

TOWN OF LINCOLN

ZONING ORDINANCE

**Town of Lincoln Zoning Ordinance
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CHAPTER 1 INTRODUCTION

1.01 Authority and Objective

To achieve the objectives outlined in the Wis. Statutes. Sections 60.10(2)(c), 60.22(3), 60.61, 60.62, 61.35, and 62.23, the Board of Supervisors of the Town of Lincoln ordains zoning regulations as follows:

This ordinance is adopted in order to promote and protect public health, safety, comfort, convenience, prosperity, aesthetics and other aspects of the general welfare; and, more specifically, to fix reasonable standards to which buildings and structures shall conform, to regulate lot coverage and population density, to conserve the value of land and buildings in all of the areas of the town to guide the proper distribution and location of various land uses, to promote the safety and efficiency of the streets and highways, to provide for adequate light, air, sanitation and drainage, to conserve natural resources, to provide safety from fire and other hazards, to define the powers and duties to any administrative bodies as provided hereinafter, and to prescribe penalties for the violations of this ordinance.

1.02 Short Title

This ordinance may be known as and may be cited as: The Town of Lincoln Zoning Ordinance.

1.03 Applications of Overlapping Regulations

This ordinance shall not repeal, impair or modify private deed restrictions, covenants, easements, County shoreland/wetland/floodplain zoning, State of Wisconsin regulated sanitary requirements, or other non-zoning public ordinances, except that it shall apply whenever it imposes stricter regulations.

1.04 Severability

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

1.05 Force and Effect

The regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land. In particular:

1.05.1 Conformance

No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified.

1.05.2 Minimum Yards and Lots

Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this ordinance, shall be included as part of a yard, open space, or off-

street parking or loading space similarly required for any other building. No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein.

1.05.3 Compliance

The use of any land or water, the size, shape and placement of lots, the use, size, type and location of structures on lots, the installation and maintenance of water supply and waste disposal facilities, the filling, grading, lagooning, dredging of any lands, the cutting of shoreland vegetation, and the subdivision of lots shall be in full compliance with the terms of this ordinance and other applicable local, county, state or federal regulations. (However, see Chapter 3 for standards applicable to nonconforming uses.) Buildings, signs and other structures shall require a permit unless otherwise expressly excluded by a provision of this ordinance. Property owners, builders and contractors are responsible for compliance with the terms of this ordinance.

1.06 General Interpretations

The following rules of construction apply to this ordinance:

The particular shall control the general; in case of any difference of meaning or implication between the text of this ordinance and any caption or illustration, the text shall control; the word “shall” is always mandatory whereas the word “may” is permissive, words used in the present tense shall include the future, and words used with singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary; “building; or “structure” includes any part thereof; the phrase “used for” includes “arranged for”; the word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity; unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “and”, “or”, “either...or”, the conjunction shall be interpreted as follows: “and” indicates that all the connected items, conditions, provisions, or events shall apply; “or” indicates that the connected items, conditions, provisions, or events may apply singly or in any combination; “either...or” indicates that the connected items, conditions, provisions or events shall apply singly but not in combination; all measured distances shall be the nearest integral foot, if a fraction is one-half foot or more, the integral foot next above shall be taken; the masculine gender includes the feminine and neuter.

CHAPTER 2 GENERAL PROVISIONS

2.01 Official Zoning Map

Official Zoning Map- the town is hereby divided into districts as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance. If an atlas is used, each individual map included in the atlas shall be marked and maintained in accordance with the provisions of this chapter.

If, in accordance with the provisions of this ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered

on the Official Zoning Map promptly after the amendment has been approved by the Town Board of Supervisors.

There shall be only one authentic Official Zoning Map. This Official Zoning Map shall be located in the Town Hall and shall be the final authority as to the current zoning status of the land and water areas, buildings, and other structures in the town.

2.02 Public Hearing Requirements

2.02.1 Notice

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

2.02.2 Procedure

(a) Notice of public hearing shall be given as per Wisconsin Statutes Section 62.23(7)(d)1.b.

(b) In addition, when the hearing involves a proposed change in the zoning district classification of any property, or the granting of a conditional use, the district in which the affected land is located shall be notified as per Wisconsin Statutes Section 62.23(7)(d)1.b. Also a copy of the notice shall be posted in the vicinity of the proposed change or conditional use where practical, and notice of the public hearing shall be mailed to the owners of record of all lands within 300 feet of any part of land included in such proposed change or conditional use, but in any event to the owners of record of all adjacent lands, at least 10 days before such public hearing. Failure of the Zoning Administrator to accomplish such provision of notice shall not invalidate or prejudice the proceedings, provided the Town Board concludes that reasonable efforts were made, or that the parties who subsequently complained of not having been sent notice or of not receiving notice, did, in fact, know of the proceedings and had reasonable opportunity to attend or be represented, or to convey their views prior to the Town Board's decision.

2.02.3 Record

The Plan Commission shall appoint a secretary whose responsibility shall be to provide an adequate record of written and oral comments made at the public hearing

CHAPTER 3 NON-CONFORMITIES

3.01 Intent

Within the districts established by this ordinance or amendments that may later be adopted there may exist recorded lots, structures, and uses which would be restricted or not permitted under terms of this ordinance or future amendment. It is not the intent of this ordinance to encourage the continuation of a non-conformity. However, to prevent undue hardship, this ordinance permits these non-conformities to continue until they are removed, destroyed, or abandoned, and to allow maintenance, reasonable repairs and limited modernization.

3.02 Existing Non-Conforming Uses, Structures, and Lots Not In Violation

Lots, structures and uses of land that are not in conformance with provisions of this ordinance, but existed prior to the adoption of this ordinance are not to be held in violation of this ordinance. The remaining sections of this chapter give the limitations on altering these legal non-conforming uses.

3.03 General Provisions Relating to Non-Conformities

3.03.1 Termination

If a non-conforming use of land or a structure is discontinued for twelve (12) or more consecutive months, any future use of the land or structure must be in conformance with the zoning ordinance. This provision does not apply to any period of time during which a use is discontinued as a direct result of government action.

If the nonconforming use of a temporary structure is discontinued, such nonconforming use shall not be continued.

Nuisances shall not be allowed to continue as nonconforming uses.

3.03.2 Construction in Progress

If construction has begun with the necessary permits at the time this ordinance is adopted, or amended, the exterior construction must be completed within two (2) years. Construction shall be defined as placing construction materials - in permanent position and fastened in a permanent manner. Where excavation or demolition must be carried out before construction can begin, such excavation or demolition shall be considered construction, for purposes of this section.

3.03.3 Conditional Uses

Any existing use which is listed as conditional use in the district regulations, and for which a conditional use permit has not been obtained shall be considered a non-conforming use.

3.04 Non-Conforming Lots of Record

3.04.1

Single-family homes are permitted on all lots that were lots of record at the time of passage of the ordinance, in districts allowing single family residences, subject to absolute minimum standards in shoreland areas per section 5.18. Individual mobile homes used as residence may be placed on such lots in districts allowing individual mobile homes.

3.04.2

No duplexes, multi-family homes or more than one mobile home may be placed on a lot smaller than the minimum stated in this ordinance for such types of residence.

3.04.3

If more than one non-conforming lot with contiguous frontages are recorded as owned by one person at the time of adoption of this ordinance or amendments thereto, the lots shall be considered undivided lots for the purposes of this ordinance.

3.05 Non-Conforming Uses of Land

This section shall apply to land with no improvements or improvements with full market value of \$2,500.00 or less.

3.05.1

No non-conforming use of land shall expand more than 50% (measured by land area) over the maximum area used during the 12 months before adoption of this ordinance.

3.05.2

The non-conforming use of land shall not be moved to another parcel or another portion of the same parcel, except areas contiguous to the area used at the time the ordinance was adopted.

3.06 Non-Conforming Structures or Non-Conforming Use of Structures

3.06.1

LEGAL NONCONFORMING STRUCTURES AND USES. A property owner claiming a legal pre-existing structure or use and exemption from applicable regulations shall prove by clear and convincing evidence:

- 1) that the structure or use was legally established,
- 2) that it predated zoning provisions with which it does not comply, and,
- 3) that the structure or use was established prior to adoptions of such provisions.

It is the intent of these provisions to balance the public objectives of this ordinance with the interests of owners of legal nonconforming structures by:

- 1) treating structures and uses which are most contrary to the standards and objectives of this ordinance more restrictively than structures and uses that are more nearly in compliance with ordinance provisions, and
- 2) allowing for the use, maintenance, and limited improvements essential to reasonable use of a property.

3.06.2

No non-conforming structure may be moved unless the move would make the structure closer to conformance.

3.06.3

In case of damage due to violent wind, vandalism, fire, flood, ice, snow, mold, or infestation repairs may be made to restore any structure to, but not beyond, its pre-damaged dimensions. (2005 Wis. Act 112). The burden of proof as to the cause and extent of damage shall rest with the owner. Documentation of this proof shall be approved by the Plan Commission prior to the Zoning Administrator's issuance of a permit to restore the structure.

PRINCIPAL STRUCTURES WITH ANY PORTION OF THE FOOTPRINT WITHIN FIFTY FEET OF THE ORDINARY HIGH WATER MARK. Internal improvements shall be confined to enclosed portions of the building envelope, and shall not include changes in bearing walls, new basements or additional stories. External maintenance such as insulation, new siding, and new roofing are

permitted. Structural repairs and alterations shall not be permitted. Earth tone colors are required. Window and door replacements shall not result in additional glass area on the side facing the shore. The total building envelope shall not be expanded beyond the thickness of replacement materials. Additions are not permitted.

PRINCIPLE STRUCTURES WITH ANY PORTION OF THE FOOTPRINT THAT IS WITHIN SEVENTY-FIVE FEET BUT ENTIRELY BEYOND FIFTY FEET OF THE ORDINARY HIGH WATER MARK. Internal improvements are permitted. External improvements to and maintenance of areas of the structure lying within seventy-five feet of the OHWM are permitted. Earth tone colors are required. Additions are allowed to any part of the structure that meets the seventy-five foot setback. Only rearward additions (in the direction away from the shoreline) that are equal to or less than the width of the existing structure are allowed within the seventy-five foot setback. New basement area, additional stories, and footprint expansion shall meet the OHWM setback.

A structure that does not meet the seventy-five foot shoreline setback requirement is considered demolished and nonexistent if during the course of restoration, enlargement, or other improvement, more than 25% of the pre-existing structure is removed.

3.06.4

If part of a building is being used for a non-conforming use, that use may be extended to the remainder of the building.

CHAPTER 4 SUPPLEMENTARY DISTRICT REGULATIONS

4.01 Highway Setbacks and Visibility at Intersections

Unless otherwise stated in the district regulations, no principal or accessory building shall be closer to the centerline of any public road than the setback as follows: for state and federal highways, the minimum setback shall be 100 feet from the centerline of the highway or 50 feet from the edge of the right-of-way, whichever is greater. For county roads, the setback shall be 75 feet from the centerline of the highway or 42 feet from the edge of the right-of way, whichever is greater. For town and paved forest service roads, the setback shall be 63 feet from the centerline of the highway or 30 feet from the edge of the right-of-way, whichever is greater.

In each quadrant of every street intersection there shall be designated a visual clearance triangle bounded by the street center lines and a line connecting them 300 feet from a state or federal highway intersection, 200 feet from a county highway, and 150 feet from a town road or paved forest service road intersection. If two highways or a different class intersect, the greater distance shall apply to both centerlines. Within this triangle, no object over 2 ½ feet in height above these streets shall be allowed if it obstructs the view across the triangle. Posts or open fences are excluded from this provision. Natural vegetation and agricultural crops shall also be exempt from this provision.

4.02 Accessory Buildings and Structures

4.02.1 General Setbacks

No accessory structures/buildings may be built within the minimum area for shoreland,

side yard or road, street or highway setbacks.

4.02.2 Burning Fuel for Heat or Hot Water Supply

No accessory structure intended for the purpose of burning fuel in order to supply an adjacent building on the same premises with heat or hot water shall be permitted unless the following requirements are met: the structure is not located closer than 10 feet to any other structure nor closer than 50 feet to a building for human or animal habitation on a neighboring premises; and is not located in any required road, street or highway setback or side yard or shoreland setback.

4.03 Erection of more than one Principal Structure on a Lot

In any district, no more than one structure with an allowed or permitted principal use may be erected on a single lot.

4.04 Exceptions to Height Limitations

The height limitations contained in this ordinance do not apply to spires, wind or solar power collectors, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other attached structures usually required to be placed above the roof level and not intended for human occupancy. Other structures may exceed height limitations given in district regulations upon receipt of a conditional use permit for this purpose (see Chapter 16).

4.05 Access to Structures

Each building served by one or more public utilities or used for year round human habitation shall have access to a public street, private street, or driveway which allows access for fire protection and utility service vehicles.

4.06 Parking, Storage, and Use of Major Recreational Vehicles

No one may live in a recreational vehicle longer than 30 consecutive days except in public or private campgrounds or recreational vehicle park with sanitary dump station as provided for in State law.

4.07 Vehicle Storage

No more than two motor vehicles without current license plates may be stored in districts with minimum lot sizes under two acres or on lake frontage lots unless it is completely screened from view from adjoining property and public road.

4.08 Minimum Floor area for Residences

No dwelling unit shall have less than 720 square feet of inhabitable floor area.

4.09 Right-of-way

Right-of-way for utility distribution lines or below ground pipelines, transportation corridors, and recreational trails are permitted uses in any district. This does not apply to transmission lines, pipelines, pumping stations, or any other use specifically listed as a conditional use anywhere in this ordinance.

4.10 Solar Rights

No structure or vegetation may be placed in a way which significantly interferes with another property owner's ability to use solar powered heating or cooling equipment or structures.

4.10.1 Control of Vegetation Blocking Solar Energy Systems

The Plan Commission may require, per s. 66.0401 Wis. Stats., the trimming of vegetation which blocks solar energy from a collector surface. The costs of such trimming shall be the responsibility of the owner of the property on which the vegetation is located. Vegetation that was planted by the owner or occupant of the property on which the vegetation is located before the installation of the solar energy system is exempt from this requirement.

4.11 Filling

No filling in excess of 250 cubic yards shall occur without a permit. The fill material:

(a) shall be suitable for its intended use; no fill intended for supporting buildings shall consist of junk, wood, sawdust, paper, muck, peat or any similar materials which could cause subsidence.

(b) shall be protected from erosion so as not to cause siltation of adjacent lands or navigable waters. The use of temporary ground cover such as mulch or jute netting or other conservation practices such as sediment catch basins or diversion terraces may be required in order to prevent erosion.

(c) Shall rest on a firm bottom and to be stabilized according to accepted engineering standards.

(d) Shall not alter the drainage from and onto adjacent lands as to create significant harm without the adjacent landowners' written consent.

(e) Shall not in any manner alter the course of a waterway on property belonging to other than the applicant.

(f) Shall, where applicable, meet the requirements of Section 5.02 and requirements of county, state or federal agencies also having jurisdiction, such as the Wisconsin Dept. of Natural Resources and the Army Corps of Engineers.

4.12 Grading

Grading of an area may be permitted provided that:

(a) The smallest amount of bare ground shall be exposed for the shortest time feasible and permanent ground cover shall be established as soon as practical.

(b) Precautions shall be taken to prevent erosion and sedimentation through the use of silting basins, diversion berms or bales, terraces, filter fabric fencing or similar practices used individually or in combination where circumstances warrant such.

(c) a required land use permit as provided for in section 20.03.1 shall be obtained for grading an area in excess of 5,000 square feet, except in the General Rural (GR) district.

(d) it Shall, where applicable, meet the requirements of Section 5.02 and requirements of county, state or federal agencies also having jurisdiction, such as the Wisconsin Dept. of Natural Resources and the Army Corps of Engineers.

4.13 Razing of Buildings

Any building which has been substantially destroyed by fire or is otherwise unusable, abandoned or neglected, and which the Plan Commission determines to be a hazard to the public

health and safety, shall be razed and removed by the owner within ninety (90) days of the issuance of an order of such removal by the Plan Commission.

4.14 Dumping and Disposal

The dumping or disposal of any fluid or viscous materials that are contaminated, toxic, or in any manner would create a health hazard or a nuisance including the surface irrigation, lagooning or burial of sewage or other similar waste effluents or materials, is prohibited in the Town of Lincoln.

4.15 Manufactured Homes Permitted

Manufactured homes are permitted in all residential classifications of the Town of Lincoln Zoning Ordinance, subject to the following restrictions:

- (a) All manufactured homes shall be constructed with a pitched roof.
- (b) All foundations upon which a manufactured home is anchored or tied down shall be permanent and be fully enclosed, within 30 days.
- (c) All manufactured homes shall have as exterior siding, material that is non-corrosive.
- (d) Any manufactured home shall have a minimum width of at least fourteen (14) feet.
- (e) All manufactured homes shall be located so as to be parallel to the lot lines.
- (f) Any manufactured home shall have a minimum floor area of 720 square feet.

4.16 Mobile Homes

Mobile homes are permitted or conditional use (per Section 14.04) in the Town of Lincoln subject to the following requirements:

- (a) Each mobile home shall be kept in good repair and shall be equipped with skirts within thirty (30) days of being placed on its site.
- (b) Each mobile home shall be anchored or tied down. Each corner of the stand shall be so equipped and be able to sustain a minimum load of 4,800 pounds.
- (c) Each mobile home shall have a minimum area of 720 square feet.

4.17 Fences, Walls, and Hedges

Fences, walls and hedges erected, placed or maintained on a lot line or adjacent thereto, shall be regulated by the following:

- (a) No fence, wall or hedge shall be constructed that would constitute a nuisance, pursuant to Chapter 844.10, of the Wisconsin Statutes.
- (b) No fence, wall or hedge shall exceed a height of five feet, except as follows:
 - (1) There shall be no height limitation for fences that protect playgrounds, baseball backstops, tennis courts and like activities.
 - (2) There shall be an eight foot height limit to act as a screen between residential districts and any land use that would require a conditional use permit, pursuant to Chapter 16.
 - (3) No fence, wall or hedge shall be erected, maintained or grown to a height exceeding three feet above the road or street grade nearest thereto, where the lot is bound by intersecting roads or streets, within 20 feet of the intersection of any road or street line or road or street lines projected,
- (c) Fences erected may be decorative fences of either wood or wire and shall have a smooth surface on either side and shall be kept neat and in good repair. Barbed wire and solid

board fences are prohibited except as provided in 4.17 (e).

(d) No fence shall be erected in the waterfront setback that would parallel the waterfront, except as provided in 4.17(e).

(e) No barbed wire or solid board fence shall be used except to fence livestock, protect crops, industrial junk yards, utility or municipal property. Open fences that do not obstruct vision and are used to fence livestock, protect crops, industrial junk yards, utility or municipal property may be in both the highway and waterfront setback areas and may exceed the above height restrictions.

(f) Anyone erecting a fence or wall must have a zoning permit pursuant to section 20.02.

4.18 Construction in Progress

If construction has begun with the necessary permits at the time this ordinance is adopted, or amended, the construction must be completed within two (2) years. Construction shall be defined as placing construction materials - in permanent position and fastened in a permanent manner. Where excavation or demolition must be carried out before construction can begin, such excavation or demolition shall be considered construction, for purposes of this section.

4.19 Mini-warehouse Storage Facility

Mini-warehouse storage facilities, where permitted in the Town of Lincoln, are subject to the following requirements:

(a) shall not involve the on-site holding, storage or disposal of hazardous wastes as defined by state statutes.

(b) no electric power shall be run to storage facilities, except for exterior lighting.

(c) no business activity shall be operated from or outside of any partitioned area within a mini-warehouse storage facility.

(d) no partitioned area of a mini-warehouse storage facility may be used as living quarters.

CHAPTER 5 GENERAL SHORELANDS PROVISIONS

This section sets forth the jurisdiction of the shoreland regulations and the general provisions under which this section shall apply.

5.01 Statutory Authorization

This ordinance is adopted under the authority of Wisconsin Statutes Sections 60.10(2)(c), 60.22(3), 60.61, 60.62, 61.35, 62.23, 87.30, 81.31, 236.45, and 281.31; and Wisconsin Administrative Code NR 115, NR 116 and NR 117.

5.02 Findings of Fact

Uncontrolled use of the shore lands and pollution of the navigable waters of the Town of Lincoln 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 municipalities to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control structure sites, placement of structure and land uses; and to preserve shore cover and natural beauty. This

responsibility is hereby recognized by Forest County and the Town of Lincoln, Wisconsin. Given high levels of existing development on some water bodies, increased pressure for development, it is necessary that classes of water bodies meet certain standards more restrictive than the minimum standards required by state law in order to fully achieve the purposes of this ordinance.

5.03 Purpose

For the purpose of promoting the public health, safety, convenience, habitat, environmental concerns and welfare. This ordinance has been established to:

5.03.1

Further the maintenance of safe and healthful conditions, habitat, environmental concerns and prevent and control water pollution through:

- (a) Limiting structures to those areas where soil and geologic conditions will provide a safe foundation.
- (b) Establishing minimum lot sizes to provide adequate area for private sewage disposal facilities.
- (c) Controlling filling and grading to prevent serious soil erosion problems.

5.03.2

Protect spawning grounds, fish and aquatic life through:

- (a) Preserving wetlands and other fish and aquatic habitat.
- (b) Regulating pollution sources.
- (c) Controlling shoreline alterations, dredging and lagooning.
- (d) Enforcing Shoreland buffer standards to limit cumulative impacts to aquatic life habitat.
- (e) Regulating re-vegetation of shoreland buffer zone through mitigation to at least 60% of its pre-disturbed state.

5.03.3

Control structure sites, placement of structures and land use through:

- (a) Separating conflicting land uses.
- (b) Prohibiting uses detrimental to shoreland area.
- (c) Setting minimum lot sizes and widths.
- (d) Regulating side yards and structure set backs from waterways.

