

16.2001	STATUTORY AUTHORIZATION, PURPOSE AND FINDING OF FACT.....	2
16.2002	ABROGATION AND GREATER RESTRICTION.....	2
16.2003	JURISDICTION AND EFFECTIVE DATE.....	2
16.2004	GENERAL PROVISIONS.....	3
16.2005	SITE DESIGN STANDARDS.....	7
16.2006	HIGHWAY SETBACK AND ACCESS PROVISIONS.....	9
16.2007	ZONING DISTRICTS AND ZONING MAPS.....	12
16.2008	RESOURCE PROTECTION DISTRICT (RP).....	13
16.2009	RESIDENTIAL DISTRICT (R-1).....	14
16.2010	MULTIPLE FAMILY RESIDENTIAL DISTRICT (R-2).....	15
16.2011	COMMERCIAL DISTRICT – BUSINESS (CM-B).....	16
16.2012	COMMERCIAL DISTRICT – INDUSTRIAL (CM-I).....	18
16.2013	RECREATIONAL DISTRICT (REC).....	19
16.2014	AGRICULTURAL - RESIDENTIAL DISTRICT (AG-3).....	20
16.2015	GENERAL AGRICULTURAL DISTRICT (AG-2).....	22
16.2016	PRIME AGRICULTURAL DISTRICT (AG-1).....	23
16.2017	GENERAL PURPOSE DISTRICT (GP).....	24
16.2018	PLANNED DEVELOPMENT DISTRICT (PD).....	25
16.2019	RURAL CENTER DISTRICT (RC).....	26
16.2020	CLUSTER DEVELOPMENT OVERLAY DISTRICT (CD).....	26
16.2021	VARIOUS LAND USES.....	31
16.2022	VIOLATIONS, PENALTIES, REMEDIAL ACTION, ENFORCEMENT.....	33
16.2023	CHANGES AND AMENDMENTS.....	35
16.2024	DEFINITIONS.....	35

Adopted 5/20/2008

## 16.2 GENERAL ZONING

### 16.2001 STATUTORY AUTHORIZATION, PURPOSE AND FINDING OF FACT

- 1) Statutory Authorization. This Ordinance is adopted pursuant to the authorization contained in Section 59.69, 59.692 and 87.30 of the Wisconsin Statutes.
- 2) Statement of purpose. The provisions of this Ordinance shall upon adoption by local municipalities in accordance with 59.69(5)(c), Wis. Stats. be held to be the minimum requirements adopted to promote health, safety, comfort, prosperity and general welfare of the public. A County Ordinance adopted as provided by this Section shall not be effective in a Town until it has been approved by the Town Board.

### 16.2002 ABROGATION AND GREATER RESTRICTION.

- 1) It is not otherwise intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law, other than zoning, to the extent specified in this Ordinance.
- 2) Interpretation. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes.
- 3) Severability. If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.
- 4) Repeal. All other Ordinances or parts of Ordinances of Marquette County inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed. Nothing in this Section is to be construed as affecting any provision in the Marquette County Shoreland Zoning Ordinance No. 16.1, which is in no way affected by this Ordinance.

### 16.2003 JURISDICTION AND EFFECTIVE DATE

- 1) This Ordinance shall be effective in every town in Marquette County, in which it has received the approval of the Town Board and upon its passage by the Marquette County Board and publication. The use of any land, the size, type and location of structures on lots, and other provisions regulated herein shall be in full compliance with the terms of this Ordinance.
- 2) This Ordinance shall apply to Shorelands, as that term is defined by Marquette County Shoreland Zoning Ordinance No. 16.1, to the extent that it is more restrictive.

- 3) The State of Wisconsin shall be exempt from the terms of this Ordinance under the legal doctrine of the sovereignty of the State but all other governmental bodies shall be within the jurisdiction of this Ordinance, except that the construction of public roadways and bridges is exempt from the provisions of this Ordinance.

#### 16.2004 GENERAL PROVISIONS

- 1) Setback, lot sizes and other dimensional requirements applicable to the various zoning districts are indicated in this Ordinance.
- 2) No structure, land, water or air shall hereafter be used without full compliance with the provisions of this Ordinance. No structure or part, except as specifically allowed hereunder, shall hereafter be located, erected, moved, reconstructed or altered and no substantial land use change made, without full compliance with this Ordinance. For each district the permitted uses are stated, others are specifically classified as requiring special exception permits and any uses not specifically classified shall require special exception permits.
- 3) After adoption of this Ordinance, no lot area shall be so reduced that the dimensions and yard requirements imposed by this Ordinance cannot be met. However, where existing lots do not satisfy such requirements, the Board of Adjustment may grant a variance.
- 4) All lots shall abut upon a public street or road to which direct access is permissible and each lot shall have a minimum frontage of at least 66 feet. This requirement shall not be construed to conflict with the minimum average lot width standards specified in this Ordinance, inasmuch as irregular shaped lots may meet both the requirements. In the case of a corner lot, the standards specified for setbacks for that district shall apply to those sides of the lot, which abut both streets forming the corner.
- 5) Buildings used for human habitation shall provide year-round living area of not less than 900 square feet and a minimum dwelling width of 20 feet, except as otherwise provided in Sec. 16.2021(4).
- 6) No lot shall have more than one principal building for residential purposes, except as otherwise specified herein.
- 7) No provision of this ordinance shall be construed to bar an action to enjoin or abate the use or occupancy of any land or structure as a nuisance under the appropriate laws of the State of Wisconsin.
- 8) Any lot legally created and recorded in the Register of Deeds Office prior to the adoption of this Ordinance, may be increased in size by the addition of all or part of the adjoining lots or parcels, and such resulting lots may be used for any purpose permitted in the district in which they are located, provided that the resultant lots or parcels shall not be reduced below the minimum requirements of the district or made less conforming.
- 9) Any lot legally created and recorded in the Register of Deeds Office prior to the adoption of this Ordinance, may be used as a building site, or for any purpose

permitted by ordinance, even though such lot does not conform to the minimum frontage or area requirements of the district in which it is located, provided that all other requirements of the district can be met.

10) In districts, which permit agricultural uses, the grazing or raising of farm animals shall require a minimum of 2 acres with a maximum of 2 animal units for lots less than 5 acres in size.

11) Camping Provisions

A) Camping, parking, or storing a camping unit when located on a lot where a primary residential dwelling does not exist shall be subject to the following conditions:

- 1) No more than one camping unit shall be allowed on a lot.
- 2) Approved sanitary provisions, such as State approved systems; self-contained units, approved non-plumbing sanitation systems, or a POWTS shall be used to serve the camping unit.
- 3) Arrangements shall be made for the proper disposal of trash and garbage.
- 4) Camping, parking and or storing a unit on a lot shall only be permitted from April 15, through December 1 except as provided for under Sec. 16.2004(11)(B).
- 5) Occupation of a unit by a person having no other regular place or abode at the time the unit is so occupied is prohibited.
- 6) Camping may take place on an interim basis on a lot where construction of a permitted dwelling is in progress, not to exceed one year.
- 7) Camping shall be permitted in all districts except Residential.
- 8) Camping units shall comply with all setback requirements for the district in which they are located.

B) Camping, parking, and/or storing a camping unit on a lot where a primary residential dwelling does not exist shall be permitted on a year-round basis through an Administrative Review Use Permit under the following conditions:

- 1) Lot must be a minimum of 5 acres and may not be located in a platted subdivision.
- 2) Written approval must be received from the Town Board in which the lot is located.
- 3) Except for paragraph (4) all other provisions of Sec. 16.2004(11)(A) shall apply.

- 4) The camping unit for which the Administrative Review Use Permit is issued shall at all times remain currently licensed, road worthy and able to be legally towed or driven on a public road.
- 5) No accessory structures or additions may be attached to the camping unit.
- 6) The camping unit shall be a minimum of 100 feet from any lot line and be visually screened from adjacent properties and public roads using the screening options contained in Sec. 16.2005(1)(B). Compliance with visual screening standards shall be part of the Administrative Review Use Permit process.
- 7) An annual permit fee as established by the Marquette County Board of Supervisors shall be submitted to the Zoning Administrator by December 1st each year or the Administrative Use Permit shall expire.
- 8) The Zoning Administrator shall conduct an annual inspection to determine that all ordinance requirements are being met including any conditions placed on the Administrative Review Use Permit. If the property or use is found to be in non-compliance with the ordinance requirements or permit conditions the permit may be rescinded after a 30 day written notice to the property owner.

## 12) Salvage Materials and Unlicensed Vehicles

- A) No person shall deposit or cause to be deposited or stored on any property, refuse, garbage, litter, waste or salvage material (including but not limited to: metals, paper, rags, tires, bottles, wood, building materials), in excess of normal residential use or periodic maintenance or remodeling. Nor shall any person deposit or cause to be deposited or stored any inoperable appliances, disassembled, inoperable, unlicensed, junked or wrecked motor vehicles, recreational vehicles, boats, mobile homes, semi-trailers or buses, unless it is in connection with a properly licensed automotive, appliance sales, repair, or storage business enterprise located in a properly zoned district, unless entirely enclosed within a building or exempted under Sec. 16.2004 (12) (B) of this Ordinance. This Section shall not apply to farm machinery or equipment, on the premises of an operating farm, located in a properly zoned district.
- B) Storage of unlicensed/inoperable motor vehicles may be exempt from Sec. 16.2004(12)(A) under the following conditions:
  - 1) An Administrative Review Use Permit is issued by the Marquette County Zoning Administrator.
  - 2) Written permission shall be obtained from the Town Board in which the property is located.
  - 3) The maximum number of vehicles stored outside of a building shall be three.

