

ORD. 148 + MODIFICATIONS AND SUPPLEMENTS

A COMPREHENSIVE ZONING ORDINANCE AMENDMENT FOR THE CITY OF HAYWARD, SAWYER COUNTY, WISCONSIN.

SECTION 1.0: INTRODUCTION: AUTHORITY, PURPOSE AND INTERPRETATION

For the purposes listed in Wisconsin Statutes, Section 62.23, the Common Council of the City of Hayward, Wisconsin does hereby amend all portions of the City of Hayward Zoning Code (Ordinance No. 128) as follows:

The provisions of this ordinance shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare to the city.

This ordinance shall not repeal, impair or modify private covenants or public ordinances, except that it shall apply whenever it imposes stricter restrictions on land use.

SECTION 2.0: DEFINITIONS

2.1 For the purposes of this ordinance certain terms or words herein shall be interpreted or defined as follows:

Words used in the present tense include the future tense. The singular includes the plural. The word "person" includes an individual, all partnerships, associations, and bodies politic and corporate. The word "lot" includes the words "plot" or "parcel". The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."

(1) ACCESSORY USE: *A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building, including the use or building, commonly known as a garage, whether or not the same is attached to the principal building. (197.1)*

(2) BOATHOUSE: Any structure located on the same lot as the principal building and used for protecting or storing of boats used for non commercial purposes in conjunction with a residence.

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

(4) BUILDING, HEIGHT OF: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gable roofs.

(5) CAMPING-GROUND: A parcel of land used or intended to be used let or rented for occupancy by campers or for occupancy by or of trailers, tents or movable or temporary dwellings, rooms or sleeping quarters of any kind. Include single-as school bus converted.

(6) DWELLING: A building designed or used exclusively as the living quarters for one of more families, *including a manufactured home. (303.1)*

(7) DWELLING, MULTI-FAMILY: A dwelling or groups of dwellings on one plot containing separate living units for two or more families, but which may have joint services or facilities of both.

(8) ESSENTIAL SERVICES: Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground surface or overhead gas, electrical, steam, water, sanitary sewage, storm water drainage, and 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.

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

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

(11) FLOOD PLAIN: The land adjacent to a water course or other body of water subject to overflow therefrom.

- (12) HOME OCCUPATION: A gainful occupation conducted by a member of the family, within his or her place of residence, where the space used is incidental to residential use and no article is sold or offered for sale except as is produced by such home occupation.
- (13) HOSPITAL: Unless otherwise specified, the term "hospital" shall be deemed to include sanitarium, sanatorium, preventorium, clinic, rest home, nursing home, convalescent home and any other place for this diagnosis, treatment or other care of ailments, and shall be deemed to be limited to places for diagnosis, treatment or other care of human ailments.
- (14) JUNK YARD: A lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of waste paper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition and for the sale of parts thereof.
- (15) LOT: A parcel of land occupied or capable of being occupied by one building and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this ordinance.
- (16) LOT, DEPTH OF: A mean horizontal distance between the front and rear lot lines, measured in the general direction of its side lot lines.
- (17) LOT, WIDTH OF: The mean width measured at right angle to its depth.
- (18) LOT LINES: Any line dividing one lot from another.
- (19) MOBILE HOME: Any structure originally designed to be capable of transportation by any motor vehicle upon public highway which does not require substantial on-site fabrication; which is intended for occupancy as a year-round residence.
- (20) NAVIGABLE WATER: Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other water within the territorial limits of this state, including the Wisconsin portion of the boundary waters, which are navigable under the laws of this state.
- (21) NONCONFORMING USE: A building, structure, or use of land existing at the time of enactment or this ordinance, and which does not conform to the regulations of the district or zone in which it is situated.
- (22) SIGN: A sign is any structure or natural object or part thereof or device attached thereto or printed or represented thereon which is intended to attract attention to any object, product, place, activity, person, institution, organization, or business, or which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation used as or which is in the nature of an announcement, direction, or advertisement.
- (23) STRUCTURE: Any construction, excluding fills, or any production or piece of work artificially built or composed of parts joined together in some definite manner having form, shape and utility. Any pole, including its base, used for the display of any county, state and/or national flag shall not be considered a structure. (433)**
- (24) TRAILER: A portable vehicle designed and used for temporary living purposes.
- (25) USE: The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.
- (26) YARD, FRONT: An open unoccupied space on the same lot with the building between the front line of the building and the front line of the lot and extending the full length of the lot.
- (27) YARD, REAR: An open unoccupied space on the same lot with the building between the rear line of the building and the rear line of the lot and extending the full width of the lot.
- (28) YARD, SIDE: An open unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.
- (29) MANUFACTURED HOME: A structure certified and labeled as a manufactured home under 42 U.S.C. Sections 5401 to 5426, which when placed on the Site:**
- A. Is set on an enclosed foundation in accordance with Section 70.043 (1) of the Wisconsin Statutes and subchapters III, IV and V of Chapter ILHR 21, Wisconsin Administrative Code, or is set on a comparable enclosed foundation system approved by the City Public Works Director or his duly authorized representative. The City of Hayward Public Works Director or his duly authorized representative may require a plan to be certified by a registered architect or engineer to ensure proper support for the home.**
- B. Is installed in accordance with the manufacture's instructions.**
- C. Is properly connected to utilities. (303.2)**
- (29) TRANSITIONAL LIVING FACILITY: Any non-owner occupied structure used to house prisoners, convicted felons, or sex offenders in a supervised or monitored setting, which is not a community living arrangement. (464)**

SECTION 3.0: ZONING DISTRICTS AND MAP

3.1 Establishment of Districts

For the purposes of this ordinance, the City of Hayward is hereby divided into the following zoning districts:

- (1) R-1 Residential
- (2) A-1 Agricultural District
- (3) C-1 Commercial District
- C-2 Commercial District 2 (225)**
- C-3 Commercial District 3 (321)**
- C-4 Commercial District 4 (355)**
- (4) I-1 Industrial District
- I-2 Light Industry (255)**
- (5) F-1 Forestry District
- (6) W-1 Resource Conservation District
- (7) FP-1 General Floodplain District (an overlay district)
- (8) PUD Planned Unit Development District

3.2 Zoning Map and District Boundaries

The official zoning district map is an integral part of this ordinance. The single official copy of this map entitled "City of Hayward Official Zoning Map," together with a copy of this ordinance, shall be available for public inspection during office hours. The map shall be certified by the Mayor and attested by the City Clerk. Any changes in the zoning district boundaries shall be recorded on the map. No such change shall be effective until so recorded and until a duly certified and attested certificate describing the change is filed with the map.

