales firms.
- 6) Outdoor theaters.
- 7) Miniature golf, go-karts and amusement parks.

8) Drive-in establishments offering in-car service to customers.

9) Alternative Or Renewable Energy Systems. *(1/20/11)*

15.6 I-1 Industrial One District

This district is intended to provide for manufacturing and industrial operations which, on the basis of actual physical and operational characteristics, would not be detrimental to surrounding areas by reason of smoke, noise dust, odor, traffic, or physical appearance. Industries requiring outdoor storage for raw materials and/or finished products may be required to provide a screen or fence in accordance with the provisions of Section 7.0.

A) Permitted Uses:

- 1) Manufacturing, assembly, fabrication, processing, and similar industrial operations consistent with the purpose of this district.
- 2) General warehousing.
- 3) Accessory uses clearly incidental to a permitted use.

B) Conditional Uses:

- 1) Salvage yards, subject to the provisions of Section 6.0.
- 2) Mineral exploration, prospecting and reclamation.
- 3) Metallic, Nonmetallic and mineral fuel operations.
- 4) The location, operation, and maintenance of municipal sanitary landfills, solid waste disposal sites, sewage disposal plants; and privately owned domestic sewage treatment works; and necessary appurtenant equipment/structures subject to the provisions of the Wisconsin Administrative Code.

5) Alternative Or Renewable Energy Systems. *(1/20/11)*

Any use determined to be objectionable by the Town Plan and Review Commission on the basis of pollution, noise, dust, smoke, vibrations, odor, flashing lights, or danger or explosion may be permitted only upon issuance of a Conditional Use Permit setting forth dimensional and site requirements, performance standards, aesthetic controls and pollution standards for that particular use.

15.7 F-1 Forestry One District

This district provides for the continuation of forest programs and related uses in those areas best suited for such activities. It is intended to encourage forest management programs and also to recognize the value of the forest as a

recreational resource by permitting as a conditional use certain recreational activities which when adequately developed are not incompatible with the forest.

A) Permitted Uses:

- 1) Production of forest crops, including tree plantations.
- 2) Harvesting of wild crops such as marsh hay, ferns, moss, berries, tree fruits and tree seeds.
- 3) Multiple use trails and wildlife refuges.
- 4) Signs subject to the provisions of Section 5.0.

B) Conditional Uses:

- 1) Seasonal dwellings; hunting and fishing cabins and accessory buildings such as private garages and carports on the same lot as the seasonal dwelling.
- 2) Public and private parks, playgrounds and water sports areas.
- 3) Dams, plants for the production of electric power and flowage areas.
- 4) Trailer camps and campgrounds subject to the provisions of Section 6.6.
- 5) Forest connected industries such as sawmills, debarking operations, chipping facilities and similar operations.
- 6) Recreation and youth camps.
- 7) Riding stables.
- 8) Shooting ranges.
- 9) Single family year round dwelling subject to Section 16.0.
- 10) Telephone, telegraph, power transmission towers, poles and lines, including transformers, substations, relay and repeater stations, equipment housing and other necessary appurtenant equipment and structures, radio and television stations, transmission towers, fire towers, microwave radio towers and pipelines.
- 11) Mineral exploration, prospecting and reclamation.
- 12) Nonmetallic operation.

13) Recreational cabins on County leased land.

14) Alternative Or Renewable Energy Systems. (1/20/11)

15.8 W-1 Wetland/Shoreland One District

Designation: This district shall include all wetlands within the jurisdiction of this Ordinance which are wetlands excluding point symbols, and which are shown in the Wisconsin Wetland Inventory Maps that are adopted and made a part of this Ordinance. A portion of wetland which is located in the unincorporated area within the Town, shall be included in the wetland/shore land district where the wetland as a whole is five (5) acres or larger, but extends across municipal boundaries so that a wetland is not regulated in its entirety by the Town.

Purpose: This district is created to maintain safe and healthful conditions, to prevent water pollution, to protect fish spawning grounds and wildlife habitat, to preserve shore cover and natural beauty and to control building and development in wetlands whenever possible. When development is permitted in a wetland, the development should occur in a manner that minimizes adverse impact upon the wetland.