- 4) Only one Administrative Review Use Permit shall be issued to a property owner for contiguous property regardless of the number of lots or parcels owned or the amount of acreage.
- 5) Vehicles shall be screened from public roadways and adjacent properties by using the screening options of Sec. 16.2005(1)(B). Approval of screening provisions shall be part of Administrative Review Use Permit process.
- 6) No such use shall be permitted in a Residential Zoning District or in a platted subdivision.
- 7) Storage area for vehicles must be a minimum of 100 feet from any lot line.
- 8) Disposal of any fluids, lubricants, coolants, oils or fuel must be done in conformance with applicable State and Federal regulations.
- 9) The Administrative Review Use Permit shall expire 5 years after date of issue.
- 10) The Zoning Administrator may conduct an inspection during normal business hours to determine that all ordinance requirements are being met including any conditions placed on the Administrative Review Use Permit. If the property or use is found to be in non-compliance with the ordinance requirements or permit conditions the permit may be rescinded after a 30 day written notice to the property owner.
- 13) Every structure shall be set back 75 feet from a wetland boundary or the ordinary high water mark of a lake, stream, man made lake or impoundment, as determined by the Zoning Administrator. Building near the above-described boundaries is subject to reduced building setback averaging as defined herein.
- 14) A building setback less than the setback required may be permitted where there are existing buildings within 500 feet of the proposed site that are built at less than the required setback. In such cases the setback shall be the average of the setbacks of the existing similar buildings in the area. In no case shall a setback of less than 50 feet be allowed except by the granting of a Variance by the Board of Adjustment.
- 15) In each quadrant of every public street intersection, excepting those controlled by arterial or all way stop signs and also excepting Class A intersections there shall be a visual clearance triangle bounded by the street centerlines and a line connecting points on them 75 feet from the intersection. Objects permitted within highway setback lines and visual clearance triangles are as follows:
  - A) Open fences
  - B) Telephone, telegraph and power transmission poles, lines and portable equipment and livestock housing that is readily removable in their entirety are permitted where they do not obstruct the view.

- C) The planting and harvesting of crops, shrubbery and trees except that the view within the visual clearance triangle shall not be obstructed.
- 16) The existing lawful use of a structure or premises which is not in conformity with the provisions of this Ordinance may be continued subject to the following:
- A) No use shall be expanded or enlarged except in conformity with the provisions of this Ordinance.
  - B) No structural alteration, addition or repair to any non-conforming building over the life of the structure shall exceed 50 percent of its equalized value at the time of its becoming a nonconforming use, unless permanently changed to a conforming use, except upon granting of a variance by the Board of Adjustment or unless authorized under Sec. 16.2004(17).
  - C) If a nonconforming use is discontinued for 12 consecutive months, any future use of the building or premises shall conform to this Ordinance.
- 17) Restoration of legal nonconforming structures. As authorized under Wisconsin Statutes 59.69(10m) a legal nonconforming structure may be rebuilt if all of the following conditions are met:
- A) The structure was damaged or destroyed on or after March 2, 2006.
  - B) The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold or infestation.
  - C) The size of the structure is not increased and it is built in the same location that it occupied prior to being destroyed.
  - D) The use of the structure is not changed unless the new use is in conformity with this ordinance.

#### 16.2005 SITE DESIGN STANDARDS

The following site design standards shall apply for certain types of land uses when required under other Sections of this ordinance. These standards are adopted to promote health, safety, comfort, prosperity and the general welfare of the public. It is the intention of these standards to ensure that future development is designed in a way that compliments community character, increases tax base and ensures lasting quality. A site plan shall be submitted to the Zoning Administrator addressing the following items:

##### 1) SCREENING

- A) The following areas or features shall be required to be effectively screened by fencing, landscaping, or berms from view from public roadways, and adjacent residential properties:
  - 1) Exterior structures related to heating systems, cooling or air conditioning systems;

- 2) Refuse, garbage, dumpsters and recyclable material collection points;
- 3) Outdoor storage areas;
- 4) Loading docks;
- 5) Any other site area or facility if reasonably related to the protection of neighboring properties or the public from distracting, unappealing, or offensive views of on-site activities as determined by the Zoning Administrator.

B) Options for Screening. The following are options for providing required screening where applicable:

- 1) Fencing: The construction of a minimum 6-foot high solid fence shall be deemed adequate screening if required. The fence shall be one color and constructed of one type of commonly used fencing materials.
- 2) Rows of trees: The planting of a minimum of 2 rows of trees staggered with a 10-foot spacing, which are a minimum of 4 feet tall when planted, shall be deemed adequate screening if required. One row shall be white pine, red pine, or a fast growing hybrid poplar. The lot owner shall maintain such planting and any dead trees shall be replaced within 6 months. Alternate species or planting plan may be substituted if prior approval is received from the Zoning Administrator.
- 3) Existing vegetation: The maintenance of existing native vegetation that, from off the property during full foliage conditions, provides the appearance of a solid wall of vegetation, shall be deemed adequate screening if required. The final determination as to acceptability of the existing vegetative screen shall be by the Zoning Administrator.
- 4) Earthen berms: The construction of an earthen berm to the minimum height of 6 feet which is to be seeded and/or landscaped with shrubs and maintained by the owner shall be deemed adequate screening.

2) OFF STREET PARKING

- A) Minimum Off-Street Parking Requirements: Off street parking spaces shall be provided in sufficient numbers to address the anticipated amount of traffic to the proposed use.
- B) Handicapped Parking Spaces: Parking for the handicapped shall be provided at the number, size, location, and with signage as specified by State and Federal regulations.
- C) Location: Off-street parking areas shall be located on the same lot as the principal use.
- D) Installation of Off-Street Parking Areas: All required off-street parking areas shall be completed prior to building occupancy.

- E) Use of Off-Street Parking Areas: The use of off-street parking areas shall be limited to the parking of licensed, registered, and operable vehicles.
  - F) Depiction on Site Plan: All existing and proposed parking areas on the lot shall be depicted as to their location and configuration on the site plan.
- 3) **LOADING STANDARDS.**
- A) Any nonresidential use, created after the adoption of this ordinance, which has a gross floor area of 5,000 square feet or more, and which requires deliveries or makes shipments, shall provide at least one off-street loading area.
  - B) Location: Loading areas shall be provided so that all vehicles loading, maneuvering, or unloading are completely off the public road right-of-way or road easement.
  - C) Depiction on Site Plan: All existing and proposed loading areas on the lot shall be depicted as to their location and configuration on the site plan.
- 4) **SIGNAGE**
- A) On premise signs advertising a business or activity shall meet the following standards:
    - 1) Wall signs placed against the exterior of a building shall not extend more than 1 foot from the wall surface and shall not exceed 200 square feet in area.
    - 2) Projecting signs fastened to, suspended from or supported by attached structures shall not exceed 50 square feet on a side.
    - 3) Ground signs shall meet all setback requirements, shall not exceed 200 square feet on a side and shall not exceed 35 feet in height above the main grade. The use of monument signs is encouraged rather than pole signs.
    - 4) Roof signs shall not exceed 10 feet in height above the roof, shall not exceed 200 square feet on a side and may not extend beyond the building on which it is located.

#### 16.2006 HIGHWAY SETBACK AND ACCESS PROVISIONS

- 1) For the purpose of determining the distance buildings and other structures shall be set back from streets and highways, the highways of Marquette County are divided into the following classes:
  - A) All State and Federal highways are hereby designated as Class A highways.
  - B) All county trunks are hereby designated as Class B highways.

- C) All town roads, public streets and highways not otherwise classified, are hereby designated Class C highways.
- 2) The minimum setbacks from the various Class highways are as follows:
    - A) The setback from a Class A highway shall be 110 feet from the centerline of the highway or 50 feet from the right of way line, whichever is greater.
    - B) The setback from a Class B highway shall be 75 feet from the centerline of the highway or 42 feet from the right of way line, whichever is greater.
    - C) The setback from a Class C highway shall be 63 feet from the centerline of the highway or 30 feet from the right of way line, whichever is greater.
  - 3) Permits shall be required for all new access points on Class A, B and C highways.
    - A) Permit applications for access to Class A highways shall be made with the Wisconsin Dept. of Transportation, for Class B and C highways shall be made with the Marquette County Highway Dept.
    - B) The agency which issues the permit shall conduct inspections of the point of access to determine compliance with the Ordinance and shall maintain permanent records of data submitted, staff recommendations and permits issued.
    - C) The authority to approve, conditionally approve or reject an application is delegated to the agency, which issues the permit, except if the proposed access does not conform to the access provisions of the zoning or subdivision ordinances. Requests for nonconforming accesses shall be subject to review and approval by the Board of Adjustment prior to the issuing agency granting the permit.
  - 4) Access driveways from abutting properties shall comply with the following requirements:
    - A) Class A
      - 1) Minimum distance between access points shall be 1000 feet and minimum distance between access and the centerline of an intersecting highway shall be 1000 feet.
    - B) Class B
      - 1) Minimum distance between access points shall be 600 feet and minimum distance between access and the centerline of an intersecting highway shall be 600 feet.