5.03.4

Preserve shore cover and natural beauty through:

- (a) Restricting the removal of natural shore cover.
- (b) Preventing shoreline encroachment by structures.
- (c) Controlling shore land excavation and other earth moving activities.
- (d) Regulating the use and placement of structures. Requiring boat houses to be treated as a structure and not exempt from the 75 feet set back.
- (e) Enforcing shoreland buffer standards to limit cumulative impacts to natural beauty and shore cover.

5.04 Title

Chapter 5: General Shorelands Provisions.

5.05 General Provisions

5.05.1 Areas To Be Regulated

Areas regulated by this ordinance shall include all the lands, referred to herein as shorelands, as follows:

5.05.2 Lakes, Ponds and Flowages

Within one thousand (1000) feet of the ordinary high water mark (OHWM) of navigable lakes, ponds or flowages. The above mentioned waters shall be presumed to be navigable in the Town of Lincoln if they are listed in the Wisconsin Department Natural Resources publication "Surface Water Resources of Forest County" or are shown on United States Geological Survey quadrangle maps or other town/county zoning base maps.

5.05.3 Rivers and Streams

Within three hundred (300) feet of the ordinary high water mark (OHWM) of navigable rivers or streams, or to the landward side of the flood plain, whichever distance is greater. Rivers and streams in the Town of Lincoln 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-flood way maps, county soil survey maps or other existing county flood plain zoning maps.

5.05.4 When questions arise, the zoning administrator shall contact the appropriate local office of the Department of Natural Resources for a final determination of navigability or ordinary high water mark(OHWM).

5.05.5 Under section 144.26 (2.m.), Wis. Stats., 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.

5.06 Shoreland Zoning Maps

The maps designated below are hereby adopted and made part of this ordinance. They are on file in the office of the zoning administrator for Forest County.

- (a) Most recent United States Geological Survey Quadrangle Maps for Forest County in effect on date of publication.
- (b) Wisconsin Wetland Inventory maps for Forest County in effect on date of publication.
- (c) Flood plain zoning maps identified as FEMA Flood Hazard Boundary Map in effect on date of publication.

5.07 Compliance

The use of any land or water, the size, shape and placement of lots, the use, size, type and location of structures on lots, the installation and maintenance of water supply and waste disposal facilities, the filling, grading, lagooning, dredging of any lands, the cutting of shoreland vegetation, and the subdivision of lots shall be in full compliance with the terms of this ordinance and other applicable local, county, state or federal regulations. See Chapter 3.0 of both this ordinance and the Forest County Zoning Ordinance for standards applicable to nonconforming uses. Structures and signs shall require a permit unless otherwise expressly

excluded by a provision of this ordinance. Property owners, builders and contractors are responsible for compliance with the terms of this ordinance.

5.08 Municipalities and State Agencies Regulated

Unless specifically exempted by law, all municipalities are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply when section 13.48(13), Wis. Stats. applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when section 30.12(4)(a), Wis. Stats., applies.

5.09 Abrogation and Greater Restrictions

All the chapters of the Town of Lincoln Zoning Ordinance are hereby incorporated into these shoreland regulations by reference; where conflict may exist, the greater restriction shall apply.

5.09.1

This chapter is not intended to repeal, abrogate or impair any existing deed restriction, covenants, or easements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

5.09.2

If an existing Town ordinance relating to shorelands is more restrictive than this chapter or any amendments thereto, that Town ordinance supersedes to the extent of the greater restrictions but not otherwise.

5.10 Provisions

Areas herein defined as shoreland are also subject to the provisions of the Forest County Shoreland Zoning Ordinance as mandated by the State of Wisconsin. Particularly, Sections 5.0, 5.30 and 5.40 apply. Section 9 Condominiums is hereby incorporated by reference and its provisions shall apply to the shoreland areas in the Town of Lincoln. Where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

5.10.1 Interpretation

In interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other powers granted by Wisconsin Statutes. Where a

provision of this ordinance is required by a standard in ch. NR 117, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the ch. NR 117 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.

5.11 Water Front Access

5.11.1 General Restrictions on Water Access Lots

(a) Water access lots shall not be allowed on lakes and ponds of less than 50 acres.

(b) No pyramiding as defined herein shall be permitted on any lands fronting on a water body except as may be specifically permitted accessory to a marina or resort and which may be allowed under the terms of a conditional use permit for a planned development. There will be one access lot for every three (3) back lots created, (where access is being provided to a water body), after adoption of this ordinance.

(c) Mainland access for every two lots developed on islands.

(d) Buffer Area: Each water access lot shall include an unmowed buffer area along each side lot boundary. Each buffer width shall be a minimum of 25 feet. Water access lot buffers may include wetlands. The remaining lot width located between the buffers shall not include any wetlands. Buffer area includes 35 feet from OHWM and landward. No mowing is allowed in the buffer area except in the 30 feet view corridor.

(e) Improvements on a water access lot are limited to the following:

1. A single driveway onto the access lot is allowable provided that the driveway shall not be closer than 100 feet from the OHWM; the driveway shall not be greater than 20 feet in width; and in addition to the width of the driveway, parking spaces are allowed on the access lot but limited to equal the number of units plus one additional space.

2. A single opening 30 feet in width is permitted at the water's edge. Lots having 200 feet of frontage or more shall not have adjoining openings. A 35 feet buffer area shall be in place between each opening on a larger lots; measured along water body.

3. A path, four feet maximum width, is allowed to the shoreline opening.

4. The minimum width of an access lot shall be one hundred (100) feet measured at the lot's narrowest point.

5.11.2 Waterfront Access Easements

(a) Except as authorized by Wis. Stats. 30.131, no easements may be conveyed to a non-riparian landowner allowing access to water bodies or for any other purposes.

(b) Existing easements are to the extent allowed by state law. Note: Wis. Stats. 30.133 prohibits the conveyance of any riparian land by easement or similar conveyance after April 9, 1994, except for the right to cross the land in order to have access to the navigable water. Wis. Stats. 30.131 permits non-riparians to place certain wharfs or piers into water if among other things it is pursuant to an easement recorded before December 31, 1986. Notwithstanding Wis. Stats. 30.133, such easements may be conveyed with the riparian land.

5.11.3 Dockminimums Prohibition

The sale of mooring sites and berths as a condominium or anything else separate from a dwelling unit on the same shore land lot is prohibited.

5.12 Limited Re-zoning to Achieve Planned Residential Development or Cluster Development Reduced Lot Sizes and Set Backs (See Chapter 15 Planned Development Overlay District.)

5.12.1 Relaxation of Standards Through a Variance as Defined in Section 21.03

In some instances where an individual lot or small tract of land has unique characteristics, such as unique terrain, which would result in unnecessary hardship as defined in section 21.03, if the owner were required to comply with one or more of the requirements for minimum lots sizes, width and set back, the board of adjustment may grant a variance. In other instances where larger areas are involved, the appropriate method for seeking a relaxation of the same minimum standards is by re-zoning to establish a Planned Development overlay (see Chapter 15).

5.13 Sanitary Regulations in Shoreland Area

The Forest County Private Sewage System Ordinance and Commerce Plumbing Codes shall apply for the preservation and enhancement of water quality.

(SHORELAND SETBACKS)

LAKES OVER 50 ACRES

5.14 Dimensions of Structure Sites and Requirements for Waterfront Properties on Lakes over 50 Acres

5.14.1 Lots Not Served by Public Sanitary Sewer

(a) Minimum lot requirements:

1. Minimum lot area shall be 20,000 square feet or more to provide enough buildable land for access drive, structures, required yards, and sanitary system.
2. Average lot width shall be 100 feet per NR 115 Wis. Adm. Code.
3. Minimum of 100 feet of frontage at the OHWM.
4. Minimum of 100 feet of frontage at an access point to lot, (i.e., town road, easement, private drive, highway).
5. Maximum 15% lot coverage (impervious surface area) or, up to 25% subject to mitigation plan approved by Plan Commission. See Definitions for Impervious Surface calculation.

(b) Residence set backs and residence requirements:

1. Side yard set backs each shall be a minimum of 15 feet from lot line to any part of structure.
2. A shore yard set back shall be a minimum of 75 feet from any part of the structure to the closest point of OHWM unless reduced set back is permitted under Section 5.20.
3. Highway set backs apply see section 4.01.
4. Minimum of 720 square feet of habitable floor area, as measured outside of wall to outside of wall.
5. Height restriction of 30 feet.

(c) Accessory Structure (garage, storage, etc.)

1. Side yard set backs each shall have a minimum of seven feet, six inches from lot line to any part of structure.
2. A shore yard set back shall be a minimum of 75 feet from any part of structure to the closest point of the OHWM.
3. Highway set backs apply see Section 4.01.

4. Height restriction of 18 feet
5. Habitation prohibited.

5.14.2 Lots Served By Public Sanitary Sewer.

(a) Minimum lot requirements:

1. Minimum lot area shall be 20,000 square feet or more to provide enough buildable land for access drive, structures, required yards and sanitary system.
2. Average lot width shall be 100 feet per NR 115 Wis. Adm. Code.
3. Minimum of 100 feet of frontage at the ordinary high water mark.
4. Minimum of 100 feet of frontage at an access point to lot, (i.e., town road, easement, private drive, highway).

5. Maximum 15% lot coverage (impervious surface area)) or, up to 25% subject to mitigation plan approved by Plan Commission. See Definitions for Impervious Surface calculation..

(b) Residence set backs and residence requirements:

1. Side yard set backs each shall be a minimum 10 feet from lot line to any part of habitable structure.
2. Shore yard set back shall be a minimum of 75 feet from any part of the structure to the closest point of the OHWM unless reduced set back is permitted under Section 5.20.
3. Highway set backs apply see Section 4.01.
4. Minimum of 720 square feet of habitable floor area, as measured outside of wall to outside of wall.
5. Height restriction of 30 feet

(c) Accessory Structure (garage, storage, etc.)

1. All side yard set backs each shall be a minimum of 5 feet from lot line to any part of structure.
2. Shore yard set back shall be a minimum of 75 feet from any part of structure to the closest point of the OHWM.
3. Highway set backs apply see Section 4.01.
4. Height restriction of 18 feet
5. Habitation prohibited.

LAKES AND PONDS 50 ACRES OR LESS, FLOWAGES, RIVERS AND STREAMS

5.15 Dimensions of Structure Sites and Requirements for Waterfront Properties on Lakes and Ponds 50 Acres or less and for Flowages, Rivers and Streams

5.15.1 Lots Served by a Public Sanitary Sewer and Lots Not Served by a Public Sanitary Sewer

(A.) Minimum Lot requirements:

1. Minimum lot area shall be 40,000 square feet or more to provide enough buildable land for access drive, structures, required yards and sanitary system.
2. Average lot width shall be 200 feet.
3. Minimum of 200 feet of frontage at the OHWM.
4. Minimum of 200 feet of frontage at access point to lot, (i.e., town road, easement, private drive, highway).

5. Maximum 15% lot coverage (impervious surface area)) or, up to 25% subject to approved mitigation plan.. See Definitions for Impervious Surface calculation.

(b) Residence set backs and residence requirements:

1. Side yard set backs each shall be a minimum of 15 feet from lot line to any part of structure.
2. Shore yard set back shall be a minimum of 75 feet from any part of structure to the closest point of OHWM unless reduced set back is permitted under Section 5.20.
3. Highway set backs apply see Section 4.01.
4. Minimum of 720 square feet of habitable floor area, as measured outside of wall to outside of wall.
5. Height restriction of 30 feet.

(c) Accessory Structure (garage, storage, etc.)

1. Side yard set backs each shall be a minimum of 10 feet from lot line to any part of structure.
2. Shore yard set back shall be a minimum of 75 feet from any part of structure to the closest point of OHWM.
3. Highway set backs apply see Section 4.01.
4. Height restriction of 18 feet
5. Habitation prohibited.

BACKLOTS (LAKES OVER 50 ACRES)

5.16 Dimensions of Structure Sites and Requirements for Back Lots in the Shoreland Area of Lakes over 50 Acres

5.16.1 Lots Not Served by Public Sanitary Sewer and Lots served by a Public Sanitary Sewer.

(a) Minimum lot requirements:

1. Minimum lot area shall be 2 acres or more to provide enough land for access drive, structures, required yards, and sanitary system.
2. Forest County may require additional minimum amount of frontage at access point to a lot (i.e., town road, easement, private drive, highway) in shoreland area.
3. Maximum 15% lot coverage (impervious surface area) or, up to 25% subject to Mitigation Plan approved by Plan Commission. See Definitions for Impervious Surface Calculation.

(b) Residence set backs and residence requirements:

1. Side yard set backs each shall be a minimum of 15 feet from lot line to any part of structure.
2. Rear yard set back shall be a minimum of 15 feet from lot line to any part of structure.
3. Highway set backs apply see Section 4.01.
4. Minimum of 720 square feet of habitable floor area, as measured outside of wall to outside of wall.
5. Height restriction of 30 feet.

(c) Accessory Structure (garage, storage, etc.)

1. Side yard set backs each shall be a minimum of seven (7) feet, six (6) inches from lot line to any part of structure.
2. Rear yard set back shall be a minimum of seven (7) feet, six (6) inches from lot line to any part of structure.
3. Highway set backs apply see Section 4.01.
4. Height restriction of 18 feet-
5. Five feet from septic/holding tank.

BACKLOTS (LAKES/PONDS 50 ACRES OR LESS, FLOWAGES,RIVERS&STREAMS)

5.17 Dimensions of Structure Sites and Requirements for Back Lots on Lakes and Ponds 50 Acres or less and Flowages, Rivers and Streams

5.17.1 Lots Not Served by Public Sanitary Sewer and Lots served by a Public Sanitary Sewer

(a) Minimum lot requirements:

1. Minimum lot area shall be three (3) acres or more to provide enough land for access drive, structures, required yards and sanitary system.
2. Forest County may require additional minimum amount of frontage at access point to a lot (i.e., town roads, easement, private drive, highway) in the shoreland area.
3. Maximum 15% lot coverage (impervious surface area)) or, up to 25% subject to approved mitigation plan.. See Definitions for Impervious Surface Calculation.

(b) Residence set backs and residence requirements:

1. Side yard set backs each shall be a minimum of 20 feet from lot line to any part of structure.
2. Rear yard set back shall have a minimum of 20 feet from lot line to any part of structure.
3. Highway set backs apply see Section 4.01.
4. Minimum of 720 square feet of habitable floor area, as measured outside wall to outside wall.
5. Height restriction of 30 feet.

(c) Accessory Structure (garage, storage, etc.)

1. Side yard set backs each shall be a minimum of 10 feet from lot line to any part of structure.
2. Rear yard set back shall have a minimum of 10 feet from lot line to any part of structure.
3. Highway set backs apply see Section 4.01.
4. Height restriction of 18 feet.

5.18 Substandard Lots

5.18.1 Substandard Lots Served By A Public Sanitary Sewer

A substandard lot served by a public sanitary sewer which is at least 7,500 sq. ft. in area and is at least 50 feet in width at the structure set back line and at least 50 feet in width at the OHWM may be used as a structure site for a single family dwelling upon issuance of a zoning permit by the zoning administrator if it meets all of the following requirements:

(a) Such use is permitted in the zoning district.

(b) The lot was on record in the County Register of Deeds Office prior to the effective date of this ordinance.

(c) The lot was in separate ownership from abutting lands prior to the effective date of this ordinance. If abutting lands and the substandard lot were owned by the same owner as of the effective date of this ordinance, the substandard lot shall not be sold or used without full compliance with the terms of this ordinance, including minimum area and width requirements, found in sections 5.14.2, 5.15, 5.16, 5.17 and Chapter 3.

(d) All other dimensional requirements (including set backs) shall be in compliance with this ordinance and the Forest County Shoreland Zoning Ordinance.

5.18.2 Substandard Lots Not Served By Public Sanitary Sewer

A substandard lot not served by public sanitary sewer which is at least 10,000 sq. ft. in area and at least 65 feet in width at the structure set back line and at least 65 feet in width at the OHWM may be used as a structure site for a single-family dwelling upon issuance of a zoning permit by the zoning administrator if it meets all of the following requirements:

(a) Such use is permitted in the zoning district.

(b) The lot was on record in the County Register of Deeds Office prior to the effective date of this ordinance.

(c) The lot was in separate ownership from abutting lands prior to the effective date of this ordinance. If abutting lands and the substandard lot were owned by the same owner as of the effective date of this ordinance, the substandard lot shall not be sold or used without full compliance with the terms of this ordinance, including minimum area and width requirements found in Sections 5.14.1, 5.15, 5.16, 5.17 and Chapter 3 of this ordinance.

(d) All other dimensional requirements (including set backs) shall be in compliance with this ordinance and the Forest County Shoreland Zoning Ordinance..

5.18.3 Other Substandard Lots

Except for lots which meet the requirements of Sections 5.14, 5.15, 5.16, and 5.17, a land use permit for an improvement of a lot having lesser dimensions than stated in those sections shall be issued only after the granting of a variance by the Board of Appeals (see Section 21.03).

5.18.4 Setbacks From The Water

(a) All new structures shall be set back a minimum of 75 feet from the ordinary high water mark (OHWM).

(b) Fertilizing of shoreland yards prohibited within 75 feet required set back from the OHWM; lawn, garden, farm and forestry fertilizers shall not be applied to the soil surface unless specifically free of nitrates, phosphates and lake damaging chemicals.

(c) Piers, boat hoists, stairways, walkways, lifts and open fences which may require a lesser set back from OHWM: on properties with steep, erodible banks, or with wetlands covering the shore, the construction of a stairway or walkway may be necessary to provide access to the water. When properly designed and placed, such structures may be permitted within the 75-foot setback when the following conditions are met:

1. There are no other locations or facilities on the property that allow adequate access to a pier, boat hoist or existing boathouse. Only one stairway or lift is allowed, not both, except where there is an existing stairway and the lift will be mounted to or is immediately adjacent to the existing stairway.

2. Such structures shall avoid environmentally sensitive areas.

3. Vegetation which stabilizes slopes or screens structural development from view shall not be removed.

4. Structures should be colored and screened by native, non-invasive vegetation so as to be inconspicuous when viewed against the shoreline.

4. Canopies, roofs, and sides are prohibited. Open railings may be provided where required for safety.

6. A maximum width of four (4) feet (outside dimensions) is allowed for stairways, walkways and lifts.

7. Landings are allowed where required for safety purposes and shall not exceed 30 square feet. Attached benches, seats, tables, etc., are prohibited.

8. Stairways, walkways and lifts shall be supported on piles or footings. Any filling, grading or excavation that is proposed must meet the requirements of Sections 4.11 and 4.12 of this ordinance.

5.19 Accommodations for Disabled Persons

Where strict interpretation of this ordinance would effectively deny disabled persons equal housing opportunity, and where the property does not meet the criteria for a variance under Section 21.03 of this ordinance, the Zoning Board of Adjustment may grant a Conditional Use Permit to provide reasonable accommodations as required by the Federal Americans with Disabilities Act, the Federal Fair Housing Act and the Wisconsin Fair Housing Act. The permit shall be subject to the following conditions.

(a) Only the minimum relaxation of dimensional, density or other standards needed to provide reasonable accommodation shall be approved.

(b) No use, structure or other relaxation of standards shall be approved that would violate or undermine the stated purposes of this ordinance.

(c) The permit will expire once the property is no longer primarily used by a disabled person. Subsequent landowners shall be responsible for the removal of any nonconforming structures no longer required by a disabled resident.

5.20 Reduced Structure Set Backs

(a) A reduced setback from the waterline may be permitted by the zoning administrator where there are at least five principle structures within 500 feet of the proposed site that are built to less than the required setback. In such cases, the setbacks shall be the average of the nearest five principle structures on each side of the proposed site except that in no case shall the setback be less than 50 feet. If there are no buildings on one side of the proposed site, the setback shall be the average of the setbacks of the nearest four principle structures on one side and the required setback on the other side. For the purpose of this provision, boathouses, marinas, or other structures whose use requires close proximity to water shall not be counted as a principle structure.

(b) Principle structures with less than 75 feet of set back may only be expanded to the landward side/backside of the structure opposite the water side. Additions shall not cumulatively exceed 50% of the total footprint square footage of the original existing principle structure, and such additions shall not otherwise make the structure further from conformance. No additions shall be allowed to other than the principle structure.

(c) In cases of existing structures with less than 75 feet of set back to the OHWM, such structures are non-conforming and regulated by Chapter 3 of this ordinance unless permitted under this section. All nonconforming structure additions shall be landward only.

(d) Any other setback reduction may be permitted by the Board of Appeals pursuant only to the standards of Chapter 21 of this ordinance.

5.21 Removal of Shore Cover

5.21.1 Purpose of Shore Cover Protection

The purpose of tree and shrubbery cutting regulations applicable to the shoreland area is to protect scenic beauty, control erosion and reduce effluent nutrient flow from the shoreland. These provisions shall not apply to removal of dead, diseased or dying trees or shrubbery, or to silvicultural thinning upon recommendation of a forester.

(a) No more than 30 feet in any lot or 30 feet in any 100 feet, as measured along the ordinary high water mark (OHWM) (whichever is more restrictive may be altered to provide a viewing corridor. A 35-foot buffer strip will remain between 30-foot openings on larger lots. It is

highly recommended not to remove older established trees.

(b) Natural shrubbery shall be preserved and, where removed, it shall be replaced with other natural vegetation equally effective in retarding runoff, preventing erosion and preserving natural beauty.

(c) Clear cutting shall be prohibited other than for clearing of an area for the principal structure, detached garage, storage shed, installation of a private septic system, 20-foot wide roadway from a public road or easement to the rear of the principal structure and the 30-foot cutting described in Section 5.21.1(a).

