

ORDINANCE NO. 2018-1

AN ORDINANCE REPEALING ORDINANCE NO. 08/31/92 AND RECREATING ZONING REGULATIONS FOR THE TOWN OF HANEY, CRAWFORD COUNTY, WISCONSIN.

THE TOWN BOARD OF THE TOWN OF HANEY DOES ORDAIN AS FOLLOWS:

SECTION 1 – INTRODUCTION

1.1 Authority

These regulations are adopted under the authority granted by Section 60.61 of the Wisconsin State Statutes and amendments thereto. The Town Board of the Town of Haney, Crawford County, Wisconsin has been granted village powers pursuant to Section 60.10(2) of the Wisconsin State Statutes.

1.2 Purpose

The purpose of the Ordinance is to promote the health, safety, morals, prosperity, aesthetics and general welfare of the Town of Haney.

1.3 Intent

It is the general intent of the Ordinance to regulate and restrict the use and development of all structures, lands and water; to regulate and restrict lot coverage, population distribution and density, dredging and lagooning in shoreland areas, the size and location of all structures, so as to: lessen congestion and promote safety from fire, flooding, panic and other danger; provide adequate light and air; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; prevent water pollution; protect spawning grounds of fish and other aquatic life and otherwise further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the Town; and implement the Town's land use plan and plan components. It is further intended to provide for the administration and enforcement of this Ordinance, and to provide penalties of its violation.

1.4 Abrogation and Greater Restrictions

It is not intended by this Ordinance to repeal, abrogate, annul, impair or interfere with any existing easement, covenants, deed restrictions, agreement, ordinances, rules, regulations or permits previously adopted or issued pursuant to law. However, wherever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

1.5 Interpretation

The provisions of this Ordinance shall be interpreted and applied as minimum requirements, shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

1.6 Severability

If any section clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect the remainder of this Ordinance.

1.7 Repeal

Together with respect to Ordinance No. 08/31/92, which is expressly repealed, all other Ordinances or parts of Ordinances of the Town inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

1.8 Title

This Ordinance shall be known as, referred to or cited as the “ZONING ORDINANCE, TOWN OF HANEY, CRAWFORD COUNTY, WISCONSIN.”

1.9 Effective Date

This Ordinance shall be effective after a public hearing, adoption by the Town Board and publication as required by law.

SECTION 2 - GENERAL PROVISIONS

2.1 Jurisdiction

The jurisdiction of the Ordinance shall include all land and waters within the boundaries of the Town of Haney.

2.2 Compliance

No structure, land or water shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered except for normal repairs of existing structures without a Zoning Permit and without full compliance with the provisions of this Ordinance and all other applicable Town, County and State regulations. Minor structures shall be exempt.

Prior to occupancy of any dwelling or mobile/manufactured home, a copy of an approved sanitary permit issued by Crawford County shall be provided to the Zoning Administrator.

Where the terms and objectives of this Ordinance have been substantially addressed and fulfilled by the Wisconsin Department of Natural Resources where concurrent jurisdiction with this Ordinance exists, so as to avoid duplication of effort, the terms of this Ordinance shall not be imposed. If within the A-1 Prime Agricultural Zoning District, the terms of this Ordinance shall continue to be enforced. The concurrent jurisdiction with the Department of Natural Resources only includes land under specific jurisdiction of the Department of Natural Resources, Army Corp of Engineers and Crawford County.

2.3 Zoning Committee

The Zoning Committee shall consist of five (5) members, appointed by the Town Board. Members shall be appointed to three (3) year staggered terms. The Town Board shall make any new or renewal appointments at the December Town Board meeting. The Zoning Committee shall have a chairman, a vice-chairman, secretary and two (2) at large members.

The intent of the Zoning Committee is to review all petitions for conditional use permits and petitions for rezoning of parcels. Recommendations made by the Committee are to be founded on State Statues and the Zoning Ordinance. The Committee shall decide on any matter within thirty (30) days of the receiving a petition and make a written recommendation to the Town Board.

2.4 Zoning Administrator

There is hereby created the Office of Zoning Administrator for the Town of Haney. The Zoning Administrator will be appointed by the Town Board and shall exercise the following duties and powers: the Zoning Administrator shall keep the official records of all non-conforming uses and changes thereto, permit applications, appeals, variances and amendments related to the Zoning Ordinance; the Zoning Administrator shall bear primary responsibility for issuing and processing Zoning Permits. When called upon to do so, the Zoning Administrator shall inspect structures and investigate uses to determine compliance with this Ordinance. To this end, the Zoning Administrator shall have reasonable access to any structure or property located within the Town. If the Zoning Administrator finds that a violation of this Ordinance has occurred, the Zoning Administrator shall draft a Notice of Violation that contains a description of the property (by lot number, address or similar description), a description of the violation and a reference to the Ordinance section violated. The Zoning Administrator shall send a copy of the Notice of Violation to the Town Board and Zoning Committee. The Zoning Administrator shall mail a copy of the Notice of Violation to the owner of the property at the owner's address as shown on the tax bill. The mailing of such a Notice by Certified Mail shall constitute conclusive evidence that the owner is aware of the violation.

2.5 Zoning Permits

Applications for a Zoning Permit shall be made to the Zoning Administrator on forms furnished by the Town Clerk and shall include the following where applicable:

Names and Addresses of the applicants, owners of the site or agents for the owner.

Description of the Subject Site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of occupants or employees; and the zoning district within which the subject site lies.

Sketch showing dimensions of the lot and locations of proposed and existing buildings from the lot lines, center line of abutting highways and the highwater mark of abutting water courses.

Additional Information as may be required by the Zoning Administrator.

Fee in the amount as set by the Town Board.

Any application for a Zoning Permit shall be granted or denied in writing by the Zoning Administrator within thirty (30) business days. If denied, the reasons for such denial shall clearly appear upon the face of the notification of denial. The permit shall expire within twelve (12) months unless substantial work has commenced. Any permit issued in conflict with the provisions of this Ordinance shall be null and void.

2.6 Certificate of Zoning Compliance

No land or building or addition thereto, constructed after the effective date of this Ordinance and no addition, alteration, reconstruction, extension, enlargement, conversion or structural alteration to a previously existing building shall be occupied or used for any purposes unless in conformity with the plans and specifications upon which the Zoning Permit was issued. A Certificate of Zoning Compliance may be issued by the Zoning Administrator upon request, subject to the substantial completion requirements set forth below. Every Certificate of Zoning Compliance shall state that the use or occupancy complies with all the provisions of this Ordinance.

Application for Certificate of Zoning Compliance. Every application for Certificate of Zoning Compliance for a new use or change in use of land or building shall be made directly to the Zoning Administrator on forms provided by his or her office.

Issuance of Certificates of Zoning Compliance. No Certificate of Zoning Compliance for a building or portion thereof constructed after the effective date of this Ordinance shall be issued until construction is substantially completed and the premises inspected and certified by the Zoning Administrator to be in conformity with the plans and specifications upon which the Zoning Permit was issued.

Issuance of Certificates of Nonconforming Uses. Any person, firm or corporation having a legal or equitable interest in a property which is nonconforming as to standards may request a Certificate of Zoning Compliance. The applicant shall present documentary proof that said use was a permitted use at the time it originated and was made nonconforming by the adoption of this Zoning Ordinance or amendment thereto. After verifying the use in question is in fact a nonconforming use, the Zoning Administrator shall issue a Certificate of Zoning Compliance stating the use in question and the zoning of the property.