C) Class C

- 1) Minimum distance between access points shall be 100 feet and minimum distance between access and the centerline of an intersecting highway shall be 150 feet.
- 5) Where strict application of spacing standards would deny access to lots in existence prior to adoption of access regulations, new access shall be spaced to provide safe access.
- 6) More restrictive spacing standards may be applied for safety reasons.
- 7) Where spacing standards permit, driveways shall be located opposite each other.
- 8) Where the option exists, access should be granted to a highway with a lower classification than one with a higher classification.
- 9) Spacing standard do not apply for field access on Class C highways.
- 10) The maximum number and width of access driveways per land use to highways and service roads shall be as follows:
  - A) Commercial and Industrial
    - 1) The maximum number of accesses shall be 2 and the maximum width shall be 35 feet.
  - B) Residential
    - 1) The maximum number of accesses shall be 1 and the maximum and minimum width shall be 35 feet and 24 feet, respectively.
  - C) Agricultural
    - 1) The maximum number of accesses shall be 1 and the maximum and minimum width shall be 35 feet and 24 feet, respectively.
  - D) Field Access
    - 1) No maximum number of accesses per tax parcel and the maximum and minimum width shall be 35 feet and 24 feet respectively, if required.
- 11) All new driveways shall comply with the following minimum design standards in addition to meeting any other provisions of the access permits issued by the Dept. of Transportation or the County Highway Dept.
  - A) Culverts, if needed, shall be a minimum of 15 inches in diameter and be constructed of corrugated metal or concrete.
  - B) Driveway height shall not exceed the level of the outside edge of the road shoulder to the ditch line.

- C) The side slopes of the driveway shall equal or be flatter than the side slope of the main highway but shall not be steeper than 3 to 1.
  - D) No rigid vertical end walls shall be permitted.
- 12) Conversion of an access point from one type of use by zoning district to another shall be treated the same as opening a new access point.

#### 16.2007 ZONING DISTRICTS AND ZONING MAPS

- 1) Official copies of the zoning maps, together with a copy of this Ordinance shall be kept by the Zoning Administrator and shall be available for public inspection during regular office hours. Any changes or amendments affecting zoning boundaries or explanatory matter shall be recorded on the applicable maps. All such changes shall be made in accordance with the provisions of Chapter 59.69 of the Wisconsin Statutes and the provisions of this Ordinance.
- 2) In order to carry out the purpose and provisions of this Ordinance, the following zoning districts and zones are hereby established, and may be known by the accompanying abbreviations:

RP	Resource Protection District
CM-B	Commercial District – Business
CM-I	Commercial District – Industrial
R-1	Single Family Residential District
R-2	Multi Family Residential District
REC	Recreational District
AG-3	Agricultural Residential District
AG-2	General Agricultural District
AG-1	Prime Agricultural District
GP	General Purpose District
PD	Planned Development District
RC	Rural Center District
CD	Cluster Development Overlay District

- 3) When the width or length of the boundaries of various zones are not clear, the dimensions shall be determined by the Zoning Administrator. Zone boundaries are normally lot lines, section, quarter, quarter-quarter lines, centerlines and right of way lines of highways, railroads and utility easements.
- 4) The Zoning Administrator shall deny a zoning permit for any use of any land in a district so substantially different from the stated uses in that district that it is deemed to be inappropriate. The Board of Supervisors may rezone to an appropriate district, may determine the particular land use to be either a permitted use or special exception in the new district, and may set conditions on use and buildings for such rezoning.
- 5) The Board of Adjustment may issue a Special Exception Permit allowing any use it determines to be substantially similar to the enumerated uses in a district.

## 16.2008 RESOURCE PROTECTION DISTRICT (RP)

- 1) This district provides for the conservation and protection of natural resources. Generally, this zone includes swamps, marshland, wetlands and other lands of natural aesthetic value. Resource Protection District is designed to encourage the preservation, conservation and development of land area for a wide range of conservation and recreational purposes. This district is intended to preserve, protect, enhance and restore all significant woodlands, scenic areas, submarginal farmlands, archaeological sites, natural watersheds, significant landforms, wildlife habitat and other natural resources that contribute to environmental quality.
  - 2) Newly created lots and lots or parcels remaining after a land division shall provide a lot area of not less than 5 acres and have a minimum width of 150 feet at the building line.
  - 3) In addition to the setbacks required in Sec. 16.2006, all buildings shall have a minimum setback of 10 feet from all lot lines.
  - 4) The following uses shall be permitted in the Resource Protection District:
    - A) The harvest of any wild crop such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds.
    - B) Forestry.
    - C) Agricultural use not to exceed 500 animal units, provided that agricultural buildings that house farm animals are a minimum of 100 feet from residences on neighboring properties and that the use complies with Sec. 16.2004(10).
    - D) Preservation of scenic, historic and scientific areas, wildlife preserves.
    - E) Accessory buildings, compatible with permitted uses.
    - F) Hiking, biking, nature, and horse trails.
    - G) Public and private parks.
    - H) Utilities.
    - I) Recreational dwelling.
    - J) Single family dwellings
    - K) Governmental uses.
    - L) Cemeteries.
    - M) Home occupations.
  - 5) The following uses shall be permitted only on the issuance of a Special Exception permit:
-

- A) Airfields.
- B) Campgrounds.
- C) Bed and breakfast establishments.
- D) Multi family dwellings.
- E) Kennels.
- F) Shooting ranges.
- G) Golf courses.
- H) Replacement of a legal non-conforming manufactured home.

#### 16.2009 RESIDENTIAL DISTRICT (R-1)

- 1) The Residential District is designed to protect the residential character of areas by excluding commercial activities, to encourage a suitable environment for family life by permitting, under certain conditions, such neighborhood facilities as churches, schools and playgrounds, to permit under certain conditions appropriate institutions to be located in residential neighborhoods, to preserve openness of the area and avoid over-crowding, by requiring certain minimum yards, open spaces, and site area, and to make available a variety of locations to serve a wide range of individual requirements.
- 2) Newly created lots and lots or parcels remaining after a land division shall provide a lot area of not less than 30,000 square feet and a minimum lot width of 100 feet at the building line.
- 3) In addition to the setbacks required in Sec. 16.2006, all buildings shall have a minimum setback from all lot lines of 10 feet.
- 4) The following uses shall be permitted in the Residential District:
  - A) Single family dwellings
  - B) Accessory buildings compatible with permitted uses.
  - C) Hiking, biking, and nature trails.
  - D) Public and private parks.
  - E) Home occupations.
- 5) The following shall be permitted only on the issuance of a Special Exception Permit:
  - A) Churches and their affiliated uses.
  - B) Professional Offices.

- C) Public recreational and community center buildings and grounds.
- D) Libraries.
- E) Hospital and medical institutions.
- F) Funeral homes.
- G) Multiple family dwellings.
- H) Mobile home parks.
- I) Schools.
- J) Private clubs and lodges, except those whose chief activity is a service customarily carried on as a business.
- K) Uses customarily incident to any of the above uses, provided that no such use generates traffic or noise that would create a public or private nuisance.
- L) Condominiums
- M) Governmental uses.
- N) Replacement of a legal non-conforming manufactured home.

#### 16.2010 MULTIPLE FAMILY RESIDENTIAL DISTRICT (R-2)

- 1) The Multiple Family District is designed to establish and protect the essential characteristics of areas within which mixtures of housing densities should occur along with certain supporting community and recreational uses to serve residents of the district.
- 2) Newly created lots and lots or parcels remaining after a land division shall provide a lot area of not less than 30,000 square feet and a minimum lot width of 100 feet at the building line.
- 3) In addition to the setbacks required in Sec. 16.2006, all buildings shall have a minimum setback from all lot lines of 10 feet.
- 4) There shall be a minimum of two off-street parking spaces for each unit within the building.
- 5) There shall be a minimum of 5% of the total lot area set aside for a play area. This shall be in addition to the setback areas required by this Ordinance.
- 6) The following uses shall be permitted in the Multiple Residential District:
  - A) Any use permitted in the Residential District.
  - B) Multiple family dwellings where such building contains no more than four dwelling units.

7) The following uses shall be permitted only on the issuance of a Special Exception Permit:

A) Any use requiring a Special Exception Permit as specified in the Residential District, Sec. 16.2009(5).