(d) Where logging operations are being conducted adjacent to a waterway there shall remain a border of trees 100-feet in width back from the ordinary high water mark (OHWM) along the entire shoreline. Harvesting of trees shall be in accordance with Section 5 Riparian Management Zones of Wisconsin's Forestry Best Management Practices for Water Quality Field Manual.

5.21.2 Paths

Any path or passage within the 35-foot strip shall be constructed to a minimum necessary width no greater than four feet and be of a permeable surface so as to effectively control erosion.

5.21.3 Special Cutting Plans

As an alternative to Section 5.21.1, Purpose of Shore Cover Protection, a special cutting plan allowing greater cutting may be permitted by the Plan Commission. In requesting approval for such a plan, the Committee shall require the lot owner to submit a sketch of their lot, including the following information: location of parking, gradient of the land, existing vegetation, proposed cutting, and proposed replanting. The Committee may grant such only if it finds that such special cutting plan:

- (a) Is in compliance with Wisconsin's Forestry Best Management Practices.
- (b) Meets the requirements of Chapter 3.

5.22 Filling, Grading, Lagooning, Dredging, Ditching and Excavating

Filling, grading, lagooning, dredging, ditching or excavating in the shoreland area may be permitted provided that such actions are in compliance with sections 4.11, 4.12 and 5.23 of this ordinance.

5.23 County Permit Requirements relating to filling, grading, construction or dredging.

It is the responsibility of an applicant to verify with the county if any permits are required for the following actions:

(a) For any filling or grading of an area which is within 300 feet landward of the ordinary high water mark (OHWM) of navigable water and which has surface drainage toward the water and on which there is either:

1. Any filling or grading on slopes of more than 15%.
2. Filling or grading of more than 1,000 sq. ft. on slopes of 12%-15%.
3. Filling or grading of more than 2,000 sq. ft. on slopes less than 12%.

(b) For any construction or dredging commenced on any artificial waterway, canal, ditch, lagoon, pond, lake or similar waterway which is within 300 feet landward of the ordinary high water mark (OHWM) of a navigable body of water or where the purpose is the ultimate connection with a navigable body of water.

5.24 Soil Conservation Practices and Agricultural Drainage Maintenance

Soil conservation practices such as tiled terraces, run off diversions and grassed waterways used for erosion control shall not require a permit under Section 5.23 when designed and constructed to Soil Conservation Service technical standards.

5.25 Agriculture Drainage

The maintenance of existing agricultural drainage systems shall be permitted in conformity with the following construction standards:

(a) The maintenance dredging of farm drainage ditches is limited to reestablishing the original ditch cross section unless a County permit is obtained.

(b) Ditch banks shall be constructed at a slope of 2 horizontal to 1 vertical (50% grade) or flatter.

(c) Ditch banks shall be maintained in a sod cover and free of woody vegetation.

(d) A 10 foot wide buffer strip of untilled, un-grazed sod cover shall be maintained adjacent to the ditch bank.

5.26 Mitigation/Remediation

Since each situation requiring remediation is unique, remediation requirements will be determined on a case-by-case basis. When remediation is required, the applicant must bring to the Plan Commission, at a regular Plan Commission meeting, a comprehensive remediation proposal and be prepared to discuss additional town remediation requirements requested by the Zoning Administrator and/or Commission. If, in future, the county should require a remediation permit, the applicant shall provide a copy of the County-approved plan and permit to the Plan Commission at the meeting. The Zoning Administrator must also be in attendance at that meeting to determine an inspection schedule for plan compliance. A permit will be required and annual inspections done until compliance is reached.

CHAPTER 6 GENERAL RURAL (GR) DISTRICT

6.01 Intent: This district is intended for areas where the general characteristic is and should remain that of open, rural land consisting mostly of forest or farmland, with significant space between residences or other development. A range of different types of uses are possible. The key to avoiding conflict among uses will be primarily allowing enough space between them, and

setting standard which will minimize impacts on neighboring property.

6.02 Mapping Guidelines: This district will cover the vast majority of land in the Town of Lincoln. The district should cover areas which will not receive or require public water and sewer facilities.

6.03 Minimum Lot Area:

Minimum lot area shall be 2 acres.

6.04 Minimum Lot Frontage:

Town and forest service roads: 200 feet, county roads: 250 feet, state or federal highways: 300 feet.

6.05 Setback from Road and Street:

The greater of the following distances shall be the minimum setback:

(a) State and federal highways: 100 feet from the centerline of the highway or 50 feet from the edge of the right-of-way.

(b) County roads: 75 feet from the centerline of the road or 42 feet from the edge of the right-of-way.

(c) Town roads and paved forest service roads: 63 feet from the centerline of the road or 30 feet from the edge of the right-of-way.

6.06 Sideyard Widths:

Sideyard widths shall be 20 feet; accessory buildings 15 feet.

6.07 Maximum Lot Coverage:

Maximum Lot Coverage shall be 15%.

6.08 Maximum Height:

Maximum Height shall be 40 Feet.

6.09 Other Chapters of this Ordinance contain general standards which may apply to uses in this district: Chapter 4, "Supplementary District Regulations", Chapter 5, "Shoreland Regulations" (for areas within 300 feet of streams and 1000 feet of lakes), Chapter 17, "Performance Standards", Chapter 18, "Parking and Driveways", Chapter 19, "Signs".

6.10 Permitted and Conditional uses:

See Chapter 14.

6.11 Hunting and Recreational Cabins:

Hunting and recreational cabins may be erected in the GR District provided that:

(a) Minimum footage of 400 square feet on the ground floor.

(b) Lot minimum of 5 acres.

(c) Minimum lot frontage on roadway: Town and forest service roads, 200 feet; County roads, 250 feet; State or Federal highways, 300 feet.

- (d) Minimum set-back from roadway, 150 feet from the centerline.
- (e) Side yard widths, 50 feet.
- (f) Maximum height, 40 feet.
- (g) Mobile homes may be permitted as hunting or recreational shelters but shall require skirting.
- (h) Exception in GR District: No hunting or recreational shelter may be erected on any lot otherwise suitable that has frontage on County Trunk Highway W, State Highway 32, or U.S. Highway 8, except by conditional use permit.
- (I) To the extent other chapters provide standards applicable to GR District, those standards apply to this section.

CHAPTER 7 VILLAGE RESIDENTIAL (VR) DISTRICT

7.01 Intent:

This district is for primarily residential uses in non-sewered areas of the town. Development should be more compact than in open rural areas, and should generally be concentrated on new interior roads or lesser-traveled road systems. (Refer also to Town of Lincoln Sub-Division Ordinance).

7.02 Mapping Guidelines:

This district will include existing non-sewered areas, subdivision concentrations, and additional undeveloped land suitable for expansion of these areas. Land for which sewer service is planned or expected in the future should not be included.

7.03 Minimum Lot Area:

Minimum Lot Area shall be 1.5 acres.

7.04 Minimum Lot Frontage:

Minimum Lot Frontage shall be 150 feet.

7.05 Setback from Road or Street:

The greater of the following distances shall be the minimum setback, except that where there are at least three other principle structures within 500 feet of the proposed building, the zoning administrator may reduce the setback to the average setback of the nearest three principle structures and the required setback:

- (a) State and federal highways: 100 feet from the center line of the highway or 50 feet from the edge of the right-of-way.
- (b) County roads; 75 feet from the centerline of the road or 42 feet from the edge of the right-of-way.
- (c) Town roads and paved forest service roads: 63 feet from the centerline of the road or 30 feet from the edge of the right-of-way.

7.06 Sideyard Widths:

Sideyard Width shall be 15 feet.

7.07 Maximum Lot Coverage:

Maximum Lot Coverage shall be 15%.

7.08 Maximum Height:

Maximum Height shall be 35 feet.

7.09 Other Chapters of This Ordinance contain general standards which may apply to uses in this district: Chapter 4, “Supplementary District Regulations”, Chapter 5, “Shoreland Regulations” (for areas within 300 feet of streams and 1000 feet of lakes), Chapter 17. "Performance Standards", Chapter 18, “Parking and Driveways”, Chapter 19, “Signs”.

7.10 Permitted and Conditional Uses:

See Chapter 14.

**CHAPTER 8
VILLAGE COMMERCIAL (VC) DISTRICT**

8.01 Intent: This district provides for commercial retail and service businesses in non-sewered areas. The area may have homes and businesses interspersed, therefore development allowed in the Town Residential District is also allowed here.

8.02 Mapping Guidelines: The district will include areas within existing non-sewered areas where commercial uses exist, or where new ones can be suitably located. In order to avoid spot zoning, district boundaries will often include residences which are located between commercial uses. Expansion of this district through map amendment shall be based on need for commercial land, and should usually consist of expanding to adjacent areas.

8.03 Minimum Lot Area:

Minimum lot area shall be 2 acres

8.04 Minimum Lot Frontage:

Minimum Lot Frontage shall be 150 feet.

8.05 Set back from Road or Street:

The greater of the following distances shall be the minimum setback, except that where there are at least three other principle structures within 500 feet of the proposed building, the zoning administrator may reduce the setback to the average setback of the nearest three principle structures and the required setback:

(a) State and Federal highways: 100 feet from the center of the highway, or 50 feet from the edge of the right-of-way.

(b) County roads: 75 feet from the centerline of the road, or 42 feet from the edge of right-of-way

(c) Town roads and paved forest service roads: 63 feet from the centerline of the road, or 30 feet from the edge of right-of-way.

8.06 Sideyard Widths:

Sideyard width shall be 15 feet

8.07 Maximum Lot Coverage:

Maximum Lot Coverage shall be 50%.

8.08 Maximum Height:

Maximum Height shall be 35 feet.

8.09 Other Chapters of This Ordinance contain general standards which may apply to uses in this district: Chapter 4, “Supplementary District Regulation”, Chapter 5, “Shoreland Regulations” (for areas within 300 feet of streams and 1000 feet of lakes), Chapter 17, “Performance Standards”, Chapter 18, “Parking and Driveways”, Chapter 19, “Signs”.

8.10 Permitted and Conditional Uses:

See Chapter 14.

CHAPTER 9 LAKE DEVELOPMENT (LD) DISTRICT

9.01 Intent:

This district governs the type of uses and density of development around lake. Backlot development is accommodated, but at a larger lot size than shoreland lot in order to help discourage overcrowding among lake users. Certain commercial uses are permitted, provided that there is not conflict with residential uses and recreation. Chapter 5, “Shoreland Regulations” will also apply to all land within 1,000 feet of the lake.

9.02 Mapping Guidelines:

This district will be located on suitable land around lakes with recreation potential, outside of sewer service areas. Sewered lakeshore areas will be included in other districts (R1, R2, or CM).

9.03 Minimum Lot Area:

Chapter 5, Sections 5.14, 5.15, 5.16, and 5.17 shall apply.

9.04 Minimum Lot Frontage:

Chapter 5, Sections 5.14, 5.15, 5.16, and 5.17 shall apply.

9.05 Setback from Road or Street:

Chapter 4, Section 4.01 shall apply.

9.06 Sideyard Widths:

Chapter 5, Sections 5.14, 5.15, 5.16, and 5.17 shall apply.

9.07 Maximum Lot Coverage:

Chapter 5, Sections 5.14, 5.15, 5.16, and 5.17 shall apply.

9.08 Maximum Height:

Chapter 5, Sections 5.14, 5.15, 5.16, and 5.17 shall apply.

9.09 Setback Backlots:

Chapter 5, Sections 5.16 and 5.17 shall apply.

9.10 Backlot and Other Use of Water Frontage:

Chapter 5, Section 5.11 shall apply.

9.11 Other Chapters of This Ordinance contain general standards which may apply to uses in this district: Chapter 4, "Supplementary District Regulations", Chapter 5, "Shoreland Regulations" (for areas within 300 feet of streams and 1000 feet of lakes), Chapter 17, "Performance Standards", Chapter 18, "Parking and Driveways", Chapter 19, "Signs".

9.12 Permitted and Conditional uses:

See Chapter 14.

CHAPTER 10

1 AND 2 FAMILY RESIDENTIAL (RI) DISTRICT (SEWERED)

10.01 Intent:

This district is for one and two family homes in sewer areas. Such residential areas should provide for pleasant surroundings which are free from noise and heavy traffic, and are relatively close to shopping, employment, schools and recreation. Undeveloped land adjacent to existing sewer areas may be developed, but provisions shall be made for lot division and sewer hook-up when and if sewer extensions can be made.

10.02 Mapping Guidelines:

The district should cover existing sewer residential areas, outside of areas suitable for multi-family development, and should also include adjacent undeveloped land where sewer lines, water lines, and streets are planned or can be feasibly extended. Such undeveloped land included should provide ample room for expected residential growth over the next 20 years.

10.03 Minimum Lot Area:

Minimum lot size shall be 10,000 square feet.

10.04 Minimum Lot Frontage:

Minimum lot frontage shall be 100 feet.

10.05 Setback from Road or Street:

The greater of the following distances shall be the minimum setback, except that where there are at least three other principal structures within 500 feet of the proposed building, the zoning administrator may reduce the setback to the average setback of the nearest three principal structures and the required setback:

(a) State and federal highways: 100 feet from the centerline of the highway or 50 feet from the edge of the right-of-way.

(b) County roads: 75 feet from the centerline of the road or 42 feet from the edge of the right-of-way.

(c) Town roads and paved forest service roads: 63 feet from the centerline of the road or 30 feet from the edge of the right-of-way.

10.06 Sideyard Widths:

Sideyard width shall be 10 feet.

10.07 Maximum Lot Coverage:

Maximum lot coverage shall be 15%.

10.08 Maximum Height:

Maximum Height shall be 35 feet.

10.09 Other Chapters of This Ordinance contain general standards which may apply to uses in this district: Chapter 4, "Supplementary District Regulations", Chapter 5, "Shoreland Regulations" (for areas within 300 feet of streams and 1000 feet of lakes), Chapter 17, "Performance Standards", Chapter 18, "Parking and Driveways", Chapter 19 "Signs".

10.10 Permitted and Conditional Uses:

See Chapter 14.

10.11 Special Regulations for Unsewered Lots:

Unsewered lots or subdivisions shall be platted and developed in such a way that further division of lots will be possible when and if sewers are extended to the vicinity. Provisions shall be made for right-of-way for any additional future streets. Buildings should be located and lot dimensions should be set (20,000 ft² minimum lot area & 200ft minimum lot frontage) in such a way that future lot division is possible without creating non-conforming lots. A map shall be submitted to the zoning administrator which shows how such future lot division may be accomplished, and indicating placement of buildings. Before issuing a permit, the zoning administrator shall determine that the proposal as mapped is feasible and compatible with existing or planned development in the area.

CHAPTER 11: MULTI-FAMILY RESIDENTIAL (R2) DISTRICT (SEWERED)

11.01 Intent:

This district is intended to allow a variety of housing types within sewer residential areas. While the main type of housing in the district will likely be single family homes, multi-family units and mobile home parks will be allowed subject to review and appropriate conditions. The district may include undeveloped land on the fringe of the currently built-up area which may be available for future development.

11.02 Mapping Guidelines:

The district should cover residential areas and adjacent undeveloped land where access to major streets and traffic arterials is easily afforded, and where multi-family development would be consistent or not in conflict with current land uses. Enough land should be included to offer a reasonable choice of locations for future multi-family housing or mobile home parks.

11.03 Minimum Lot Area:

Minimum Lot Area shall be 10,000 square feet, plus 2,500 square feet for each additional unit over two units.

11.04 Minimum Lot Frontage:

Minimum lot frontage shall be 100 feet.

11.05 Setback from Road or Street:

The greater of the following distances shall be the minimum setback, except that there are at least three other principal structures within 500 feet of the proposed building, the zoning administrator may reduce the setback to the average setback of the nearest three principal structures and the required setback:

(a) State and federal highways. 100 feet from the centerline of the highway or 50 feet from the edge of the right-of-way.

(b) County roads: 75 feet from the centerline of the road or 42 feet from the edge of the right-of-way.

(c) Town roads and paved forest service roads: 63 feet from the centerline of the road or 30 feet from the edge of the right-of-way.

11.06 Sideyard Widths:

Sideyard width shall be 10 feet.

11.07 Maximum Lot Coverage:

Maximum lot coverage shall be 50%

11.08 Maximum Height:

Maximum Height shall be 35 feet.

11.09 Other Chapters of This Ordinance contain general standards which may apply to uses in this district: Chapter 4, "Supplementary District Regulations", Chapter 5,

"Shoreland Regulations" (For areas within 300 feet of streams and 1000 feet of lakes), Chapter 17, "Performance Standards", Chapter 18, "Parking and Driveways", Chapter 19, "Signs".

11.10 Permitted and Conditional Uses:

See Chapter 14.

11.11 Special Regulations for Unsewered Lots:

Unsewered lots or subdivisions shall be platted and developed in such a way that further division of lots will be possible when and if sewers are extended to the vicinity. Provisions shall be made for right-of-way for any additional future streets. Buildings should be located and lot dimensions should be set (20,000 + 5,000 ft² minimum lot area & 200ft minimum lot frontage) in such a way that future lot division is possible without creating non-conforming lot. A map shall be submitted to the zoning administrator which shows how such future lot division may be accomplished, and indicating placement of buildings. Before issuing a permit, the zoning administrator shall determine that the proposal as mapped is feasible and compatible with existing or planned development in the area.

CHAPTER 12 COMMERCIAL (CM) DISTRICT (SEWERED)

12.01 Intent:

The intent of this district is to provide an area for the retail and service businesses of larger, sewerred areas. The district should serve to concentrate a wide range of commercial activities in a central, "downtown" area which is attractive to shoppers from surrounding towns.

12.02 Mapping Guidelines:

The district should be centered on existing commercial areas in sewerred areas, with some adjacent land added to cover reasonable future expansion. If additional commercial land is needed in future years, district boundaries may be expanded further, with attention given to appropriate areas as identified in the Town's development plan. This district should not be expanded in such a way that commercial uses are spread out on long expanses of highway frontage.

12.03 Minimum Lot Area:

Minimum lot area shall be 5,000 square feet.

12.04 Minimum Lot Frontage:

Minimum lot frontage shall be 50 feet.

12.05 Setback from Road or Street:

The greater the following distances shall be the minimum setback, except that there are at least three other principal structures within 500 feet of the proposed building, the zoning administrator may reduce the setback to the average setback of the nearest three principal structures and the required setback:

(a) State and federal highways: 100 feet from the centerline of the highway or 50 feet from the edge of the right-of-way.

(b) County roads: 75 feet from the centerline of the road or 42 feet from the edge of the right-of-way.

(c) Town roads and paved forest service roads: 63 feet from the centerline of the road or 30 feet from the edge of the right-of-way.

12.06 Sideyard Widths:

Sideyard widths shall be 10 feet.

12.07 Maximum Lot Coverage:

None.

12.08 Maximum Height:

Maximum Height shall be 35 feet

12.09 Other Chapters of This Ordinance contain general standards which may apply to uses in this district: Chapter 4, "Supplementary District Regulations", Chapter 5, "Shoreland Regulations" (for areas within 300 feet of streams and 1000 feet of lakes), Chapter 17, "Performance Standards", Chapter 18, "Parking and Driveways", Chapter 19, "Signs".

12.10 Permitted and Conditional Uses:

See Chapter 14.

CHAPTER 13 INDUSTRIAL (IN) DISTRICT

13.01 Intent:

This district will accommodate all types of industrial uses, provided the industry operates within Federal and State environmental and safety standards and any adopted pursuant to this ordinance. Extra consideration will be given to conditions for industries with a high pollution potential, or with hazardous characteristics (See Conditional Uses, Chapter 16, in particular Section 16.22).

13.02 Mapping Guidelines:

The district should include existing industries and warehousing areas, and adjacent land suitable for expansion. New industrial areas will generally be created through the Planned Development Procedure (Chapter 15).

13.03 Minimum Lot Area:

Minimum lot area shall be 15,000 sq. ft. with sewer, two acres without sewer.

13.04 Minimum Lot Frontage:

Minimum lot frontage shall be 100 feet with sewer, 200 feet without sewer.

13.05 Setback from Road or Street:

The greater of the following distances shall be the minimum setback:

(a) State and federal highways: 100 feet from the centerline of the highway or 50 feet from the edge of the right-of-way.

(b) County roads: 75 feet from the centerline of the road or 42 feet from the edge of the right-of-way.

(c) Town roads and paved forest service roads: 63 feet from the centerline of the road or 30 feet from the edge of the right-of-way.

13.06 Sideyard Widths:

Sideyard widths shall be 25 feet with sewer; 50 feet without sewer.

13.07 Maximum Lot Coverage:

Maximum lot coverage shall be 65 %.

13.08 Maximum Height:

Maximum height shall be 40 feet, except higher structures may be allowed as conditional uses, provided the local fire fighting / emergency rescue service has first been consulted.

13.09 Other Chapters of This Ordinance contain general standards which may apply to uses in this district: Chapter 4, "Supplementary District Regulations", Chapter 5, "Shoreland Regulations (for areas within 300 feet of streams and 1000 feet of lakes), Chapter 18, "Parking and Driveways", Chapter 19, "Signs".

13.10 Permitted and Conditional Uses:

See Chapter 14.

13.11 Performance Standards:

See Chapter 17.

**CHAPTER 14
PERMITTED AND CONDITIONAL USES BY DISTRICT**

14.01 General

The following table lists most common land uses which might be found or established in the Town of Lincoln, and shows whether such uses are permitted or conditionally permitted uses within the eight zoning districts described in Chapters 6 through 13.

Uses listed as permitted in a district are allowed after application and determination by the zoning administrator that the proposed use will conform to all applicable sections of this Ordinance.

Short term rental of private residences is allowed in all districts with the following requirements:

(a) The number of persons using the residence at one time must conform to the single

family definition as defined in this ordinance.