The district boundaries are either streets or alleys unless otherwise shown, and where the designation on the map indicates that the various districts are approximately bounded by a street or alley line, such street or alley line shall be construed to be the district boundary line.

Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lot lines, and where the designations on the map are approximately bounded by lot lines, said lot line shall be construed to be the boundary of the district.

In un-subdivided property, the district boundary shown on the map shall be determined by use of the scale shown on such map.

The following land uses and minimum dimensional requirements apply to the district delineations on the zoning district map:

3.3 Dimensional Requirements *(197.2) & (225, C-2), (255, I-2), (321, C-3), (355, C-4),*

	R-1	A-1	C-1/2/3/4	I-1/2	F-1
Building Height	35	35	35	60	35
Required Lot Area (Sq Ft)					
With Public Sewer	10,000**	5 acres	10,000	1 acre/20,000	20,000
Without Public Sewer	15,000***		20,000		
(A duplex may be allowed on a sub-standard lot under a conditional use permit.)					
Minimum Lot Width					
With Public Sewer	75	300	75	200/125	100
Without Public Sewer	100		100		

Yard Required****

Front	30	50	10	50/30	30
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If the posted speed limit of the street on which the property fronts is less than 35 mph.

(Note: If the speed limit is 35 mph or greater., Sec. 4.2)(490)

Side

Principal building	10	20	10	20	10
Accessory building	5	10	5	10	5

(A zero setback may be allowed on side-yards where the adjacent owners affected agree to zero setback, subject to the City of Hayward granting a conditional use permit for said zero setback.

Rear: Principal Building	40	50	20	50	40
Accessory Building	5	50	20	50	40

(Other than attached garage) Rear (393.1)

(A garage having its main entry directly facing the alley shall be allowed to be constructed within 18' of the rear property line.)
(Lesser setbacks than those set forth above may be allowed by the granting of a conditional use permit.)

Floor Area, Residence

Square feet, minimum					
3 or more bedrooms	900	900	600	600	600
2 bedrooms	800	800	500	500	500
1 bedroom	700	400	400	400	400

(The dimensional requirements as set forth in this section shall take precedence over setback provisions as set forth in Section 4.2 of this Ordinance.)

(In the event a residence has at least a "1/2" basement available for use by each residence, the above minimum floor areas in each instance, shall be reduced by an additional 100 square feet.)

Parking-Off Street (Parking requirements as set forth herein for parking off street and parking places of public gathering may be modified under conditional use permit.)	1 per family	1 per family	1 per 200 sq ft	1 per 2 employees	1 per family
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Parking-Places of Public gathering	1 per 5 seats	1 per 5 seats
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Truck Loading Area Sufficient Space so that no streets or alleys need be blocked.

* Unless specified elsewhere in this ordinance or on the official zoning map, the dimensional requirements of this schedule shall apply to the respective listed districts. Requirement for the W-1; Resource Conservation, FP-1; General Flood-plain, and the PUD; Planned Unit Development are contained in succeeding pages.)

** Minimum for one-family dwellings; add 5,000 for each additional unit over one.

*** Plus any additional area required by Wisconsin Administrative Code, Sec. 65.03.

**** In developed areas the front yard setback of new structures shall be determined by an average of the adjacent setbacks on either side, or in line with them.

R-1: RESIDENTIAL DISTRICT

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

a. Permitted Uses

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

b. Uses Authorized by Conditional Permit

- (1) Multi-family (3 or more) dwelling units.
- (2) Rooming or boarding houses.
- (3) Mobile home parks subject to the provisions of Section 6.0.
- (4) Public and semi-public uses including but not limited to the following: public and private schools, churches, public parks and recreation areas, hospitals, rest homes and homes for the aged, fire and police stations, historic sites. Sewage disposal plants, garbage incinerators and maintenance, repair or storage buildings shall not be permitted.
- (5) Telephone, telegraph and power transmission towers, poles and lines, including transformers, substations, relay and repeater stations, equipment housing and other necessary appurtenant equipment and structures
- (6) Home occupations or professional offices provided no such uses occupies more than 25% of the total floor area of the dwelling, not more than one nonresident person is employed on the premises, and such use will not include an operational activity that will create a nuisance to be otherwise incompatible with the surrounding residential area.
- (7) *Transitional Living Facilities. (464)***
- (8) *Off-premise parking for commercial property may be allowed provided the commercial property and residential property are owned and maintained by the same individual/entity. The off-premise parking shall not be counted as part of the required off-street parking for the commercial property. (490)***

A-1: AGRICULTURAL DISTRICT

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

a. Permitted Uses

- (1) One-family and two-family farm residences but only when occupied by owners and/or persons engaged in farming activities on the premises.

- (2) All agricultural land uses, buildings, and activities, except farms for disposal of garbage or offal.
- (3) Roadside stands for the sale of products grown on the premises, if sufficient off-street parking space for customers is provided.
- (4) Agricultural processing industries and warehouses, except slaughter houses, and rendering and fertilizer plants.
- (5) Vacation farms and other farm oriented recreational uses such as riding stables, winter sports activities, and game farms.
- (6) Cemeteries and mausoleums.
- (7) Essential services and utilities intended to serve a permitted principal use on the premise.
- (8) Woodlots and tree farms.
- (9) Customary accessory uses provided such uses are clearly incidental to a principal use on the premise.
- (10) Signs subject to the provisions of Section 5.

b. Uses Authorized by Conditional Use Permit

- (1) One-family and two-family year round dwellings.
- (2) Mobile home parks and trailer parks subject to the provisions of Section 6.0.
- (3) A single mobile home provided the lot area and setback requirements of this district are met and the owner provides an accessory building or garage for storage purposes.
- (4) Dumps for the disposal of garbage, sewage, rubbish, or offal, subject to the applicable provisions of Wisconsin Administrative Code and the provisions of Section 6.0.
- (5) Slaughterhouses, rendering and fertilizer plants.
- (6) Public and semi-public uses including but not limited to the following: public and private schools, churches, public parks, and recreation areas, hospitals, rest homes and homes for the aged, fire and police stations, historic sites. Sewage disposal plants, garbage incinerators and maintenance, repair or storage buildings shall not be permitted.
- (7) Telephone, telegraph and power transmission towers, poles and lines, including transformers, substations, relay and repeater stations, equipment housing and other necessary appurtenant equipment and structures.
- (8) Flea markets and farmers markets. (430)**

c. **Other Uses (430)**

- (1) All sales of merchandise (new or used) and other special events shall be brought before the full Common Council of the City of Hayward on a case by case basis.**