#### 16.2011 COMMERCIAL DISTRICT – BUSINESS (CM-B)

- 1) The Commercial District – Business is designed to facilitate the development of commercial uses in accordance to the future growth and development of the region; to provide for a wide range of commercial uses of land. These zones are designed to permit development for the respective purposes and to protect nearby residential areas by requiring that certain minimum yard, area, parking and site design standards be met. It is intended that additional areas would be included in these zones as additional commercial facilities are needed to serve new or growing residential areas.
- 2) Newly created lots and lots or parcels remaining after a land division shall provide a lot area of not less than 30,000 square feet and a minimum lot width of 100 feet at the building line.
- 3) Where road setbacks have been established by use the setback from roads shall be the average of those setbacks, however, no setback reduction to less than the road right-of-way shall be permitted. In a Commercial District where road setbacks have not been established by use, the road setbacks shall be the same as those stated in Sec. 16.2006.
- 4) The minimum lot line setback shall be 10 feet.
- 5) The design standards contained in Sec. 16.2005 shall apply.
- 6) The following uses shall be permitted in a Commercial District – Business:
  - A) Banks and similar services.
  - B) Business and professional offices and studios.
  - C) Commercial entertainment facilities, except those classified as “adult establishments”.
  - D) Dental and medical clinics.
  - E) Funeral homes.
  - F) Hotels and motels.
  - G) Laundromats.
  - H) New and used car sales.
  - I) Retail stores A & B.
  - J) Miniwarehouses.

- K) Woodworking and cabinet shops.
  - L) Golf Courses.
  - M) Bakery.
  - N) Food and beverage establishments.
  - O) Auto service stations.
  - P) Residential accommodations for shopkeepers located on the same lot as the business, not to exceed one single family dwelling provided that the dwelling has a minimum dwelling width of 20 feet and 900 square feet of year-round living area.
  - Q) Commercial greenhouses.
  - R) Farm implement dealer.
  - S) Kennels.
  - T) Veterinarian clinics and hospitals.
  - U) Governmental uses.
  - V) Research facility.
  - W) Apartments.
- 7) The following shall be permitted only upon the issuance of a Special Exception permit:
- A) Microbrewery.
  - B) Light manufacturing.
  - C) Warehouses.
  - D) Body repair shop.
  - E) Shooting ranges.
  - F) Wireless communication facility.
  - G) Grain elevator.
  - H) Airports.
  - I) Salvage yards.
  - J) Power plants.
  - K) Sawmill.

L) Quarrying.

M) "Adult establishments" which are more than one thousand (1000) feet from schools, churches, community living arrangements, day care centers, nursery schools, family day care homes, parks, playgrounds, other community facilities and other adult establishments.

#### 16.2012 COMMERCIAL DISTRICT – INDUSTRIAL (CM-I)

The Commercial District – Industrial is designed to facilitate the development of commercial uses that have the potential to impact uses on neighboring properties to a greater degree than uses permitted under the Commercial District-Business designation. These zones are designed to permit development for the respective purposes and to protect nearby residential areas by requiring that certain setback, minimum yard area and site design standards are met. It is intended that additional areas would be included in these zones as additional commercial facilities are needed.

- 1) Newly created lots and lots or parcels remaining after a land division shall provide a lot area of not less than 30,000 square feet and a minimum lot width of 100 feet at the building line.
- 2) The minimum lot line setback shall be 10 feet.
- 3) The design standards contained in Sec. 16.2005 shall apply.
- 4) The following uses shall be permitted in a Commercial District-Industrial:
  - A) Any use permitted in Commercial District-Business except 16.2011(6)(P)&(W).
  - B) Light and Heavy Manufacturing.
  - C) Warehouses.
  - D) Transportation terminals.
  - E) Quarrying.
  - F) Body repair shop.
  - G) Salvage facilities.
  - H) Sawmill.
  - I) Power plants.
  - J) Airports.
- 5) The following shall be permitted only upon the issuance of a Special Exception permit:
  - A) Wireless communication facilities.

- B) "Adult establishments" which are more than one thousand (1000) feet from schools, churches, community living arrangements, day care centers, nursery schools, family day care homes, parks, playgrounds, other community facilities and other adult establishments.

#### 16.2013 RECREATIONAL DISTRICT (REC)

- 1) This district provides for the orderly and attractive grouping of recreational oriented service establishments as well as encouraging the maintenance of the natural resources, forest practices and related uses in those areas best suited to those activities. The intent is to encourage forestry and also to recognize the value of the forest as a recreational resource. The intent is to provide a suitable environment for a single family residential development on large lots.
- 2) Newly created lots and lots or parcels remaining after a land division shall provide a lot area of not less than 30,000 square feet and a minimum lot width of 100 feet at the building line.
- 3) In addition to the setbacks provided in Sec. 16.2006, all buildings shall have a minimum setback of 10 feet from all lot lines.
- 4) The following uses shall be permitted in Recreational Districts:
  - A) Single family dwellings.
  - B) Accessory buildings compatible with permitted uses.
  - C) Agricultural use not to exceed 500 animal units, provided that agricultural buildings that house farm animals are a minimum of 100 feet from residences on neighboring properties and that the use complies with Sec. 16.2004(10).
  - D) Private clubs or lodges, except those whose chief activity is a service customarily carried on as a business.
  - E) Forestry
  - F) Governmental uses.
  - G) Golf courses.
  - H) Public and private parks.
  - I) Laundromats.
  - J) Retail stores - A.
  - K) Hiking, biking, nature, and horse trails.
  - L) Utilities.
  - M) Food and beverage establishments.

- N) Recreational dwelling.
- O) Cemeteries.
- P) Home occupations.
- 5) The following uses shall be permitted only upon issuance of a Special Exception Permit:
  - A) Any special exceptions permitted in the Residential District.
  - B) Commercial greenhouses.
  - C) Resorts.
  - D) Wireless communication facilities.
  - E) Airfields.
  - F) Marinas and boat liveries.
  - G) Shooting ranges.
  - H) Hotels and motels.
  - I) Kennels.
  - J) Commercial entertainment facilities, except those classified as “adult establishments”.
  - K) Educational and recreational camps.
  - L) Farm implement dealer.
  - M) Quarrying.
  - N) Campgrounds.
  - O) Replacement of a legal non-conforming manufactured home.

#### 16.2014 AGRICULTURAL - RESIDENTIAL DISTRICT (AG-3)

- 1) The Agricultural-Residential District is designed to provide for and encourage agricultural uses of land, related uses, and certain residential uses in a rural environment. It is also intended for a semi-rural type of environment, allowing for general agricultural uses.
- 2) Newly created lots and lots or parcels remaining after a land division shall provide a lot area of not less than 2 acres and a minimum lot width of 200 feet at the building line.
- 3) In addition to the setbacks required in Sec. 16.2006, all buildings shall have a minimum setback of 20 feet from all lot lines.

- 4) The following uses shall be permitted in the Agricultural-Residential District:
  - A) Agricultural use not to exceed 500 animal units, provided that agricultural buildings that house farm animals are a minimum of 100 feet from residences on neighboring properties and that the use complies with Sec. 16.2004(10).
  - B) Single family dwelling.
  - C) Forestry.
  - D) Uses customarily incidental to any of the above uses.
  - E) Roadside stands for the sale of farm products.
  - F) Churches.
  - G) Schools
  - H) Cemeteries
  - I) Public and private parks.
  - J) Utilities.
  - K) Home occupation.
  - L) Recreational dwelling.
  - M) Hiking, biking, nature, and horse trails.
  - N) Governmental uses.
- 5) The following uses shall be permitted only on the issuance of a Special Exception permit:
  - A) Migrant housing.
  - B) Quarrying.
  - C) Campgrounds.
  - D) Mini-warehouses.
  - E) Kennels.
  - F) Wireless communication facilities.
  - G) Multi-family dwelling.
  - H) Airfields.
  - I) Replacement of a legal non-conforming manufactured home.

## 16.2015 GENERAL AGRICULTURAL DISTRICT (AG-2)

- 1) Newly created lots and lots or parcels remaining after a land division shall provide a lot area of not less than 10 acres and a minimum lot width of 300 feet at the building line.
- 2) In addition to the setbacks required in Sec. 16.2006, all buildings shall have a minimum setback of 35 feet from any lot line.
- 3) The following uses shall be permitted in the General Agricultural District:
  - A) Agricultural uses, provided that buildings in which farm animals are kept shall be at least 100 feet from residences on neighboring properties and that the use complies with Sec. 16.2004(10).
  - B) Single family dwellings.
  - C) Forestry.
  - D) Roadside stands for the sale of farm products.
  - E) Public and private parks.
  - F) Home occupations.
  - G) Recreational dwelling.
  - H) Hiking, biking, nature, and horse trails.
  - I) Cemeteries.
  - J) Governmental uses.
- 4) The following uses shall be permitted only upon issuance of a Special Exception permit:
  - A) Migrant housing.
  - B) Multi-family dwellings.
  - C) Shooting range.
  - D) Quarrying.
  - E) Wireless communication facilities.
  - F) Kennels.
  - G) Airfields.
  - H) Replacement of a legal non-conforming manufactured home.