(c) The owner shall hold a current Town of Lincoln Accommodations permit, as required by the town, and must be in compliance with local room tax requirements. Any limitations or conditions will be addressed in the Accommodations permit.

Uses listed as conditional are allowed only after a public hearing and determination by the Plan Commission that the proposed use will conform to all applicable sections of this Ordinance, with special consideration given to the procedures and general criteria for conditional uses (Sections 16.01 through 16.07) and also to specific sections of Chapter 16 which pertain to individual uses (Section 16.08 through 16.53). In the following table, the farthest right-hand column on each page gives the section reference by land use category.

14.02 Treatment of Accessory Uses

Provisions in the following table shall be interpreted to apply in a like manner to uses which are accessory to permitted or conditional uses listed.

14.03 Uses Similar to Listed Land Uses

Uses similar to uses listed in the following table shall be interpreted to follow the same provisions as those applying to the most similar listed use. In case of question as to the classification of a use, the question shall be submitted to the Plan Commission for determination.

14.04 Chartered-Permitted and Conditional Uses by District :

(INSERT EXCEL CHART FOR NEXT THREE PAGES)

KEY:

P = PERMITTED USE

C = CONDITIONAL USE

PD = Permitted Only In Planned Development

BLANK = NOT PERMITTED

LAND USES

RESIDENTIAL:

	DISTRICTS								
	General Rural (GR)	Village Residential (VR)	Village Commercial (VC)	Lake Development (LD)	1 & 2 Family Residential (R1)	Multi-Family Residential (R2)	Commercial (CM)	Industrial (IN)	
1 & 2 Family Homes	P	P	C	P	P	P	C		16.08
Transient Rentals	P	P	P	P	P	P	P		14.01
3 & 4 Family Apartments	C	C	C		C	P	C		16.09 + 16.08
5+ Unit Apartments						C	C		16.10 + 16.08
Single Mobile Homes	P	C	C	C	C	C	C		4.16
Mobile Home Parks		C	C		C	C	C		16.11
Group Home-with 12 or more residents	C	C	C			C	C		16.12
Recreational Vehicle (RV) Parks		C	C			C	C		16.13
Home Occupations - patrons on premises	P	C	P	C		C	P		16.14
Home Occupations - patrons not on premises	P	P	P	P	P	P	P		
Rooming Houses - (3 - 11 rented units)		C	C			P	C		16.15

COMMERCIAL:

Local or Neighborhood Commercial	C		P				P		16.16
Tourist and Lake-Oriented Commercial (except transient rentals)	C		C	C			P		16.17
Auto-Oriented Facilities - of commercial uses			C				C		16.18
General Retail and Service			C				P		16.19
Drive-in Theatres	C		C				C		16.20
Forestry and Farm Equipment - sales & service	C		C				P		16.21
Mini-warehouse storage facility	C		C				P		4.19

For Conditional Uses:
See Section 16.01-17.07
plus additional section listed
below

INDUSTRIAL AND WHOLESALING:

General Industry - except those types listed below:								C	
Industries with potential for High Hazard, Pollution, or Nuisance								C	16.22
Salvage Yards, Processing & Recycling Facilities								C	16.24
Sand and Gravel Pits (1000 cubic yards per year or more)	C							C	16.23
Metallic Minerals Exploration	C	C	C		C	C	C	C	16.25
Metallic Mineral Prospecting & Mining (See Chapter 15)	PD							PD	
Wholesale Establishments			C				P	P	16.26
Warehouses and Food Lockers			C				C	P	16.27
Heavy Equipment Storage	P		P				P	P	
Truck Terminals	C		C				C	P	16.28
Petroleum Products Distribution and Storage Facilities			C				C	C	16.29

FORESTRY AND FARMING

Forest Management	P	P	P	P	P	P	P	P	
Crop Farming	P	P		C	P	P			
Dairy and Animal Farming	P								
Confined Livestock Feeding	C								16.30
Permanent Forest Processing	C							P	16.31
Temporary Forest Processing	P							P	
Maple Syrup Processing	P	P	P	P				P	

FACILITIES

Sanitary Landfills	PD							PD	16.32
Wastewater Treatment Plants	PD			PD				PD	16.33
Public Water Wells, Treatment & Storage	C	C	C	C	C	C	C	C	16.34
Schools and Public Libraries	P	C	P		C	C	P		16.35
Churches	P	C	P		C	P	P		16.36
Hospitals and Nursing Homes	C		C			C	C		16.37
Airports:	C							C	16.38
Commercial/Military	C							C	16.38
Private landing strips									
Communications Towers	C		C				C	C	16.39
Radio & TV Stations	C		C				P		16.40
Cemeteries	C	C	C		C	C	C		

Electric Power Substation	C		C				C	P	16.41
Pipeline Pumping Station	C							P	
Wind Turbines	C								

RECREATION

Clubhouse or Lodge	C	C	C	C			C	C	16.42
Campgrounds	C								16.43
Public Swimming Pools		C	C				C	C	16.44
Hunting and Recreational Cabins	P								
Golf Courses with Clubhouse	C	C	C		C	C	C		16.45
Parks and Playing Fields	P	P	P	P	P	P	P	P	
Shooting (Gun or Archery) Ranges	C								16.46
Fairgrounds, Amusement parks, Go-cart or Motorcycle Tracks	C		C					P	16.47
Sport Equipment Rental	C		C					P	16.48
Commercial Stables	C		C						16.49
Group Camps	C								16.50
Fish Hatcheries	P		C	C					16.51

OTHER:

Structures exceeding district height regulations	C	C	C	C	C	C	C	C	16.52
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CHAPTER 15 PLANNED DEVELOPMENT OVERLAY DISTRICT

15.01 Intent

It is the intent of the Planned Development Provision to allow flexibility in dealing with large scale residential, commercial, industrial, and mineral developments while insuring such development conforms with the intent of the Town's development plan.

15.02 Types and Location of Planned Developments

Each Planned Development (PD) shall be one of the following types:

<u>Type of Planned Development</u>	<u>Abbreviations</u>	<u>Permitted in These General Districts</u>
Residential Planned	R-PD	GR,VR,VC,LD,CM,R1,R2
Commercial Planned	C-PD	GR,VR,VC,R2,CM
Industrial Planned	I-PD	GR, IN
Metallic Mineral Mining and Prospecting Planned	M-PD	GR, IN

15.02.1 Ownership

Any application for approval of any PD may be filed by a person having an interest in the property to be included in the planned development. Prior to final approval, the entire tract shall be either under single ownership, evidenced by legal title or binding sales contract or under lease or such other legal control over the land and proposed use which is sufficient to insure that the applicant will be able to carry out the proposed project and assume all liability for the project which would normally be assumed under full land ownership.

15.03 Filing

15.03.1

An application shall include the following:

- (a) An application fee as described in 20.03.
- (b) A signed and notarized statement from the applicant stating:
 1. The name and address of the applicant.
 2. A summary in less than 500 words which describes the nature and scope of the project.
 3. A legal description of all land proposed to be included in the district.
 4. A description of applicant's ownership interests in the property with respect to 15.02.
 5. Dates construction will begin and be completed.
 6. The applicant's best estimate and explanation of the life expectancy of the project.

7. Evidence of the applicant's ability to carry out the project. This may include an explanation of the method of financing, a financial statement of the applicant, a list of experience of the applicant in similar projects, letters of reference, or other material.

8. A statement that all information is accurate and complete to the best of the applicant's knowledge.

(c) A map prepared by a registered surveyor in the State of Wisconsin showing the proposed district as it currently exists. The map shall show the following at an appropriate scale:

1. Boundaries of the property and location of monuments.
2. Contour lines at five (5) foot intervals.
3. All major drainages.
4. Size of the property.
5. High water mark of watercourses or water bodies, if any.
6. Adjacent roadways and distances to public road to which access is proposed.
7. Existing structures or other man made features.
8. Scale and north arrow.

9. Any other feature of major importance or other information necessary to accurately represent the area.

(d) A description of the proposed project in sufficient detail to allow the Plan Commission to assess probable physical, environmental, and developmental impacts of the proposal. The description shall include at a minimum, the following:

1. A description of the timing and phasing of the project including maps of all major phases.

2. A map of the completed development.

3. A description of any related development taking place in the town or planned to take place.

4. A statement of known physical, environmental, or any developmental impacts on other property in the Town of Lincoln.

5. A description of any homeowners or other associations which will be responsible for maintenance of open space or shared facilities.

6. Any other information necessary for the Plan Commission to assess probably physical, developmental, or environmental impacts of the project.

7. Sewer and water lines, streets, septic system and utilities.

(e) Any other documents required below under regulations for the specific type of planned development.

15.03.2

Said application shall be filed with the zoning administrator. The applicants shall present ten (10) copies of all material listed in 15.03.1 plus the filing fee listed in 20.04. The zoning administrator shall immediately initial and date one copy of each of the materials listed in 15.03.1 and issue a receipt to the applicant for all materials delivered to him. The copy of materials initialed by the zoning administrator shall be delivered by him to the Town Clerk to be preserved with Town records. One copy may be retained by the zoning administrator for his use. One copy shall be submitted to the County Zoning Office for their information and review. The remaining copies shall be publicly available in the following locations:

- (a) the Town Hall;

(b) the Office of the North Central Wisconsin Regional Planning Commission;
(c) and one copy to be available to members of the Plan Commission. Any remaining copies may be circulated or distributed at the discretion of the Chairman of the Plan Commission.

15.04 Plan Commission Actions and Public Hearings

15.04.1

The zoning administrator shall place notice of the application on the next meeting agenda of the Plan Commission.

15.04.2

At the meeting referred to in 15.04.1, the Plan Commission shall set a date for an informational public hearing on the application. The public hearing shall be scheduled no sooner than 15 days after the meeting and no later than 45 days, except that with respect to an M-PD, the Plan Commission may decide that the hearing held pursuant to s.293.43, Wisconsin Statutes, shall constitute the informational public hearing. The hearing shall be at the town hall.

15.04.3

No later than 30 days after the informational public hearing, the Plan Commission shall hold a meeting and adopt recommendations on the application, except that when the informational hearing is held on an M-PD, according to s.293.43, Wisconsin Statutes, the Plan Commission shall meet and adopt recommendations no later than 30 days after the close of the record of the hearing.

15.04.4

A public hearing shall be held on the recommendations not later than 60 days after the informational hearing or, with respect to an M-PD, after the close of the record of a hearing held pursuant to s.293.43, Statutes. The hearing may be held at the Town Hall or other suitable facility designated by the town zoning administrator. With respect to an M-PD, the Plan Commission may, if directed by the Town Board, schedule the required hearing to coincide with a meeting of the Town Board.

15.04.5

Following the public hearing, the zoning administrator shall within fifteen days deliver to the County Clerk the recommendations of the Commission and a summary of the comments at the second public hearing. The Town Clerk shall place the recommendation on the next Town Board agenda.

15.04.6

No more than 75 days after the Town Clerk receives the Commission's recommendations and summary of contents of the public hearing, the Town Board shall either disapprove or approve the recommendation of the Plan Commission.

15.04.7

If the Town Board approves the application, and the applicant's ownership is established in accordance with 15.02.1, the zoning administrator shall issue the permit as described in 15.05.

15.04.8

If the application is rejected by the Town Board, the applicant may refile at any time. If this second application is substantially the same as the original application except for changes recommended by the Plan Commission or Town Board, the Plan Commission may eliminate the informational public hearing described in 15.04.2

15.04.9 Simultaneous Application for Planned Developments, Conditional Use Permits and Land Use Permits

(a) Applications for more than one Planned Development may be submitted simultaneously provided that all districts are related and the relationships of the planned unit developments are clearly explained in the project description in 15.03.1 (d). All applications filed simultaneously may be combined for public hearing purposes, but the Plan Commission shall make separate recommendations on each application, the Town Board of Supervisors shall take separate action on each application, and a separate permit shall be issued for each application.

(b) Applications for conditional use permits or land use permits may be filed simultaneously with the application for designation of a Planned Development provided that all the proposed conditional uses are within the proposed planned development. In the case of simultaneous submission of conditional use and Planned Development applications, the deadlines described in 16.03 and 16.04 for conditional uses shall not apply; and instead, the deadlines and procedures established in this chapter for Planned Developments shall apply. The Plan Commission shall make recommendations to the Town Board on each conditional use permit and the Town Board shall act on these recommendations as part of the Planned Development application. Material required under Section 16.02 for conditional uses shall be incorporated into the Planned Development application whenever possible.

15.04.10

The applicant may request cancellation of all further consideration of the application at any time by notifying the zoning administrator in writing.

15.05 PD Permit

15.05.1

A separate PD permit shall be issued for each planned development. A single PD permit shall include any conditional use permits which were identified as needed in the application. Individual land use permits shall also be included as a portion of the planned development permit. Any land use or conditional use permit within the Planned Development District which is obtained after the Planned Development permit is applied for shall be considered a part of the Planned Development permit.

15.05.2

The PD permit shall become effective at the later of the following date:

- (a) Ten (10) calendar days after the permit is issued by the zoning administrator.
- (b) The starting date identified by the applicant in 15.03.1(b).

15.05.3

The permit shall be terminated or suspended by the Town Board if any one of the following conditions is met:

(a) Construction is not carried on diligently to completion following as closely as possible the description of timing and phasing of the project submitted in the application unless caused by reasons beyond the control of the applicant.

(b) Actual project development is significantly different than stated in the original application.

(c) Actual project development violates the description provided in the application or any recommendations adopted by the Town Board.

(d) The occurrence or imminent danger of a major adverse or catastrophic environmental or economic impact not accurately described in the application material submitted under 15.03.

15.05.4 Local Agreements

All applications for a metallic mining permit in the Town of Lincoln will require an approved Local Agreement pursuant to Stats. 293.41 before issuance.

1. Negotiating Process

a. All conditions established pursuant to this ordinance will be subject to Local Agreement pursuant to Stats. 291.41.

b. The Town of Lincoln Town Board shall abide by the requirements of the Wisconsin Open Meetings Law, Stats. 19.81 et seq.

2. Approval Process

a. Governing Body. The governing body for the purposes of approving a Local Agreement under Stats. 293.41 is the Town of Lincoln Town Board.

3. Timing.

a. No Local Agreement shall be approved for public hearing under Stats. 293.41 until the applicant has filed all applications for all necessary approvals, Conditional Use Permits and permits from the Wisconsin DNR and any other state or federal agency with jurisdiction over the prospecting or mining site or operation, and those permit applications have been deemed complete by the agency to whom they have been submitted, and the applicant has filed the Environmental Impact Report under Stats. 23.11 relating to any state permit applications.

Note (1): There is no triggering event or decision rendered by the Wisconsin DNR which certifies that an application for a mining permit is "deemed complete". The application is deemed complete at the time that the comment period has expired and further information has not been requested by the Wisconsin DNR.

Note (2): It is the intent of the Town of Lincoln to commence communication and negotiation of Local Agreements with the applicant any time after the filing of the Notice of Intent to Apply for a permit with the Wisconsin DNR. It is the intent of the Town of Lincoln to approve said agreements after the applicant has submitted all information required by the Wisconsin DNR, Forest County and the Town of Lincoln.

b. A Local Agreement, pursuant to Stats. 293.41 between the Town of Lincoln and the applicant shall be in place prior to the issuance of a permit.

4. Non-Applicability Provisions.

a. The Local Agreements may not declare any portions of this ordinance non-applicable to a metallic mining operation or include variances from the ordinance except upon an affirmative vote of a majority of the Forest County Land and Water Conservation Committee, an

affirmative vote of the Forest County Zoning Committee, and affirmative vote of the majority of the members of the Forest County Board, and upon the affirmative vote of the Town Board of each Town in which the proposed mining site is located. Any exceptions, variances or rezoning must comply with federal and state law.

b. A Local Agreement may include the right to reopen and modify the Local Agreement after it has been approved under conditions specified in the Local Agreement. In such a case, the agreement shall be modified in accordance with the approval process set forth above except that any voter to reopen and modify must be made by a majority vote of the Town of Lincoln Town Board.

15.06 General Requirements

A planned development shall be composed of a single contiguous area enclosed by a single continuous boundary line. The area for inclusion shall be reasonably compact and not rely on narrow land bridges or necks of lands to join otherwise non-contiguous areas. The Planned Development shall not enclose or substantially surround any land which is not included in the Planned Development. Exceptions to these requirements may be permitted in order to accommodate essential pipelines, utilities, or other facilities. The land included in a Planned Development may not be included in any other planned development.

15.07 Impact

In considering an application for a planned development permit and any conditional use permits for a proposed development or project, the Plan Commission shall consider the effect of the grant on economic prosperity of the Town of Lincoln and the immediate area in which such use would be permitted. The Plan Commission shall deny an application for a planned development permit and any conditional use permits for a proposed development or project if the project results in a net substantial adverse economic impact to the Town of Lincoln, including Town services and facilities, local school districts, and/or any sanitary district.

15.08 Other Regulations Apply

The appropriate district regulations or other portions of this zoning ordinance shall apply within planned developments unless specifically exempted or altered under the provisions of this chapter. Shoreland regulations in Chapter 5 shall apply within all areas defined in 5.05 regardless of any provisions of this chapter.

15.09 Approval Not Guaranteed

Nothing in this ordinance shall be construed to mean that the Town Board of Supervisors is required to approve any application for a planned development. Any such approval of any application for a planned development must be supported by substantial credible evidence.

15.10 Traffic

Unless specifically provided for, Chapter 18 shall be applied to the planned development as a whole and to its constituent parts whenever practical. The design of the planned development shall provide for safe and efficient internal traffic flow on public roads and not create unnecessary safety or congestion problems outside the planned development.

15.11 Deviation

Any significant deviation from the original designs submitted in the application described in 15.03.1 must be approved by the Town Board of Supervisors.

15.12 Permitted Uses (R-PD)

Any use permitted or conditionally permitted in the multi-family (R2) District, plus neighborhood commercial uses and recreation that are accessory uses to the permitted uses.

15.13 Density and Required Yards (R-PD)

15.13.1 Density

A maximum increase in density of 100% over that allowed in the basic district where the R-PD is located is allowed. If the R-PD is in more than one district, the density shall be based on the proportion of the R-PD in each general district. No lot shall be less than 5,000 square feet in area.

15.13.2 Setbacks

Setbacks from public roads shall be in accordance with 4.01. Other yard requirements may be reduced or eliminated if justified by reasons of project design.

15.13.3 Perimeter Buffer

Except for access points, a permanent open space at least twenty-five (25) feet wide shall be provided along the property line and shall be landscaped or screened with no permanent structure permitted. The buffer area shall not be included in calculating open space under 15.14.2.

15.14 Size and Open Space (R-PD)

15.14.1 Size

An R-PD shall contain a minimum of ten (10) dwelling units.

15.14.2 Open Space

Common open space shall comprise at least 10 percent of the gross are of the planned development to be used for recreational, park or environmental amenity for collective enjoyment by occupants of the development or the general public. Open space shall not include streets, parking areas, buffer strips, driveways and utility easements. The following additional open space requirements shall be met:

(a) Open space shall be effectively separated from automobile traffic and parking.

(b) Streams, bodies of water, wetlands, drainage easements, slopes in excess of 15 percent, and floodplain may be included as usable open space if those areas contribute to the quality, livability, and amenity of the planned development, provided that no more than 50 percent of common open space contains such land.

(c) Recreation facilities or structures and their accessory uses located in common recreation areas shall be considered open space, as long as total impervious surfaces constitute no more than ten percent of total open space.

15.15 Special R-PD Provisions

Evidence of the following shall be included in the applicant's description of the project as provided for by 15.03.1:

15.15.1 Care and Maintenance of Common Property

Approval of planned developments are subject to the submission of legal instruments setting forth a plan or manner of permanent care and maintenance of community facilities. No such instrument shall be acceptable until approved by the town.

15.15.2 Homeowners or Merchants Association

If any common open space or facilities are deeded to a Homeowners or Merchants Association, the developer shall file a declaration of covenants and restrictions that will govern the association, to be submitted with the application for preliminary approval. The provisions shall include, but not be limited to, the following:

- (a) The association must be set up before homes are sold or rented.
- (b) Membership must be mandatory for each home buyer and any successive buyer.
- (c) The association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other common facilities.
- (d) The association members must pay their pro rate share of the cost; the assessment levied by the association can become a lien on the property.
- (e) The association must be able to adjust the assessment to meet changed needs.

15.16 Permitted Uses (C-PD)

Any permitted use allowed in the Commercial District (CM) shall be permitted in a C-PD. Any conditional use in the Commercial District (CM) shall be a conditional use in the C-PD.

15.17 Size (C-PD)

No C-PD shall be smaller than three (3) acres. At least one and one-half (1½) acres of a C-PD shall be buildable commercial land excluding public rights-of-way, water bodies, wetlands, steep slopes, or other impediment to development.

15.18 Perimeter and Screening (C-PD)

Except for access points, a permanent open space at least forty (40) feet wide shall be maintained around the perimeter of the C-PD. No structure may be permitted in this open space, and the area shall not be counted as buildable area under 15.17. Vegetative or other screening must be provided adjacent to residential or recreational uses.

15.19 Vacant Building Sites or Empty Buildings (C-PD)

The C-PD application material may indicate one or more vacant building sites. The unused sites shall be identified in the application and as much information as possible given about how these sites will be served by utilities, parking, and other services. Structures not specifically identified in the C-PD application may be built provided that the description of the project included in the application, or restriction recommended by the Plan Commission and the Town Board, are not violated. Structures for uses listed as permitted in the Commercial District (CM) in Chapter 14 may be constructed after acquiring a land use permit as described in 20.02.1. Uses listed as conditional uses in a Commercial District (CM) in Chapter 14 may be constructed after acquiring a conditional use permit as described in 20.02.2.