A) Permitted Uses:

The following uses shall be allowed, subject to general shoreland regulations contained in this Ordinance, the provisions of Chapters 30 and 31 of the Wisconsin Statutes, and the provisions of other applicable local, state and federal laws:

- 1) Activities and uses which do not require the issuance of a permit, but which must be carried out without any filling, flooding, draining, dredging, ditching, tilling, or excavating, except as allowed under Sections 15.8 A)2) or 15.8 A)3).
 - a) Hiking, fishing, trapping, hunting, swimming and boating;
 - b) The harvesting of wild crops such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
 - c) The practice of silviculture, including the planting, thinning, harvesting of timber;
 - d) The construction or maintenance of duck blinds.
- 2) Uses which do not require the issuance of a permit and which may include limited filling, flooding, draining, dredging, ditching, tilling, or excavating but only to the extent specifically provided below:
 - a) Temporary water level stabilization measures necessary to alleviate abnormally, wet or dry conditions that would have an adverse impact on silvicultural if not corrected;

- b) The construction or maintenance of piers, docks, or walkways built on pilings, including limited excavating and filling necessary for such construction or maintenance;
 - c) The maintenance, repair, replacement, or reconstruction of existing town and county highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement, or reconstruction.
- 3) Uses which require the issuance of a conditional use permit under Section 8.0 and which may include limited filling, flooding, draining, dredging, ditching, tilling or excavating, but only to the extent specifically provided below:
- a) The construction and maintenance of roads which are necessary to conduct silvicultural activities or agricultural cultivation, provided:
 - (1) The road cannot, as a practical matter, be located outside of the wetland;
 - (2) The road is designed and constructed to minimize adverse impact upon the natural functions of the wetland enumerated in Section 12.3 B);
 - (3) The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;
 - (4) Road construction activities are carried out in the immediate area of the roadbed only.
 - b) The construction or maintenance of nonresidential buildings provided:
 - (1) The building is essential for and used solely in conjunction with the raising of waterfowl, minnows, or other wetland or aquatic animals or some other use permitted in the wetland/shoreland district;
 - (2) The building cannot, as a practical matter, be located outside the wetland;
 - (3) Such building is not designed for human habitation and does not exceed five hundred (500) square feet in floor area; and
 - (4) Only limited filling or excavation is necessary to provide structural support for the building authorized.

B) Conditional Use:

The following uses shall be allowed, subject to the issuance of a Conditional Use Permit under Section 8.0 of this Ordinance, and may include limited filling, flooding, draining, dredging, ditching, tilling, or excavating, but only to the extent specifically provided below:

- 1) The establishment of public and private parks and recreational areas, natural and outdoor education areas, historic and scientific areas, wildlife

refuges, game bird and animal farms, fur animal farms, fish hatcheries, and public boat launching ramps and attendant access roads, provided:

- a) Any private development is used exclusively for the permitted use and
 - b) Filling or excavating necessary for the construction or maintenance of public boat launching ramps or attendant access roads is allowed only where such construction or maintenance meets the criteria in Section 15.8 (A) (3) (a)(1-4); and
 - c) Ditching, excavating, dredging, or dike and dam construction in public and private parks and recreational areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms and fish hatcheries is allowed only for the purpose of improving wildlife habitat and to otherwise enhance wetland values.
 - d) The cultivation of cranberries including flooding, dike and dam construction, or ditching necessary for the growing and harvesting of cranberries.
- 2) The construction or maintenance of electric, gas, telephone, water and sewer transmission and distribution facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members and the construction or maintenance of railroad lines provided:
- a) The transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland; and
 - b) Such construction or maintenance is done in a manner designed to minimize adverse impact upon the natural functions of the wetland enumerated in Section 12.3 (B).

3) Alternative Or Renewable Energy Systems. *(1/20/11)*

C) Prohibited Uses:

Any use not listed in Sections 15.8 (A) (1-3) and B) (1-2) is prohibited, unless the wetland or portion of the wetland has been rezoned by amendment of this Ordinance in accordance with Section 12.3 of this Ordinance and applicable sections of the Wisconsin Statutes.

