

CHAPTER 17

ZONING CODE

17.01 AUTHORITY

17.02 PURPOSE

17.03 DISTRICTS AND MAPS

(1) District

(2) Map

17.04 DEFINITIONS

17.05 FORESTRY DISTRICT

17.06 RECREATION DISTRICT

17.07 UNRESTRICTED DISTRICT

17.08 NONCONFORMING USES

17.09 EXCEPTIONS

17.10 CHANGES AND AMENDMENTS

17.11 RESERVED FOR FUTURE USE

17.12 VARIANCES

17.13 BOARD OF ADJUSTMENT

(1) Powers and Duties

(2) Appeals to the Board

(3) Hearing Appeals and Applications for Variances

(4) Reconsideration

17.14 RESERVED FOR FUTURE USE

17.15 ADMINISTRATION

17.16 VALIDITY

17.17 ENFORCEMENT AND PENALTIES

(1) Enforcement

(2) Penalties

17.01 AUTHORITY

This chapter is enacted for the purpose of regulating, restricting and determining the areas within the County in which agriculture, forestry and recreation may be conducted; the location of roads, schools, trades and industries; the location of buildings designed for specified uses; the establishment of districts for such purposes; and the establishment of setback building lines outside of the limits of incorporated villages and cities, pursuant to §59.69(1) Wis. Stats (Updated 4/13/2020).

17.02 PURPOSE

The provisions of this chapter are intended to encourage the use of lands and natural resources in the County in accordance with their character and adaptability to promote orderly development; secure safety to life and property; protect highways from economic suffocation by encroaching uses; preserve land values; encourage and promote public health, morals, safety and general welfare; regulating, restricting and determining the areas within which agriculture, forestry and recreation may be conducted; and establishing districts which are deemed best suited to carry out such purposes outside of the limits of incorporated villages and cities and in accordance with the provisions of §59.69(1) Wis. Stats (Updated 4/13/2020).

17.03 DISTRICTS AND MAPS

(1) District.

- (a) The territory included in the boundaries of Amberg, Athelstane, Beaver, Beecher, Dunbar, Goodman, Grover, Lake, Middle Inlet, Niagara, Pembine, Peshtigo, Porterfield, Pound, Silver Cliff, Stephenson, Wagner, and Wausaukee are hereby divided into three (3) classes of use districts as follows:
 - (1) Forestry District.
 - (2) Recreation District.
 - (3) Unrestricted District.
- (b) No land or premises shall be used, except in conformity with the regulations herein prescribed for the use districts in which such land or premises is located.
- (c) No building shall be erected or structurally altered or used, except in conformity with the regulations herein prescribed for the use districts in which such building is located.

(2) Map.

- (a) Adopted by Reference. The boundaries of the aforesaid three (3) use districts are shown upon the official map of the County, being designated the "Zoning Map Showing Use Districts." All notations, references and other things shown upon such zoning map showing use districts shall be as much a part of this chapter as if the matter and things set forth by such map were fully described herein.
- (b) **Map Amendments.**

(Ord #12 7/14/53, Ord #37 4/17/73, Ord #121 8/3/93, Ord #122 11/2/93, Ord #172 5/27/97, Ord #176 5/27/97, Ord #203 7/27/99, Ord #206 8/24/99, Ord #223 7/25/00, Ord #240 9/25/01, Ord #267 8/26/03, Ord #281 7/26/04)

17.04 DEFINITIONS

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 discretionary. Certain terms and words used in this chapter are defined as follows:

(1) Abandoned Sign.

- (a) Any sign that is not reasonably well maintained for a period of one hundred and twenty (120) days.
- (b) Any sign advertising a business that has not been in operation for a period of one hundred and twenty (120) days.

(2) Area. The area of a sign is the perimeter which forms the outside shape, but excluding the necessary supports or uprights. If the sign consists of more than one (1) section or module, all sections or modules will be totaled.