## 16.2016 PRIME AGRICULTURAL DISTRICT (AG-1)

- 1) The Prime Agricultural District is intended to preserve prime agricultural soils for continued farming as the highest land use, to prevent continued encroachment of urban uses and to regulate urban growth where it can be safely located and economically serviced.
- 2) Newly created lots and lots or parcels remaining after a land division shall provide a lot area of not less than 40 acres and a minimum lot width of 500 feet at the building line. Buildings used for human habitation shall provide year-round living area of 900 square feet and a minimum dwelling width of 20 feet, except as otherwise provided in Sec. 16.2021(4) and Sec. 16.2016(4)(F).
- 3) In addition to the setbacks required in Sec. 16.2006, all buildings shall have a minimum setback of 50 feet from all lot lines.
- 4) The following uses shall be permitted in the Prime Agricultural District:
  - A) Agricultural uses, provided that buildings in which farm animals are kept shall be at least 100 feet from residences on neighboring properties and that the use complies with Sec. 16.2004(10).
  - B) Forestry.
  - C) Roadside stands for the sale of farm products.
  - D) Quarrying for personal use on the premises.
  - E) Accessory uses, which are incidental and customary in connection with the principal use.
  - F) Single family dwellings, not to exceed 2 per farm and to be occupied by persons who earn at least 50% of their livelihood from farming on the premises. The second dwelling must have a minimum dwelling width of 16 feet and a minimum year-round living area of 900 square feet.
  - G) Farm dwellings and structures accessory thereto which remain after farm consolidation may be separated from the farm into a lot of not less than 1 acre and not more than 5 acres.
  - H) Recreational dwellings.
  - I) Airfields.
  - J) Home occupations.
- 5) The following uses shall be permitted only upon the issuance of a Special Exception permit:
  - A) Gas and electric utility uses not requiring authorization under Sec. 196.491(3), Wis. Stats.

- B) Agricultural related, religious, other utility, institutional or governmental uses which do not conflict with agricultural use and are found necessary in light of the alternative locations available for such uses.
- C) Quarrying.
- D) Shooting range, where land remains in agricultural use.
- E) Single family dwelling units exceeding 2 per farm operation and are for persons deriving at least 50% of their livelihood from farming on the premises.
- F) Kennels.
- G) Replacement of a legal non-conforming manufactured home.
- H) Wireless communication facilities.

#### 16.2017 GENERAL PURPOSE DISTRICT (GP)

- 1) The General Purpose district is potentially suited to a wide range of uses, including industrial, commercial, agricultural, residential, forestry and recreational uses. Selecting prospective locations for these uses and designating districts will require Township planning and mapping. Until such planning and mapping can be enacted, a General Purpose district will be used to allow a wide range of uses, subject to the provisions of this Ordinance. Minimum separating distances are provided to reduce conflicting land use between potentially incompatible uses.
- 2) Newly created lots and lots or parcels remaining after a land division shall provide a lot area of not less than 30,000 square feet and a minimum lot width of 100 feet at the building line.
- 3) In addition to the setbacks stated in Sec. 16.2006, all buildings shall have a minimum setback of 10 feet from all lot lines.
- 4) The following uses shall be permitted in the General Purpose district:
  - A) Any uses permitted in any district except Commercial-Business and Industrial, provided that they comply with the provisions of this Ordinance.
- 5) The following uses shall be permitted only upon issuance of a Special Exception permit:
  - A) Any use permitted in a Commercial-Business or Commercial-Industrial District.
  - B) Any use listed as a Special Exception in any district except Commercial-Business and Industrial.

## 16.2018 PLANNED DEVELOPMENT DISTRICT (PD)

- 1) The Planned Development district is intended to provide for large scale combined use development. It is especially applicable to a development in which a number of different land uses are combined in a design which provides for desirable and convenient living conditions and which minimizes conflicts between the various land uses involved.

This district shall have no definite and measurable boundaries until a specific planned development shall be approved by the County Board on the recommendation of the Zoning Committee in accordance with the procedures for zoning amendments in Sec. 59.69 of the Wis. Stats. Plans for the proposed development shall be submitted to the Zoning Committee in the manner specified in the Subdivision Ordinance and shall show the locations size and proposed use of all structures and land included in the area involved. The plans may provide for a combination of single family and multi-family residential developments as well as other compatible uses. Each separate planned development shall consist of an area of not less than 5 acres.

Every such planned development shall be subject to review and consideration by the Zoning Committee with regard to its acceptability under this section. The following criteria shall be applied to every proposed planned development as a basis for determining its consistency with the letter and spirit of this Ordinance.

- A) Compatibility with the site, with particular emphasis on the preservation of natural features and the use of open space.
- B) Overall compatibility with existing land uses in the vicinity and with probable future land uses in the vicinity.
- C) The internal compatibility of the various land uses proposed to be included within the development.
- D) Compatibility with existing and probable future transportation facilities in the vicinity and its tendency to increase the demand upon those facilities.
- E) The provision of adequate internal circulation facilities, including streets, sidewalks and parking facilities within the development.
- F) Compatibility with existing and probable future public utility services and its tendency to increase demand upon these services.
- G) The development shall provide adequate open space, public access to streams and bodies of water, preservation of environmental and aesthetic values.
- H) The long term economic stability of the proposed development and its economic impact on other properties in the vicinity.
- I) The presentation of an adequate and practicable implementation schedule for completion of the development, whether by stages or all in one period, in

order to insure that the adverse results of failure to complete the development may be effectively avoided.

#### 16.2019 RURAL CENTER DISTRICT (RC)

- 1) The Rural Center district is intended to meet the special needs and problems, which exist in areas of the County where relatively compact development has occurred, but where the size or density of the area is such that incorporation as a village is unlikely or inappropriate.
- 2) In addition to the setbacks required in Sec. 16.2006, all buildings shall have a minimum setback from all lot lines of 10 feet.
- 3) Newly created lots and lots or parcels remaining after a land division shall provide a lot area of not less than 30,000 square feet and a minimum lot width of 100 feet at the building line.
- 4) The following uses shall be permitted in the Rural Center District:
  - A) Any use permitted in the Residential district.
  - B) Banks and similar services.
  - C) Business and commercial offices and studios.
  - D) Dental and medical clinics.
  - E) Funeral homes.
  - F) Laundromats.
  - G) Retail stores – A.
  - H) Food and beverage establishments.
  - I) Home occupations.
- 5) The following uses shall be permitted only upon issuance of a Special Exception permit:
  - A) Any use listed as a permitted use in the Commercial – Business District.
  - B) Any use listed as a Special Exception in any district except Commercial-Business and Industrial.

#### 16.2020 CLUSTER DEVELOPMENT OVERLAY DISTRICT (CD)

- 1) The purpose of the Cluster Development Overlay District is designed to preserve the rural landscape character of Marquette County by maintaining larger tracts of farmland and other areas of open land while providing for an opportunity to permit residential development. The intention being to design cluster developments in a manner that limits and reduces their impact on the scenic beauty of the County. Specific objectives are:

- A) To maintain the rural character of Marquette County, to protect environmentally unique and sensitive areas and to discourage development in areas that contain steep slopes, floodplains and other areas depicted as environmental corridors in the Marquette County Comprehensive Plan.
  - B) To preserve scenic views by limiting the visibility of developments from existing public roads.
  - C) To encourage that the development of building sites be done in a manner that it is hidden through the use of natural features.
  - D) To permit active and passive recreational use of Common Open Space by residents of the development and in some cases the public.
  - E) To permit the continuation of agricultural uses in the Common Open Space when compatible with the development.
  - F) To permit for various means for ownership of the Common Open Space.
  - G) To implement the objectives of Marquette County Comprehensive plans both at the local and county level.
- 2) A Cluster Development Overlay District option may be permitted in areas designated AG-2 or RP provided the minimum tract sizes listed under Sec. 16.2020(8) are met.
  - 3) The maximum number of lots in a Cluster Development shall be determined by dividing the area of the tract of land by the minimum lot size in the underlying zoning district. In making the calculation, the following shall not be included in the total area of the tract:
    - A) Area designated as floodway.
    - B) 50% of areas that meet the Department of Natural Resources definition of wetlands, where the tract proposed for development, contains more than 5 acres of wetlands.
  - 4) The Common Open Space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument for permanent protection shall include clear restrictions on the use of the Common Open Space. These restrictions shall include notice that no further land divisions of the Common Open Space are permitted.
  - 5) Permitted Uses for residential lots within a Cluster Development:
    - A) Single family dwellings.
    - B) Home occupation.
    - C) Accessory buildings compatible with permitted uses.

- 6) On residential lots within a Cluster Development the following shall be permitted only on the issuance of a Special Exception Permit:
- A) Multiple family dwellings.
- 7) Permitted uses for Common Open Space in a Cluster Development.
- A) Agricultural use not to exceed 500 animal units, provided that agricultural buildings that house farm animals are a minimum of 100 feet from residences on neighboring properties and that the use complies with Sec. 16.2004(10).
  - B) Water supply and POWTS for individual lots within the development or the entire development.
  - C) Passive recreation areas, including but not limited to, hiking, biking and nature trails.
  - D) Active recreation areas, including but not limited to, playing fields and playgrounds.
  - E) Hunting.
- 8) Density and Dimensional Standards.

Development standard	AG-2 District	RP District
Minimum tract size	40 acres	20 acres
Maximum density	1du/10 acres	1du/5 acres
Minimum lot area	30,000 sq ft	30,000 sq ft
Minimum lot width	100 ft	100 ft
Minimum setback	10 ft	10 ft
Minimum common open space	50 percent	50 percent

du = dwelling unit

- A) Existing dwellings that may or may not be part of the farmstead shall be counted towards the total density.
- 9) Common Open Space Standards.
- A) The Common Open Space in a Cluster Development is the area, which has been set aside for permanent protection and shall meet the following standards:
    - 1) The required Common Open Space should include unique natural, cultural and historic features that are part of the site.
    - 2) The Common Open Space should preserve significant wildlife habit areas.