C-1: COMMERCIAL DISTRICT

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

a. Permitted Uses

- (1) Retail stores and shops offering convenience goods and services.
- (2) Business and professional offices and studios.
- (3) Banks and savings and loan offices
- (4) Public and semi-public buildings and institutions.
- (5) Commercial entertainment facilities.
- (6) Laundromats
- (7) Restaurants
- (8) Taverns
- (9) Medical and dental clinics
- (10) Auto service stations and maintenance facilities
- (11) Public and private marinas
- (12) Recreation service oriented facilities
- (13) Motels and tourist homes
- (14) Rooming and boarding houses

b. Uses Authorized by Conditional Use Permit

- (1) Public and semi-public conditional uses as stated in the R-1 district.
- (2) New and used car sales establishments
- (3) Wholesale establishments

- (4) Transportation terminals
- (5) Farm implement sales firms
- (6) Outdoor theaters
- (7) Miniature golf, go-karts, and amusement parks
- (8) Drive-in establishments offering in-car service to customers.
- (9) Apartments
- (10) Transitional Living Facilities. (464)**
- (10) Shooting gallery for arrows. (472)**

C-2: COMMERCIAL DISTRICT 2 (225.2)

This district provides for the orderly and attractive grouping, at appropriate locations, for commercial and quasi-commercial enterprises, restricted to the following uses:

- a. Permitted Uses - Facilities Limited to the Following:
 - (1) Business and professional offices and studios.
 - (2) Banks and savings and loan and credit union offices.
 - (3) Public and semi-public institutions.
 - (4) Medical and dental clinics.
 - (5) Churches.
 - (6) Apartment buildings.
 - (7) Funeral Homes.
 - (8) Day Care Centers.
 - (9) Barber shops and beauty shops.
- b. Uses Authorized by Conditional Permit.
 - (1) Public and semi-public and conditional uses as stated is the R-1 District, but not enumerated in the permitted use section of this amendment.
 - (2) Transitional Living Facilities. (464)**

C-3: COMMERCIAL DISTRICT 3 (321.2)

This district provides for the orderly and attractive grouping, at appropriate locations, for commercial and quasi-commercial enterprises and light manufacturing, restricted to the following uses:

- a. Permitted Uses:
 - (1) All uses allowed in Commercial 1 (C-1) and Commercial Two (C-2) Districts.
 - (2) Power company facilities, excluding generating plants.
- b. Uses authorized by Conditional Permit.
 - (1) All conditional uses allowed in Commercial 1 (C-1) and Commercial Two (C-2) Districts.
 - (2) Light manufacturing facilities where assembly and storage is wholly contained within one or more enclosed structures and where no noise pollution, hazardous materials pollution, odor pollution, fumes pollution or smoke pollution will be created by the operations conducted upon the premises.

C-4: COMMERCIAL DISTRICT 4 (355.2)

This district provides for the multipurpose development for distributorships, office space, light industrial, and warehousing, while preserving and protecting the natural resources in the area. It is intended to encourage such development by providing the proper environment for economic development.

- a. Permitted Uses:
 - (1) Business and professional offices and studios
 - (2) Public and semi public buildings and institutions
 - (3) Medical and dental clinics
 - (4) Distributorship

- (5) General warehousing
- (6) Public and private parks
- (7) Wildlife preserve
- (8) Retail Sales – so long as the retail sales are incidental to the primary use of the property and the sales area of the premises is less than fifteen percent (15%) of the total square footage of the subject premises. (384.2)**

- b. Uses Authorized by a Conditional Permit:
 - (1) Recreation service oriented facilities
 - (2) Light manufacturing facilities where assembly and storage is wholly contained within one or more enclosed structures and where no noise pollution, hazardous materials pollution, odor pollution, fumes pollution or smoke pollution will be created by the operations conducted upon the premises.
 - (3) Transportation terminals

I-1: INDUSTRIAL DISTRICT

This district is intended to provide for manufacturing and industrial operations which, on the basis of actual physical and operational characteristics, would not be detrimental to surrounding areas by reason of smoke, noise, dust, odor, traffic, physical appearance or similar factors relating to public health, welfare, and safety. Those industries requiring outdoor storage for raw materials and/or finished products may be required to provide a fence to screen in accordance with the provisions of Section 6.0.

- a. Permitted Uses*
 - (1) Manufacturing, assembly, fabricating and processing plants and similar type industrial operations consistent with the purposes of this district.
 - (2) General warehousing
 - (3) Accessory uses clearly incidental to a permitted use.
- b. Uses Authorized by Conditional Permit
 - (1) Salvage yards, subject to the provisions of Section 6.0.
 - (2) Quarrying, mining, and processing of products from these activities, subject to the provisions of Section 6.0.

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

I-2: INDUSTRIAL DISTRICT (LIGHT INDUSTRY) (255)

This district shall provide for light industry within the City of Hayward. The specific uses to be established within said I-2 District shall be established through Conditional Use Permit provisions, under this ordinance. It is the intent of the Common Council of the City of Hayward to provide for light industry in a less restrictive nature than as required for the I-1 Industrial District, as set forth in this ordinance.

The City of Hayward may impose other requirements as necessary to effectuate the use of lands within the Industrial 2 District, for the purposed of “Light Industry”.

F-1: FORESTRY DISTRICT

This district provides for the continuation of forest programs and related uses in those areas best suited for such activities. It is intended to encourage forest management programs and also recognize the value of the forest as a recreational resource by permitting as a conditional use certain recreational activities, which when adequately developed, are not incompatible to the forest.

- a. Permitted Uses
 - (1) Production of forest crops, including tree plantations.
 - (2) Harvesting of wild crops such as marsh hay, ferns, moss, berries, tree fruits and tree seeds.

- (3) Hiking trails, wildlife refuges.
- (4) Signs, subject to the provisions of Section 5.0.

b. Uses Authorized by Conditional Permit

- (1) Hunting and fishing cabins.
- (2) Seasonal dwellings and customary accessory buildings such as private garages and carports on the same lot as the seasonal dwelling unit.
- (3) Public and private parks, playgrounds and winter sports areas.
- (4) Dams, plants for production of electric power and flowage rates.
- (5) Trailer camps subject to the provisions of Section 6.0.
- (6) Forest connected industries such as sawmills, debarking operations, chipping facilities and similar operations. Pulp and paper production plants are not permitted.
- (7) Recreation and youth camps.
- (8) Riding stables
- (9) Shooting ranges
- (10) Quarrying and mining operations subject to the provisions of Section 6.0.
- (11) Year-around residences for caretakers of recreational areas.
- (12) Telephone, telegraph, and power transmission towers, poles, and lines including transformers, substations, relay and repeater stations, equipment housings and other necessary appurtenant equipment and structures, micro-wave radio relay towers.