(3) Boat Liveries. Establishments offering the rental of boats and fishing equipment.

(4) Building. A structure having roof supported by columns or walls for the shelter, support or enclosure of persons, animals or chattels.

(5) Commercial Stores. Retail trade establishments in which goods are displayed and offered for sale to the general public.

(6) Dance Hall. An establishment furnishing facilities for dancing or other group entertainment of the public as its principal use, which may also include the sale of refreshments and light lunches.

(7) Family Dwelling. Any building designed for and occupied by any person or family establishing or tending to establish a legal residence or acquiring a legal settlement for any purposes upon the premises so occupied.

(8) Farm. An area of land devoted to the production of field or truck crops, livestock or livestock products, which constitutes the major use of such property.

(9) Filling Station. Establishments selling gasoline, kerosene, oils and greases, automotive, and other equipment and special services to the traveling public.

(10) Fishery. An area of land complete with an artificial pond or ponds in which fish are reared and sold to consumers.

(11) Fishing Hatcheries. Establishments devoted to hatching, raising or rearing fish.

(12) Forest Industries. The cutting and storing of forest products, the operation of portable sawmills and planers, the production of maple syrup and sugar.

(13) Forest Products. Products obtained from stands of forest trees which have been either naturally or artificially established.

(14) Game, Bird, Fur and Animal Farms. An area of land devoted to the production of game animals, game birds and fur animals licensed by the

Wisconsin Conservation Department under §29.573 to §29.578 Wis. Stats., in which the animals are housed and fed under artificial conditions.

- (15) **Garage.** An establishment for the sale, storage and repair of automobiles and trucks; the sale of parts and equipment, gasoline, oils and greases.
- (16) **Hotel.** An establishment complete with buildings, structures, grounds and sanitary facilities, providing public lodging with or without meals for pay.
- (17) **Hunting and Fishing Cabins.** Buildings used only during hunting and fishing seasons as a base for hunting, fishing and outdoor recreation.
- (18) **Machine Shop.** An establishment offering special services in machine work, such as forging, welding and other metal construction work.
- (19) **Motel.** An establishment offering overnight lodging for the motoring public, which may also serve meals (food and drink) as part of its service.
- (20) **Nonconforming Use.** A building or premises occupied by a use that does not conform with the regulations of the use district in which it is situated at the time of the passage of this chapter and for which there is a legal right to continue.
- (21) **Off-Premises or Off-Property Sign.** Any sign that is not an on-premises sign or meets one of the following exemptions shall be excluded from the definition of off-premise sign for the purposes of this ordinance.
 - (a) Municipal welcome signs.
 - (b) Signs which are not more than sixteen (16) square feet and no more than eight (8) feet above mean centerline of the adjacent highway.
 - (c) Signs located within the highway right of way.
 - (d) Signs which meet the definition of directional and/or official signs in accordance with Wisconsin Administrative Code Trans 201.05.
 - (e) Signs which are regulated by a local municipality through a Zoning Ordinance which regulates location, size, spacing, height, wind load and lighting of the signage.
- (22) **On-Premises or On-Property Sign.** Any sign at a business location advertising a business that is conducted on the property and that is located in the immediate vicinity of the business. Immediate vicinity means the sign is within the area bounded by the buildings, driveways and parking areas in which the activity is conducted or within fifty (50) feet of that area. Immediate vicinity does not include any area across a street or road from the area where the business is conducted or any area developed for the purpose of erecting a sign.
- (23) **Private Summer Cottages and Service Buildings.** Buildings designed for summer seasonal occupancy only and normally used by the owners, together with additional structures to house materials and services.
- (24) **Public and Private Parks, Clubs, Playgrounds, Campgrounds and Golf Grounds.** Areas of land with or without buildings designed for recreational use.
- (25) **Recreation Camps and Resorts.** Areas of land improved with buildings or tents and sanitary facilities used for occupancy during a part of the year only.
- (26) **Rental Cabins or Cottages.** Buildings designed for seasonal use and occupancy by persons other than the owners upon periodical payment.