15.20 Site Design Requirements (C-PD)

As a part of the application specified in 15.03, the following shall be included:

- (a) Layout and services provided of all building sites.
- (b) Businesses to occupy sites, if known.
- (c) Any site or building which will not immediately be used.

15.21 Traffic and Parking (C-PD)

Traffic and parking shall be given special consideration both within the C-PD and off the premises. Except as specifically provided otherwise, Chapter 18 shall apply.

15.21.1 Pedestrian Traffic

The layout of C-PD shall encourage walking rather than driving between commercial establishments in the C-PD.

15.21.2 Access to public roads

Each C-PD shall be a minimum of two accesses to public roads, but beyond this, the number of driveways should be minimized. Individual businesses shall not have separate driveways to existing public roads.

15.22 Permitted Uses(I-PD)

Any permitted use allowed in the Industrial District (IN) shall be permitted in an I-PD. Any conditional use in the Industrial District (IN) shall be a conditional use in the I-PD.

15.23 Size (I-PD)

No I-PD shall be smaller than three (3) acres. At least one and one-half (1½) acres of a I-PD shall be buildable commercial land excluding public rights-of-way, waterbodies, wetlands, steep slopes, or other impediment to development.

15.24 Perimeter and Screening (I-PD)

Except for access points, a permanent open space at least forty (40) feet wide shall be maintained around the perimeter of the I-PD. No structure may be permitted in this open space, and the area shall not be counted as buildable area under 15.17. Vegetative or other screening must be provided adjacent to residential or recreational uses.

15.25 Vacant Building Sites or Empty Buildings (I-PD)

The I-PD, at the time of application, may have one or more vacant building sites. The unused sites shall be identified in the application as well as much information as possible about how these sites will be served by utilities, parking, and other services. Structures not specifically identified in the I-PD application may be built provided that the description of the project included in the application, or restriction recommended by the Plan Commission and the Town Board are not violated. Structures for uses listed permitted in the Industrial District (IN) in Chapter 14 may be constructed after acquiring a land use permit as described in 20.02.1. Uses listed as conditional uses in an Industrial District (IN) in Chapter 14 may be constructed after acquiring a conditional use permit as described in 20.02.2.

15.26 Site Design Requirements (I-PD)

As a part of the application specified in 15.03, the following shall be included:

(a) Layout and infrastructure of all building sites.

(b) Industries to occupy sites, if known.

(c) Any site or building which will not immediately be used or which is included as a speculative holding.

15.27 Traffic and Parking (I-PD)

Traffic and parking shall be given special consideration, both within the I-PD and off the premises. Except as specifically provided otherwise, Chapter 18 shall apply.

15.27.1 Pedestrian Traffic

Whenever possible, the layout of I-PD shall encourage walking rather than driving between establishments in the I-PD.

15.27.2 Access to Public Roads

Each I-PD shall be a minimum of two accesses to public roads, but beyond this the number of driveways should be minimized. Individual businesses shall not have separate driveways to existing public roads.

15.28 Performance Standards (I-PD)

Performance standards given in Chapter 17 shall apply in the I-PD.

15.29 Permitted Uses (M-PD)

Metallic mineral mining and prospecting shall be conditionally permitted only in M-PD unless a variance is obtained pursuant to Chapter 21 of this ordinance or an amendment of this ordinance is obtained pursuant to Chapter 22. Both planned development and conditional use permits, and Local Agreements must be obtained before metallic mineral mining or prospecting activities can be commenced. Any permitted uses allowed in a General Rural District (GR) or Industrial District (IN) shall be permitted in a M-PD. Any conditional use in a GR or IN shall be a conditional use in a M-PD. In any case in which a conflict exists between Sections 15.30-15.36 and Chapter 16, the provisions of Chapter 15 shall be applicable. All other general provisions applicable to PDs, including Sections 15.01-15.12 and 15.30-15.41, are applicable to M-PDs.

15.30 Permit Requirements (M-PD)

15.30.1 Buffer

A buffer zone, not to exceed twelve hundred (1200) feet, but not less than two hundred (200) feet along the property line, may be required. The conditional use permit shall state with some specificity the activities which may be allowed within the buffer zone, e.g. monitoring wells, access corridors, ancillary facilities, and any other facilities or activities approved by the issuing authority. In determining the size of the buffer zone, the issuing authority shall take into consideration the use of the land adjacent to the property line at any point on said line and adjust the buffer zone accordingly.

15.30.2

Adequate utilities, roads, drainage, traffic plans and public services required in a M-PD

shall be provided by the applicant.

15.30.3

A M-PD shall be located, designed, constructed and operated in such a manner so as to protect ground water quality in accordance with Wis. Stat. Chap. 280-289 and administrative rules adopted pursuant thereto.

15.30.4

A M-PD shall be located, designed, constructed and operated in such a manner so as to:

(a) prevent any surface or subsurface discharge from the facility into navigable waters that would cause a violation of water quality standards issued pursuant to Wis. Stat. 281.15;

(b) prevent any surface or subsurface discharge, from the facility into navigable waters that would cause a violation of control on the discharge of any toxic substances under Wis. Stat. 283.12 unless the DNR issues a permit authorizing the disposal or discharge pursuant to Wis. Stat. 283.31;

(c) comply with all applicable regulations promulgated under Wis. Stat. Chap. 283 if point source discharges to navigable waters exist, including point source discharges from leachate collection systems or from surface water runoff collection systems;

(d) meet pretreatment standards, for discharges to publicly owned treatment works, issued pursuant to Wis. Stat. 283.21;

(e) divert surface water runoff from a 24-hour, 25-year storm around portions of the facilities containing ore, product or mine or prospecting waste; provided, however, diversion structures to accomplish the same do not need to be constructed if it can be demonstrated that surface water runoff will not come into contact with such materials;

(f) control surface water runoff from portions of the facilities containing ore, product or mine or prospecting waste up to the quantity anticipated from a 24-hour, 25-year storm by collecting confining, treating or discharging it as may be required by regulations promulgated under Wis. Stat. Chap. 283; and

(g) prevent the discharge or disposal of any substance into the waters of the state, in violation of any applicable law, which adversely affects the quality of the water as it exists before any exploration, prospecting, or mining takes place.

15.30.5

A M-PD shall be located, designed, constructed and operated in such a manner so as to prevent air emissions from such facilities causing a violation of standards or regulations promulgated pursuant to Wis. Stat. Chap. 285.

15.30.6

The conditional use permit for metallic mineral mining may be made conditional upon the applicant's obtaining a mining permit from the DNR for the project proposed on the land affected. The conditional use permit may be canceled by the Plan Commission under the provisions of Sec. 16.06.

15.30.7 Economic Balancing Test

In considering an application for a conditional use permit for metallic mineral mining, the Plan Commission shall follow the requirements set forth in Section 15.07.

15.30.8

(a) A M-PD shall not be granted hereunder unless a corresponding prospecting or mining permit application has been submitted to the DNR.

(b) All tunnels, shafts or other underground openings shall be sealed by the completion of activities in the M-PD, and seepage in amounts which may be expected to create a safety, health or environmental hazard shall be prevented, unless it can, be demonstrated that alternative uses of tunnels, shafts or other openings exist which do not threaten public health and safety and which conform to applicable environmental protection laws and rules. Sealing of tunnels or shafts will not be required if it can be demonstrated that alternative uses of tunnels, shafts, or other openings exist which do not threaten public health and safety and which conform to applicable environmental protection laws and rules.

15.30.9

In the case of a M-PD for mining, the proposed operation shall be denied if the mining operation is projected to result in a net substantial adverse economic impact to the Town over the life of the proposed operation.

15.30.10

No withdrawal of ground water or dewatering of mines may be made to the detriment of public or private water supplies.

15.31 Submittal Requirements (M-PD)

15.31.1 Community Impact Report

In the case of a M-PD for mining, a community impact report containing the information required by 15.03.1d in addition to the information described below shall be prepared and presented at the time of application. To the extent that any information is provided to the DNR by the applicant pursuant to Wis. Stat. 23.11(5) or other appropriate statutory provisions, the need to repeat the same in the community impact report shall be waived and a copy of all such information shall be provided to the Town. To the extent that any of the following information is not so provided to the DNR, it shall be provided directly to the Town:

(a) A description of all significant baseline conditions within the proposed permit area and within the areas of the Town reasonably expected to be significantly impacted by the activity shall be provided, including an estimate of such baseline conditions for the project life of the proposed operation if the proposed operation were not permitted. Such baseline conditions shall include, but not be limited to the following:

1. economic activity
2. ground water
3. surface water
4. air quality
5. noise levels
6. major land uses
7. visual appearances
8. housing
9. traffic
10. utilities, schools, police and fire protection, sewage treatment, and other public

services

11. unique cultures and life-styles

12. wildlife, and vegetation.

(b) A description of all significant aspects of the proposed operation shall be provided including, but not limited to the following:

1. anticipated timing of each major phase from construction through reclamation;

2. all major facilities, including mine shaft or opening, headframe, mill or other processing facility, tailings disposal system, other waste disposal areas, sediment ponds, offices and other structures, roads, railroad lines , and utilities;

3. all other major land uses within the permit area,

4. expected ranges of volumes or tonnages and composition of all significant mine products, including, all mine tailings and other wastes;

5. maximum lateral extent and minimum and maximum depth of underground workings;

6. methods for sealing all shafts and other entries;

7. principal types of mining and processing equipment to be used;

8. reagents to be used in processing;

9. noise and vibration levels expected from the operation;

10. plans for visual screening;

11. measures to be taken to assure compliance with applicable air and water quality standards;

12. anticipated hours of operation, months during the year the activity will occur, and number of years the operation will be active;

13. an estimate of the number of employees directly employed by the operation by phase including construction, as well as an estimated breakdown of the number of employees by job classification;

14. an estimate of the number of employees expected to be recruited from the County including a general description of the applicant's recruitment and training program;

15. an estimate of anticipated utility and other public service and facility requirements; and,

16. the applicant shall provide a statement of whether or not he applicant intends to engage in the process of commercial smelting in the Town of Lincoln during any phase of the metallic mineral mining or prospecting project.

(c) An analysis of all significant impacts of the proposed mining operation on the Town. Such analysis of impacts shall include, but not be limited to impacts on all baseline conditions identified above as well as impacts from temporary shutdowns of substantial duration and permanent closure of the mine.

15.31.2 Reclamation Plan

A reclamation plan shall be prepared and submitted with an application for either prospecting or mining. To the extent that and of the following information is provided to the DNR pursuant to Wis. Stat. 293, the need to repeat the same shall be waived and a copy of such information shall be provided to the Town. To the extent that any of the following information is not so provided to the DNR, it shall be provided directly to the Town. Such a plan shall include the following:

(a) a description of the proposed reclamation including final land use, final land shape, estimated final topography, and the annual sequence of reclamation activity to be conducted;

(b) a description of the utility and capacity of the reclaimed land to support the proposed sequential use;

(c) a description of the measures to be taken to protect topsoils prior to prospecting or mining;

(d) a description of the grading and backfilling sequences, final slope angles, highwall reduction, benching and terracing of slopes, slope stabilization, and erosion control;

(e) a description of the reclamation of waste areas, tailings ponds, sediment ponds, haulage roads, access roads, surface structures and related facilities;

(f) a description of the final surface drainage, water impoundments, and artificial lakes on the affected property;

(g) a description of plan types, planting sequences, and maintenance or replacement of vegetative cover both during the proposed operation and upon completion of site reclamation;

(h) a plan for the adequate covering or disposal of all pollutant-bearing minerals or materials;

(i) the estimated cost of reclamation on a per acre of total project basis and proof that bonds sufficient to provide for such cost have been or will be provided to the DNR pursuant to state law. Upon a determination made by the Town Board that the bonds posted and the demonstration of financial responsibility made to the DNR pursuant to Wis. Stat. Sec. 293.51 and 289.41 and NR 132 and NR 182 will be insufficient to insure land reclamation as described in this section, an additional bond may be required.

(j) a description of the manner of preventing pollution resulting from the leaching of waste materials;

(k) a description of the manner of preventing significant environmental pollution as defined in Wis. Stat. 285.01; and,

(l) an applicant shall submit annually copies of all reports submitted to the DNR under Wis. Stat. Sec. 293.53(2). The Town Board shall review any bonding or financial responsibility permit conditions in light of these submittals, and shall determine whether or not any change in such conditions is necessary and shall make any necessary change.

15.31.3 Content of Submitted Drawings

An application for a M-PD for either prospecting or mining shall include maps as required by section 15.03.1c and d in addition to a series of maps or plans showing the proposed sequence of the proposed operation, direction and depth of the proposed operation, expansion of waste dumps and tailings ponds and other materials movement.

15.31.4 Location Requirements for M-PDs

Where practicable no metallic general mine, nor any mine-related buildings, structures, or tailings ponds may be built, operated, or maintained within any of the following areas:

(a) Within areas identified as unsuitable, in Wis. Stats. Sec. 293.01;

(b) Within 1,000 feet of any navigable lake, pond, or flowage;

(c) Within 300 feet of any navigable river or stream;

(d) Within a floodplain;

(e) Within 1,000 feet of the nearest edge of the right-of-way of any of the following: Any state trunk highway, interstate or federal primary highway; the boundary of state public park; the boundary of a scenic easement purchased by the DNR or DOT; the boundary of a designated scenic or wild river; a scenic overlook designated by the DNR by rule, or a bike or hiking trail

designated by the United States Congress or the State Legislature;

(f) Within wetlands, except pursuant to the criteria established in Section NR 132.06(4) of the Wisconsin Administrative Code and;

(g) In any other areas prohibited in applicable regulations of the DNR, including Section NR 132.18.

15.32 Termination of Mining (M-PD)

Each permittee shall provide notice of its intent to permanently terminate all activity at the project site no later than one year before the proposed operation is to terminate. Each permittee shall likewise provide notice by the end of each calendar year of any significant changes in the anticipated timing of each major phase of the project as originally reported pursuant to section 15.31.l(b).

15.33 Ownership Transfer (M-PD)

No permittee shall assign, sell, lease or transfer in any manner any rights granted under a permit until the succeeding person has complied with all the requirements of this section. At that time, and upon such showing, the Town Board shall release the initial permittee from its requirements and transfer the permit to the successor permittee.

15.34 Additional Provisions

The Plan Commission may attach such provisions on a conditional use permit for metallic mineral mining as it deems necessary to further the purpose of this ordinance.

15.35 Groundwater Protection

15.35.1 Reduction of Quality or Quantity of Groundwater

Any withdrawal of groundwater or dewatering of mines shall be done only in accordance with applicable state law, including, but not limited to, Wis Stat. Sec. 293.65(3)(b). No withdrawal of groundwater or dewatering of mines may be made to the detriment of public or private water supplies which cannot otherwise be mitigated by the program established hereafter.

15.35.2

The applicant may be required to monitor private or public wells that the Town Board directs be monitored in order to gather base line data concerning quantity and quality, and to assess and monitor the impact of permitted operations on public or private wells. A program to mitigate any detriments to the groundwater shall be established at the time of the permit and shall be a condition thereof.

The applicant shall be required to monitor lake and stream levels and potential lake and stream drawdown as directed by the Town Board, to gather base line data concerning water levels and quality, and to assess and monitor the impact of permitted operations on the lake and stream levels/drawdown. A program to mitigate any detriment to the lake and stream levels shall be established at the time of the permit and shall be a condition thereof.

15.35.3 High Capacity Wells

No person, owner, or operator shall construct, install, or operate any well to withdraw groundwater or to dewater mines, for any purpose, where the rate and capacity of withdrawal exceeds one hundred thousand (100,000) gallons per day, unless the applicant first obtains a high

capacity well permit from the DNR in accordance with Wis. Stat. Sec. 281.17(1).

15.35.4 Failure to comply with Order of DNR or Town of Lincoln

An operator or owner of a mining or prospecting project who fails to comply with an order issued by the DNR or the Town of Lincoln under section 15.35.1 is subject to suspension or revocation of the conditional use permit for metallic mineral mining or prospecting possessed by such person, owner, or operator.

15.36 Performance Bond

The applicant may be required to provide a performance bond to insure that the project construction is done according to the plan approved by the Town Board. This bond may be required upon a determination by the Town Board that bonds posted pursuant to other sections of this ordinance, or pursuant to state law are insufficient.

CHAPTER 16 CONDITIONAL USES

16.01 General

Uses listed as permitted by conditional permit may be authorized in the district in which permitted upon application to the Plan Commission and subject to the Committee's authorizing the issuance of a conditional use permit.

16.02 Procedure

A request for a conditional use permit shall be submitted in writing to the town zoning administrator who shall after assuring the completeness of the application promptly refer the application to the Town Plan Commission. The request shall be accompanied by scale maps or drawings prepared to the best of the applicant's ability, showing legibly and accurately the location, size and shape of the lot(s) involved, and of any proposed structures, including the relation to abutting streets and any abutting lakes or streams, and the existing and proposed use of each structure, the design of any required parking areas, driveways, or internal roadway.

16.03 Hearing

A Class 2 notice type hearing shall be scheduled by the zoning administrator as provided for in 2.02.2 of this ordinance. Related hearings such as basic re-zoning or planned unit development under Chapter 15 may be scheduled concurrently.

16.04 Determination

The Plan Commission shall act on the application after considering hearing comments, and general and specific requirements given below. The Plan Commission shall report its decision within 90 days after the filing of the application, except for conditional use applications considered a part of a planned development proposal (see Chapter 15). Its decision shall include an accurate description of the use permitted, of the property on which it is permitted, and any and all conditions made applicable thereto, including periodic review as determined by the Plan Commission.

16.05 Recording

When a conditional use is approved, an appropriate record shall be made of the land use and conditional use permits, and conditions specified by the Plan Commission. Such permits shall be applicable solely to the structures, use and property so described.

16.06 Termination

16.06.1

Where a permitted conditional use does not continue in conformity with the conditions of the original approval, the conditional use permit shall be terminated by action of the Plan Commission and may be considered by the Commission as a violation of this ordinance. The procedure for termination shall be the same as for approval, except that it shall be preceded by the issuance of notice of violation and of any necessary citations, which if left unpaid and the violations not corrected, provide the basis for the termination process to begin.

16.06.2

The Town Board shall cancel the permit and conditional uses issued to any permittee upon any of the following occurrences:

- (a) failure or refusal by the permittee to comply with section 15.35 of this ordinance;
- (b) economic impacts not predicted by the permittee which alter the conclusion that the project would not result in a net substantial adverse economic impact to the Town of Lincoln;
- (c) Any other occurrences which the Town Board find injurious to the Town of Lincoln.

16.07 General Conditions Imposed

In issuing any Conditional Use Permit, the Plan Commission may impose such conditions or restrictions as it deems necessary to protect the public interest and the stated purposes of the ordinance, including but not limited to matters relating to appearance, lighting, hours of operation, and performance characteristics. A conditional use permit may be approved only upon finding all of the following:

- (a) The use conforms to all Town and local plans or policies.
- (b) The use is compatible with the existing neighborhood.
- (c) The location of the proposed use is considered to be consistent with a desirable pattern of development for the area.
- (d) The use conforms to additional conditions listed below, by specific use.

RESIDENTIAL

16.08 Residential Uses in the CM District

All Residential Uses listed as conditional uses in the sewerred CM District may be permitted provided that such use will not conflict with the maintenance and development of the district as a concentrated retail shopping and service center. An apartment or other living quarters attached to, or part of commercial buildings is an example of an acceptable use. New single-family homes placed near or between commercial buildings would not be acceptable.

16.09 Three and Four Unit Apartments in the VR, VC, and R1 Districts

16.09.1

Such uses may be permitted if there is not significant conflict with one and two family home development in the area. Depending on, the location and characteristics of the site, the

Committee may require wider yards or special landscaping or vegetative screening in order to avoid conflict with neighboring uses.

16.09.2

Special attention should be given to adequate parking (see Chapter 18), driveway location and traffic patterns in the area.

16.10 Five or More Unit Apartments in the R2 District

16.10.1

Such uses may be permitted according to considerations under Section 16.09 above.

16.10.2

The Plan Commission should also note that it is the intent of this ordinance to allow for adequate sites within this District to meet the Town demand for multifamily units.

16.11 MOBILE HOME PARKS in the Town of Lincoln

16.11.1

An application for a Mobile Home Park Use Permit shall contain complete plans and specification of the proposed park showing, but not limited to the following:

- (a) The area and dimensions of the tract of land; topographic sketch of the land.
- (b) The number, location and size of all mobile home lots and required parking spaces.
- (c) The location and width of roadways and walkways.
- (d) The location of public utilities.
- (e) Plans and specifications of all buildings constructed or to be constructed in the park.
- (f) Plans and specifications for landscaping.

16.11.2

Mobile Home Parks shall meet the following minimum requirements which the Town Plan Commission may increase to meet standards of the R2 district or to make the development more compatible to its site and to surrounding properties:

- (a) Minimum size - five acres.
- (b) Minimum dimensions of a mobile home site - 50 feet wide and 90 feet long.
- (c) Minimum distance between mobile home - 30 feet.
- (d) Minimum distance between mobile home and service road - 15 feet.
- (e) Each mobile home site shall be connected to a public water supply system and a public sewage disposal system, or a private common sewage and water supply system which has been approved under the rules of the Wisconsin Department of Commerce and the Department of Natural Resources.
- (f) All drives, parking areas and walkways shall be hard surfaced. There shall be two parking spaces for each mobile home.
- (g) No building, structure (other than fences) or mobile home shall be located within 75 feet of adjacent property lines.
- (h) Exposed ground surfaces in all parts of every mobile home park shall be paved, or covered with stone, screening or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion.
- (i) Recreational facilities should be provided in a central location. Not less than 10% of the gross site area shall be devoted to open space. Open space shall not include any setback or

buffer areas, or be unusable for recreational use.