Fee in the amount as set by the Town Board.

2.7 Site Restrictions

All Principal Structures shall be located on a lot; and only one principal structure shall be located, erected or moved onto a lot.

No Zoning Permit shall be issued for a lot which abuts a public street or road dedicated to only a portion of its proposed width and located on that site from which the required dedication has not been secured.

Minimum Lot Area and Width. Except as otherwise specifically required or permitted, the minimum lot area shall be two acres with a minimum lot width of 125 feet at the building setback line and 125 feet at the water's edge along a navigable waterway as defined by the State of Wisconsin.

Side Yards. There shall be a 10 foot side yard for each principle structure.

2.8 Use Restrictions

The following use restrictions and regulations shall apply:

Principle Uses. Only those principle uses specified for a district, their essential services and the following uses shall be permitted in the district.

Accessory Uses and structures are permitted in any district, but not until their principle structure is present or under construction.

Conditional Uses and their accessory uses are those which require review, public hearing and approval by the Town Board. The only conditional uses and structures permitted by this Ordinance shall be those enumerated in Section 3. Zoning districts.

Temporary Uses such as real estate field offices, roadside stands or shelters for materials and equipment being used in the construction of a permanent structure may be permitted by the Zoning Administrator through the issuance of a Certificate of Zoning Compliance for a period not to exceed six (6) months. This temporary certificate may be renewed semi-annually but in no case shall the effective time span of the Certificate exceed two years.

2.9 Reduction of Joint Use

No lot, yard, parking area, building area or other space shall be reduced in area or dimension, so as not to meet the provisions of this Ordinance.

2.10 Household Pet and Animal Regulations

In platted residential subdivisions no animals other than household pets shall be allowed.

In all zoning districts, household pets shall be allowed provided that not more than four (4) dogs are kept on any one premise, except for an authorized kennel. However, offspring of permitted household pets may be kept and sold from the premises for a period of up to eight (8) months.

On parcels less than ten (10) acres in area, the number of animals kept on any one premise shall not exceed the ratio of one animal unit for each acre of land owned or leased.

2.11 Mobile/Manufactured Homes

All mobile/manufactured homes located in the Town of Haney shall be skirted and anchored within six (6) months after placement of such mobile/manufactured home. Mobile/manufactured homes shall be placed on at least two (2) acres of land and shall have water and sewage systems.

2.12 Violations

It shall be unlawful to construct any structure or building or to use any structure, building, land or water in violation of any of the provisions of this Ordinance. In case of any violation the Town Board, Zoning Administrator or any property owner who would specifically be damaged by such violation may institute any appropriate action or proceeding to enjoin a violation of this Ordinance.

2.13 Penalties

Any person, firm or corporation who fails to comply with the provisions of this Ordinance shall upon conviction thereof pay the appropriate forfeiture as listed in the Town of Haney Citation Ordinance and the cost of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense.

2.14 Outdoor Storage of Junk Items, Vehicles or Equipment

No junk items, materials or equipment shall be stacked, piled or stored on any premises within the Town of Haney. No more than two (2) motor vehicles which are no longer licensed, have been abandoned, disassembled, are non-operable, disabled, junked or wrecked, shall be stored anywhere on any premises, except in an authorized salvage yard or which are completely enclosed in a structure.

The Crawford County Circuit Court may, upon the petition of and at the request of the Town, order removal of the violating vehicle or objects at Town expense. The Town shall then invoice the property owner for all such costs incurred. If that invoice is not paid within thirty (30) calendar days, the Town may place the amount of the invoice on the tax rolls as a special charge against the property in question.

2.15 Fees

All fees in this Ordinance are listed under appendix A.

SECTION 3 - ZONING DISTRICTS

3.1 Establishment

For the purpose of this Ordinance the following primary use districts are hereby established within the Town of Haney.

Primary Use Districts

1. CR - Conservancy/Recreational
2. A-1 - Prime Agricultural
3. A-2 - General Agricultural
4. R-1 - Residential
5. C-1 - Commercial
6. I-1 - Industrial

3.2 Official Zoning Map

A certified copy of the Official Zoning Map is adopted and approved with the text of this Ordinance. Said map and any certified amendments or changes thereto are as much a part of this Ordinance as this text and shall have full force and effect on the adoption of this Ordinance.

3.3 District Regulations

CR – Conservancy/Recreational

The primary purpose of this district is for uses compatible with protecting, preserving and enhancing the water ways, floodplains, woodlands, archaeological sites and areas of public interest within the town, while allowing a variety of recreational uses on a permitted basis and more recreational businesses on a conditional basis.

Uses and structures may be subject to the Crawford County Floodplain Zoning Ordinance and the Crawford County Shoreland-Wetland Zoning Ordinance, where applicable.

A. Permitted Uses

1. Agricultural use provided no farm buildings are constructed;
2. Harvesting of any wild crops, marsh hay, ferns, moss, wild rice, berries, tree fruits and seeds, mushrooms, and ginseng;
3. Boat rentals;
4. Sale of bait, sporting goods and supplies;
6. Boat launching;
7. Hunting and fishing preserves, waterfowl blinds;
8. Nonresident buildings used solely in conjunction with the raising of waterfowl, minnows, similar lowland animals, fowl and fish,
9. Piers and docks;

10. Parks, picnic areas and similar uses;
11. Sustained yield forestry;
13. Telephone and electrical power transmission lines;
14. Wildlife ponds.

B. Conditional Uses

1. Campgrounds and recreational camps;
2. Any nonresidential building or structure that is compatible with the primary purpose of this district;
3. Bed and breakfast establishments;
4. Public and private parks;
5. Golf courses and driving ranges;
6. Hiking trails, bridle paths and walkways, including those built on pilings;
7. Riding stables and riding academies;
8. Skating rinks;
9. Swimming pools

C. Prohibited Uses

1. Any use not specifically listed as a permitted or conditional use.

D. Area, Height and Yard Requirements

- Lot: See Section 2.7. General Provisions
 Height: 35 Feet Maximum
 Yards: Rear - Minimum 25 Feet
 Side - Minimum 10 Feet
 Street - See Section 5 Setbacks, Access and off-street Parking

All Conditional Use Permits are to be granted only upon a finding by the Town Board that such use or structure shall not restrict a floodway or destroy the storage capacity of a floodplain.

A-1 – Prime Agricultural District

The purpose of this district shall be to protect and preserve agriculture land and permit eligible landowners to receive tax credits under the Working Lands Initiative.

General

All uses allowed in the A-1 district must be either agricultural or uses that are consistent with agricultural use. No structure or improvement may be built on the land unless it is consistent with agricultural use (defined in Section 10 Definitions).

Uses and structures may be subject to the Crawford County Floodplain Zoning Ordinance and the Crawford County Shoreland-Wetland Zoning Ordinance, where applicable.

A. Permitted Uses

1. Agricultural use; (defined in Section 10 Definitions).
2. Single family farm dwellings;

3. Telephone and electrical power distribution poles and lines, necessary accessory equipment and structures not requiring authorization under s. 196.491(3) Wis. Stats. or any use described in s. 91.44(1)(f) Wis. Stats.

B. Conditional Uses

General

A conditional use permit is required for the following. Findings must be made to show that any conditional uses are consistent with agricultural use and must be found necessary in light of alternative locations available for such use.