- (27) **Resort.** An establishment complete with building, structures, grounds and sanitary facilities providing lodging with or without meals or other services for the enjoyment of its guests.
- (28) **Restaurant.** An establishment offering meals and lunches (food and drink for sale) to the public.
- (29) **Sawmill.** A stationary or portable machine used in converting logs to lumber or ties or in refining lumber.
- (30) **Tavern.** An establishment licensed to retail alcohol beverages to be consumed on the premises.
- (31) **Theater.** An establishment designed for the public for stage shows, other stage performances or motion pictures. Outdoor motion picture and other outdoor theaters are included.
- (32) **Trapper's Cabins.** Buildings used as a base for operating one or more trap lines.
- (33) **Wood Using Industry.** An establishment converting logs, bolts, posts, poles, tie-cuts or other rough forest products into another wood product.
- (34) **Youth Camp.** An establishment, either publicly or privately owned, complete with buildings, structures and sanitary facilities and services designed for the recreation and education of youth.
- (35) **Zoning Committee.** That committee or commission created or designated by the County Board under §59.69(2)(a), Wis. Stats., (Updated 4/13/2020) to act in all matters pertaining to County planning and zoning.
- (36) **Zoning Administrator.** The Marinette County Land Information Director, his or her designee or any other staff member designated by the Zoning Committee to administer this chapter.
(Ord #331 10/27/09)

17.05 FORESTRY DISTRICT

- (1) In the Forestry District, no building, land or premises shall be used except for one or more of the following specified uses:
 - (a) Production of forest products.
 - (b) Forest industries.
 - (c) Public and private parks, clubs, playgrounds, campgrounds and golf grounds.
 - (d) Recreational camps and resorts.
 - (e) Private summer cottages and service buildings.
 - (f) Hunting and fishing cabins.
 - (g) Trapper's cabins.
 - (h) Boat liveries, fish hatcheries and fisheries.
 - (i) Game, bird, fur and animal farms licensed by the Wisconsin Conservation Department under §29.573 to §29.578, Wis. Stats.
 - (j) Non-metallic mines, stone quarries, and gravel pits. (Ord #408 5/29/18)
 - (k) Hydro-electric dams, power plants, flowage areas, transmission lines and substations, telephone and telegraph lines and offices.
 - (l) Harvesting of any wild crop, such as marsh hay, ferns, moss, berries, tree fruits and seeds.

- (m) Growing of cranberries.
- (n) Production of agricultural crops when the land on which these crops are grown is part of a farm located in an Unrestricted or Agricultural District.
- (2) Any of the above uses are permitted in the Forestry District and all other uses, including farms, family dwellings, off premises signs and yearlong permanent residences, shall be prohibited.
- (3) Notwithstanding any provision of the Marinette County Code of Ordinances to the contrary, nonferrous metallic mining, as defined in Wis. Stat. sec. 293.01(9) is a prohibited use and shall not be considered a part of the specified uses except as allowed by a local agreement entered into pursuant to Wis. Stat. sec. 293.41. (Ord #408-18 5/29/18)

17.06 RECREATION DISTRICT

- (1) In the Recreation District, all buildings, lands or premises may be used for any of the purposes permitted in the Forestry District provided, however, that no sawmill or other wood using industry shall be established in the Recreation District within two hundred (200) feet of any public highway or of the lot lines of the property upon which it is located. In addition, filling stations, garages, machine shops, restaurants, motels and hotels, rental cabins and cottages, resorts, taverns, commercial stores, dance halls, theaters and other establishments servicing the recreation industry and family dwellings are permitted.
- (2) Any of the above uses are permitted in the Recreation District and all other use, including farms and off premises signs, shall be prohibited.
- (3) Notwithstanding any provision of the Marinette County Code of Ordinances to the contrary, nonferrous metallic mining, as defined in Wis. Stat. sec. 293.01(9) is a prohibited use and shall not be considered a part of the specified uses except as allowed by a local agreement entered into pursuant to Wis. Stat. sec. 293.41. (Ord #408-18 5/29/18)

17.07 UNRESTRICTED DISTRICT

In the Unrestricted District, any land may be used for any purposes whatsoever not in conflict with law; however, off-premises signs and nonferrous metallic mines shall be regulated as stated below.