15.9 SP Shoreland Protection District

This district provides for the protection of waters and shoreland, and for safe and orderly shoreland development in the Town of Spider Lake. The intent is 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 uses, and to preserve shore-cover and the natural beauty. This district includes all lands in the unincorporated areas of the Town of Spider Lake within the following distances from the normal highwater mark of navigable waters; one thousand (1,000) feet from a lake, pond or flowage, and

three hundred (300) feet from a river or stream or to the landward side of a floodplain whichever distance is greater.

A) Permitted Uses:

- 1) Any use permitted in the underlying districts, subject to the shoreland provisions of this Ordinance.
- 2) Any accessory use permitted in the underlying districts, subject to the shoreland provisions of this Ordinance.

B) Conditional Uses:

- 1) Any conditional use authorized in the underlying districts, subject to the shore land provisions of this Ordinance.

Section 16.0 Dimensional Requirements

	R-1	RR-1	RR-2	A-1	C-1	I-1	F-1
Building Height Limits	30	30	30	35	35	35	30
Required Lot Area (sq. ft.)							
With public sewer*	30,000	30,000	30,000	5 ac	30,000	1 ac	10 ac
With out public sewer**	30,000	30,000	30,000	5 ac	30,000	1 ac	10 ac
Minimum Lot Width** (Feet)							
With public sewer	150	150	150	300	150	200	300
With out public sewer	150	150	150	300	150	200	300
Minimum Lot Depth (Feet)							
	200	200	200	200	200	200	200
Yard Set Back Required - All Structures*** (Feet)							
Front	30	30	30	50	50	50	30
Rear	40	40	40	50	50	50	40
Side							
Principle building	30	30	30	50	50	50	30
Accessory building	10	10	10	50	50	50	30
Principal Building - Minimum width (Feet)							
Width	20	20	20	20	20	20	20
Minimum Floor Area Residence (sq. ft.)							
1 Bedroom	800	500	500	500	500	500	500
2 Bedroom	900	600	600	900	600	600	600
3 or more Bedrooms	1,000	700	700	1,000	700	700	700
*	Plus any additional area required by Wisconsin Administrative Code.						
**	In addition, minimum lot frontage adjacent to any lake, pond, flowage, river, stream or public or private road or roadway shall be 200 feet. Where lot is adjacent to and on the outside curve of a road, there shall be allowed a reduction in frontage of 4 feet for every one-degree of curve (arc definition) but in no instance shall such frontage be reduced to less than 175 feet. Frontage for lots abutting roads shall be measured separately for each side of lot where applicable and shall not be combined to determine frontage requirements.						
***	Boathouse - See Section 4.4 I)3)						

Note: Development within the shoreland District must also meet the requirements of 4.4 N) & 16.1

Section 16.1 Town of Spider Lake, Lake Class Development Standards

All measurement in feet unless otherwise specified.

Lake Class	Shoreline Setback	Lot Size Square Feet	Minimum Lake Shore Frontage	Lot Depth	Vegetation Removal	Side Yard Setback For Principal Buildings	Side Yard Setback For Accessory Buildings
1	75	40,000	200	200	30' corridor within 35' of the ordinary highwater mark	30	10 minimum - 40 minimum total
	75	60,000	300*	200		60	
2	75	40,000	200	200	30' corridor within 35' of the ordinary highwater mark	30	20 minimum - 50 minimum total
	75	80,000	400*	200		60	
3	75	40,000	200	200	30' corridor within 35' of the ordinary highwater mark	30	30 minimum – 60 minimum total
	75	80,000	400*	200		60	
4	100	217,800 (5 acres)	300	700	30' corridor within 35' of the ordinary highwater mark	60 minimum 120 minimum total	
	100	217,800 (5 acres)	600*	700			
5	75	40,000	200	200	30' corridor within 35' of the ordinary highwater mark	30	20 minimum - 50 minimum total
	75	60,000	300*	200		60	
*Two family dwelling/duplex							
<p>Note: F-1(Forestry One) Zone District supersede the Town of Spider Lake, Lake Classification Development Standards.</p>							

(8-16-09)