- 3) The Common Open Space shall take into consideration any areas depicted as environmental corridors in the Marquette County or local comprehensive plan.
  - 4) At least 75% of the Common Open Space shall be in a contiguous tract. The common space shall adjoin any neighboring areas of common space, other protected areas, and non protected natural areas that may potentially be included in future areas of common space.
  - 5) Agriculture buildings and barnyards that are included in the Common Open Space shall be a minimum of 100 feet from any residential lot that is part of the Custer Development.
  - 6) Except as provided for in Sec. 16.2020 (10)(C) the Common Open Space shall be directly accessible to lots within the Cluster Development. Non-adjointing lots shall be provided with safe, convenient access to the Common Open Space.
- 10) Ownership and maintenance of Common Open Space. The following methods may be used, either alone or in combination, to own Common Open Space and its facilities. Ownership may not be transferred unless it conforms to this Section.
- A) Homeowners Association. Common Open Space shall be held in common ownership as undivided proportionate interests by the members of a homeowners association, subject to the provisions set forth herein. The homeowners association shall be governed according to the following:
- 1) The applicant shall provide to the Marquette County Zoning Administrator a description of the organization, including its by-laws, and all documents governing maintenance requirements and use restrictions for the Common Open Space.
  - 2) The organization shall be established by the owner or applicant and shall be operating prior to the sale of any lots within the development.
  - 3) Membership in the organization shall be mandatory for all purchasers within the development.
  - 4) The organization shall be responsible for maintenance and insurance of the common open space and any facilities.
  - 5) The organization shall have or hire adequate personnel to administer, maintain and operate the Common Open Space.
  - 6) The applicant for any proposed Cluster Development shall arrange with the Town Assessor a method of assessment for the Common Open Space, which will allocate to each tax parcel within the development a share of the total tax assessment for the Common Open Space.

- 7) Written notice of the proposed transfer of Common Open Space by the organization must be given to all members of the organization and the Town and County at least 30 days prior to the transfer.
- B) Condominium Agreement. Common Open Space shall be controlled through the use of a condominium agreement. Such agreements shall be approved by the County and shall comply with the requirements of Chapter 703 of the Wisconsin Statutes. All Common Open Space and facilities shall be held as common elements by the unit owners in the form of undivided percentage interests in accordance with the condominium documents. A condominium association shall be formed to govern the affairs of the condominium and membership shall be mandatory.
- C) Ownership retained by original landowner. Ownership of Common Open Space may be retained by the original landowner provided that resident access to the land is limited only by agreement of the residents of the development, as indicated by documents signed at the time of purchase of individual lots.
- D) Other methods acceptable and approved by the Marquette County Zoning Committee that fulfill the intentions of this ordinance.
- E) Maintenance and operation of Common Open Space. A plan and narrative for the use and maintenance of the Common Open Space shall be provided to the Marquette County Zoning Department.
- F) In the event that the organization established to own and/or maintain the Common Open Space, or any successor thereto, fails to maintain all or any portion in reasonable order and condition in accordance with the development plan or applicable laws the County may serve notice upon said organization and owners of the Common Open Space. Such notice shall detail the manner in which the organization has failed to maintain the Common Open Space. Such notice shall set forth the required corrections and the timeline in which the corrections need to be made.
- G) Leasing of Common Open Space lands. Common Open Space lands may be leased to another person or entity for use, operation, and maintenance provided that:
- 1) The residents of the development shall at all times have access to such leased lands, except in the case where the residents, with their agreement, may be restricted from accessing lands.
  - 2) The Common Open Space land to be leased is maintained for the purpose set forth in this ordinance.
  - 3) The lease, and any transfer of assignment thereof, shall be subject to the approval of the Marquette County Zoning Committee.
  - 4) The lease agreement is filed with the Marquette County Register of Deeds within 30 days from the date it is executed.

## 16.2021 VARIOUS LAND USES

### 1) Mobile Home Park

- A) Mobile home park means a plot or plots of ground upon which 3 or more units, which are mobile homes, as, defined herein, and occupied for dwelling purposes are located.
- B) The minimum size of a mobile home park shall be 10 acres.
- C) The maximum number of mobile homes shall be 8 per acre.
- D) Minimum dimensions of a mobile home site shall be 50 feet wide by 100 feet long.
- E) All drives, parking areas and walkways shall be surfaced.
- F) In addition to the requirements of this Ordinance, there shall be a minimum setback of 25 feet from all exterior lot lines.
- G) The parks shall conform to the requirements of the Wisconsin Administrative Code.
- H) Each mobile home site shall be separated from other mobile home sites by a yard not less than 20 feet wide.
- I) There shall be 2 surfaced automobile parking spaces for each mobile home.
- J) Unless adequately screened by existing vegetative cover, the mobile home park shall be screened by a temporary planting of fast growing material, capable of reaching a height of 15 feet, or more, the individual trees to be such a number and so arranged that within 10 years they will have formed a screen equivalent in capacity to a solid fence or wall. Such permanent planting shall be grown or maintained to a height of not less than 10 feet.
- K) Each mobile home park shall set aside at least 5% of the total area for a recreation area. This shall be in addition to yard or open spaces. The area shall be provided with play equipment furnished and maintained by the park owner.
- L) All mobile home parks shall comply with the County Sanitary Ordinance.

### 2) Trailer Camps, Campgrounds and Camping Resorts

- A) The minimum size shall be 10 acres.
- B) There shall be a maximum of 20 sites per acre.
- C) Each site shall be a minimum of 25 feet wide and 40 feet long.
- D) Each site shall be plainly marked.

- E) Each site shall be separated from other sites by a yard not less than 15 feet wide.
  - F) There shall be one automobile parking space for each site.
  - G) In addition to the setbacks required in Sec. 16.2006, there shall be a minimum setback of 100 feet from all lot lines.
  - H) All shall comply with the Wisconsin Administrative Code.
  - I) The screening provisions for mobile home parks shall be met.
- 3) Salvage Yards
- A) No salvage yard shall be permitted in Marquette County except in conformance with a plan approved by the Township and when required, a Special Exception permit granted by the Board of Adjustment.
  - B) Salvage yards shall also comply with the following provisions:
    - 1) No material shall be stored within 1000 feet of the right of way of a Class A highway, 750 feet of a Class B highway, 500 feet of a Class C highway or within 100 feet of any side or rear lot lines.
    - 2) All salvage dealers must also comply with the appropriate Wisconsin Statutes and Administrative Code.
- 4) Recreational Dwellings
- A) In Zoning Districts that encourage recreational type activities and enumerate recreational dwellings as a permitted use, such dwellings shall meet the following standards:
    - 1) The dwelling shall have a minimum dwelling width of 20 feet and 400 square feet of year-round living area.
    - 2) The lot shall be a minimum of 5 acres.
    - 3) A rural address sign shall be obtained for the lot.
    - 4) The dwelling shall have potable water and an approved POWTS or non-plumbing sanitation system.
    - 5) The property shall not be located in a platted subdivision.
    - 6) The construction shall comply with the Marquette County Building and Mechanical Code requirements for a dwelling.
    - 7) The exterior of the dwelling shall be completed, as depicted in the plans approved by the Marquette County Building inspector, within 2 years from the date the original permit is issued.

## 16.2022 VIOLATIONS, PENALTIES, REMEDIAL ACTION, ENFORCEMENT

- 1) Any building or structure hereinafter erected, moved or any use hereinafter established in violation of the provisions of this ordinance by any person, firm, association, corporation (including building contractors or his or their agent) shall be deemed an unlawful structure or use.
- 2) It shall be the duty of the Zoning Administrator, acting under the supervision of the Zoning Committee to enforce the provisions of this Ordinance. The Zoning Administrator is hereby delegated authority to enforce the provisions of this Ordinance, including the power to delegate these duties to subordinates, inspect private premises, issue orders for abatement and take action to abate violations of this ordinance.
- 3) Whenever in the judgment of the Zoning Administrator it is determined that a violation of the provisions of this Ordinance is being committed, exists, or is being maintained in Marquette County that officer may issue a written order of abatement ordering the person committing or maintaining said violation to cease and desist, remove the conditions, or remedy the defects creating the violation. The order for abatement shall include the following information:
  - A) The name and address of the owner, operator and or occupant and description of the real estate involved.
  - B) The nature of the violation and the steps necessary to abate or correct it.
  - C) The time period in which the violation must be corrected and or abated which will be no less than 5 days and not more than 30 days depending on the nature of the violation. Allowance for limited extension of this time period may be permitted if warranted by extenuating circumstances as determined by the Zoning Administrator.
  - D) The order of abatement shall be served upon the person committing or maintaining the Zoning Violation by either certified mail or registered mail, or in the manner set forth for service of a summons in Chapter 801, Wisconsin Statutes. If the premises are not occupied and the address of the owner is unknown and cannot be determined with due diligence, service on the owner may be accomplished by posting a copy of the order of abatement in a prominent place on the premises. The order of abatement shall require the owner or occupant of such premises, or both, to take reasonable steps within a reasonable period of time to abate and remove the Zoning Violation. Whenever an investigation hereunder involves a search of private premises and the owner or other person having equal rights to the use and occupancy thereof does not consent thereto, and absent any exception to the warrant requirement, that officer shall apply to the Circuit Court of Marquette County for a special inspection warrant pursuant to Section 66.122, Wisconsin Statutes.
- 4) Exceptions to the written orders - In cases where a violation poses an immediate risk of public health or safety as determined by the Zoning Administrator or in the case of repeated occurrences of the same violation by

the same person, the violator shall be considered to be in non-compliance and subject to immediate action under subsection (5) of this section, without issuance of a written abatement order.