- (1) Off-premises signs less than or equal to sixty four (64) square feet in area are permitted under the following conditions:
 - (a) Shall have a maximum height not to exceed eight (8) feet above mean centerline grade of adjacent highway.
 - (b) Shall not be located within fifty-two hundred eighty (5,280) feet (1 mile) of any other off premises sign.
 - (c) Shall not be located in the vision clearance triangle at highway and/or railroad intersections. Vision clearance triangle shall be as required by the highway authority.
 - (d) Shall not be lighted.
 - (e) Shall be permitted by obtaining a Zoning Permit before commencing construction.

- (2) Off-premises signs greater than sixty-four (64) square feet and less than five hundred seventy-two (572) square feet are permitted under the following conditions.
 - (a) Shall not be located beyond fifty-two hundred eighty (5,280) feet (1mile) of any incorporated municipal boundary.
 - (b) Shall not be located within fifteen hundred (1,500) lineal feet of any other off-premises sign.
 - (c) Shall have a maximum height not to exceed thirty-five (35) feet in height above the mean centerline grade of the adjacent highway.
 - (d) Shall be lighted in a manner that does not cause glare or impair driver visibility. Signs may be illuminated but not flashing.
 - (e) Shall not be located in the vision clearance triangle at highway and/or railroad intersections. Vision clearance triangle shall be as required by the highway authority.
 - (f) Shall be engineered to withstand forty (40) pounds per square foot of wind load.
 - (g) Shall be permitted by obtaining a Zoning permit before commencing construction.
- (4) Off-premises signs greater than five hundred seventy-two (572) square feet are prohibited.
- (5) Notwithstanding any provision of the Marinette County Code of Ordinances to the contrary, nonferrous metallic mining, as defined in Wis. Stat. sec. 293.01(9) is a prohibited use and shall not be considered a part of the specified uses except as allowed by a local agreement entered into pursuant to Wis. Stat. sec. 293.41. (Ord #408-18 5/29/18)

17.08 NONCONFORMING USES

- (1) The lawful use of any building, land or premises existing at the time of the passage of this chapter, although such use does not conform to the provisions hereof, may be continued, but if such nonconforming use is discontinued for twelve (12) consecutive months, any future use of such building, land or premises shall be in conformity with the provisions of this chapter.
- (2) The lawful use of a building, land or premises existing at the time of the passage of this chapter may be continued, although such use does not conform with the provisions hereof and such use may be extended throughout such building, land or premises.
- (3) Whenever a nonconforming use of a building, land or premises has been changed for a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use, unless the district in which such building, land or premises is located is changed to a less restricted use.
- (6) Whenever a nonconforming use of a building, land or premises has been changed for a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use, unless the district in which such building, land or premises is located is changed to a less restricted use.
- (7) Immediately following approval of this chapter, the County Zoning Administrator shall prepare a list of all instances of established

nonconforming uses of land and publish the same to permit appeal on errors and omissions. Sixty (60) days after publication of this list, a final and official copy shall be filed in the office of the Register of Deeds.

- (8) Nothing in this chapter shall be construed as prohibiting forestry and recreation in any of the use districts nor a change from any other use to forestry and recreations.
- (9) All abandoned off-premises signs shall be removed by the property owner within ninety (90) days after the receipt of a removal notice from the County Zoning Administrator or upon failure of such removal, the County may remove such signs at the expense of the property owner.
- (10) Repair, reconstruction and replacement of all existing nonconforming off-premises signs shall be allowed providing the size and the location of the new or reconstructed sign is not altered.