1. Agricultural related uses such as:
 - a. Airstrips or landing fields used by a farmer for personal or agricultural related business purposes;
 - b. Animal confinement facilities for five hundred (500) or more animal units;
 - c. Animal hospitals or veterinarians serving primarily farm livestock;
 - d. Livestock sale barns;
 - e. Storage and sale of seed, feed, fertilizer and other products essential to agricultural operation.
2. Farm family businesses (defined in Section 10. Definitions), including home occupations (defined in Section 10. Definitions) which qualify as a farm family business. The farm business use cannot impair or limit the current or future agricultural use of the farm or of other protected farmland.
3. Governmental uses which meet the conditions under s. 91.46(5) Wis. Stats. such as:
 - a. Community centers;
 - b. Libraries;
 - c. Parks and playgrounds;
 - d. Police and fire stations;
 - e. Public airports;
 - f. Public elementary and secondary schools;
 - g. Public emergency shelters;
 - h. Sewage treatment facilities;
4. Migrant labor housing certified under s.103.92 Wis. Stats.
5. Non-metallic mineral extraction which meet the conditions under s. 91.46(6) Wis. Stats., if it is subject to a locally approved reclamation plan within the limits of s.295 Wis. Stats., submitted at application. The reclamation plan must provide for the restoration of the site to agricultural use.
6. Religious uses which meet the conditions under s. 91.46(5) Wis. Stats, such as churches and parochial schools.

7. New Single family dwellings
 - a. For occupancy by a parent or child of an owner who conduct the majority of the farm operations on the parcels;
 - b. For occupancy by a parent or child of an owner who resides on the parcel and who previously conducted the majority of the farm operations on the parcel;
 - c. Non-farm residences which meet the conditions under s. 91.46(3) Wis. Stats. as part of cluster option subject to Section 4. Conditional Uses;

8. Utility uses which meet the conditions under s. 91.46(4) Wis. Stats. other than those listed as permitted uses (defined in Section 10.Definitions).

9. Farm Consolidations
 The separation of farm residences or structures from the larger farm parcel may be allowed as a conditional use if it meets all of the following requirements:
 - a. The separation is for the purpose of farm consolidation;
 - b. The residence or structures existed prior to the adoption of this Ordinance;
 - c. The separated parcel is no larger than reasonably necessary to accommodate the proposed use;
 - d. The separation meets all of the standards applicable to conditional uses;
 - e. The created parcel must conform to all regulations set forth in Section 2. General Provisions.
 - f. All non-farm residences must comply with s. 91.46(2) Wis. Stats. unless the residence existed prior to January 1, 2014.

NOTE: Farm residences or structures and up to five (5) acres of land which are separated from a larger farm parcel as part of a farm consolidation are not subject to tax credit paybacks.

10. Any similar use subject to the approval of the Town Board.

C. Prohibited Uses

1. Any use not specifically listed as a permitted or conditional use.

D. Area, Height and Yard Requirements

- Lot Size: Minimum 35 acres except uses which are conditionally allowed or result from farm consolidation shall conform to the minimum lot size requirement set forth in Section 2.7. General Provisions.
- Height: 35 Feet Maximum; agricultural structures exempt
- Yards: Rear - Minimum 25 Feet
 Side - Minimum 10 Feet
 Street - See Section 5. Setbacks, Access and off-street Parking

A-2 – General Agricultural District

The purpose of this district shall be to promote an area for uses of a generally agricultural nature on lands of good agricultural quality.

Uses and structures may be subject to the Crawford County Floodplain Zoning Ordinance and the Crawford County Shoreland-Wetland Zoning Ordinance, where applicable.

A. Permitted Uses

1. Agricultural uses;
2. Road side stands for the sale of farm products produced on the premises;
3. Single family dwellings;
4. Telephone and electrical power transmission lines and necessary accessory structures.

B. Conditional Uses

1. Aircraft landing fields and hangers;
2. Animal confinement facilities;
3. Bed and breakfast establishments;
4. Churches, cemeteries;
5. Commercial greenhouse, landscape and nursery business;
6. Dog kennels;
7. Duplexes subject to the provisions of Section 4. Conditional Uses;
8. Farm machinery repair;
9. Farms operated for the disposal or reduction of garbage, sewage or any other waste material;
10. Governmental and cultural uses such as town halls, fire and police stations, community centers, libraries, public emergency shelters, parks and playgrounds;
11. Home occupations;
12. Mobile/manufactured home communities;
13. New single family dwellings or non-farm dwellings as part of the cluster option subject to the provisions of Section 4. Conditional Uses;
14. Public, parochial, private elementary and secondary schools;
15. Quarries, earth borrow pits and mineral extraction;
16. Sanitary landfill, junk or salvage yard operations;
17. Self-service storage facility;
18. Trap and sporting clay shooting facilities and ranges;
19. Utilities;
20. Veterinary clinics;

C. Prohibited Uses

1. Any use not specifically listed as a permitted or conditional use.

- D. Area, Height and Yard Requirements
 Lot Size: Minimum 20 acres except uses which are conditionally allowed, shall conform to the minimum lot size requirement set forth in Section 2.7. General Provisions
 Height: 35 Feet Maximum, agricultural structures exempt
 Yards: Rear - Minimum 25 Feet
 Side - Minimum 10 Feet
 Street See Section 5. Setbacks, Access and off-street Parking

R-1 – Residential District

The primary purpose of this district shall be to promote an area of a generally exclusive single family residential nature.

Uses and structures may be subject to the Crawford County Floodplain Zoning Ordinance and the Crawford County Shoreland-Wetland Zoning Ordinance, where applicable.

- A. Permitted Uses
1. Single family dwellings and accessory buildings, including private garages and buildings clearly incidental to the residential use of the property, provided that no such accessory buildings may be used as dwellings units;
 2. Telephone and electrical power distribution poles, lines and necessary accessory equipment and structures.
- B. Conditional Uses
1. Churches, cemeteries;
 2. Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks and playgrounds;
 3. Home occupations;
 4. Golf course;
 5. Public, parochial, private elementary and secondary schools;
 6. Multi-family dwellings;
 7. Bed and breakfast establishments;
 8. Utilities;
- C. Prohibited Uses
1. Any use not specifically listed as a permitted or conditional use.
- D. Area, Height and Yard Requirements
 Lot Size: Width and area of all lots to be determined in accordance with Section 2.7. General Provisions
 Height: 35 Feet Maximum
 Yards: Rear - Minimum 25 Feet
 Side - Minimum 10 Feet
 Street - See Section 5. Setbacks, Access and off-street Parking

C1 - Commercial District

The purpose of this district shall be to promote an area for retail and service oriented establishments.

Uses and structures may be subject to the Crawford County Floodplain Zoning Ordinance and the Crawford County Shoreland-Wetland Zoning Ordinance, where applicable.

A. Permitted Uses

1. Agricultural use;
2. Parking lots;
3. Personal and business service establishments with no more than 3,500 square feet of floor space, excluding motor vehicle and farm equipment repair establishments;
4. Professional offices with no more than 3,500 square feet of floor space;
5. Retail businesses with no more than 3,500 square feet of floor space, excluding motor vehicle and farm equipment sales businesses;
6. Self-service storage facilities;
7. Orchards and related retail stores;
8. Vegetable stands.