- 5) Non-compliance with written orders - If a person does not comply with a written order from the Zoning Administrator or his/her designee, the violator may be subject to one or more of the following actions and/or penalties:
  - A) The issuance of a citation under Ordinance 5.40.
  - B) Commencement of legal action against the person seeking an injunction to abate the violation and/or correct the violation.
  - C) Commencement of legal action against the person seeking a court-imposed forfeiture, court costs, and/or the costs of abatement.
  - D) The initiation of one action or penalty under this Section does not exempt the violator from any additional actions and/or penalties prescribed by law.
- 6) Abatement of Zoning Violations - Where Zoning Violations as defined in this Ordinance or in the Wisconsin Statutes are encountered on private property which require ordered abatement and/or correction, the Zoning Administrator shall serve on the responsible person a written order as per Subsection (1) of this section. If the violation is not abated and/or corrected within the time period specified in the order, the Zoning Administrator may enter upon the property and abate and/or correct the violation or cause such action to be taken. The cost of such abatement and/or correction is to be recovered either directly from the responsible party or as a special tax assessment on the property.
- 7) Penalties - In case of a conviction for a violation of the provisions of this ordinance, judgment shall be entered against the violator by a forfeiture of not less than \$50.00, nor more than \$500.00 per offense together with applicable court costs and penalty assessments. The court may also grant injunctive relief. In default of the payment of the judgment, the violator shall be imprisoned in the County jail for such time as the court deems fit but not to exceed 60 days, subject to payment of the forfeiture prior to completion of the sentence. Failure to comply with an Order for Abatement issued under this Ordinance in the time allowed shall constitute a separate violation of this ordinance, and each day of continued violation shall constitute a separate offense.
- 8) Initiation of legal action -In default of compliance with an Order for Abatement legal action shall be initiated against a violator by issuance of a citation under Ordinance 5.40, and referral to the Marquette County Corporation Counsel, or referral to the Corporation Counsel for issuance of a long form Summons and Complaint, in personam or in rem. The Corporation Counsel is hereby delegated the duty of prosecuting violations of this Ordinance. The Corporation Counsel shall take steps to enforce this Ordinance and the Order for Abatement by prosecuting the violation, seeking imposition of a forfeiture penalty, and/or seeking appropriate injunctive relief to abate the Zoning

Violation and enjoin its continuation in the future, and/or recovery of the costs of abatement.

- 9) Coordination with State or Federal Agencies - Where a Zoning Violation involves non-compliance with a Federal or State-enforced Statute or Administrative Code, the Zoning Administrator may refer the complaint to the appropriate agency for abatement and/or correction in lieu of, or in addition to an enforcement action under this Ordinance. If the violation continues without adequate enforcement from the Federal or State agency to cause abatement and/or correction, then the Zoning Administrator or his/her designee shall initiate action under this section to bring about proper abatement and/or corrections.

#### 16.2023 CHANGES AND AMENDMENTS

- 1) Whenever the public necessity, convenience, general welfare or good zoning practice require, the County Board of Supervisors may, by Ordinance, change the district boundaries or amend or supplement the regulations established by this Ordinance in accordance with the provisions of the Wisconsin Statutes.
- 2) A petition for amendment must be made pursuant to the procedures set forth in Sec. 59.69(5)(e) of the Wis. Stats. And the provisions of that statute followed before any amendment to this Ordinance may be considered.
- 3) Petition for any change to the district boundaries or amendments to the regulations shall be filed with the County Clerk, describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use and have attached the following:
  - A) Plot plan approved by the Zoning Administrator, showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts and the location and existing use of all properties within 300 feet of the area proposed to be rezoned.
  - B) Owner's names and addresses of all properties lying within 300 feet of the area proposed to be rezoned.
  - C) Fee receipt from the Zoning Administrator.

#### 16.2024 DEFINITIONS

For the purposes of this Ordinance, certain words are defined as follows: words used in the present tense include the future; words in the singular number include the plural number, and words in the plural number include the singular number; the word "building" includes the word "structure" and the word "shall" is mandatory and not permissive.

##### 1) ACCESSORY BUILDING

A subordinate building or portion of the main building, the use of which is incidental to the permitted use of the main building. Mobile homes, semi-trailers, camping units, recreational vehicles, mobile office units, cargo boxes,

buses, motor coaches, trailers and boxcars shall not be used as accessory buildings.

2) ADULT ESTABLISHMENTS

Establishments which include, but are not limited to, bookstores, clubs, motion picture theaters, mini-motion picture theaters, bath houses, massage parlors, modeling and body painting studios, and cabarets whose principal use is to depict, describe, engage in or relate to “specified anatomical areas” or “specified sexual activities”.

3) AGRICULTURAL USE

Beekeeping, dairying, egg production, floriculture, fish or fur farming, hatcheries, forest and game management, grazing, livestock raising, stables, orchards, greenhouses, nurseries, poultry raising, raising of grain, grass and seed crops, raising of fruits, nuts and berries, sod farming, placing of land in federal programs in return for payments in kind, owning of land, at least 35 acres of which is enrolled in the conservation reserve program and vegetable raising.

4) AIRFIELDS

A takeoff and landing area established for the sole use of the owner of the parcel and not open to the public or used for commercial operations.

5) AIRPORTS

A takeoff and landing area established for use by the public or for commercial operations.

6) ANIMAL UNIT

One animal unit shall be defined as being the equivalent of: One horse over six months of age; two horses under six months of age; two llamas; two alpacas or as defined under Administrative Code NR243.03(3) as of April 27, 2004. See Appendix A for calculation worksheet.

7) APARTMENT

A room or suite of rooms located in the same building as a commercial business and intended to be designed for use as a residence by a single family.

8) BED AND BREAKFAST

Establishments licensed as Bed and Breakfasts by the State of Wisconsin. Bed and breakfast establishment means any place of lodging that provides four (4) or fewer rooms for rent to tourists or other transients for more than ten (10) nights in a twelve (12) month period, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.

9) BOATHOUSE

Any structure designed for the purpose of protecting or storing boats for non-commercial purposes. Boathouses shall not be used for human habitation.

10) BUILDING

Anything constructed and designed to stand more or less permanently and occupying a space of land.

11) BUILDING - PRINCIPAL

The main building on a lot, intended for primary use as permitted by the regulation of the Zone or district in which it is located.

12) BUILDING LINE

A line established adjacent to highways for the purpose of defining limits within which no building or structure or and part thereof shall be erected or permanently maintained, except as shown herein.

13) CAMPGROUND

A lot, parcel or tract of land maintained, intended or used for the purpose of supplying temporary or overnight living accommodations by providing designated areas for the placement of camping units, trailers, tents, buses, automobiles, trucks or sleeping bags, and may include buildings to provide services to patrons such as restrooms, bathing, laundry, recreation and commissary facilities.

14) CAMPING UNIT

Any portable device, no more than 400 square feet in area, used as a temporary dwelling, including but not limited to a camping trailer, motor home, bus, park model, van, pick-up truck or tent.

15) CHURCH

A building, together with its necessary buildings and uses, where persons regularly assemble for religious worship and which buildings, together with its accessory buildings and uses is maintained and controlled by a religious body organized to sustain public worship.

16) CLUB

See "lodge"

17) CLUSTER DEVELOPMENT

A form of residential development that concentrates buildings or lots in one or more parts of the site to allow the remaining lands to be used for common open space, recreation, and preservation of environmentally sensitive features. The concentration of lots is facilitated by a reduction in lot size. A cluster

development will consist of one or more cluster groups surrounded by common open space.

18) COMMUNITY LIVING ARRANGEMENT

Facilities licensed or operated or permitted under the authority of the Wisconsin Department of Health and Social Services, including child welfare agencies, group foster homes for children and community-based residential facilities.

19) DAY CARE CENTERS

A licensed facility in which care and supervision is provided for four (4) or more children under the age of seven (7) years or less twenty-four (24) hours per day.

20) DISTRICT

A portion or portions of Marquette County for which regulations governing the use of land and building are uniform.

21) DWELLING

A detached building designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, hotels, tents, or trailers.

22) DWELLING WIDTH

The narrowest dimension of a dwelling unit as measured on the exterior of the structure at the elevation of the first floor. When measuring the dwelling unit width of a manufactured home only those portions of the structure produced by the original manufacturer are included.

23) FAMILY DAY CARE HOME

A licensed facility located in a residential dwelling and operated by a resident family, providing care and supervision for four (4) to eight (8) children.

24) FARM CONSOLIDATION

The act of combining two or more farm operations to create a larger single active farming business.

25) FENCE

A barrier intended to prevent escape or intrusion or to mark a boundary.

26) FOOD AND BEVERAGE ESTABLISHMENT

An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state on and/or off premises provided that all portions of the facility are approved and licensed by the Department of Health.