17.09 EXCEPTIONS

The provisions of the chapter shall not apply to buildings, land or premises belonging to or occupied by the United States, the State of Wisconsin, any town or any school district.

17.10 CHANGES AND AMENDMENTS

- (1) The County Board may from time to time amend, supplement or change by ordinance the boundaries of districts or regulations herein established. Any proposed changes shall first be submitted to the County Zoning Committee for its recommendation and report.
- (2) This chapter may from time to time be amended in a manner prescribed by §59.69(5)(e), Wis. Stats (Updated 4/13/2020).

17.11 RESERVED FOR FUTURE USE

17.12 VARIANCES

The Board of Adjustment may grant, upon appeal, a variance from the dimensional standards of this chapter where the applicant demonstrates that the literal enforcement of the provisions will result in unnecessary hardship on the applicant due to special conditions unique to the property, and that such variance is not contrary to the public interest.

- (1) A variance shall not grant or increase any use of property which is prohibited in the Zoning district.
- (2) Before considering an application for a variance, the Board of Adjustment shall hold a public hearing. Notice of such hearing shall be given as a Class 2 notice under Chapter 985, Wis. Stats., specifying the date, time, place of the hearing and matters to come before the committee.
- (3) The Board of Adjustment shall state in writing the reason for granting or refusing a variance.

17.13 BOARD OF ADJUSTMENT

The Board of Adjustment created under Chapter 21 of the County Code of Ordinances shall act as the Board of Adjustment under this chapter.

(1) Powers and Duties.

- (a) The Board of Adjustment shall adopt such additional rules as it deems necessary and may exercise all the powers conferred on such boards as by §59.694, Wis. Stats.
- (b) The Board of Adjustment shall hear and decide appeals where it is alleged there is error in any order, requirements, decision or determination made by an administrative official in the enforcement or administration of this chapter.
- (c) The Board of Adjustment may grant a variance from the dimensional standards of this chapter.

(2) Appeals to the Board.

Appeals to the Board of Adjustment may be made by any person aggrieved or by an officer, department, board or bureau of the County affected by any decision of the Zoning Administrator or other administrative officer. Such appeal shall be made within a reasonable time, as provided by the rules of the Board, by filing with the officer whose decision is in question, and with the Board of Adjustment, a notice of appeal specifying the reasons for the appeal. The Zoning Administrator or other officer whose decision is in question shall promptly transmit to the Board all the papers constituting the record concerning the matter appealed.

(3) Hearing Appeals and Applications for Variances.

- (a) The Board of Adjustment shall fix a reasonable time for a hearing on the appeal or application. The Board shall give public notice thereof by publishing a Class 2 notice under Chapter 985, Wis. Stats., specifying the date, time and place of the hearing and the matters to come before the Board. Notice shall be mailed to the parties in interest. Written notice shall be given to the appropriate local office of the Department at least ten (10) days prior to hearings on proposed shoreland variances and map interpretations.
- (b) A decision regarding the appeal or application shall be made as soon as practical. Copies of all decisions on shoreland variances and appeals for map or text interpretations shall be submitted to the appropriate local office of the Department within ten (10) days after they are granted or denied.
- (c) The final disposition of an appeal or application to the Board of Adjustment shall be in the form of a written resolution or order signed by the chairman and secretary of the Board. Such resolution shall state the specific facts which are the basis of the Board's determination and shall either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or prosecution or grant the application.
- (d) At the public hearing, any party may appear in person or by agent or attorney.

(4) Reconsideration.