W-1: RESOURCE CONSERVATION DISTRICT

This district is intended to be used to prevent destruction of natural or man-made resources and to protect water courses including the shorelands of navigable waters, and areas which are not adequately drained, or which are subject to periodic flooding, where developments would result in hazards to health, safety; would deplete or destroy resources; or be otherwise incompatible with the public welfare.

a. Permitted Uses

- (1) Public fish hatcheries
- (2) Soil and water conservation programs
- (3) Forest management programs
- (4) Wildlife preserves

b. Uses Authorized by Conditional Permit

- (1) Drainage where such activity will not be in conflict with the stated purposes of this district.
- (2) Public and private parks
- (3) Dams, plants for the production of electric power and flowage areas.
- (4) Grazing where such activities will not be in conflict with the stated purposes of this district.
- (5) Accessory structures such as hunting and fishing lodges.
- (6) Orchards and wild crop harvestings.
- (7) Telephone, telegraph and power transmission towers, poles and lines including transformers, substations, relay and repeater stations, equipment housing and other necessary appurtenant equipment and structures, radio and television stations and transmission towers, fire towers, and microwave radio relay towers.
- (8) Trailer camps, subject to the provisions of Section 6.0.
- (9) Signs, subject to the provisions of Section 5.0.

No use shall involve dumping of filling of mineral soil or peat removal or any other use that would disturb the natural fauna, flora, water courses, water regiment or topography.

FP-1: GENERAL FLOODPLAIN DISTRICT* (OVERLAY DISTRICT)

The purpose of this district is to promote the public health, safety, and general welfare by (1) prohibiting floodplain uses such as fill, dumping, storage of materials, structures, buildings and any other works with acting alone or in combination with other existing or future uses which will increase potential flood heights and velocities and by (2) requiring the storage or processing of materials that are buoyant, flammable, or potentially dangerous to human, animal or plant life and the construction, reconstruction, or alteration to structures and buildings on or that are moved on the floodplain to be elevated above the flood potential in such a way to prevent future

loss of life and property damage, public responsibilities for rescue and relief, and the installation of public streets, sewer, water and other public utilities or services below the flood potential.

a. Permitted Uses

(1) Any open space use as permitted in the underlying districts, subject to the standards set forth in all Wisconsin Statutes and Administrative Codes governing the use of areas subject to flooding.

* Note: This overlay district will be added to the City of Hayward Official Zoning Map as soon as the State of Wisconsin Department of Natural Resources and the U.S. Army Corps of Engineers have established flood elevations for the Namekagon River through Hayward. In the interim, the city will consider the record high water mark for Lake Hayward and the Namekagon River as the boundaries of the floodplain overlay district.

PUD: PLANNED UNIT DEVELOPMENT DISTRICT

The PUD District is intended to provide for large-scale residential or residential/recreational development. This District shall have no definite boundaries until such are approved by the City Council on the recommendation of the Planning Commission in accordance with the procedures prescribed for zoning amendments by Wisconsin Statutes, Section 62.23. Plans for the proposed development shall be submitted in duplicate, and shall show the location, size, and the proposed use of all structures and land included in the areas involved. The plans may provide for a combination of single and multi-family development as well as related commercial use, provided that the plans indicate that:

- (1) A single area of at least five acres is involved.
- (2) Each residential building and lot in the District will conform to the R-1 District requirements and each commercial building and lot will conform to the C-1 District requirements.
- (3) Adequate streets and sidewalks as determined to serve the needs of the areas involved will be provided.
- (4) Adequate access to public streets and proper internal circulation will be provided.
- (5) Adequate sewer and water facilities will be provided.
- (6) The development will constitute a reasonable extension of the living areas in the city and will be compatible with surrounding land uses.

SECTION 4.0: GENERAL PROVISIONS

4.1 Application of Provisions

The use of any land or water; the size, shape and placement of lot; the use, size, height, type, and location of structures thereon; and the provisions for open spaces shall be in compliance with the regulations set forth of the "Official Zoning Map, City of Hayward, Wisconsin," and in the text of this ordinance.

4.2 Standard District Provisions

(1) Setback Requirements on Highways and Roads

(490) The setback along highways and road with speeds equal to or greater than 35 miles per hour shall be eighty (80) feet from the center line or forty (40) feet from the right-of-way, whichever is greater.

(a) All State and U.S. numbered highways are hereby designated Class A highways

(b) All county trunk highways not otherwise designated as Class A highways are hereby designated Class B highways.

(c) All city streets and town roads not otherwise designated Class A or B highways are hereby designated Class C highways.

(d) Along highways and roads with posted speeds less than 35 miles per hour, a setback equal to the average setback of existing principal buildings located within 500 feet of a proposed building site and on the same side of the street shall be permitted where five of these buildings do not conform with the appropriate setback line. (490)

(e) (197.3) Minor readily removable structures such as open fences or signs permitted by this ordinance may be placed within setback lines, subject to the granting of a conditional use permit. Public utility equipment without permanent foundations shall be permitted without the necessity for said public utility obtaining a conditional use permit. When deemed necessary by the Hayward Planning Commission in connection with development such as highway improvement programs, property owners and public

utilities shall remove, at their own expense and without right of compensation, any such structures erected within setback lines established by this ordinance. (197.3)
(e) Per Ordinance 393.2: Section 3 of Ordinance #197 is deleted in its entirety and replaced as follows: *(To do so would ignore utilities?) Fences are allowed on property provided the property owner applying for a permit for a fence obtains a written agreement from the adjoining property owner/owners regarding location, design and style of the fence, prior to any permit being issued.

(2) Visual Clearance at Intersections

In each quadrant of every street intersection there shall be designated a vision clearance triangle, bounded by the inner street lines and a line connecting them 35 feet from their intersection. Within this triangle no object shall be allowed above a height of two and one-half feet above the streets if it obstructs the view across the triangle. Posts or open fences are excluded from this provision. Tree trunks shall be exempt where they are unbranched to a height of ten feet and located a minimum of 30 feet apart.