B. Conditional Uses

1. Antique dealers and sales;
2. Beauty salons and beauty shops;
3. Bowling alleys;
4. Convenience stores;
5. Residential quarters for the owner, proprietor, commercial tenant, employee or caretaker located in the same building as the business;
6. Restaurants;
7. Taverns;
8. Motels;
9. Mobile/manufactured home communities;
10. Bed and breakfast establishments;
- 11.. Golf courses and golf driving ranges;
12. Resorts;
13. Riding stables and riding academies;
14. Skating rinks;
15. Contractors storage yard;
16. Farm equipment sales and service;
17. Hospitals, clinics and nursing homes;
18. Motor vehicle sales and service;
19. Retail businesses, professional offices, personal and business service establishments exceeding 3,500 square feet in floor space;
20. Boat launching.

- C. Prohibited Uses
 - 1. Any use not specifically listed as a permitted or conditional use.

- D. Area, Height and Yard Requirements
 - Lot Size: Width and area of all lots to be determined in accordance with Section 2.7. General Provisions
 - Height: 35 Feet Maximum
 - Yards: Rear - Minimum 25 Feet
 - Side - Minimum 10 Feet
 - Street - See Section 5. Setbacks, Access and off-street Parking

- E. Off-Street Parking Requirements
 - Off-street parking shall be provided in accordance with Section 5. Setbacks, Access and off-street Parking

I-1 – Industrial District

The purpose of this district shall be to promote an area for manufacturing and industrial operations.

Uses and structures may be subject to the Crawford County Floodplain Zoning Ordinance and the Crawford County Shoreland-Wetland Zoning Ordinance, where applicable.

- A. Permitted Uses
 - 1. Manufacturing establishments engaged in the fabrication, processing, assembly or packaging of a product which is not specified as a conditional use in the Industrial District;
 - 2. Agricultural use;
 - 3. Automobile repair facilities;
 - 4. Contractors office and/or storage yard;
 - 5. Farm machinery sales, service and storage facilities;
 - 6. Food storage warehouses;
 - 7. Freight yards and trucking terminals;
 - 8. Gas stations;
 - 9. Governmental uses such as, but not limited to, police or fire stations, community centers or buildings used for the storage or repair of road maintenance equipment;
 - 10. Nurseries, greenhouses and landscaping businesses;
 - 11. Parking lots;
 - 12. Printing and publishing establishments;
 - 13. Processing and packaging of food products;
 - 14. Recycling collection point;
 - 15. Self-service storage facility;
 - 16. Telephone and electrical power distribution poles and lines;
 - 17. Warehousing, except the storage of chemicals, explosives, flammables and radioactive materials;
 - 18. Wholesale establishments;
 - 19. Retail sale of products accessory to and in the same structure as the principal use.

B. Conditional Uses and Structures

1. Manufacturing, processing, packaging or storage of chemicals, explosives, batteries, asphalt, cement, flammables, paint, poison, rubber, dyes, plastics and radioactive materials;
2. Airports, aircraft landing fields and hangers;
3. Salvage yards and storage of inoperable vehicles;
4. Dumps and waste disposal areas;
5. Farms operated for the disposal of sewage, rubbish or any waste material;
6. Feed mills, granaries and elevators;
7. Incinerators;
8. Mineral extraction or quarrying;
9. Planned unit developments;
10. Sanitary landfill operations;
11. Sewage treatment facilities;
12. Utilities;
13. One single family residence or watchman's quarters per site for the owner or proprietor, caretaker/watchman and their family, which is incidental to a permitted or conditional use;
14. Processing and packaging of recyclable materials;

C. Prohibited Uses

1. Any use not specifically listed as a permitted or conditional use.

D. Area, Height and Yard Requirements

Lot Size: Width and area of all lots to be determined in accordance with Section 2.7. General Provisions

Height: Maximum 60 feet

Yards: Rear - Minimum 25 feet

Side - Minimum 10 feet

Street - See Section 5. Setbacks, Access and off-street Parking

In addition, all new structures or extensions to existing structures shall be located a minimum distance of 50 feet from any Zoning District boundary line.

E. Off-Street Parking Requirements

Off-street parking shall be provided in accordance with Section 5. Setbacks, Access and off-street Parking

F. Site Plan Approval Requirement

To encourage a business and industrial use environment that is compatible with the character of the surrounding area, zoning permits for permitted and conditional uses shall not be issued without prior review and approval or conditional approval of the site plan. Said review and approval shall be concerned with surrounding land uses, signs, general layout, building plans, building materials, ingress and egress, traffic congestion, parking, loading and unloading areas, screening and landscaping plans, lighting and provisions for utilities including surface drainage.

SECTION 4. CONDITIONAL USES

4.1 Permit

The Town Board may authorize the Town Clerk to issue a Conditional Use Permit for conditional uses after review and a public hearing provided that such conditional uses or structures are in accordance with the purpose and intent of this Ordinance and are found not to be hazardous, harmful, offensive or otherwise adverse to the environment or value of the area.

4.2 Application

Applications for Conditional Use Permits shall be made to the Town Clerk on forms provided by him or her. Such applications shall be forwarded to the Town Board and Zoning Administrator by the Town Clerk. Such applications shall include where applicable;

Names and Addresses of the applicant, owner of the site, architect, professional engineer, contractor and all opposite and abutting property owners of record.

Description of the Subject Site by lot, block and recorded subdivision, certified survey map number or by metes and bounds; address of the subject site; type of structure; number of employees; proposed operation or use of the structure or site; and the Zoning District within which the subject site lies.

Sketch showing all of the information required under Section 2. General Provisions for a Zoning Permit and existing and proposed landscaping.

Additional Information as may be required by the Town Board or by the Zoning Administrator.

Fee in the amount as set by the Town Board.

4.3 Review and Approval

In reviewing an application for a Conditional Use Permit, the Town Board shall refer the proposed use to the Town Zoning Committee. The Town Zoning Committee shall evaluate the proposed use on:

1. The maintenance of safe and healthful conditions;
2. The prevention and control of water pollution including sedimentation;
3. Existing topographic, drainage features and vegetation cover on the site;
4. The location of the site with respect to floodplains and floodways of rivers or streams;
5. The erosion potential of the site based upon degree and direction of the slope, soil type and vegetation cover;
6. The location of the site with respect to existing or future access roads;
7. The need of the proposed use for a shoreline location;

8. Its compatibility with use on adjacent land;
9. The amount of liquid wastes to be generated and the adequacy of the proposed disposal system;
10. Structures or improvements within the prime agricultural district shall be consistent with agricultural uses.

After evaluation of the permit application, the Town Zoning Committee shall make a recommendation to the Town Board. The Town Board shall then vote on the application for a Conditional Use Permit.

4.4 Conditions

The Town Board may attach such conditions, in addition to those required elsewhere in this Ordinance, that it deems necessary in furthering the purpose of this Ordinance. Violation of any of these conditions shall be deemed a violation of this Ordinance. Such conditions may include, without limitation because of specific enumeration, specifications for:

1. Increased setback and yards;
2. Specified sewage disposal and water supply facilities;
3. Landscaping and planting screens;
4. Hours of operations or operational control;
5. Sureties;
6. Deed restrictions;
7. Locations of piers, docks, parking and signs;
8. Type of construction or any other requirement necessary to fulfill the purpose and intent of this Ordinance.

In order to secure information upon which to base its determination, the Town Board may require the applicant to furnish, in addition to the information required for a Zoning Permit, the following information:

1. A plan of the areas showing contours, soil types, high-water mark, groundwater conditions, bedrock, slope and vegetative covers;
2. Location of building, parking areas, traffic access, driveways, walkways, open spaces, landscaping and lighting;
3. Plans for buildings, sewage disposal facilities, water supply systems and arrangements of operations;
4. Specifications for areas of proposed filling, grading or dredging;
5. Other pertinent information necessary to determine if the proposed use meets the requirements of this Ordinance.