- (a) Resubmission: No appeal or application which has been dismissed shall again be considered unless the applicant can show a material change in circumstances.
- (b) Rehearing: No rehearing of any issue already decided by the Board of Adjustment shall take place except upon the affirmative vote of a majority of the members of the Board upon finding that substantial material new evidence is submitted which could not have been reasonably presented at the previous hearing. Requests for rehearing shall be in writing and shall state the reasons for the request and be accompanied by necessary data and diagrams. Rehearings shall be subject to the same notice requirements and fees as the original hearings.

17.14 RESERVED FOR FUTURE USE

17.15 ADMINISTRATION

- (1) The primary responsibility for administration of this chapter shall be the County Zoning Committee. The Zoning Committee shall recommend to the County Board a qualified person for County Zoning Administrator whose duty it is to administer and enforce the provisions of this chapter. For purposes of this chapter, the County Zoning Administrator shall have the power of police officers.
- (2) The Zoning Administrator or designee shall be responsible for issuing all Zoning Permits required by this chapter. The Zoning Permit fee shall be established by the County Board.

17.16 VALIDITY

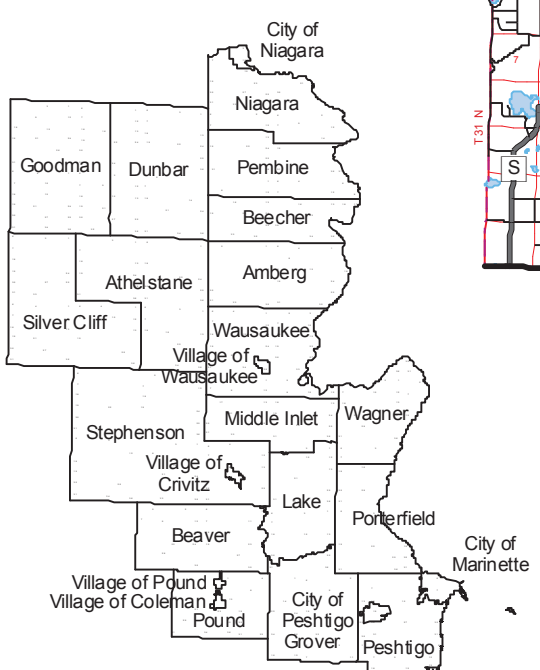
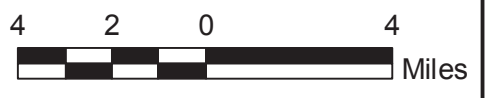
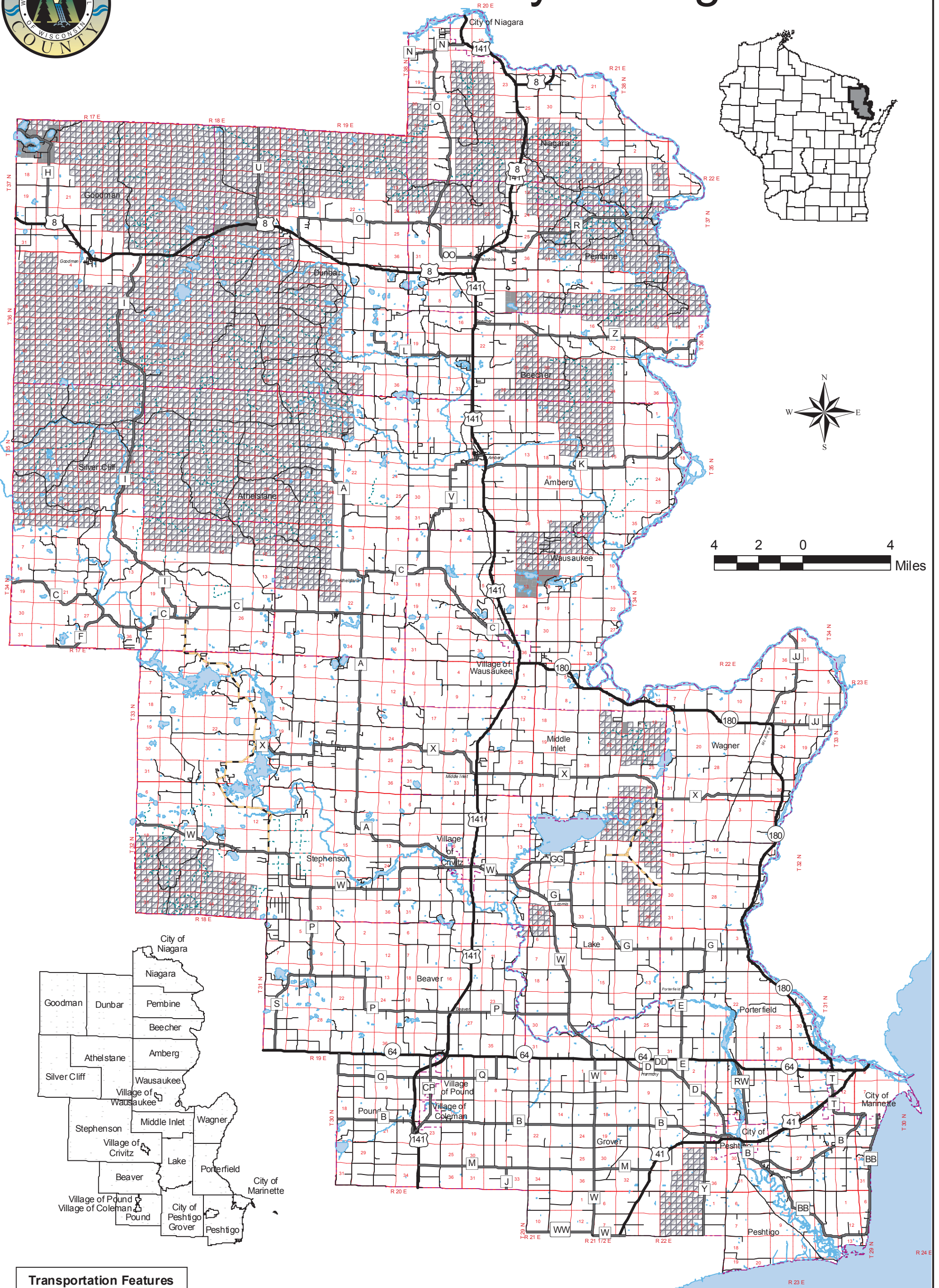
Should any section, clause or provision of this chapter be declared by the courts to be invalid, the same shall not affect the validity of this chapter as a whole or any part thereof, other than the part so declared to be invalid.

17.17 ENFORCEMENT AND PENALTIES

- (1) **Enforcement.** The provisions of this chapter will be enforced by the County Zoning Administrator under the direction of the Zoning Committee.
- (2) **Penalties.** Except as otherwise provided, any person who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this chapter shall be subject to a penalty as provide in Section 25.04 of this General Code. Compliance herewith may be enforced by junctional order at the suit of the county or the owners of land within the district affected by the regulations of this chapter.
(Ord #275 4/20/04, Ord #287 6/28/05)



Marinette County Zoning



Transportation Features

- Federal Highway
- State Highway
- County Highway
- Local Road
- Rustic Rd
- County Forest Road

Zoning Districts

- Forestry
- Recreation
- Unrestricted

Data Sources and Disclaimer

The information depicted on this map was compiled from U.S. Census Data, Wisconsin DNR, Wisconsin DOT and various other public land records. Recent changes in the physical and cultural landscape may not be represented. This map is intended for planning and general use only, please refer to the original source documents for detailed information. As with all public information derived from variable sources, this data may contain errors or faults. Therefore, Marinette County does not provide any warranty, express or implied, that this data is absolutely correct. Please contact the Marinette County Land Information Dept. (Zoning Division) (715) 732-7535 if you discover any discrepancies on this map.