(3) Access Driveways (441)

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

	<i>Minimum Distance of Highway Frontage Between Access Driveways For Separate Land Uses</i>	<i>Minimum Distance the Nearest Edge of an Access Driveway May Be From the Right of Way of Any Highway or Street</i>
<i>Class of Highway</i>		
<i>Class A Highways, Federal Aid Highways:</i>		
<i>Primary</i>	<i>600 feet</i>	<i>75 feet</i>
<i>Secondary</i>	<i>500 feet</i>	
<i>Class B Highways</i>	<i>300 feet</i>	
<i>Class C Highways</i>	<i>75 feet</i>	

Where there is more than one lot abutting on Class A and Class B highways between access driveways, a service road of not less than 50 feet right-of-way, shall be provided across the entire frontage of each lot unless a temporary access permit has been granted with the approval of the agency having jurisdiction over the highway. Use of access is limited to the use authorized in the temporary access permit. This permit will be revoked when a frontage road is provided.

Upon a recommendation from the Public Works Committee, the Common Council of the City of Hayward may, on a case by case basis, approve an access driveway located less than 75 feet from the right-of-way of any city street, due to circumstances unique to the property. Said approval shall be memorialized by a resolution adopted by a majority vote of the Common Council of the City of Hayward at the next regularly scheduled meeting of the full Common Council.

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

<u><i>Type of Access Driveway</i></u>	<u><i>Maximum Number of Access Driveways</i></u>	<u><i>Maximum Width of Access Driveways</i></u>
<i>Commercial and Industrial Land Uses</i>	<i>2</i>	<i>35 feet</i>
<i>Other Land Uses</i>	<i>1 (Additional allowed by Conditional Use Permit)</i>	<i>24 feet</i>

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

4) Excessive Height Permitted

Heights of the following structures may exceed ordinance limits for the district in which it is to be located with the approval of the Hayward Planning Commission; cooling towers, penthouses, stacks, look out towers, silos, windmills, water towers, spires, radio and

television aerials, masts, antennae and necessary mechanical appurtenances and other approved special structures.

(5) Lot Sizes

(a) After adoption of this ordinance, no lot area shall be so reduced that the dimensional and yard requirements required by this ordinance cannot be met. Lots existing and of record prior to the adoption of this ordinance, but of substandard size, may be devoted to uses permitted in this district in which located.

(b) If two or more substandard lots with continuous frontage have the same ownership as of the effective date of this ordinance, the lots involved, shall be considered to be an individual parcel for the purposes of this ordinance.

(c) Lots created after adoption of this ordinance and which are not served by public sewer systems shall meet minimum area requirements of the Sawyer County Sanitary Code.

(6) Accessory Uses and Structures

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

(7) Drainage, Sanitation and Water Supply

(a) No principal building shall be erected, structurally altered, or relocated on land which is not adequately drained at all times by reason of adverse soil conditions, steep slopes, shallow impermeable bedrock, periodic flooding, or where the lowest floor level is less than 4 feet above the highest groundwater level. This section shall not apply in areas served by city sanitary sewers.

(b) No principal building intended for human use or occupancy shall be erected, structurally altered, or relocated on a lot, unless provision is made for safe and adequate facilities for water supply and disposal of sewage in accordance with the regulations of the Sawyer County Sanitary Code and the appropriate requirements of the Wisconsin Administrative Code.

(c) The City of Hayward Building Inspector or License and Permit Committee of the City Council shall not hereafter authorize a building to be erected, structurally altered, or relocated which has a private waste disposal system unless the plans for the system have been reviewed in accordance with the provisions of the Sawyer County Sanitary Code and a sanitary permit has been issued. Private sewage disposal systems for dwelling units shall meet the location requirements of the Sawyer County Sanitary Code and the applicable minimum standards of the Wisconsin Administrative Code.

(d) Where connection is not to be made to a public water system, no residential use shall be permitted unless provision is made for a safe and adequate supply of drinking water located on the premises, a permit for which has been obtained in accordance with the provisions of the Sawyer County Sanitary Code.

(e) Planned unit developments shall be served by the city's sanitary sewerage facilities or by sewerage facilities which meet the requirements of the Sawyer County Sanitary Code and the applicable minimum standards of the Wisconsin Administrative Code.

(8) Excepting in the fire zone, nothing in this Ordinance shall prevent re-building a structure in the exact location and for the same use as its previous use, irrespective of zoning and setback requirements, should said structure be destroyed by fire or other means or razed for the purpose of improving the former structure subject to the review by the Building Inspector and Licensing and Permits Committee.

4.3 Supplementary Regulations

(1) Airport Safety Zones -Pursuant to State Statute 114.136 (2)(8)

(2) Off-Street Parking. Any building hereafter erected or placed on a lot shall be provided with off-street parking spaces for those using such buildings.

(a) Each parking space required shall be a minimum of nine (9) feet wide and eighteen (18) feet in length. (490)

(b) Residential uses shall be provided with at least one (1) parking space for each dwelling unit.

(c) Commercial and industrial uses as listed and permitted in the zoning districts, shall be provided, except as noted below with 1 parking space for each 200 square feet of floor area. However, restaurants, taverns, and similar establishments shall be provided with at least 1 space for each 3 seats devoted to patron use; motels, tourist cabins and similar establishments shall be provided with at least 1 space for each unit; drive-in eating stands offering in-car service shall be provided with at least 4 spaced for each person employed to serve customers.

(d) Public gathering uses shall be provided with at least 1 space for each 5 patrons to be accommodated on the premises.

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

(4) Notwithstanding provisions set forth in paragraphs numbered (1) (2) or (3), said provisions may be modified by the granting of a conditional use permit where the Hayward Planning Commission deems said modification to be in the best interest of the City of Hayward and adjacent land owners." (197.4)

(5) Adverse Effects on Properties. Construction, grading, excavating, snow removal or other similar activities which result in drainage, runoff, erosion or the depositing of materials on adjacent properties shall not be allowed. (490)

4.4 Shoreland Regulations

(1) Setback. For lots that abut on navigable waters the following setback regulations shall apply:

(a) All permanent structures, except piers and boathouses, shall be set back 75 feet from the normal high-water elevation of navigable waters. (477)

(b) Private sewage disposal systems shall conform to the setback requirements of the Sawyer County Sanitary Code and the applicable rules, regulations and laws as set forth in the Wisconsin Statutes and the Wisconsin Administrative Code. (477)

(c) The City of Hayward Building Inspector shall determine the normal highwater elevation where not established. (477)

(2) Cutting of trees and natural shrubbery within a strip paralleling the shoreline and extending inland 35 feet from the normal highwater mark of the shoreline, shall be limited as follows:

Within any 100-foot length of this strip no more than 30% shall be clear cut.