The Town Board, in evaluating each application, may request assistance from other local, county, state or federal agencies.

4.5 Public Hearings

The public hearings on applications shall be held by the Town Board. There shall be a published Class One (1) notice as provided in Chapter 985 of the Wisconsin Statutes. The Board shall notify all abutting or opposite property owners, as listed in the original application, of the time, date and subject matter of the hearing.

4.6 Compliance

Compliance with all other provisions of this Ordinance, such as lot width, area, yards, height, parking, loading, traffic, highway access and performance standards, shall be required of all conditional uses except as modified by this Section. Variances shall only be granted as provided in Section 9. Changes and Amendments

4.7 No Permit

No permit shall be granted where the proposed use is deemed to be inconsistent or conflicting with neighboring uses for reasons of smoke, odors, noise, vibration, lighting, health hazards or possibility of accidents.

4.8 Mobile/Manufactured Home Communities

In granting a permit for the development or improvement of a mobile/manufactured home community the Town Board shall make the following determinations:

1. The minimum size of a mobile/manufactured home community shall be ten (10) acres.
2. The maximum number of mobile/manufactured homes shall be ten (10) per acre.
3. Minimum dimensions of a mobile/manufactured home site shall be fifty (50) feet wide by eighty-five (85) feet long.
4. All drives, parking areas and walkways shall be hard surfaced.
5. In addition to the requirements of Section 5. Setbacks, Access And Off-Street Parking of this Ordinance, there shall be a minimum yard setback of forty (40) feet at all exterior lot lines of the mobile/manufactured home community.
6. It shall conform to the requirements of Chapter SPS 326, Wisconsin Administrative Code which shall apply until amended and then apply as amended.
7. No mobile/manufactured home shall be rented for a period of less than thirty (30) days.
8. Each mobile/manufactured home shall be separated from other mobile/manufactured homes by a yard not less than fifteen (15) feet wide.
9. There shall be two (2) surfaced automobile parking spaces for each mobile/manufactured home.

A temporary planting of fast growing material, capable of reaching a height of fifteen (15) feet or more and a permanent evergreen planting, the individual trees to be such a number and so arranged that within ten (10) years they will have formed a screen equivalent in opacity to a solid fence or wall. Such a permanent planting shall be grown or maintained to a height of not less than fifteen (15) feet.

4.9 Travel Trailer Courts and Campgrounds

Travel trailer courts and campgrounds are intended to be used on a temporary basis and are not intended to be used on a permanent basis.

Prior to granting a permit for the development or improvement of a travel trailer court or campground the Town Board shall make the following determinations:

1. The minimum size of a travel trailer park or campground shall be five (5) acres.
2. The maximum number of travel trailers or campsites shall be fifteen (15) per acre.
3. Minimum dimensions of a travel trailer site or campsite shall be twenty-five (25) feet wide by forty (40) feet long.
4. Each travel trailer or campsite shall be separated from other travel trailers or campsites by a yard not less than fifteen (15) feet wide.
5. There shall be one and one half (1½) automobile parking spaces for each travel trailer site and one (1) for each campsite.
6. In addition to the requirements of Section 5.0 of this Ordinance, there shall be a minimum yard setback of forty (40) feet from all exterior lot lines of the travel trailer park or campground.
7. It shall conform to the requirements of Chapter ATCP 79, Wisconsin Administrative Code, which shall apply until amended and then apply as amended.
8. The screening provisions for manufactured/mobile home parks are met.

4.10 Residential Uses in the Agricultural Districts (A-1 and A-2)

In granting a Conditional Use Permit for residential uses in the Agricultural Districts, the Town Board shall make the following determinations:

1. The proposed residential uses shall not adversely affect agricultural operations in surrounding areas or be situated so that future inhabitants of such residences might adversely be affected by agricultural operations in surrounding areas;
2. That the site(s) of the proposed residential uses are not well suited for agricultural use by virtue of wooded areas, topography, shape of the parcel, soil characteristics and similar factors;
3. That the site(s) proposed for residential use are particularly well suited for such use as indicated by rolling topography, wooded areas, soil types, vistas, proximity to lakes and streams or other similar factors, proximity to school bus routes, traffic access and safety;
4. The proposed residential use would be in conformance with the Town of Haney Land Use Plan.
5. If a non-farm residential cluster option is desired, the procedure for obtaining a permit for the development of a non-farm residential cluster option shall be as outlined in item numbers 4.1, 4.2, and 4.3 of Section 4. Conditional Uses of this Ordinance, except that the following requirements shall also apply;
 - a. The lot sizes shall be no less than two (2) acres or no more than five (5) acres.
 - b. Access to the lots must be via a public road.

- c. The lots shall abut one another, which may include separation by a public road.
- d. The proposed cluster housing development shall be developed for permanent single family dwellings suitable for year round occupation.
- e. For the A-1 Agriculture District, the proposed cluster housing development shall follow a ratio of one (1) acre to twenty (20) acres for non-farm residences. By way of example only, four (4) non-farm residential lots of two (2) acres each would require a total acreage of one hundred sixty (160) acres on the base farm parcel. The total number of non-farm dwellings shall not exceed four (4) units.
- f. For the A-2 Agriculture District, the proposed cluster housing development shall follow a ratio of one (1) dwelling per twenty (20) acres. By way of example only, five (5) total dwellings would require a total of one hundred (100) acres on the base farm parcel.
- g. A subdivision plan approved under Chapter 18 - Subdivision and Platting, from the Crawford County Code of Ordinances, shall be provided to the Town of Haney to ensure compliance with the requirements of this paragraph prior to the conditional use being granted. The subdivision plan must include a certified survey map.
- h. Once the conditional use has been approved and the number of housing units has been determined using the density calculation, it shall be required that the property owner permanently deed restrict the remainder of the property to nonresidential uses within one calendar year following the granting of the conditional use. A copy of the deed restriction shall be provided to the Town of Haney before any new zoning permits are issued.

4.11 Salvage and Junk Yards

No junk or salvage yards shall be permitted in the Town of Haney unless they comply with the following requirements:

1. No salvage or junk materials shall be located within five hundred (500) feet of the centerline of all Federal, State or County Trunk Highways or the boundary of a public park or within three hundred (300) feet of the centerline of all Town roads unless written permission is first obtained from the Town Board;
2. No salvage yard shall present a nuisance to public health;
3. All junk and salvage materials shall be screened by natural objects, plantings, fences or other appropriate means so as not to be visible from the highway, road, adjacent properties or park;
4. A fifteen (15) foot fire lane shall be maintained as follows: No junk or salvage materials shall be located closer than fifteen (15) feet to any object screening the salvage or junk yard;
5. Old farm machinery shall not be included within the meaning of “junk” or “salvage” materials.

4.12 Filling, Draining or Dredging of Wetlands in a Conservancy Zoning District

The applicant shall submit the following information with an application for a permit to the Town Board:

1. Plans for the project prepared by a licensed registered engineer showing and including the following:
 - a. A description of the general and specific nature and extent of the project;
 - b. A scaled accurate map of the area of the project showing, if appropriate, contours, soil types, high-water marks, nature of vegetative cover and specification of the location and extent of proposed filling, dredging and/or drainage.