(j) All mobile home parks located adjacent to residential, recreational, commercial, or industrial land uses shall provide screening such as fences or natural growth along the property line separating the park and such uses, and shall be maintained in a neat and orderly fashion.

(k) All mobile home parks shall be a private internal roadway or system of roadways which allow access of personal, emergency, and utility vehicles to individual mobile home sites under all weather conditions. A minimum of two (2) accesses from public streets to the internal roadway shall be provided for use of emergency vehicles. Access to public streets must be in accordance with Chapter 18 of this ordinance. Parking spaces for individual homes may not have direct access to public streets except via the internal roadways.

(l) Utility service lines shall be located underground within the mobile home park.

(m) Each mobile home must be kept in good repair and must be equipped with skirts within thirty (30) days of being placed on its site.

(n) Every mobile home shall be anchored or tied down. Each corner of the stand shall be so equipped and be able to sustain a minimum load of 4,800 pounds.

(o) The commercial sale of mobile homes in a mobile home park is prohibited.

(p) Common storage or parking areas shall be provided for recreational vehicles and boats. Such area shall include 100 square feet per mobile home space.

(q) No mobile home park shall be located within 2,600 feet of any lake.

(r) No mobile home park shall be located within 300 feet of any navigable stream.

(s) Each mobile home unit shall be a minimum area of 720 square feet and no accessory storage unit shall be permitted unless attached and not used for human habitation nor exceeding 100 square feet in dimension.

16.11.2 Fees

(a) There is hereby imposed upon each licensee of a mobile home park licensed hereunder a monthly parking permit fee for each mobile home in the park as determined in accordance with Section 66.0435(3) of the Wisconsin Statutes on each mobile home which shall be been parked in such a park at any time during the month. It shall be the full and complete responsibility of the licensee to collect the proper amount from each mobile home owner or occupant and to pay the Town Treasurer such permit fees on or before the 10th of the month following the month for which such fees are due.

(b) The licensee shall notify the Town Assessor and the Town Clerk in writing of each mobile home entering the park within five days of its arrival. Upon such notice the Assessor shall determine the fair market value of such mobile home and notify the Clerk of such determination so that the monthly permit fee for that mobile home can be calculated and determined by the Clerk. The Clerk shall forthwith notify the licensee of all assessments.

16.11.3

In addition to any other provisions the mobile home park shall be operated in conformance with any applicable Federal, State, or County regulations.

16.12 GROUP HOMES with twelve (12) or more residents in the Town of Lincoln

(a) There shall be no overcrowding of the building, and the structure and lot shall not be nonconforming according to this ordinance.

(b) Additionally, the conditions for Five or More Unit Apartments (Sec. 16.10) will

apply.

(c) In sewerred areas, minimum lot size shall be 10,000 square feet in the first six residents, plus 2,500 square feet for each three additional residents.

16.13 Recreational Vehicle (RV) Parks for long-term use (over one-month stay) in the Town of Lincoln

The condition for Mobile Home Parks (Sec. 16.11) shall be met with the following changes:

(a) Instead of 16.11.2(b), minimum dimensions of the RV sites are 40 feet wide and 50 feet long.

(b) Instead of 16.11.2(m), no skirts are required around the RV.

(c) Instead of 16.11.2(n), no anchoring or tie-down provision applies.

(d) In addition, common bath and toilet facilities shall be provided, including at least one shower, toilet and sink for each 10 RV sites, or fraction thereof.

(e) A laundry facility shall also be provided on premises, to include clothes washing machines and dryers.

(f) Section 16.11.2(p) does not apply.

16.14 Home Occupations with patrons on premises in the Town of Lincoln

(a) Not more than two individuals shall be employed besides the members of the immediate family.

(b) Such use shall not include the operation of any machinery; tools or other appliances, which would be incompatible with the surrounding residential area.

(c) Such use shall not involve the serving of any beverage, food, the on-lot retail or wholesale of goods or materials; nor the removal of sand, gravel, stone, topsoil, peat or moss for commercial purposes.

(d) The use shall not involve more than 15% of the floor area of the principal building.

(e) Any off-street parking area provided shall be maintained reasonably dustless, and adequately screened from adjoining residential properties.

16.15 Rooming Houses with three to eleven rented units in the Town of Lincoln

The same conditions as GROUP HOMES (Section 16.12) and FIVE OR MORE UNIT APARTMENTS (Section 16.10).

COMMERCIAL

16.16 Local or Neighborhood Commercial uses in the Town of Lincoln

(a) The use clearly fits the definition of "local or neighborhood" business (Chapter 23).

(b) The use will not conflict with other neighboring uses, especially residential. The Plan Commission may require screening by fence or vegetative planting to achieve this purpose.

(c) Entrances and exits to public roads will not cause traffic hazards. (See Chapter 18)

16.17 Tourist and Lake Oriented Commercial in the Town of Lincoln

(a) The use shall be clearly related to lake-oriented or tourist customers, except transient residential rentals.

(b) The use will not conflict with other neighboring uses, especially residential. The Plan Commission may require screening by fence or vegetative planting to achieve this purpose.

(c) The use will not conflict with public use of the water for swimming, fishing or boating.

(d) Piers and other uses located over water are subject to applicable State Law.

16.18 Auto-oriented Facilities of Commercial uses in the Town of Lincoln

The facility shall meet all provisions of Chapter 18, "Parking and Driveway Requirements."

16.19 General Retail and Service establishments in the Town of Lincoln

Such use shall not conflict with neighboring residential uses, or cause traffic problems.

16.20 Drive-in Theaters in the Town of Lincoln

(a) The screen face will not be oriented toward public streets or roads or established residential areas.

(b) The provisions of Chapter 18, "Parking and Driveway Requirements," shall be met.

16.21 Forestry or Farm Equipment Sales and Service establishments in the Town of Lincoln

Such uses shall not conflict with neighboring uses, especially residential. The Plan Commission may require screening with fences or vegetation to achieve this purpose.

INDUSTRIAL AND WHOLESALING

16.22 Industries with Potential High Hazard, Pollution or Nuisance in the Town of Lincoln

(a) Such industries shall meet any and all Federal and State laws and standards, and the risk of hazard, pollution, or other public nuisance shall be reduced to the maximum extent practicable.

(b) Special attention should be given to eliminating such risk to residential areas, schools, public recreation areas.

16.23 Sand and Gravel Pits from which 1,000 or more cubic yards per year are taken, in the Town of Lincoln

(a) Applications requesting Plan Commission approval of a proposed sand and gravel pit shall be accompanied by:

1. A description of all phases of the contemplated operation including types of machinery and equipment which will or might be necessary to carry on the operation. Where the operation is to include sand and gravel washing, the estimated daily quantity of water required, its source and its disposition shall be identified.

2. A map of the proposed site and the area extending beyond the site to a minimum distance of 300 feet on all sides.

(b) Consideration of compatibility: in reviewing a proposal for a sand and gravel pit activity, the Plan Commission shall take into consideration:

1. The effect of the proposed operation on drainage and water supply, particularly in connection with sand and gravel washing.

2. The possibility of soil erosion as a result of the proposed operation.

3. The most suitable land use for the area, and its effect on the land use in adjacent areas.

(c) No operations shall begin until owner has provided the Town of Lincoln Zoning

Administrator with a copy of Forest County's Reclamation Permit from the County LLC. Failure to carry out the required restoration will be considered a violation of this ordinance as well.

(d) Conditions of Approval: The Plan Commission may set forth conditions regarding appropriate setback and other dimensional requirements, particularly with reference to avoiding a nuisance effect on surrounding residential uses. Suitable fencing and landscaping may be required.

(e) Within three years after the effective date of this ordinance any such existing operation shall be subject to the provisions of paragraphs (c) and (d) of this section.

16.24 Salvage Yards, Processing and Recycling Facilities in the Town of Lincoln

(a) Salvage materials processing and recycling facilities shall not be located within 300 feet of public roads, streets and highways, and all establishments of this kind shall be minimum side and rear yards of 100 feet each.

(b) Salvage materials shall be enclosed by a suitable fence or planting screen so that the materials are not visible from other property in the vicinity of the junk yard, nor from a public right-of-way such as roads, streets, highways and waterways. The fence or planting screen shall be kept in good repair.

(c) Salvage materials shall not be piled higher than the height of the fence or screening nor against the fence or screening.

(d) For fire protection, an unobstructed firebreak shall be maintained, sixteen feet in width and completely surrounding the salvage yard.

(e) Processing and recycling facilities are also subject to the conditions for Industries with Potential High Hazard, Pollution or Nuisance (Section 16.22).

(f) In addition, any salvage yard must have all necessary Federal, State or local permits.

16.25 Mineral Exploration in all districts except in the LD District

All license applications and notices submitted to the Wisconsin Department of Natural Resources pursuant to Wisconsin Stat. 293.21 shall be submitted to the Plan Commission.

16.26 Wholesale Establishments in the VC District

(a) The same provisions as General Retail and Service (Section 16.19).

(b) Additionally, such establishments should be located on established truck routes, state or federal highways.

16.27 Warehouses and Food Lockers in the Town of Lincoln

(a) The same provisions as Wholesale Establishments (Section 16.26).

(b) Additionally, adequate safeguards must be made for the storage of any hazardous or explosive materials.

16.28 Truck Terminals in the Town of Lincoln

(a) Same provisions as for Forestry or Farm Equipment Sales and Services (Section 16.21).

(b) No trucks will be parked closer than 100 feet from any lot line.

(c) Locations must front on county, state or federal highways.

16.29 Petroleum Products Distribution and Storage Facilities in the Town of Lincoln

- (a) The same conditions as Truck Terminals (Section 16.28).
- (b) Containment structures such as earthen walls be provided around storage tanks, and no tank shall be closer than 200 feet from any lot line.

FORESTRY AND FARMING

16.30 Confined Livestock Feeding in the GR District

- (a) Such use shall not be located closer than 100 feet from any lot line.
- (b) A plan for the confined feeding operation shall be approved by the Forest County Soil and Water Conservation District. Such approval shall be based on minimizing or eliminating water pollution, soil erosion and odors.

16.31 Permanent Forest Processing in the GR District

- (a) Sawmills and other processing operations shall be located at least 250 feet from any lot line.
- (b) Storage of logs or finished lumber products shall be located at least 100 feet from any lot line.
- (c) From any driveway used by trucks to enter a public roadway, there shall be clear visibility along the roadway for a distance of at least 500 feet, and no condition shall be created which would make truck entrances unnecessarily hazardous.
- (d) Screening may be required between the processing facility and other properties.

FACILITIES

16.32 Sanitary Landfills in GR and IN Districts

- (a) All such establishments shall be minimum side and rear yards of 100 feet each and shall be located 500 feet from public right-of-ways, except for rights-of-way which serve as access solely to the landfill site.
- (b) The landfill shall be enclosed by a suitable fence or planting screen so that the materials are not visible from other property in the vicinity of the landfill nor from a public right-of-way such as roads, streets, highways and waterways.
- (c) A permit shall be obtained from the Department of Natural Resources or other state agency authorized by law to issue such permit certifying that the landfill will not pollute the ground and surface waters in the area.
- (d) A 16-foot wide unobstructed firebreak completely surrounding the landfill shall be maintained for fire protection.
- (e) No landfill in which burning activities are planned at the site shall be permitted to pollute the air or nearby populous area.

16.33 Wastewater Treatment Plants in GR, LD and IN Districts

- (a) There must be a sound engineering reason for locating on the proposed site.
- (b) Adequate buffering from neighboring properties shall be provided through yard and setback requirements and/or screening.

16.34 Public Water Wells, Treatment and Storage Facilities in VR, VC, LD, R1 and R2 Districts

- (a) Same as Wastewater Treatment Plants (Section 16.33).

16.35 Schools and Libraries in VR, RI and R2 Districts

(a) Consideration shall be given to traffic which the facility will generate, and the safety of persons going to and from the facility.

(b) Special attention shall be given to parking requirements (Chapter 18).

16.36 Churches in VR and RI Districts

(a) Same as Schools and Libraries (Section 16.35).

16.37 Hospitals and Nursing Homes in VC, R2 and CM Districts

(a) Same as Schools and Libraries (Section 16.35).

16.38 Airports - Commercial in GR and Private Landing Strips in GR and IN Districts

(a) The facility and surrounding area shall conform to all Wisconsin DOT/FAA regulations regarding such items as location, construction, clear zones and glide path height limitations.

(b) Consideration shall be given to noise, glare from runway lights and possible hazards affecting persons and neighboring residences and other buildings.

16.39 Communications Towers in GR, VC, CM and IN Districts

The distance to any lot line shall exceed the length of the tower or an easement shall be secured for the area in a radius equal to the length of the tower, wherein no buildings occupied by humans shall be placed, except for radio or television stations or other buildings associated with the tower.

16.39(1) Wind Turbines and Meteorological Towers in GR Districts

A setback to any property line, easement or right of way of 1-1/4 times the total height of a wind or meteorological tower is required for safety unless a topple easement is secured from adjacent landowners prior to construction.

16.40 Radio and Television Stations in GR and VC Districts

(a) Such stations may be permitted in the GR District only on the same lot as the transmission tower. Additionally, the station in the GR District shall conform to requirements for the Local or Neighborhood Commercial uses (Section 16.16).

(b) Such station may be permitted in the VC District under the same conditions as General Retail and Service (Section 16.19).

16.41 Electric Power Substations in the VC and CM Districts

(a) Such facilities shall not constitute a hazard to persons or property in the vicinity.

(b) Adverse visual affects of the facility on the surroundings shall be minimized.

(c) Screening may be required to reduce impact on neighboring residential uses.

16.42 Clubhouse or Lodge

(a) Adverse visual effects of the facility on the surroundings shall be minimized.

(b) Screening may be required to reduce impact on neighboring residential uses.

(c) Special attention should be given to adequate parking (Chapter 18), driveway location and patterns in the area.

16.43 Campgrounds in the GR District

- (a) The minimum size of a camping area shall be five acres.
- (b) The maximum number of camping sites shall be five per acre.
- (c) Minimum dimensions of a camping site shall be 50 feet wide by 40 feet long.
- (d) Each camping site be separated from other camping sites by a yard not less than 15 feet wide.
- (e) There shall be 1½ automobile parking spaces for each camping site.
- (f) There shall be a minimum setback for each camping site of 40 feet from all other exterior lot lines.
- (g) The campground shall conform to the requirement of Chapter HFS178, Wisconsin Administrative Code, and as subsequently amended, shall apply.
- (h) No camping site shall be continuously occupied by the same person or persons for over 30 days.

16.44 Public Swimming Pools in the VR, VC, R2, and CM Districts

Same as Clubhouse or Lodge (Section 16.42).

16.45 Golf Courses and Clubhouse in the GR, VR, VC, CM, RI and R2 Districts

- (a) The layout of the course shall be such that the hazard from golf balls for persons and property is minimized.
- (b) Near sewer areas, consideration should be given to the affect of the course location on the possibilities for expansion of development served by sewer.

16.46 Shooting (Gun or Archery) Ranges in the GR District

- (a) The Plan Commission shall evaluate potential hazards to adjacent uses, topography and ground cover, and noise.
- (b) The firing of rifled arms and shotgun slugs shall not be permitted directly toward or over navigable waters, public or private roads or drives; toward any building or structure nor directly toward any population concentration which is located within one and one-half (1½) miles. There shall be an adequate shotfall or bullet impact area; a defined firing line or firing direction; and, adequate target backstops for the firing of rifled arms.
- (c) Shooting ranges shall be clearly identified by signs not less than four (4) square feet in gross area located at intervals of not less than twenty-five (25) yards around the perimeter and ranges shall be securely fenced off from adjacent lands and waters.

16.47 Fairgrounds, Amusement Parks, Go-Cart, Off-road Vehicle Course or Motorcycle Trails, in the GR and VC Districts

- (a) Special consideration shall be given to traffic, lighting, hours and dates of operation and possible noise and dust generated.
- (b) Screening may be required.
- (c) No race track or other path for recreational motor vehicles shall be permitted within 300 feet of any lot line.

16.48 Sport Equipment Rental in the GR and VC Districts

Same as Local or Neighborhood Commercial (Section 16.16).

16.49 Stables in the VC District

- (a) Stables are not permitted within 300 feet of navigable waters.
- (b) Additional conditions for stables with over ten animals are the same as for Confined Livestock Feeding (Section 16.30).
- (c) No stable shall be located within 200 feet of a lot line.

16.50 Group Camps in the GR District

- (a) The minimum lot area is five acres; the minimum lot width is 200 feet at the building line and waterline.
- (b) All buildings shall be more than 100 feet from the side lot line.
- (c) All buildings and parking lots shall be screened by a suitable species of vegetation from adjacent residential lots.

16.51 Fish Hatcheries in the LD and VC Districts

- (a) State laws regarding fish hatcheries must be complied with.
- (b) There shall be no adverse affect on neighboring properties. Screening may be required.

16.52 Exceptions to height limitations in all districts

- (a) Appropriate firefighting equipment for a building of the proposed size and type must be available.
- (b) At least two fire exits shall be supplied to upper portions of the structure regularly used by humans.
- (c) The structure shall be engineered and constructed to withstand stresses due to wind, vibration from traffic, settling, freeze-thaw cycles, and other stresses imposed by the natural or human environment of the Town of Lincoln.
- (d) The structure shall not pose a hazard to surrounding properties due to falling objects or potential falling of the structure itself.
- (e) Unless the proposed activity is in a Planned Development or the CM or IN districts, the structure shall not interfere with the surrounding residential character of the area.

CHAPTER 17
PERFORMANCE STANDARDS

17.01 Compliance Required

No land shall be used or occupied in any manner so as to violate any applicable State of Wisconsin or Federal environmental or safety statute, regulation, or standard. Particular attention shall be given to assuring strict compliance with laws and standards for the following conditions:

- (a) Air pollution, including but not limited to fly ash, dust, odors, fumes, smoke, vapors, gases and other particulates;
- (b) Surface water pollution, including but not limited to point source discharges;
- (c) Ground water pollution;
- (d) Solid or liquid waste disposal;
- (e) Radioactivity, and electrical disturbances;
- (f) Fire and explosives
- (g) Noise

17.02 Additional Considerations

No land shall be used or occupied in any manner so as to create glare, vibration or heat which, significantly affects the public health, safety, comfort, convenience, prosperity, aesthetics and other aspects of the general welfare.

17.02.1 Glare

No activity shall emit glare that is visible or measurable at the boundaries of the lot on which the principle use is located. All operations producing intense glare shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so that the direct rays are not visible outside their premises.

CHAPTER 18 PARKING AND DRIVEWAY REQUIREMENTS

18.01 Intent

It is the intent of this ordinance to provide adequate vehicle parking for all uses and to prevent particular uses from imposing unnecessary burdens on public roads due to hazardous driveways, blocking traffic, or other nuisances.

18.02 Number of Off-Street Parking Spaces Required

The Number of spaces listed in the table below shall be interpreted to be minimums. When considering conditional uses, the Plan Commission may require additional spaces if there is reason to believe the listed requirements will not provide adequate off-street parking.

In calculating number of employees, the maximum number of employees likely to be on premises at one time shall be used.

See Table Next Page

Uses

Number of Spaces Required

1) Dwellings, including mobile homes	2 for each dwelling unit
2) Hotels, motels or resorts	1 for each guest room or unit, plus one for each employee
3) Hospitals	1 space for each 2 beds and 1 for each employee
4) Sanitariums, nursing homes, rest homes	1 space for each 5 beds and 1 for each employee
5) Medical and dental offices	6 spaces for each doctor
6) Churches, theaters, auditoriums, town halls, funeral parlor and community centers, vocational schools and other places of public assembly	1 space for each 4 seats or 1 space for each 28 sq. ft. of floor area if no permanent seats are provided
7) Elementary schools	1 space per employee plus 1 space for each 20 students.
8) High Schools	1 space for each 500 sq. ft. of floor area
9) Restaurants, bars, places of entertainment, repair shops, retail and service stores	1 space for each 150 sq. ft. of floor area
10) Manufacturing and processing plants and warehouses	1 space for each employee
11) Banks, business, governmental and professional offices	1 space for each 300 sq. ft. of floor area
12) Bowling alleys	5 spaces for each alley
13) Automotive services, drive-in retail establishments	1 space for each 2 employees, plus space for customer parking.
14) Group homes and boarding houses	2 spaces for each 3 residents plus 1 space per non-resident employee.

18.03 Parking Space Specification

(a) All required parking spaces shall contain a rectangular area with a minimum width of ten (10) feet and a minimum length of eighteen (18) feet.

(b) Except for one and two family homes, all parking spaces shall be permanently marked by painted lines, parking blocks, posts, or other suitable markers.

(c) Except for one and two family homes, each required parking space shall be arranged with respect to driveways in such a way as to allow safe and easy entrance and exiting of a standard sized passenger car without moving any other properly parked vehicle.

(d) Except in one and two family dwelling units, the parking area shall be arranged with an internal driveway which permits access to all parking spaces and the public streets. No parking space shall be direct access to a public street except via the internal driveway, and no parking space shall be arranged to require or encourage the vehicle to back onto a public street.

18.04 Drive-up Windows

Sufficient waiting area shall be provided so that at peak periods of use, vehicles waiting to use the drive-up window shall not line up on a public right-of-way, block a required parking space, or block an entrance or exit to a required parking area.

18.05 Driveways serving Required Parking Spaces and Drive-up Windows, except one and two-family houses

(a) Driveways at point of contact with a public road shall be a minimum width of ten (10) feet and a maximum width of 30 feet, except drives for commercial, industrial, and other uses catering to or requiring truck traffic may be a maximum of 35 feet at the property line.

(b) When connected driveways provide access to more than one street, driveways and parking areas shall be designed in a way which does not encourage vehicles to cross the property in order to take short-cuts or evade stop signs or other traffic control devices.