(a) A conditional use permit will be required for any clear cutting on slopes greater than 20%.

(b) Provided, further, that cutting of this 30% shall not create a clear cut opening in this strip greater than thirty (30) feet wide for every one hundred (100) feet of shoreline. In the remaining 70% of the strip, cutting shall be limited so as to preserve the natural beauty of a woodland cover and to control run-off.

(3) Commercial Forestry. From the inland edge of the thirty-five (35) foot strip to the outer limit of the shoreline, the commercial harvesting of trees shall be allowed when accomplished under accepted forest management practices. The maintenance and improvement of water quality shall be emphasized in all timber harvesting operations. The purpose of this order will favor long-lived species adapted to the site and will prescribe slash disposal methods necessary for aesthetic value.

SECTION 5.0 SIGNS This entire section has been replaced by Ordinance 467

SECTION 6.0 REGULATIONS OF SPECIAL USES

6.1 General Provisions. Except as added to alter hereafter in this section, the procedures and requirements of Section 8.0 governing conditional use shall apply.

6.2 Quarries and Mines

(1) Application Required: Application requesting Hayward Planning Commission approval of a proposed quarrying activity shall be accompanied by:

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

(b) A legal description of the proposed site.

(c) A topographic map (at a minimum contour interval of five feet) of the proposed site and the area extending beyond the site to a minimum distance of 300 feet on all sides.

(d) A restoration plan as hereinafter required.

(2) Consideration of Compatibility. In reviewing a proposal for quarrying activity, the Hayward Planning Commission shall take into consideration:

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

(b) The possibility of soil erosion as a result of the proposed operation.

(c) The most suitable land use for the area.

(3) Restoration Plan and Financial Guarantee Required: No grant to carry on a quarrying operation shall be given until the Hayward Planning Commission approves a restoration plan and the owner agrees to restore the quarried area to a condition of practical usefulness and reasonable physical attractiveness as soon as practical after the quarrying operations have ceased. The owner shall provide sufficient financial guarantee to secure the performance of the restoration agreement. The agreement and financial guarantee shall be in a form approved by the City Attorney.

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

(5) Duration of Conditional Grant: The initial grant to carry on a quarrying operation shall not be effective for more than five years. Authorization may be extended for three additional years, subject to conditions specified by the Hayward Planning Commission.

(6) Existing Quarry Operations:

(a) Within 60 days after the effective date of this ordinance, the owners shall submit to the Hayward Planning Commission the names of the quarry owners and operators and information regarding its operation.

(b) Within one year after adoption of this ordinance, the owners shall submit to the Hayward Planning Commission a plan for restoration of the quarrying site in accordance with subsection (3) of this section. The restoration plan shall not impose requirements which are economically or engineeringly unreasonable with respect to conditions resulting from operations prior to enactment of this ordinance.

(c) Within three years after the effective date of this ordinance any such existing operation shall be subject to the provisions of subsections 4, 5, and 6 of this section.

6.3 Salvage Yards

No salvage yard shall be permitted in the City of Hayward except in conformance with the standards, rules and regulations of Wisconsin Administrative Code, NR 51 and the requirements herein specified.

(1) All salvage yards shall have minimum front, side and rear yards of 100 feet.

(2) Salvage yards shall be screened so that the salvage materials are not visible from other property in the vicinity, nor from a public right-of-way such as roads, streets, and highways and waterways.

6.4 Garbage and Refuse Disposal Sites

(1) No garbage or refuse disposal sites shall be permitted in the City of Hayward except in conformance with the rules and regulations of NR 51 Wisconsin Administrative Code.

(2) All such disposal sites shall have a minimum front, side and rear yards of 100 feet each.

(3) Garbage and refuse disposal sites shall be screened so that the salvage materials are not visible from other property in the vicinity, nor from a public right-of-way such as roads, streets, highways and waterways.

6.5 Mobile Home Parks

Except as otherwise specifically authorized, no mobile home intended for occupancy shall be located within the City of Hayward except in a mobile home park, the plan of which has been approved by the Hayward Planning Commission and appropriate State agency. Such parks shall meet the following requirements:

- (1) Minimum size -- ten (10) acres
- (2) Maximum number of mobile home sites -- six per acre
- (3) Minimum width of mobile home site -- 40 feet
- (4) Maximum height of mobile home trailer -- 25 feet
- (5) Minimum distance between mobile trailers - 20 feet
- (6) Minimum distance between mobile home and service road -- 10 feet
- (7) Each mobile home site shall be connected to a public or common water supply system and a public or common sewage disposal system.
- (8) All drives, parking areas and walkways shall be hard surfaced. There shall be one parking space for each mobile home and additional parking spaces for automobile vehicles within the park, totaling not less than one and a quarter parking spaces for each mobile home space.
- (9) No mobile home sales office or other business or commercial use shall be located in the mobile home park site. However, laundries, washrooms, recreational rooms, maintenance equipment, storage and one office are permitted.
- (10) Minimum side yard setback -- 40 feet at all front, side and rear lot lines of the mobile home park.
- (11) Each mobile home shall be placed on a four (4) inch crushed rock base and of size to accommodate the use. The stand should provide for practical placement on and removal from the lot of the mobile home and retention of the home on the lot in a stable condition and in satisfactory relationship to its surroundings. The size of a development will be acceptable if it is suitable for the general market to be served by the individual proposal and fits the dimensions of mobile homes anticipated. The location of each mobile home stand shall be at such elevation, distance and access way, that placement and removal of the mobile home is practical. Appropriate material, properly graded, placed and compacted so as to be durable and adequate for the support of the maximum anticipation loads during all seasons should be used.
- (12) All mobile home parks shall be screened in accordance with Section 7.0 of this ordinance.
- (13) All mobile home parks shall meet the construction standards of the Mobile Homes Manufacturing Association.
- (14) Mobile home parks shall comply with the sanitation regulations of the Sawyer County Sanitary Code and the appropriate requirements of the Wisconsin Administrative Code.

6.6 Trailer Camps and Camping Grounds

A trailer, camper or tent must be located in a Federal, State, town, city or county camp or in a private campsite, the plan of which has been approved by the Hayward Planning Commission and appropriate State agencies.