2. An impact study which includes an assessment of the impact of the project on:
 - a. Wildlife on the site as well as in the general area;
 - b. Erosion, sedimentation, siltation, drainage and water quality on the site as well as in the general area;
 - c. Flood storage and water retention capacity;
 - d. Vegetation;
 - e. Scientific, educational, and historic values on the site and/or in the area;
 - f. A thorough statement of the need and justification to drain, fill and/or dredge the wetland in question.

A copy of all submitted information, together with any application(s) required for approval, shall immediately be sent to the designated office of the Department of Natural Resources and, where required, the designated office of the U.S. Army Corps of Engineers. The Town Board shall take no action on any permit request until such time as the requisite approvals or comments are provided by either or both agencies.

SECTION 5 SETBACKS, ACCESS AND OFF-STREET PARKING

5.1 Highway and Road Setbacks

For the purpose of determining the distance structures shall be setback from highways and roads, the following setbacks shall apply unless the yard regulations or modifications in this Ordinance allow a lesser yard or setback requirement.

This section shall not be interpreted so as to prohibit the planting and harvesting of field crops, shrubbery, or trees, providing that no building or structure, trees or shrubbery shall be so located, maintained or permitted to grow so that the view across the sectors at intersections shall be obstructed.

5.2 Highway and Road Setback Distances

The setback distance shall be as follows:

Front –fifty (50) feet from center line of existing street in Residential area.

Town and County Roads – Minimum seventy-five (75) feet from the centerline of the road or forty-two (42) feet from the edge of the right-of-way, whichever distance is greater.

State Highways – Minimum one hundred ten (110) feet from the centerline of the highway or sixty-seven (67) feet from the edge of the right-of-way, whichever distance is greater.

5.3 Building Setbacks from the Water

For lots that abut on navigable water as defined by the Crawford County Shoreland-Wetland Zoning Ordinance:

1. There shall be setbacks from both the roads and water.
2. All buildings and structures, except piers, wharves and boathouses shall be setback at least seventy-five (75) feet from all points along the normal high-water line and two (2) feet above the normal high-water elevation unless otherwise specified by this Ordinance.
3. The Crawford County Floodplain Zoning Ordinance and the Crawford County Shoreland-Wetland Zoning Ordinance shall be followed.

5.4 Loading Requirements

In all districts adequate loading areas shall be provided so that all vehicle loading, maneuvering or unloading does not project into traffic lanes.

5.5 Driveways

All driveways installed, altered, changed, replaced or extended after the effective date of this Ordinance shall require a permit and meet the requirements of the Town of Haney Private Road/Driveway Ordinance.

5.6 Off-Street Parking

Each use shall provide the following minimum off-street parking spaces. Each parking space shall be at least two hundred (200) square feet in area.

Dwellings – Two (2) spaces for each dwelling unit.

Restaurants, Taverns and Similar Establishments – One (1) space for each fifty (50) square feet of floor space devoted to patrons.

Motels and Resorts – One (1) space for each unit.

Retail Businesses and Service Establishments – One (1) space for each two hundred (200) square feet of floor area.

Industrial Uses and Warehouses – One (1) space for each two (2) employees on the premises at a maximum employment on the main shift.

Convenience Stores – One (1) space for each two hundred (200) square feet of floor area, plus two (2) spaces for each gas pump.

Any Use Not Specifically Named – shall be assigned to the most appropriate classification by the Town Board.

Combinations – of any of the above uses shall provide the total number of spaces required for each individual use.

Location – of off-street parking shall be on the same lot as the principal use or on a lot adjacent to the principal use.

SECTION 6. MODIFICATIONS

6.1 Height

The district height limitations stated elsewhere in the Ordinance may be exceeded, but such modification shall be in accord with the following:

Architectural Projections, such as spires, belfries, parapet walls, domes, flues and chimneys, are exempt from the height limitations of this Ordinance.

Special Structures, such as elevator penthouses, gas tanks, grain elevators, scenery lofts, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, smoke stacks and flag poles, are exempt from the height limitations of this Ordinance.

Essential Services, such as utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this Ordinance.

Communication Structures, such as radio and television transmission and relay towers, aerials and observation towers, shall not exceed in height three (3) times their distance from the nearest lot line. In addition, all towers or structures must comply with Crawford County's Telecommunications Regulations and Standards.

Agricultural Structures, such as barns, silos and windmills, are exempt from the height limitations of this Ordinance.

Public or Semi-Public Facilities, such as schools, churches, hospitals, monuments, libraries, governmental offices and stations may be erected to a height of sixty (60) feet.

6.2 Yards

The yard requirements stated elsewhere in this Ordinance may be modified as follows:

Architectural Projections, such as chimney flues, sills, eaves, belt courses and ornaments, may project into any required yard; but such projection shall not exceed two (2) feet.

Essential Services such as utilities, electric power and communication transmission lines are exempt from the yard requirements of this Ordinance.

Landscaping and Vegetation are exempt from the yard requirements of this Ordinance.

SECTION 7. NONCONFORMING USES, STRUCTURES AND LOTS

7.1 Existing Nonconforming Uses

The lawful nonconforming use of a structure, land or water, existing at the time of the adoption or amendment of this Ordinance may be continued though the use does not conform with the provisions of this Ordinance; however, only the portion of the land or water in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved or structurally altered except when required to do so by law or order so as to comply with the provisions of this Ordinance.

Total Lifetime Structural Repairs or Alterations shall not exceed fifty (50) percent of the municipality's assessed value of the structure unless it is permanently changed to conform to the use provisions of this Ordinance.

7.2 Abolishment or Replacement

If such nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure, land or water, shall conform to the provisions of this Ordinance. When a nonconforming use is damaged by fire, explosion, flood or any other event to the extent of more than fifty (50) percent of its current assessed value, it shall not be restored except so as to comply with the use provisions of this Ordinance.

7.3 Existing Nonconforming Structures

The lawful nonconforming structure existing at the time of the adoption or amendment of this Ordinance may be continued though its size or location does not conform to the lot width, lot area, yard, height, setback, parking, loading and access provisions of this Ordinance.

Additions and Enlargements to existing nonconforming structures are permitted and shall conform to the required building setback lines along water, streets, roads and highways and the yard, height, parking, loading and access provisions of this Ordinance.

Existing Nonconforming Structures which are damaged or destroyed by fire, explosion, flood or any other event, may be reconstructed but shall not further infringe upon the required building setback lines along streets, roads and highways and the yard, height, parking, loading and access provisions of this Ordinance except the size of a structure may be larger than the size it was immediately before the damage or destruction if necessary for the structure to comply with applicable state or federal requirements.

7.4 Changes and Substitutions

Once a nonconforming use or structure has been changed to conform, it shall not revert to a nonconforming use or structure. Once the Board of Appeals has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Board of Appeals.

SECTION 8. BOARD OF APPEALS

8.1 Establishment

There is hereby established a Board of Appeals for the Town of Haney appointed by the Town Board.

8.2 Organization

The Board of Appeals shall organize and adopt rules of procedure in conformance to Section 62.23(7)(e) 1-15 of the Wisconsin Statutes.

8.3 Rules

The Board of Appeals shall meet at the call of the chairperson and at such other times as the Board of Appeals may determine, at a fixed time and place.

All meetings of the Board of Appeals shall be open to the public.