(c) Driveways shall be located and designed to be as safe as practical and to cause the minimum interference with the orderly flow of traffic on public streets. This includes but is not limited to consideration of the following:

1. Clear visibility for at least 100 feet in each direction on streets with a speed limit of 30 miles per hour or slower, or visibility of 300 feet on all other public streets.

2. No driveway shall be placed directly in line with a driveway on the opposite side of the street.

3. Location of driveway with respect to intersections, turning lanes, and other driveways.

4. Effect on traffic flow on public streets.

(d) No drive-up window, parking lot, or driveway should conflict with neighboring property. Screening by fences, vegetation, or earth berms or other devices may be required to avoid conflicts.

CHAPTER 19 SIGNS

19.01 Intent

The size, type and location of signs shall be as provided by this section as affecting each zoning district, except when State regulations are more prohibitive, and except that this ordinance is not intended to prohibit "no hunting", "no trespassing", "for sale", "for rent",

temporary political campaign signs, home occupation signs, or similar signs not larger than six square feet in gross area.

19.02 Prohibited Signs

The following signs are prohibited:

(a) Any sign, especially illuminated signs, which interferes with the vision of motor vehicle operators or faces or shines directly upon any residential property located in a residential district.

(b) Rotating, moving or flashing signs.

(c) Signs which are of a size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device; or which hide from view any traffic or street sign or signal, or which obstruct the view in any direction at a street or road intersection.

(d) Advertising signs, posters, place cards, and circulars on any public right-of-way or public property, except those placed or approved by a unit of government.

(e) Business signs which advertise an activity, business, product, or service no longer produced or conducted on the premises upon which the sign is located.

(f) Any sign over six (6) square feet in area on a lot where the primary use is residential, or on undeveloped, platted lots within the Village Residential (VR), 1 and 2 Family Residential (R1) or Multi-Family Residential (R2) Districts.

(g) Any sign over thirty (30) square feet in area for non-residential uses in the Village Residential (VR), 1 and 2 Family Residential (R1) or Multi-Family Residential (R2) Districts.

(h) Any sign over six (6) square feet clearly visible from and facing toward a navigable body of water.

CHAPTER 20 ADMINISTRATION, FEES, AND PENALTIES

20.01 Town Zoning Administrator

20.01.1 Designation

The Town Board shall appoint a town zoning administrator for the administration and enforcement of the provisions of this ordinance. The Town Board may authorize the Town Plan Commission to appoint a deputy zoning administrator to assist in the enforcement and administration of this ordinance. Compensation for the deputy zoning administrator will be the responsibility of the town.

The zoning administrator may delegate to the deputy zoning administrator any of the duties listed in Section 20.01.2. The zoning administrator shall be the power to, for cause, rescind or alter any action of a deputy zoning administrator, and he may also suspend his powers under this ordinance until the next regular meeting of the Plan Commission. Upon appointment of a deputy zoning administrator by the Plan Commission, the Town Board shall, at its next regular meeting, vote to approve or deny said appointment. The Plan Commission shall be the power to dismiss deputy zoning administrators at any time, for cause.

20.01.2 Duties

In administering and enforcing this ordinance, the town zoning administrator shall be

responsible for the following duties:

- (a) Provide necessary forms for applications for use permits.
- (b) Issue land use permits, conditional use permits and other permits under this ordinance where the provisions of this ordinance have been complied with.
- (c) Survey the town upon adoption of this ordinance and, when necessary upon passage of amendments, identify and record information relative to non-conforming uses and structures.
- (d) Maintain files of applications, permits, inspections or any other official actions and other relevant information.

20.01.3 Powers

The town zoning administrator and his duly appointed deputies shall be the powers and authority including but not limited to the following:

- (a) At any reasonable time, and for any proper purpose, to enter upon any public or private premises and make inspection thereof.
- (b) Upon reasonable cause or question as to proper compliance, to revoke any land use permit and issue cease and desist orders requiring the cessation of any building, moving, alteration or use which is in violation of the provisions of this ordinance.
- (c) Recommend prosecution to the Plan Commission and act to prosecute violators of this ordinance including issuance of citations pursuant to 20.04.2 hereunder.
- (d) Refer public hearing notice together with a copy of the application and resulting decisions for appeals, conditional use permits, variances, and amendments within shoreland and floodplain areas to the County Zoning Administrator and district office of the Department of Natural Resources for review if necessary.

20.02 Zoning Permits

Permits will be issued conditioned on the applicant receiving all necessary Federal, State and County permits, specifically including but not limited to county sanitary, shoreland, and/or floodplain permits. Subsequent applications for new construction or conditional uses shall be treated for submittal purposes as part of the original application; and the Zoning Administrator shall grant such permit under the applicable conditional use or land use procedures within this ordinance.

20.02.1 Land Use Permit

No structure shall be built, moved, structurally altered or changed in use, until a land use permit has been issued by the zoning administrator. No permit is required, though applicable regulations must still be complied with for internal structural alterations or building repair to an existing structure or any construction of under \$1,000 market value, unless such work would create a non-conformity. Routine repair and maintenance shall not require a permit. Market value is defined as what materials and labor together would cost if contracted out to a qualified contractor for the same work, or what an assessor would place as value using an accepted assessment practices handbook.

20.02.2 Conditional Use Permit

When the use being applied for is listed as a "conditional use," the zoning administrator shall issue a conditional use permit in lieu of the land use permit. This permit shall be issued only after approval from the Plan Commission, after a public hearing and after provisions of the

conditional use section of the ordinance have been complied with. The Plan Commission may attach certain conditions that shall be met as a condition of approving the permit.

20.02.3 Planned Development Permit

This permit is issued for planned developments, following procedures and standards in Chapter 15. The Planned Development Permit shall include all land use and conditional use permits which are required for all structures and uses identified to be included as part of the planned development.

20.02.4 Application Procedure

Applications for land use or conditional use permits shall be accompanied by scale maps or drawings prepared to the best of the applicant's ability, showing legibly and accurately the location, size and shape of the lot(s) involved, and of any proposed structures, including the existing and proposed use of each structure and lot, the location of any well and septic system, and the number of families to be accommodate, or the number of persons that would normally occupy the building or structure.

20.02.5 Expiration

If within twelve months of the date of issuance of a land use or conditional use permit the proposed construction or preparation of land for use has not commenced, said permit shall expire, except that the zoning administrator may grant an extension of such permit for a period not to exceed twelve months upon the showing of valid cause and payment of a renewal fee. No habitation shall be permitted in the basement of an incomplete dwelling in excess of twelve months, except that such time may be extended by the zoning administrator if he determines that there will be no health or safety problems, nor any adverse effects on surrounding property owners.

Except where a land use or conditional use is granted upon the condition of receiving permits from other governmental agencies, the time periods herein shall toll until all such approvals are received by the applicant. Any permit modifications applied for subsequent to the granting of this permit by the applicant to another agency shall be filed with the Town. The Town shall within 30 days of the filing advise the applicant whether its modification affects the permit granted hereunder. If so, Sec 16.06 shall then apply.

20.02.6 Late Applications

Any application for permits or variances received after the use change or construction being applied for has already been initiated shall be subject to an additional late application fee. The zoning administrator shall inspect the site of subject application prior to issuing a permit. The zoning administrator shall give a written report to the Plan Commission describing the date of his inspection, findings and actions on the application. Payment of a fee for late application shall not exempt the applicant from prosecution for violation of this ordinance.

20.03 Permits Required/Permit and Variance Fee Schedule

Fees shall be set by Resolution of the Town of Lincoln Town Board and shall be paid by the person requesting the permit, variance, or amendment to the zoning administrator or authorized deputy at the time of filing to defray the cost of administration, investigation, advertising and processing of the permits, variances, or amendments.

Fees may be adjusted by Resolution of the Town Board when deemed appropriate and necessary, and such action is exempt from procedures for amendments to the Zoning Ordinance. Fees shall be waived for government agencies.

20.04 Violations

20.04.1 Penalty for Violations

Any person who violates this ordinance shall be subject to a fine up to \$200.00, plus costs of prosecution. . Each day the violation continues shall be considered a separate offense. If the event continual violation and/or non-payment of fines should occur, the Plan Commission shall refer the violation to the Town Board for consideration of legal action by the Town Attorney.

20.04.2 Citation Enforcement

To expedite the resolution of ordinance violations, it is recommended that the Town Board adopt the citation enforcement procedure authorized by Section 66.0113 Wisconsin Statutes, **Citation Ordinance**, for enforcement of this ordinance.

(a) The adoption herein of the citation method of enforcement shall not preclude the town, or its officers authorized to issue citations hereunder, from proceeding under any other enforcement procedure that pertains to the subject matter addressed in the citation. Payment of a citation by a violator does not relieve the violator of the obligation to conform to the ordinance or the obligation to remove what has been illegally installed. New citations may be issued for violations not corrected within 120 days of a previous citation.

(b) Amendments to this ordinance adopted after the date of adoption of the citation method shall, unless otherwise specified in the adopting resolution of the amendment, also be enforced by the citation method, and any separate deposit set within said amendments shall be incorporated hereunder.

(c) The form of any citations shall conform to the criteria of s.66.113 Wis. Stats.

(d) The citations duly issued shall have the legal effect specified in s.66.113 Wis. Stats., and shall confer subject-matter jurisdiction upon the circuit court for the county.

(e) Any person issued a citation is hereby required to remit the amount provided therein in cash, certified check, money order, or other form acceptable to the Town Treasurer, to the Zoning Administrator of the Town of Lincoln. The Zoning Administrator shall provide the person with a receipt for each such deposit received, with a copy to the Town Clerk. Upon order of the Plan Commission, cash deposits, penalty assessment, and late payment forfeitures owing more than 150 days may be added as a lien upon the property.

(f) Late Payment Forfeiture Schedule:

Subject Matter	Late Payment Forfeiture Schedule			
	Paid After Days	30	60	120
Land Use Permit	(from date of original	\$275	\$315	\$630
Conditional Use Permit	citation issuance)	\$275	\$315	\$630
Planned Development Permit		\$275	\$315	\$630
Other Zoning Permits		\$275	\$315	\$630

(g) Prior to issuing a citation under this section, the Zoning Administrator, or any delegated deputy administrators, shall attempt to gain compliance with the ordinance by issuing a Correction Letter. Upon failure to gain compliance or a good faith start toward compliance, the

administrator or delegate shall issue the citation, delivered in person, by first class mail, or by registered letter, as the administrator deems most effective.

(h) Following issuance of a Citation, the options and procedures open to the violator, including procedure on default, shall be set forth in s.66.0113(3) Wis. Stats.

CHAPTER 21 DUTIES OF THE ZONING BOARD OF APPEALS: VARIANCES AND ADMINISTRATIVE APPEALS

21.01 General Operating Rules for the Zoning Board of Appeals (Hereinafter referred to in Chapter 21 as the "Board.")

21.01.1 Appointment and Term

The Board shall consist of five (5) members who shall be appointed for staggered three year terms, commencing on July 1, by the chairman of the Town Board and confirmed by the Town Board. Vacancies shall be filled in like manner for the unexpired term of any member whose term becomes vacant. Members shall all reside in the Town of Lincoln.

21.01.2 Operating Rules:

(a) The Town Chairperson shall designate one member as chairperson, and the Board shall choose its own, vice-chairman and secretary.

(b) The Board shall meet at the call of the Chair or at such other times as the Board may determine.

(c) The Board shall comply with all requirements of the Wisconsin Open Meeting Law in the conduct of the business before it. The nature of the Board's proceedings are quasi-judicial. The Board may, therefore, deliberate in closed session, after a hearing on the matter, provided legal requirements are complied with.

(d) The Board may conduct site inspections of premises and surrounding areas which are the subject of matters before the Board, provided that when the Board as a unit or individual members are engaged in such site inspections, they shall not allow interested parties to present arguments or advocacy materials. Such arguments and materials shall be received only at hearings before the Board.

(e) The Board shall conduct a public hearing on all administrative appeals and variance matters before it and shall cause a class 2 notice under Chapter 985 of the Wisconsin Statutes to be published and shall give due notice of the hearing to all parties in interest. Any party may appear in person or by attorney at such hearing. The Chair may administer oaths to parties testifying and may compel attendance of witnesses.

Due notice to parties in interest shall mean that the office of Zoning Administration will mail, by ordinary postage, reasonable advance notice of all hearings and meetings on any pending matter to the applicant, to owners of record of properties which are located within 300 feet of the parcel involved in the application, as well as to the clerk of the Town of Lincoln, and to other parties who have made known to the office their specific interest in the matter and their request to receive such notices. Failure of the office to accomplish such provision of notice shall not invalidate or prejudice the proceedings, provided the Board concludes that reasonable efforts were made or that the parties who subsequently complain of not having been sent or of not

receiving notice did in fact, know of the proceedings and had reasonable opportunity to attend or be represented, or to convey their views prior to the Board's decision.

(f) All testimony before the Board by persons other than Board members and written or documentary evidence or material pertaining to matters before the Board shall be received at the hearings conducted by the Board, provided, however, that the content of relevant ordinance or statutory materials shall be deemed to be before the Board in all cases and need not be entered into the record. All parties of interest shall be afforded reasonable opportunity to comment on all materials or information so received. Board members who are in possession of facts which may have a bearing on the matter before the Board shall enter same into the record of the hearing and opportunity shall be allowed for comment on such entries.

(g) If, following the close of a hearing, the Board finds it necessary to desirable to receive additional information, evidence or arguments which may have a bearing upon the Board's decision, it shall reconvene a public hearing, with notice given in the same manner as for the initial hearing, for the purpose of doing so.

(h) The Board shall deliberate on matters before it. The concurring vote of four members (4/5) of the Board shall be necessary to approve any appeal or variance before the Board. The vote of each member on each matter decided by the Board shall be recorded in the minutes. If a member is absent or if a member fails to vote, such fact shall similarly be recorded. The minutes of the Board shall show the Board's decisions and the votes of members thereon. Each decision of the Board shall be accompanied by written reasons in support of the decision, which written statement shall be signed or acknowledged by the members and entered into the minutes.

(i) All decisions by the Board shall be made in strict accord with the standards of the ordinance. The Board shall decide all matters before it within a reasonable time.

(j) The Board shall cause complete records to be kept of its examinations on matters before it, of public hearings, site inspections, decisions and other official actions, which shall be immediately filed in the Town Hall and shall be a public record.

(k) The Board may adopt procedural rules not in conflict with this ordinance or state law.

(l) The Board may, pursuant to s.62.23 (7) (e) 1. and 7. Wis. Stats., make special exceptions to the terms of this ordinance.

21.01.3 Alternate Members

Two alternate members may be appointed by the Town Chair for a term of three years each, designating one as 1st Alternate and the other as 2nd Alternate. The 1st Alternate shall act only when a regular member is absent or refuses to vote because of personal interest in a matter to be decided. The 2nd Alternate shall so act only when the 1st Alternate so refuses or is absent or when more than one member of the Board so refuses or is absent.

21.02 Powers of the Zoning Board of Appeals: Administrative Appeals

21.02.1 Appealable Matters

(a) Decisions by the Zoning Administrator which consist of interpretations of the terms of the Town of Lincoln Zoning Ordinance and which are made in the course of determining whether a permit or approval will be issued by said Administrator are appealable to the Board as administrative appeals.

(b) Decisions by the Zoning Administrator to issue an enforcement demand or to commence other ordinance enforcement activities, where the Administrator has determined that violation of the ordinances exists, is appealable to the Board as an administrative appeal.

(c) Decisions by the Plan Commission which consist of interpretations of the terms of the Town of Lincoln Zoning Ordinance and which are made in the course of determining whether a permit or approval will be issued by said committee are appealable to the Board as administrative appeals.

(d) Where the ordinance states that a decision or interpretation shall be made by the Zoning Administrator, with a right of appeal specified to the Plan Commission, such appeal must be taken to the committee before an appeal shall be allowed to the Board.

21.02.2 Procedures for Initiating an Administrative Appeal.

(a) Eligible appellants: Administrative appeals may be initiated by any person aggrieved by the decision or interpretation being appealed or by any officer, department, board or committee of the Town of Lincoln government.

(b) Time for appeals: An appeal shall be commenced within 30 days after the making of the decision or interpretation being appealed.

(c) Initiating an appeal: An appeal shall be commenced by filing with the office of the Zoning Administrator a notice of appeal specifying the decision being appealed and the grounds for the requested relief and payment of the fee specified in Section 20.03. Upon receipt of such a notice, the Zoning Administrator shall immediately notify the Board and the Plan Commission and shall transmit to the Board all papers and files which constitute the record of the decision being appealed.

(d) Stays: An appeal of a decision to issue a permit or approval or to issue an enforcement demand or to commence other ordinance enforcement proceedings shall cause the permit or approval action to be suspended or shall stay further enforcement prosecution unless the Zoning Administrator or Town Attorney shall file with the Board a certificate, supported by a statement of facts, alleging that suspension or stay will cause imminent peril to life or property. If such a certificate is filed, proceedings shall not be stayed except upon a restraining order issued by a court.

(e) Decisions by the Board: Following a public hearing and other investigation conducted pursuant to Section 21.01, the Board shall decide the matter based upon whether the decision, determination or interpretation being appealed was in error. The Board may reverse or affirm, wholly or partly, or may modify the decision as ought to have been made, and to that end shall be all powers of the officer from whom the appeal is taken. All decisions by the Board on administrative appeals shall be based upon the terms of the ordinance and evidence as to legislative intent.

21.03 Powers of the Zoning Board of Appeals: Variances

21.03.1 Nature of Variances

(a) Variances are waivers from specific terms of the zoning ordinance. In such a variance, the terms of the ordinance are not in dispute. An applicant for a variance acknowledges that the ordinance forbids the activity or construction for which approval is sought.

(b) As provided for in s.62.23(7)(e) Wis. Stats., the Board is authorized upon appeal in specific cases to grant such variance from the terms of this ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed, and substantial justice done.

21.03.2 Applications for Variances

Applications for variances in application of zoning regulations may be filed with the Zoning Administrator along with payment of the application fee specified in Section 21.01. The Administrator shall transmit the application to the Board.

21.03.3 Board Review and Decision

Following a public hearing and other investigations conducted pursuant to Section 21.01, the Board shall decide the matter based upon the following standards:

(a) No variance may be granted which would have the effect of allowing in any district use not permitted in that district nor of granting or denying an application for conditional use processed under Chapter 16 of this ordinance.

(b) No variance may be granted which would have the effect of allowing a use of land or property which would violate state laws or administrative rules.

(c) No variance to a waterline setback may be granted closer than 50 feet from the ordinary high water mark.

(d) Subject to the above limitations, variances may be granted in accordance with the Standards and Findings of 21.03.5 below.

21.03.4 Conditions

Conditions shall be attached in writing to all approved variances where such conditions will achieve compliance with the standards of this ordinance.

21.03.5 Standards and Findings

The Board, in evaluating petitions for granting of variances, shall apply the following standards and reach the following findings:

(a) Physical Conditions v. Convenience: That there are present actual physical conditions applying to the lot, parcel, building, structure, use or intended use on that premises, which are creating the practical difficulty or unnecessary hardship in the application of this ordinance, as distinguished from a mere inconvenience to the owner, if the strict letter of the regulations are required.

(b) Unique v. General Conditions: that the conditions of (a) preceding are unique, exceptional, extraordinary or unusual circumstances applying only or primarily to the property under appeal, and are not of such general or recurrent nature elsewhere in the same zoning district as to suggest or establish the basis for ordinance changes or amendments, or of having that effect if relied upon as the basis for granting an appeal.

(c) Absence of Precedent: That in granting an appeal there will not be created a general precedent which encourages the filing of similar appeals to take advantage of the precedent without the existence of properly qualifying conditions.

(d) Absence of Detriment: That in granting an appeal there will not be created initial detriment to the subject, adjacent, or neighborhood properties, nor to the general public interest.

(e) Conditions Not Created by Appellant: that the alleged conditions of (a) preceding, creating the difficulty or hardship, were not caused by the appellant nor any person still having an interest in the property.

CHAPTER 22 AMENDMENT PROCEDURE

22.01 Authority

The regulations imposed and the zoning districts created under authority of this ordinance may be amended from time to time by ordinance in accordance with the Wisconsin Statutes Section 62.23(7)(d)(2). An amendment shall be granted or denied by the Town Board only after a public hearing before the Town Plan Commission and a report of its findings and recommendations has been submitted to the Town Board. The Town Plan Commission shall be a standing committee of the Town Board and shall consist of five (5) regular members and one (1) alternate appointed by the Town Chairman for staggered three-year terms.

22.02 Initiation of Amendment

22.02.1

Amendments may be proposed by the Town Board, by the Town Plan Commission or by any property owner in the area to be affected by the amendment.

22.02.2

If filing for an amendment to the official zoning map, the petitioner filing the amendment shall submit, with the application, a map showing the proposed change, a list containing the names and addresses of all property owners who own property within 300 feet of the property or properties proposed to be rezoned. Such list shall be obtained from the approved county tax rolls.

22.03 Processing

An application for amendment shall be filed with the Town Clerk. Such application shall be forwarded immediately by the Town Clerk to the Town Plan Commission. Immediate notice of the petition shall be sent to Town Supervisors of the Town of Lincoln. A report of all petitions made under this paragraph shall be made to the Town Board at its next succeeding meeting. At such meeting of the Town Board the petition shall be referred to the Plan Commission for its consideration, report and recommendations. The Plan Commission shall call a public hearing on the amendment prior to making its recommendation. If the Plan Commission does not report back on the proposed amendment to the Town Board within 60 days of the referral, the Board may proceed with the hearing.

22.04 Notice of Public Hearing

The Town Plan Commission shall send written notice of the proposed public hearing to all owners of real property which lies within three hundred (300) feet of the property on which the proposed zoning action, is to take place. This notice shall be sent not less than ten (10) days prior to the date of the public hearing. A copy of the public hearing notice shall be mailed by registered mail to the town clerk at least ten (10) days prior to the date of such hearing.