- (1) Each trailer site shall be plainly marked and surfaced.
- (2) Maximum number of trailer sites shall be 15 per gross acre.
- (3) All drives and parking areas other than those at individual trailer sites shall be surfaced, at least gravel surface.
- (4) Central toilet, shower and washing facilities shall be provided in sufficient quantity, as determined by the State Department of Health and Social Services requirements.
- (5) Water supply and sewage disposal shall be provided by Hayward's public systems or shall comply with regulations of the Sawyer County Sanitary Code.
- (6) No trailer shall be less than 50 feet from the front, side or rear lot lines of the camp.
- (7) Marshland and shoreline areas shall not be altered.
- (8) The screening provisions of Section 7.0-A of this ordinance shall be met.

6.7 Major Recreational Equipment

The parking, storage, or use of major recreational equipment shall not be subject to the provisions of this section, except that no major recreational equipment shall be parked or stored on any lot in a residential district except in a garage or carport or behind the nearest portion of a building to a street. Such equipment may be parked anywhere on residential premises for a

period not to exceed 24 hours during loading or unloading. No such equipment shall be used for living or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

6.8 Outdoor Heating Units (378)

a. In the event an individual wishes to place an outdoor heating unit, a permit shall be required. The permit shall be established by the License, Permits and Ordinance Committee. For the initial purposes, the permit fee shall be \$50.00 per outdoor heating unit.

b. Any change in the permit fee may be made by resolution adopted by a majority vote of the Common Council of the City of Hayward.

c. In the event an outdoor heating unit is placed upon a parcel of property, all stacks for the emission of smoke from the outdoor heating unit shall be a minimum of twenty (20) feet high.

d. In the event an outdoor heating unit is to be used for a commercial use in a commercial zone district, the stack shall be a minimum of fifteen (15) above the building on the premises, but not to exceed a height greater than the maximum allowable height for a sign or building in the applicable zone district.

e. All outdoor heating units existing at the time of this ordinance shall not require a permit, but shall become compliant with this ordinance by August 1, 1999.

SECTION 7.0 SCREENING AND FENCING

7.1 General Provisions. Screening or fencing as required by this ordinance shall be subject to the following provisions:

(1) Approval Required:

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

(2) Objective:

Planting or other suitable screening including fences or freestanding walls shall be required where deemed necessary for screening or enclosure purposes by the Hayward Planning Commission, such as around outdoor storage yards and industrial property lines, salvage yards, refuse disposal sites, quarries and mines, mobile home parks, and trailer camps.

Such provisions shall be required to the extent needed to provide for:

- (a) Screening of objectionable views
- (b) Adequate shade
- (c) Enclosure of storage materials
- (d) Public health and safety
- (e) A suitable setting for the particular use and other facilities

(3) Extent

(a) Screen planting: Adequate to screen objectionable views effectively within a reasonable time; in some cases temporary screening devices may be required until suitable screen planting can be achieved.

(b) Other planting: For mobile home parks and trailer camps, other planting should be adequate in size, quantity and character to other improvements, to provide adequate privacy and pleasant outlook for living units, to minimize reflected glare and to afford summer shade.

(c) Existing planting: Acceptable as required planting to the extent that it is equivalent, suitable, and preserved in good condition.

(d) Fences and Walls: Appropriately designed for the function intended and shall be substantially constructed to withstand conditions of soil, weather and use.

(e) All screening, fencing and walls required by this ordinance shall be maintained so as not to prove an objectionable view by themselves.

SECTION 8.0 CONDITIONAL USES

8.1 General Provisions

One of the purposes of this ordinance is to divide the City of Hayward into districts within which the use of land and buildings, and the bulk and location of buildings in relation to the land are mutually compatible, and substantially uniform. There are certain uses that may be entirely appropriate and not necessarily incompatible with the basic uses permitted in any district but not

at every or location therein or without restrictions or conditions being imposed by reason of unique problems the use or its particular location presents from a zoning standpoint, including the impact of those uses upon neighboring land or public facilities, and the public need for the particular use at a particular location. Such uses may be necessary or desirable to be allowed in a particular district provided that due consideration is given to their location, development, and operation. Such uses are hereby classified as conditional uses and are subject to the provisions specified herein.

Approval Required

(1) Any conditional uses listed in this ordinance shall be permitted only when authorized by the Hayward Planning Commission and subject to its approval. Upon such approval, issuance of a Conditional Use Permit will be granted.

(2) Basis of Approval

The Hayward Planning Commission shall consider the effect of such grant on the health, general welfare, safety and economic prosperity of the City and of the immediate area in which such use would be located, including such considerations as the effect on the established character and quality of the area, its physical attractiveness, existing topography, drainage features, erosion potential, vegetative cover, the prevention and control of water pollution, the location with respect to floodplains and floodways, the movement of traffic and the relationship to existing or proposed roads, the demand for related services, the possible hazardous, harmful, noxious, offensive or nuisance effects resulting from noise, dust, smoke, or odor and other factors.

8.2 Procedure

(1) Application

Application for a Conditional Use Permit shall be made to the City of Hayward Building Inspector who shall promptly refer the application to the Hayward Planning Commission. In addition to the information required under Section 9.0 for a Land Use Permit, the Hayward Planning Commission may require the applicant to submit other pertinent data and information necessary to properly evaluate the request.

(2) Fees

The fee for filing of applications for Conditional Use Permits shall be established by the Hayward Planning Commission. A copy of the current fee schedule shall be kept on file in the office of the Building Inspector.

(3) Hearing

The Hayward Planning Commission shall schedule a public hearing on the application within 30 days after it is filed.

(4) Determination

The Hayward Planning Commission shall report its decision within 90 days after the filing of the application. Its decision shall include an accurate description of the use permitted, of the property on which it is permitted, and all conditions made applicable thereto.

(5) Mapping and Recording

When a Conditional Use Permit is granted, an appropriate record shall be made of the land use and building permits, and such grant shall be applicable solely to the structures, use and property so described.

(6) Termination

Where a permitted conditional use does not continue in conformity with the conditions of the original approval, the Conditional Use Permit shall be terminated by action of the Hayward Planning Commission.

SECTION 9.0.: NONCONFORMING USES

Present uses of buildings, signs and premises may be continued even though they do not conform to the restrictions of this ordinance. However, structural repairs or alterations of such buildings, signs or premises shall not during its life exceed 50 percent of their assessed value at the time they become nonconforming unless a building, sign, or premise conforming to this ordinance results. Any nonconforming use that is abandoned for one year shall be discontinued permanently.