Any public hearings which the Board of Appeals is required to hold shall be held in the Town Hall or other place convenient to the location or locations to be considered at such public hearing. A full description of the location of such place of hearing by name, address or other commonly known means of identification, shall be included in the notice given of such hearing. Other matters upon which the Board of Appeals is required to act may also be heard at such hearing providing that no undue hardship is created for any appellant by reason of the location of such hearing, providing such matters are included in the notice given of such hearing.

The Board of Appeals shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Appeals and shall be a public record.

The Board of Appeals may adopt such other rules as are necessary to carry into effect the regulations of the Town Board.

In the case of all appeals the Board of Appeals may call upon the Town Board and/or administrative officials for all information pertinent to the decision being appealed.

8.4 Powers

The Board of Appeals shall have the following powers:

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Town Board and/or administrative officials in the enforcement of this Ordinance.
2. To hear and decide special exceptions to the terms of this Ordinance upon which such board is required to pass under this Ordinance.

3. To authorize upon appeal in specific cases such variances from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of this Ordinance shall be observed, public safety and welfare secured and substantial justice done.
4. The Board may permit, in appropriate cases, and subject to appropriate conditions and safeguards in harmony with the general purpose and intent of this Ordinance, a building or premises to be erected or used for such public utility purposes in any location which is reasonably necessary for the public convenience and welfare.
5. The Board may reverse, affirm or wholly or partially modify the appealed requirements and may issue or direct the issuance of a permit.

Assistance – the Board may request assistance from other town or county officers, departments, commissions and board.

Oaths – the Chairperson may administer oaths and compel the attendance of witnesses.

8.5 Appeals and Applications

Appeals of the decisions of the administrative officials and/or the Town Board concerning the literal enforcement of this Ordinance may be made by any person aggrieved or by an officer, department or board of the Town. Such appeals shall be filed with the Town Clerk within thirty (30) calendar days after the date of written notice of the decision or order of the administrative officials and/or Town Board. Applications may be made by the owner or lessee of the structure, land or water to be effected at any time and shall be filed with the Town Clerk. Such appeals and applications shall include the following:

Names and Addresses of the appellant or applicant and all abutting and opposite property owners of record.

Sketch showing all the information required under Section 2.4 for a Land Use Permit.

Additional Information which was required for the decision being appealed or may be required by the Board of Appeals.

Fee in the amount as set by the Town Board.

8.6 Hearings

The Board of Appeals shall fix a reasonable time and place for the hearing, give a Class One (1) notice thereof as provided in Chapter 985 of the Wisconsin Statutes, and give due notice to the parties of interest, the administrative officials and the Town Board. At the hearing the applicant or the appellant may appear in person, by agent or attorney.

8.7 Decisions

The Board of Appeals shall decide all appeals and applications within thirty (30) calendar days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, the administrative officials and the Town Board.

Conditions may be placed upon any Zoning Permit ordered or authorized by this Board.

The concurring vote of two (2) members of the Board shall be necessary to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant on any matter required to pass under this Ordinance or to effect any variation in this Ordinance. The grounds of every such determination shall be stated.

8.8 Review by Court of Record

Any person or persons aggrieved by any decision of the Board of Appeals may commence an action seeking the remedy available by certiorari. (defined below) Such action shall be commenced within thirty (30) calendar days after the filing of the decision in the office of the Board of Appeals.

Certiorari (sur-shee-uh-rair-ahy)

word origin noun legal term

a writ issuing from a superior court calling up the record of a preceding in a lower court for review

SECTION 9. CHANGES AND AMENDMENTS

9.1 Authority

Whenever the public necessity, convenience, health, safety or general welfare requires the Town Board may, by Ordinance, change the district boundaries or amend, change or supplement the regulations established by this Ordinance or amendments thereto in accordance with Section 62.23(7) of the Wisconsin Statutes. Comprehensive revisions to this Ordinance need to be certified by the State Land and Water Conservation Board in order for landowners in the Exclusive Agricultural Zoning District to be eligible to receive tax credits.

9.2 Initiation

A petition for amendment may be made by any property owner in the area to be affected by the amendment or by the Town Board.

9.3 Petitions for Amendment

Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Town Clerk, who shall refer them to the Town Board. Such petitions shall 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:

Plot Plan drawn to a scale of one (1) inch equaling one hundred (100) feet 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 one hundred (100) feet of the area proposed to be rezoned.

Owners' Names and Addresses of all properties lying within one hundred (100) feet of the area proposed to be rezoned.

Additional Information required by the Town Board.

Fee in the amount as set by the Town Board.

9.4 Hearings

The Town Board shall hold a public hearing upon each petition. Notice of the time and place of such hearing shall be given by publications in the Town by a Class Two (2) Notice, under Chapter 985 of the Wisconsin Statutes.

9.5 Action by the Town Board

The Town Board shall refer the petition to the Zoning Committee for a recommendation from said committee. Within a reasonable period of time, the Town Board shall vote on the passage of the proposed change or amendment and will approve, modify or disapprove the petition.

9.6 Protest

In case of a protest against a proposed amendment, duly signed and acknowledged by any of the following:

1. The owners of twenty percent (20%) or more of the area of the land included in such proposed amendment;
2. The owners of twenty percent (20%) or more of the area of the land immediately adjacent extending one hundred (100) feet from there;
3. The owners of twenty percent (20%) or more of the land directly opposite thereto extending one hundred (100) feet from the road frontage of such opposite land.

Such an amendment shall not become effective except by the favorable vote of two-thirds (2/3) of the members of the Board voting on the proposed change.

9.7 A-1 Prime Agricultural District Rezoning

The Department of Agriculture, Trade and Consumer Protection shall be notified of all rezoning of land into or out of the exclusive agricultural use district as required in Section 91.48(2)-(3) of the Wisconsin Statutes.

Decisions on petitions for rezoning areas zoned for exclusive agricultural use shall be based on findings which consider the following:

1. Adequate public facilities to serve the development are present or will be provided;
2. Provision of these facilities will not be an unreasonable burden to local governments;
3. The land is suitable for development;
4. Development will not cause unreasonable air or water pollution, soil erosion or adverse effects on rare or irreplaceable natural areas;
5. The potential for conflict with remaining agricultural uses in the area;
6. The availability of alternative locations;
7. The productivity of the agricultural lands involved;
8. The location of the proposed district to minimize amount of agricultural land converted to nonagricultural uses;
9. The proposed rezoning will be consistent with goals and policies of the Crawford County Agricultural Preservation Plan and the Town of Haney Land Use Plan.
10. All rezones out of the certified district must meet the requirement of Section 91.48(1) of the Wisconsin Statutes.

SECTION 10 - DEFINITIONS

For the purpose of this Ordinance, certain words and terms are defined as listed below. Also, words used in the present tense signify time.” The word “shall” is mandatory and not discretionary.

Accessory Building or Structure

A detached structure subordinate to the principal use of a structure, land or water and located on the same lot or parcel serving a purpose customarily incidental to the principal structure.

Agricultural Use

Agricultural use means any of the following activities conducted for the purpose of producing an income or livelihood:

1. Crop or forage production;
2. Keeping livestock;
3. Beekeeping;
4. Nursery, sod or Christmas tree production;
5. Floriculture;
6. Aquaculture;
7. Fur farm;
8. Forest management;
9. Enrolling land in a federal agriculture commodity payment program or a federal or state agriculture land conservation payment program.

Animal Confinement Facility

A feedlot, dairy farm or other operation where livestock will be fed, confined, maintained or stabled for a total of 45 days or more in any 12 month period. This does not include pasture or winter grazing area.

Animal Unit

One animal unit as given in NR243.03 is 1000 pounds of animals.