The notice shall contain the time and place of the public hearing, the legal description and street or road address of the property involved, and a statement of the proposed zoning action requested. Failure to receive such notice shall not invalidate the hearing, or the results thereof.

Failure of the Plan Commission to accomplish such provisions of notice shall not invalidate or prejudice the proceedings, provided the Town Board concludes that reasonable

efforts were made or that the parties who subsequently complained of not having been sent notice or of not receiving notice, did, in fact, know of the proceedings and had reasonable opportunity to attend or be represented, or to convey their views prior to the Board's decision.

22.05 Decisions

The Town Board, after receiving the report of the Town Plan Commission, and without further public hearing, may grant or deny any proposed amendment in accordance with applicable Statutes of the State of Wisconsin, or it may refer it back to the Plan Commission for further consideration.

22.06 Standards for Zoning Map Amendments (Rezoning)

22.06.1 General

A rezoning shall be in conformance with, or at a minimum, not in conflict with, any adopted town plans or policies relating to land use. A rezoning may be enacted only if:

(a) It can be shown that the current zoning places an unreasonable burden on the owner of the property to be affected, and that:

1. the current zoning can also be shown to have been a mistake, i.e., based on incorrect knowledge or assumptions about the land or existing uses in the area, or

2. the current zoning is no longer necessary to protect any public interest; or

(b) There has been a significant change in circumstances since the property was zoned under the current district, and the desired rezoning action can be shown to be directly related to and appropriate for such new circumstances. New circumstances may consist of such items as new highways, or a major highway re-location, or a new sewage treatment system where none existed before, or existing districts lacking space for further development.

The following conditions are not sufficient reasons to be considered a change in conditions:

(a) A change in the intentions or wishes of the owner for use of the property;

(b) Sale or pending sale of the property;

(c) Removal of deed, lien, or other encumbrances on the property;

(d) Expiration of one or more forest crop law contracts, woodland tax contracts, farmland preservation contracts, or any other agreement or contract.

22.06.2

Rezoning to Village Commercial (VC), Commercial (CM), or Industrial (IN) District status shall be made only in the case where adjacent land is being added to an existing district to allow for orderly expansion of existing commercial or industrial areas. New commercial or industrial areas, separate from existing areas, shall be set up as Planned Development Districts (see Chapter 15 for procedures).

22.07 Protest

22.07.1 Filing of Protest and Verification

In the event a protest against a proposed change or amendment is filed under s.62.23(7)(d) Wis. Stats. with the Town Clerk at least twenty-four (24) hours prior to the time of the meeting of the Town Board at which the recommendation of the Plan Commission is to be considered, appearing to be duly signed and acknowledged by the owners of 15% or more of the area proposed to be altered, or by abutting owners of over 15% of the total perimeter of the area

proposed to be altered included within 100 feet of the parcel or parcels proposed to be rezoned, or by the owners of 15% or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, action on such ordinance may be deferred until the Town Clerk has had reasonable opportunity to ascertain and report to the Town Board as to the authenticity of such ownership statements.

22.07.2 Extra Majority Required

If such statements are found to be valid, such ordinance shall not be adopted except by the affirmative vote of three-fourths of the members of the Town Board of Supervisors present and voting. If such protest is found invalid to the extent that the required frontage or area ownership is not present, such protest may be disregarded.

CHAPTER 23 DEFINITIONS

Access and viewing corridor: a strip of vegetated land that allows safe pedestrian access to the shore through the vegetative buffer zone.

Accessory Structure or Building and Use: A subordinate structure or building or use or a portion of a principal building, the use of which is incidental and customary to that of the principal building.

Accommodations Permit: Permit required by Town of Lincoln for Transient Rentals.

Alternate Use (or Incidental) Storage Facility: an existing structure not originally intended for storage rental, such as a barn or equipment shed.

Auto-Oriented Facilities for Commercial Uses: Any facility such as a parking lot, garage, driveway, or drive-up window which provides for customer vehicles on the lot.

Backlot: With reference to lake area development, any lot which does not have frontage on navigable waters and usually separated by a roadway from lots having water frontage (see Chapter 5, General Shoreland Provisions and Chapter 9 Lake Development (LD) District).

Bed & Breakfast: Lodging for compensation by guests who are tourists or occupants renting by the night, within a place of residence, typically offering meals prepared by the resident as part of the room rental, and also including therein a private parking space, and regulated by the state as a bed & breakfast lodging facility. (see also Time-Share Condominium)

Boathouse: A permanent structure located on the same lot as the principal building and used for the protection or storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of these structural parts, and are not for human habitation.

Building: Any structure which is built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind and, which is permanently affixed to the land.

Building Envelope: the three dimensional space within which a structure is built.

Building Footprint: the exact outside two dimensional shape and area of the building, including all decks, porches and attached garages.

Campground: Any public or private premises rented for day or overnight lodging by the day or week, not exceeding 6 months per year, where the guest provides their own portable shelter, such as tents, motor homes, towable camper trailer, or recreational vehicle, and where the facility often provides a central building for use by guests to obtain or use potable water, toilet, shower, and possibly laundry facilities, and to purchase convenience supplies such as soap, food snacks, and beverages in containers.

Conditional Use (Special Exception): A use which is permitted by a shoreland zoning ordinance provided that certain conditions specified in the ordinance are met and that a permit is granted by the Board of Appeals or, where appropriate, the plan commission or county board.

Confined Livestock Feeding: An operation on a plot of land on which live-stock are kept year-round without grazing.

Club or Lodge: A building used by an association, of persons who are bona fide members, the use of such premises being restricted to members and their guests.

Drive-up Window: Any facility which allows a customer, client, or patron to transact business, receive delivery of goods, or services, make payments, or do any form of business without leaving his or her vehicle.

Development: Any man-made change to improved or unimproved real estate, including, but not limited to the construction of buildings, structures or accessory structures; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of structures including mobile homes; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations, the storage, deposition or extraction of materials, and the installation of public or private sewage disposal systems or water supply facilities.

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

Dwelling Unit: A group of rooms constituting all or part of a dwelling, which are arranged, designed, used or intended for use exclusively as living quarters for one-family and not more than an aggregate of two roomers, and which includes complete kitchen facilities permanently installed.

Existing Development Pattern: principal structures exist within 250 feet of a proposed principal structure in both directions along the shoreline.

Family: One or more persons related by blood, marriage or adoption, or a group of not more

than five persons not so related, maintaining a common household in a dwelling unit.

Floodplain: The land which has been or may be hereafter covered by flood water during the regional flood. The floodplain includes the floodway and the flood fringe as those terms are defined in ch. NR 116, Wis. Adm. Code.

Floodway: The channel of a stream and those portions of the floodplain adjoining the channel that are required to carry and discharge the flood water or flood flows of any river or stream.

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

Gross Floor Area: For the purpose of determining requirements for off-street parking and off-street loading, the floor area shall mean the sum of the gross horizontal areas of the several floors of the building, or portion thereof, devoted to such use, including accessory storage areas located within selling or working space, such as counters, racks or closets, and any basement floor area devoted to retailing activities to the production or processing of goods, or to business or professional offices.

Group Camp: An area, including buildings, used for the accommodation of members of various organizations or groups for institutional, religious, recreational or business purposes.

Group Home: A building used by unrelated individuals and licensed by the State of Wisconsin Department of Health and Social Services or any public social service agency serving Forest County as a residence for foster children, developmentally disabled individuals, or other persons which are mentally, physical, or socially handicapped in any way.

Heavy Equipment: Any vehicle, trailer, or mobile piece of machinery with a gross weight of eight (8) tons or more, or licensed for a gross weight of eight (8) tons or more.

Height (building): Building height is the vertical distance measured from [lowest](#) grade to the highest point of the roof; adjacent to the street wall for flat roofs; to the deck line of mansard roofs; and, to the mean height between eaves and ridges for gable, hip, gambrel or pent roof.

Home Occupation: A gainful occupation conducted indoors by a member of the family, with his or her place of residence where the space used does not exceed 25% of the gross floor area and is incidental to residential use and no article is sold or offered for sale except such as is produced by such home occupation.

Hotel: A building containing lodging rooms, a common entrance lobby, halls where each lodging room does not have a doorway opening directly to the outdoors, except for emergencies and where more than 50 percent of the lodging rooms are for rent to transient guests, with or without meals, for a continuous period of less than 30 days. (see also Resort, Motel, Bed & Breakfast, Time-Share Condominium)

Hunting or Recreational Cabin: A building or structure intended solely for hunting, or other recreational uses and only for temporary occupancy.

Impervious Surface: means an area that releases as runoff all or a majority of the precipitation that falls on it. “Impervious Surface” excludes frozen soil but includes rooftops, sidewalks, driveways, parking lots, and streets, unless specifically designed, constructed and maintained to be pervious.

Impervious Surface Calculation: calculation shall be the area of the lot lying between the road and the OHWM but not exceeding three hundred feet of lot depth from the OHWM.

Local or Neighborhood Commercial Uses: Commercial retail or service establishments which serve primarily a neighborhood, or area less than a township in size. Such uses include eating and drinking places, groceries, gas stations and general stores. The floor area of the principal structure shall not exceed 2500 square feet.

Lot: A parcel of land, whether legally described or subdivided as one or more lots or parts of lots, and which is occupied or intended for occupancy by one principal building or principal use, together with any accessory buildings and such open spaces as are required by this ordinance; and having its principal frontage upon a street or road.

Lot Area: The area of contiguous land bounded by lot lines, exclusive of land provided for public thoroughfares and containing sufficient buildable land to meet requirements for access, buildings with required setbacks and other yards, and sanitary systems.

Lot Coverage: The maximum amount of land area that may be covered with structures, and with pavings for drives or parking.

Lot Frontage: That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

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

Manufactured Dwelling (Modular): Factory built and inspected housing components (modules), typically in three or more sections, not containing extensive interior finishing, meant to be transported without a permanent chassis and then site assembled, often into more than one floor level, and requiring some on-site local inspection (Uniform Dwelling Code), which when completed are indistinguishable for practical purposes from site-built housing. For purposes of this ordinance, such modular housing and site-built housing are regulated as being the same, being distinct from mobile homes, double-wide mobile homes, and recreational vehicles.

Manufactured Home: A structure, transportable in one or more sections, which while it is in transport is eight (8) body feet or more in width or forty (40) feet or more in length, or, when erected and completed on site is seven hundred twenty (720) or more square feet of living area, and which is built on a permanent chassis and designed to be used as a dwelling when connected to a permanent foundation and the required utilities. To qualify as a manufactured home for

purposes of this ordinance, the structure must comply with all applicable standards established by the U.S. Department of Housing and Urban Development (HUD). All manufactured homes are required to have footings and foundations which meet the requirements of ILHR 21 (III, IV and V), of the Wisconsin Administrative Code. Foundations may be on a continuous foundation, a column or pier foundation, or a floating slab.

Metallic Mineral Mining: All or part of the process involved in the mining of metallic minerals, other than for exploration or prospecting, including commercial extraction agglomeration, beneficiation construction of roads, removal of overburden and the production of refuse.

Metallic Mineral Prospecting: Engaging in the examination of an area for the purpose of determining the quality and quantity of metallic minerals, other than for exploration but including the obtaining of an ore sample, by such physical means as excavating, trenching, construction of shafts, ramps and tunnels and other means, other than for exploration, which the DNR, by rule, identifies, and the production of prospecting refuse and other associated activities. "Prospecting" shall not include such activities when the activities are, by themselves, intended for and capable of commercial exploitation of the underlying ore body. However, the fact that prospecting activities and construction may have use ultimately in mining, if approved, shall not mean that prospecting activities and construction constitute mining provided such activities and construction are reasonably related to prospecting requirements.

Mineral Exploration: The onsite geologic examination from the surface of an area by core, rotary, percussion or other drilling, where the diameter of the hole does not exceed 18 inches, for the purpose of searching for metallic minerals or establishing the nature of a known metallic mineral deposit, and includes associated activities such as clearing and preparing sites or constructing roads for drilling.

Mini-warehouse Storage Facility: a single story commercial structure/building containing single or multiple lockable spaces to rent for storage of personal or private property.

Mitigation/Remediation: Balancing measures that are designed, implemented and function to restore natural functions and values otherwise lost through development and human activities.

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 rigid uncollapsible construction, which has an overall length in excess of forty-five (45) feet. "Mobile home" includes the mobile home structure, its plumbing, heating, air conditioning, and electrical systems, and all appliances and other equipment carrying a manufacturer's warranty.

Mobile Home Park: Any lot on which more than one mobile home or manufactured home is located, except as provided for in 4.03.

Modular Home: See Manufactured Dwelling.

Motel: A building or group of buildings or cabins containing rooms which are offered for

compensation for the temporary accommodation of transients distinguishable from a hotel by each room often having doors directly to the outside, and featuring at least one guest automobile parking space per room in the cost of the room rental, and where there is no permanent occupancy of any unit. (see also Resort, Bed & Breakfast, Time-Share Condominium)

Multi-Family Unit or Dwelling: A group of more than two physically-attached dwelling units, located on the same lot.

Navigable Waters: "Navigable water" or "navigable waters" means Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state.

Non-Conforming lot, Use or Structure: Any lot, use, or structure, lawfully used, occupied or erected at the time of the effective date of this ordinance or amendments thereto, which does not conform to the regulations of this ordinance or amendments thereto.

Ordinary Highwater Mark (OHWM): Is determined by the DNR, or the County, but is defined in DNR regulations as - "the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics. Where the bank or shore at any particular place is of such character that it is difficult or impossible to ascertain where the point of ordinary high-water mark is, recourse may be had to the opposite bank of a stream or to other places on the shore of a lake or flowage to determine whether a given stage of water is above or below the ordinary high-water mark. "

Permanent Forest Processing: Conducting or intending to conduct for a period of twelve (12) months or longer in one location, any operation involving the processing of logs or other parts of trees. This includes debarking, clipping, sawmills, log storage areas, areas for loading or unloading forest products, or related or similar types of operation.

Petroleum Products Distribution and Storage Facilities: A facility with a minimum of 1,000 gallons capacity wherein petroleum products are temporarily stored in tanks which are above ground.

Principle Structure and Use: The structure(s) or use(a) which are identified as the primary structure(s) or use(s) on a given lot and which are not incidental to other structures or uses on the lot.

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

Public Sewage Disposal System: Sewers and sewage treatment facilities used in connecting therewith which are maintained and operated by a municipality or sanitary district.

Pyramiding: means the act of obtaining or providing access to public bodies of water across private lots or lands in a manner in which increases the number of families which have access to that water to a degree greater than what would occur with individual riparian owners having individual lots fronting on the water. The effect of pyramiding is to funnel back lot development from off shorelands or residences via a narrow parcel of land to provide access to the water. Publicly owned access points shall not fall within this definition.

Recreational Vehicle: Any vehicle capable of moving on land under its own power or any trailer under twenty-nine (29) feet in length which is used for temporary or permanent human habitation.

Recreational Vehicle Park: A campground also offering for motor homes and towable camper trailers such facilities as electricity hookup to rented spaces, vehicle sanitary waste disposal service, and motor vehicle fuel sales limited to guest vehicles. (see also Campground)

Resort: A motel or hotel that also offers outdoor recreational and personal fitness activities and facilities as part of the room rental, such as swimming, fishing, boating, hiking/skiing/snowmobile trails, tennis courts, etc., and typically also offering a restaurant only for guests, with the meal cost included in the room rate. The guest rooms may include individual cabins dispersed about the grounds. (see also Hotel, Motel, Time-Share Condominiums)

Rooming House: A building or groups of buildings with rooms rented on a weekly or monthly basis, wherein each individual room does not have private kitchens or bathroom facilities.

Routine Maintenance of Vegetation: Normally accepted horticultural practices that do not result in the loss of any layer of existing vegetation and do not require earth disturbance.

Salvage Yard: An open area or fenced-in enclosure, where used or secondhand materials are bought, sold, exchanged, stored, baled, packed, dis-assembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. For the purpose of this Ordinance, salvage yard included an auto salvage yard but does not include uses established entirely within enclosed buildings. Two or more inoperative pieces of equipment shall constitute a salvage yard.

Sand and Gravel Pit: Any operation which extracts more than 10 cubic yards of non-metallic material per year in one location or which involves crushing, sorting, or washing of non-metallic excavated materials. This does not include excavation used in construction and does not include stockpiling or storage of such material.

Setback: The minimum allowable horizontal distance from a given point or line of reference, such as a thoroughfare right-of-way, water line, or prospective line to the nearest vertical wall or other element of a building or structure. Setbacks are measured from any part of the structure, e.g., deck, eave, patio, stoop, porch, etc.

Shooting (Gun or Archery) Range: An area designed and constructed for the discharge of firearms that is open for club members or public use, excluding target and archery ranges, used

by the owner and his or her family and gratuitously used by their invitees.

Shoreland: Lands within the following distances from the ordinary high-water mark of navigable waters: 1,000 feet from a lake, pond, flowage, or pothole lake and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

Shoreland Lot: With reference to lake area development, a lot which has frontage on navigable waters and thereby is subject to a shoreline setback and regulations affecting conservation of the shoreline set forth in Chapter 5, Shoreland Regulations (also see Backlot).

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

Side Yard: A yard extending along a side lot line which does not front on a public street or road.

Sign: A name, identification, description, display or illustration which is affixed to or painted or represented directly or indirectly upon a building or other outdoor surface or piece of land; and which directs attention to an object, product, place, activity, person, institution, organization or business.

Spot Zoning: Any map amendments which create an island or isolated parcel of land for which one or more of the following conditions are met:

1. A small parcel of land is singled out for special or privileged treatment.
2. A map amendment not in the public interest but only for the benefit or detriment of the landowner.
3. The action is not in accord with the County Land use Plan.

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

Structure: Any human-made object with form, shape, and utility, either permanently or temporarily attached to or placed upon the ground, river bed, stream bed or lake bed. This definition shall include, but not be limited to arbors, billboards or other advertising medium detached or projecting, boathouses, buildings, decks, dwellings, fences, garages, mobile homes, signs, tool houses, and walls.

Structural Repairs and Alterations: Any change in the supporting member of a structure such as bearing walls, columns, beams or girders, footings and piles.

Time-Share Condominium: Lodging for compensation by guests who are tourists or occupants renting by the night or week, within a place of residence, while the resident is not present. (see also Bed & Breakfast)

Tourist and Lake Oriented Commercial: Any Local or Neighborhood Commercial activity, such as bait shops, sporting goods store, marinas, motels and resorts, souvenir and novelty shops

or other uses intended to serve lake users, tourists, or seasonal residents. Except for hotels, motels and resorts, gross floor area of the principal building shall not exceed 2,500 square feet..

Temporary Forest Processing: Any operation similar to that described under Permanent Forest Processing but which does not continue or is intended to continue in one location for a period of longer than twelve (12) months.

Transient Residential Rental: any residential rental less than 30 days, requiring a Town of Lincoln Accommodations Permit.

Truck Terminals: A facility for loading, unloading, storage and/or major repair of three or more trucks or trailer units over eight tons.

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

Variance: An authorization granted by the board of appeals to construct, alter or use a building or structure in a manner that deviates from the dimensional standards of this ordinance.

Warehouse: A building of over 1,000 square feet which is used primarily for storage of commercial and industrial goods.

Water Line: The shortest straight line at the waterfront end of a lake or stream lot that lies wholly within the lot, provided that not less than 75 percent of the length of such water line shall be on, or on the landward side of, the highwater mark of such lake or stream.

Wholesale Establishments: Establishments which sell relatively large quantities, especially to retail establishments, and not directly to consumers.

Yard: An open space on a lot which is unoccupied and obstructed from its lowest level to the sky. A yard extends along a line and at right angles to such lot line to a depth or width specified in the yard regulations for the zoning district in which such lot is located.

Zoning Administrator: The official appointed to administer this ordinance and whose duties are outlined in the administration section of the ordinance.

Plan Commission: The Town Plan Committee of the Town of Lincoln as created by the Town of Lincoln Board of Supervisors pursuant to s. 62.23(7)(d) Wis. Stats. for the purposes of administration of this ordinance will hereafter be referred to as the Plan Commission.

This ordinance effective upon passage and publication.
Passed: Sept. 2, 1982 by Town Board, Town of Lincoln

Published: Dec. 16, 1982
/s/ Sandra Carter
Town Clerk, Town of Lincoln

Approved: Nov. 9, 1982 by Forest County Board.

Revisions to this ordinance effective upon passage and publication.

Revision Passed: May 9, 2001 by Town Board, Town of Lincoln. Published: June 6, 2001
/s/ Carol Spencer
Town Clerk, Town of Lincoln

Revision Approved: May 29, 2001 by Forest County Board.

Revision Passed: Nov. 16, 2011 by Town Board, Town of Lincoln. Published July 18, 2012
/s/Lisa Gretzinger
Town Clerk, Town of Lincoln

Revision approved: June 19, 2012 by Forest County Board-(Resolution #27-2012)

Revision Passed: May 8, 2015 by Town Board, Town of Lincoln. Published June 25, 2015
Tressa Votis
Town Clerk, Town of Lincoln

Revision approved, Forest County Board June 16, 2015-(Resolution #19-2015)

Revision Passed: May 14, 2018 by Town Board, Town of Lincoln. Published July 5, 2018
Tressa Votis
Town Clerk, Town of Lincoln

Revision approved, Forest County Board June 19, 2018-(Resolution #22-2018)

CHAPTER 24 APPENDIX

This appendix contains illustrations of some of the setbacks and dimensional requirements contained in this ordinance for the purposes of helping users to better understand these requirements. The illustrations are not codified as regulations and do not have any standing as law. Users are responsible for compliance with the actual regulations as coded in the text of the ordinance. Reliance on these illustrations shall be no legal standing.