SECTION 10.0: BOARD OF APPEALS (152)

A Board of Appeals shall be appointed as specified in Sections 60.74 and 62.23, Wisconsin Statutes. Each member of said Board of Appeals shall receive the sum of \$5.00 per meeting as and for compensation, retroactive to February 14, 1974, and shall be removable by the Mayor for cause upon written charges and after public hearing. The Board of Appeals shall make and file in the office of the City of Hayward its own rules of procedure consistent with the Statutes. It shall have the following powers:

Note: The amount paid to members has been changed by resolution

- 1. To hear and decide appeals where it is alleged that the Building Inspector has made an erroneous finding or order.*
- 2. To hear and decide special exceptions to the terms of this Ordinance upon which the Board is required to pass.*
- 3. To grant specific variances from the terms of this Ordinance where it is shown that unique physical circumstances applying to a lot cause hardship to the owner under the Ordinance and that the variance still will be in fundamental harmony with surrounding uses. The Board may reverse or affirm wholly or in part or may modify any order, requirements, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made and to that end shall have all the powers of the Building Inspector. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision, or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pay or to effect a variance. The grounds of every such determination shall be stated and recorded.*

No action of the Board of Appeals shall have the effect of permitting in any district uses prohibited in such district by this Ordinance. The minutes of proceedings and hearings before the Board and all variances and special exceptions granted by it shall be filed promptly at the office of the City of Hayward's Clerk and shall be open for public inspection during office hours.

SECTION 11.0: ENFORCEMENT AND PENALTIES

1. The City of Hayward shall designate that the Building Inspector enforce this ordinance by means of land use permits, the cost of which shall be established by the City of Hayward.
2. The Inspector shall not issue a permit for a structure or a use that is not allowed by this ordinance. No structures shall be built, moved, or altered, and no land use shall be substantially altered, until a land use permit has been issued, except that no permit shall be required for farm structures that are not intended to shelter humans.
3. Application for any land use permit shall be accompanied by a map showing the location, size, and shape of the lot(s) involved, and of any proposed structures, and the existing and proposed use of each structure and lot, and in the case of residential development, the number of families expected to be accommodated.
4. In any district where public sewerage service is not available, the width and area of all lots shall be sufficient to permit the use of an onsite sewage disposal system in accordance with Section H65 of the Wisconsin Administrative Code, and provisions of the Sawyer County Sanitary Code.
5. Under rules established by the City of Hayward, the Inspector may issue temporary permits of up to one year's duration.
6. ***(286) Any person or entity who violated this Ordinance shall be subject to a forfeiture pursuant to the following schedule, plus the costs of instituting the action, court costs and such other fees as imposed by the Court:***

<i>First Offense:</i>	<i>\$100.00 forfeiture.</i>
<i>Second Offense (within one year):</i>	<i>\$150.00 forfeiture.</i>
<i>Third Offense (within one year):</i>	<i>\$200.00 forfeiture.</i>

Every day of a violation shall be considered to be a separate offense.

7. ***(A) With respect to the City of Hayward, issuance of Citations under Section 66.119 of Wisconsin Statutes is hereby authorized and Ordinance No. 193 of the City of Hayward is hereby amended to include the use of the Citation Form for this Ordinance. Citations issued pursuant to this Subsection may be initiated and issued by the City***

Building Inspector, his deputy or by any City Police Officer or the by the City Clerk or by the City Zoning Administrator.

(B) The Clerk of Circuit Court, Sawyer County, Wisconsin, shall have the authority to accept cash deposits for forfeitures and/or bond pursuant to the schedule set forth below, or as ordered by the Circuit Court for Sawyer County:

First Alleged Offense: \$100.00 plus court costs and court assessments.

***Second Alleged Offense: \$150.00 plus court costs and court assessments.
(within one year)***

Third Alleged Offense and Subsequent Alleged Offenses (within one year) \$200.00 plus court costs and court assessments

(C) In lieu of the filing of a cash bond and/or deposit as set forth under Section 66.119 of the Wisconsin Statutes, the City Shall have the right to detain the alleged violator to assure appearance of said alleged violator before the Circuit Court for Sawyer County.

(D) All of the provisions of Section 66.119 of the Wisconsin Statutes are hereby incorporated herein by reference and shall be considered to be part of this Ordinance in total. (286)

SECTION 12.0: AMENDMENTS (156)

- 1. The City of Hayward may amend this Ordinance following the procedures described in Section 62.23 of the Wisconsin Statutes.***
- 2. Whenever an application is made to the City of Hayward and the Planning Commission of the City of Hayward for a change in zoning, said application shall be accompanied by a non-refundable application fee of \$75.00 at the time of filing of said application. NOTE: The fee has been changed by Resolution.***

SECTION 13.0: SEPARABILITY

Invalidation of any part of this ordinance by a court shall not invalidate the rest of this ordinance.

SECTION 14.0: ANNEXATION

All territory annexed by the City of Hayward shall be assigned a zoning district according to its use as provided by Section 66.021(7) Wisconsin Statutes as amended.

SECTION 15.0: CONFLICTING PROVISIONS REPEALED

All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

SECTION 16.0: EFFECTIVE DATE

This ordinance shall be in force from and after its passage, approval, publication, and recording according to law.

Passed by the Common Council of the City of Hayward :

Ordinance No. 148	February 14, 1974	Ordinance No. 152	April 15, 1975
Ordinance No. 156	October 20, 1975	Ordinance No. 197	September 8, 1980
Ordinance No. 225	August 9, 1982	Ordinance No. 255	September 8, 1986
Ordinance No. 286	July 8, 1991	Ordinance No. 303	August 9, 1993
Ordinance No. 321	December 12, 1994	Ordinance No. 355	November 10, 1997
Ordinance No. 378	April 12, 1999	Ordinance No. 384	May 8, 2000
Ordinance No. 393	October 9, 2000	Ordinance No. 430	March 13, 2003
Ordinance No. 433	June 16, 2003	Ordinance No. 441	May 26, 2004
Ordinance No. 464	June 26, 2006	Ordinance No. 472	August 20, 2007
Ordinance No. 477	September 17, 2007	Ordinance No. 490	July 20, 2009

This document is a compellation of all zoning ordinances. Sections which amend Ordinance No. 148 are indicated by their number and the text has been bolded and italicized. The individual ordinances are maintained in the City Clerk's office and are available for inspection during normal business hours.

Updated August 12, 2009