27) FRONTAGE

The smallest dimension of a lot abutting a public street measured along the street line.

28) FORESTRY

Managing forest lands and their related resources, including trees and other plants, animals, soil, water and air.

29) GOVERNMENTAL USE

Any building, land area, or other premises, or a portion thereof, owned or used by a governmental entity with taxing authority under the State of Wisconsin, including: county, towns, municipal and State buildings, structures and properties.

30) HOME OCCUPATION

Any occupation for gain or support conducted by resident occupants entirely in buildings provided the use does not alter the appearance of the premises, does not produce noise, vibration, light, odor, dust, smoke or other pollution detectable outside the parcel by persons with normal sensitivities, is not identifiable by an on-premises sign larger than 6 square feet, and there is only one such use on any lot. The use shall be incidental and subordinate to the primary or principal use of the property and no stock in trade shall be kept or sold except that made on the premises nor shall any non-resident be employed.

31) INTERCHANGE

A grade separated highway intersection with one or more turning lanes for travel between intersecting roads or highways.

32) KENNEL

Premises where 5 or more dogs, cats, or other household pets, not including offspring below the age of 6 months, are maintained, boarded, bred, trained, or cared for in return for remuneration or are kept for the purpose of sale or adoption.

33) LODGE

Shall mean a group of people organized for a common purpose to pursue common goals, interest, or activities and usually characterized by certain membership qualifications, payment of dues, regular meeting, and constitution and by-laws. Food and alcoholic beverages may be served on the premises provided such service is secondary and incidental to the principal use and that the use of the premises is restricted to members and their guests.

34) LOT

A parcel or tract of land defined by a metes and bounds, certified survey, recorded subdivision plat, or other legal means of description recorded with the

Register of Deeds and separated from other lots by such description. Also referred to as "lot of record."

35) LOT, CORNER

A lot abutting on two or more streets at their intersection.

36) LOT LINES AND AREA

The peripheral boundaries of a parcel of land and total area lying within such boundaries.

37) LOT DEPTH

The mean horizontal distance between the front and rear lot lines.

38) LOT WIDTH

The distance between side lines of the lot at the building line.

39) MAN-MADE LAKE OR POND

A body of water created by human activity where there are more than 3 lots with riparian rights or ownership rights to that body of water.

40) MANUFACTURING, LIGHT

The manufacturing, compounding, processing, assembling, packaging or testing of goods or equipment, including research activities, conducted entirely within an enclosed structure or an open yard, serviced by a modest volume of trucks or other service vehicles, and imposing a negligible impact on the surrounding environment by noise, vibration, smoke, dust or pollutants.

41) MANUFACTURING, HEAVY

The manufacturing, compounding, processing, packaging, treatment, or assembly of products and materials that may emit objectionable and offensive influences beyond the lot on which the use is located. Such uses include, but are not limited to, the following: refineries, commercial feedlots, acid, cement, explosives, flour, seed, and grain milling or storage, meat packing, coal or tar asphalt distillation, rendering of fat, grease, lard or tallow, alcoholic beverages, poisons, exterminating agents, glue or size, lime, gypsum, plaster of Paris, tanneries, paper and paper products, glass, chemicals, plastics, crude oil and petroleum products, vinegar works, foundry, forge, casting of metal products, rock, stone, cement products.

42) MANUFACTURED HOME

A structure that is designed to be used as a dwelling with or without a permanent foundation and that is certified by the Federal department of housing and urban development as complying with the standards established under 42 USC 5401 to 5425.

43) MINI-WAREHOUSE

A secure storage facility consisting of individual compartments that are for rent or lease.

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

45) MOBILE HOME PARK

A plot or plots of land upon which 3 or more units, which are mobile homes are located and occupied as dwellings.

46) MOTOR VEHICLE

Any automobile, truck, truck-tractor, tractor, bus, vehicle or other conveyance that is self-propelled by an internal combustion engine or motor, which may be licensed for highway use.

47) MULTI-FAMILY DWELLING

A building designed or intended to be used by more than two (2) families living independently of each other.

48) NONCONFORMING USE OR STRUCTURE

Any structure, land or water 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.

49) NON PLUMBING SANITATION SYSTEM

Sanitation systems and devices within the scope of Wisconsin Administrative Code Comm 91, which are approved alternatives to water carried waste plumbing fixtures and drain systems; including but not limited to, incinerating toilets, composting toilets and privies.

50) NURSERY SCHOOL

A use where care is provided for four (4) or more children under kindergarten age.

51) ORDINARY HIGHWATER MARK

The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

- 52) PARCEL  
A piece of land which may or may not coincide with a lot of record.
- 53) POWTS  
Private Onsite Wastewater Treatment System, a sewage disposal system other than a public sewage disposal system, including septic tank, soil absorption systems, holding tanks and privately owned common sewage facilities.
- 54) PRIMARY RESIDENCE  
Means the residence, whether owned or rented, that is used as the primary dwelling for income and property tax purposes.
- 55) PROPERTY OWNER  
A holder or proprietor of a parcel or parcels of land regardless of the number of individuals included on the deed for the property.
- 56) PRIVATE PARK  
An area owned by an organization, such as a homeowners association, which is operated for the convenience and recreation of the owners and other authorized individuals.
- 57) PUBLIC PARK  
An area owned by the County or a municipality within the county, operated for the convenience and recreation of the public, and containing such facilities as the owning municipality shall see fit.
- 58) QUARRYING  
The removal of rock, slate, gravel, sand, topsoil, or other natural material from the earth by excavating, stripping, leveling or any other such process.
- 59) RECREATIONAL DWELLING  
A dwelling meeting the conditions of Sec. 16.2021(4).
- 60) RESORT  
A development consisting of three or more recreational dwellings that provide living accommodations to the public for recreational or educational purposes with each dwelling unit meeting the requirements of Sec. 16.2021(4).
- 61) RETAIL STORE-A  
A business that specializes in the sale of goods and merchandise, which is located in a building that does not exceed 10,000 square feet in floor area and is the only use located within the building.
- 62) RETAIL STORE-B

A business that specializes in the sale of goods and merchandise, which is located in a building that exceeds 10,000 square feet in floor area and is the only use located within the building.

63) ROADSIDE STAND

A building used or intended to be used solely by the owner or tenant of the farm on which such building is located for the sale of farm products.

64) SALVAGE YARD

An area consisting of buildings, structures or premises where junk, waste, discarded, or salvage materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including automobile salvage yards, as a for profit operation, or in excess of normal residential use.

65) 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.

66) SHOOTING RANGE

An area on private or public land designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, archery, or any other similar shooting activities.

67) SHORELANDS

All lands lying within 1,000 feet of the normal high water mark of navigable lakes, ponds, flowages or within 300 feet of the normal high water mark of a river or stream, or to the landward side of a floodplain as designated in the Shoreland Zoning Code, Chapter 16.1.

68) SIGN

A display, device, notice, figure, painting, drawing, message, placard, poster, billboard, or other thing, which is designed, intended, or used to advertise or inform, any part of the advertising or informative contents of which is visible from a private or public road or neighboring property.

69) SINGLE FAMILY DWELLING

A residential building containing one dwelling unit.

70) SPECIFIED ANATOMICAL AREAS

Less than completely and opaquely covered human genitals, pubic region, buttocks, female breast below a point immediately above the top of the areola and human male genitals in a discernibly turgid state even if completely or opaquely covered.

71) SPECIFIED SEXUAL ACTIVITIES

Activities where human genitals are in a state of sexual stimulation or arousal; acts of masturbation, sexual intercourse or sodomy, fondling or other erotic touching of the human genitals, pubic region, buttocks or female breast.

72) STRUCTURE

A structure includes any man made object with form, shape and utility, either permanently or temporarily attached to, placed upon or in the ground, or an attachment to something on a premises, including but not limited to dwellings, accessory buildings, additions, decks, platforms, porches, balconies, gazebos, boathouses, stairs, walkways, sidewalks, piers, wharves, patios, bridges and retaining walls.

73) STRUCTURAL ALTERATION

Any change in the supporting members of a structure, such as walls, columns, beams, girders, or any substantial change in the roof and exterior walls in excess of \$1,000.00 value.

74) SUBSTANDARD LOT

A substandard lot is one that does not conform to the dimensional requirements of this code.

75) TRAIL

A designated land corridor that provides recreational, aesthetic, alternate transportation or educational opportunities to both motorized and non-motorized users.

76) UNNECESSARY HARDSHIP

That circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, or frontage unnecessarily burdensome or unreasonable in light of the purposes of this ordinance.

77) USE

The purpose or activity for which the land or buildings thereon is designed, arranged or intended or for which it is occupied or maintained.

78) UTILITIES

Shall mean public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph stations.

## 79) VARIANCE

A departure from the terms of this ordinance as applied to a specific building, structure, or parcel of land, which the Board of Adjustment may permit, contrary to the regulations of the ordinance for the district in which such building or structure or parcel is located. When the Board finds, after a public hearing that a literal application of such regulation will effect a limitation on the use of the property, which does not generally apply to other properties in the same district, and for which there is no compensating gain to the public health, safety, or welfare. A variance shall not permit a use, which is not permitted in the district in which it is proposed.