Arterial Street

A public road or highway used or intended to be used primarily for fast or heavy through traffic. Arterial roads and highways shall include freeways, expressways and parkways.

Basement

That portion of any structure located partly below the average adjoining lot grade.

Building

See Structure

Building Area

Total ground coverage in square feet of all buildings and structures including garages, carports and other attached or accessory structures.

Building Height

The vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of flat roofs; to the mean height, level between the eaves and ridges of gable, gambrel, hip and pitch roofs; or to deck line of mansard roofs.

Conditional Uses

Uses of a special nature as to make impractical their predetermination as a permitted use in a district.

Consistent with Agricultural Use

Consistent with agricultural use means any activity that meets all of the following conditions:

1. The activity will not convert land that has been devoted primarily to agricultural use.
2. The activity will not limit the surrounding land’s potential for agricultural use.
3. The activity will not conflict with agricultural operations on the land subject to a working lands initiative agreement.
4. The activity will not conflict with agricultural operations on other properties.

Corner Lot

A lot abutting two (2) or more streets and/or roads at their intersection.

Density

Number of living units per acre allowable under the schedule of district regulations.

Duplex

A dwelling containing two (2) dwelling units.

Dwelling

A building designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, hotels, tents, cabins or mobile/manufactured homes; however, a mobile/manufactured home meeting the conditions of Section 2.10 General Provisions of this ordinance shall be defined as a dwelling.

Dwelling, Multiple Family

A dwelling containing three (3) or more dwelling units.

Dwelling, One Family

A dwelling containing one (1) dwelling unit.

Dwelling Unit

One (1) or more rooms which are arranged, designed or used as living quarters for one family only.

Essential Services

Services provided by public and private utilities necessary for the exercise of the principle use or service to the principal structure. These services include underground, surface or overhead gas, electricity, steam, water, sanitary sewage, storm water drainage, communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings.

Family

Any number of persons related by blood, adoption, or marriage not to exceed four (4) persons not so related, living together in one dwelling as a single housekeeping entity.

Farm

Farm means all land under common ownership that is primary devoted to agricultural use.

Farm Consolidation

The combination of two (2) or more farms to create a smaller number of farms.

Farm Family Business

Any lawful activity, except a farm operation, conducted primarily for any of the following:

1. The purchase, sale, lease or rental of personal or real property;
2. The manufacture, processing or marketing\sales of products, commodities or any other personal property;
3. The sale of services.

Such business shall be limited to existing farm residences or structures and no more than two (2) persons for a home business or eight (8) persons for a farm business who are not members of the resident farm family may be employed in the farm family business.

Floodfringe

That portion of the floodplain outside the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.

Floodplain

Land which has been or may be covered by flood water during the regional flood. It includes the floodway and floodfringe and may include other designated floodplain areas for regulatory purposes.

Floodway

The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

Floor Area

Area in square feet of all floors in a building, including elevators and stairways, measured by perimeter or outside walls multiplied by the number of floors, including basements that are used in the primary function of the building.

Home Occupation

Any occupation for gain or support conducted entirely within buildings by resident occupants, which is clearly incidental to the principal use of the premises, does not exceed twenty-five percent (25%) of the area of any floor and no product sold except that made on the premises.

Household Pets

Animals commonly found in residences as pets, such as dogs, cats, song birds and other small animals, providing that they are not raised or reared for commercial resale or as a source of staple supplement. Household pets shall not include horses, chickens, cows, goats, sheep, hogs or other animals not commonly found in residences.

Junk Yard

A parcel of land on which waste material, inoperative vehicles, and/or other machinery is collected, stored, salvaged or sold. Five (5) or more unlicensed or inoperable vehicles on the same premises shall be evidence of operation of a junk yard. Old farm machinery located on an operating farm shall not be included within the meaning of a junk yard.

Kennel

The use of land, with related buildings or structures, for the commercial breeding, rearing or boarding of more than four (4) dogs.

Livestock

Livestock means bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer and elk, farm-raised game birds, camelids, ratites, farm-raised fish and fur bearing animals

Loading Area

A completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public road.

Lot

A parcel of land having frontage on a public road, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, parking area and other space provision of this Ordinance.

Lot Width

The horizontal distance between side lot lines.

Minor Structures

A structure that is one hundred (100) square feet in area or less and is accessory to the principal use of the lot.

Mobile/Manufactured Home

A transportable, factory built, single-family dwelling unit suitable for year-round occupancy that contains the same water supply, waste disposal and electric conveniences as immobile housing.

Mobile/Manufactured Home Site

A parcel of land designed for the exclusive use of the occupants of a single mobile/manufactured home.

Mobile/Manufactured Home Community

A parcel of land under single ownership that has been planned and improved for the placement of mobile/manufactured homes for non-transient use.

Motel

A series of attached, semi-attached or detached sleeping units for the accommodation of transient guests.

Nonconforming Uses or Structures

Any structure, land or water, lawfully used, occupied or erected at the time of the effective date of this Ordinance or amendments thereto that does not conform to the regulations of this Ordinance or amendment thereto. Any such structure conforming in respect to use, but not in respect to frontage, width, height, area, yard, parking, loading or distance requirements shall be considered a nonconforming structure and not a nonconforming use.

Road

A public right-of-way intended to be used for passage or travel by motor vehicles.

Salvage Yard

See Junk Yard.

Side Yard

A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the nearest point of the principal structure and the lot line.

Sign

Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks by which anything is made or known and which are used to advertise or promote an individual firm, association, corporation, profession, business, commodity or product and which are visible from any public street, road or highway.

Street Or Road Dedication

Definition of **dedicated** - devoted to a task or purpose, exclusively allocated to or intended for a particular purpose. A street/or road becomes public when it is (1) dedicated to public use and (2) accepted by the municipality.

Street Yard

A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two (2) such yards.

Structure

Any erection or construction such as buildings, towers, masts, poles, booms, signs, decorations, carports, machinery and equipment.

Structural Alterations

Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams or girders.

Travel Trailer

A travel trailer is a vehicular, portable structure built on a chassis and designed as a temporary dwelling for travel and recreation.

Utilities

Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power and substations, static transformer stations, wireless communication facilities, TV, radio towers, and gas regulation stations, but excluding sewage disposal plants, municipal incinerators, warehouses, shops and storage yards.

Variance

An authorization granted by the Board of Appeals to construct, alter or use a building or structure in a manner that deviates from the standards of this Ordinance.

Wetlands

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

Yard

An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation. The street and rear yards extend the full width of the lot.

Zoning Administrator

The Zoning Administrator for the Town of Haney or such person or firm designated to perform the duties of the Zoning Administrator.

APPENDIX A

The following is a list of fees, subject to change, pertaining to this ordinance.

1. Rezone Petition	\$200.00
2. Conditional Use and/or Variance	\$200.00
3. Zoning Permit Fee:	
a. One (1) and two (2) family dwelling	\$50.00
b. Commercial building	\$50.00
c. Industrial building	\$50.00
d. Additional square footage added to dwelling or building	\$50.00
e. Accessory building or structure	\$25.00

Adopted and approved this _____ day of _____ 2018.

Elling Jones, Town Chairman

Timothy Keller, Town Supervisor

Deanna Steines, Town Supervisor

Attest:

Lucy Schwem, Town Clerk

Date Adopted: _____

Date Recorded: _____

Date Notice Published: _____

Effective Date: _____

Town of Haney Office phone # (608) 476-2245