

Chapter 515

ZONING

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[HISTORY: Adopted by the Common Council of the City of Hayward 2-14-1974 by Ord. No. 148. Amendments noted where applicable.]

ARTICLE I

Authority, Purpose, Interpretation and Definitions**§ 515-1. Amending chapter.**

For the purposes listed in § 62.23, Wis. Stats., 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.

§ 515-2. Minimum requirements.

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

§ 515-3. Imposition of greater restrictions.

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

§ 515-4. Word usage.

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."

§ 515-5. Definitions.

For the purposes of this chapter, certain terms or words herein shall be interpreted or defined as follows.

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 use of building. **[Amended 9-8-1980 by Ord. No. 197]**

BOATHOUSE — Any structure located on the same lot as the principal building and used for protecting or storing of boats used for noncommercial purposes in conjunction with a residence.

BUILDING — Any structure used, designed or intended for the protection, shelter, or roofed enclosure of persons, animals or property.

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 gambrel roofs.

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.¹

COLUMBARIUM — A building, structure, vault or part of a building or structure that is used or intended to be used for the internment of cremated remains as defined in § 440.70(4), Wis. Stats., as amended. **[Added 10-14-2019 by Ord. No. 541]**

DWELLING — A building designed or used exclusively as the living quarters for one or more families, including a manufactured home. **[Amended 8-9-1993 by Ord. No. 303]**

DWELLING, MULTIFAMILY — 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 or both.

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 sewerage, stormwater 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.

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

FARMING, GENERAL — The production of field or truck crops, or the raising of livestock and livestock products for commercial gain.

FLOODPLAIN — The land adjacent to a watercourse or other body of water subject to overflow therefrom.

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.

HOSPITAL — Unless otherwise specified, the term "hospital" shall be deemed to include sanitarium, sanitorium, 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 the diagnosis, treatment or other care of human ailments.

JUNKYARD — A lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of wastepaper, 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.

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 chapter.

1. Editor's Note: So in original.

LOT, DEPTH OF — A mean horizontal distance between the front and rear lot lines, measured in the general direction of its side lot lines.

LOT, WIDTH OF — The mean width measured at right angle to its depth.

LOT LINES — Any line dividing one lot from another.

MANUFACTURED HOME — A structure certified and labeled as a manufactured home under 42 U.S.C. §§ 5401 to 5426, which, when placed on the site: **[Added 8-9-1993 by Ord. No. 303]**

- A. Is set on an enclosed foundation in accordance with § 70.043(1), Wis. Stats., and Subchapters III, IV and V of Chapter SPS 321, 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 manufacturer's instructions.
- C. Is properly connected to utilities.

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.

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.

NONCONFORMING USE — A building, structure, or use of land existing at the time of enactment of this chapter, and which does not conform to the regulations of the district or zone in which it is situated.

SIGN — 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.

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. **[Amended 6-16-2003 by Ord. No. 433]**

TRAILER — A portable vehicle designed and used for temporary living purposes.

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. **[Added 6-26-2006 by Ord. No. 464]**

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 nonconforming use.

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 width of the lot.

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.

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.

ARTICLE II

Zoning Districts and Map

§ 515-6. Establishment of districts. [Amended 8-9-1982 by Ord. No. 225; 9-8-1986 by Ord. No. 255; 12-12-1994 by Ord. No. 321; 11-10-1997 by Ord. No. 355; 7-18-2011 by Ord. No. 503; 1-16-2012 by Ord. No. 510]

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

R-1	Residential District
R-2	Residential District 2
A-1	Agricultural District
C-1	Commercial District
C-2	Commercial District 2
C-3	Commercial District 3
C-4	Commercial District 4
CBD	Central Business Overlay District
I-1	Industrial District
I-2	Industrial District (Light Industry)
F-1	Forestry District
W-1	Resource Conservation District
FP-1	General Floodplain District (an overlay district)
PUD	Planned Unit Development District

§ 515-7. Zoning Map and district boundaries.

- A. The Official Zoning District Map is an integral part of this chapter. The single official copy of this map entitled "City of Hayward Official Zoning Map," together with a copy of this chapter, shall be available for public inspection during office hours. The map shall be certified by the Mayor and attested by the City Clerk/Treasurer. Any changes in 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.

- B. 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.
- C. 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.
- D. In unsubdivided property, the district boundary shown on the map shall be determined by use of the scale shown on such map.
- E. The following land uses and minimum dimensional requirements apply to the district delineations on the zoning district map.

§ 515-8. Dimensional requirements. [Amended 9-8-1980 by Ord. No. 197; 8-9-1982 by Ord. No. 225; 9-8-1986 by Ord. No. 255; 12-12-1994 by Ord. No. 321; 11-10-1997 by Ord. No. 355; 10-9-2000 by Ord. No. 393; 7-20-2009 by Ord. No. 490; 1-16-2012 by Ord. No. 510; 5-21-2012 by Ord. No. 512]

Unless specified elsewhere in this chapter or on the Official Zoning Map, the dimensional requirements of this schedule shall apply to the respective listed districts. Requirements for the W-1 Resource Conservation, FP-1 General Floodplain, and the PUD Planned Unit Development Districts are contained in succeeding pages.

	R-1	R-2	A-1	C-1, C-2, C-3, C-4	I-1	I-2	F-1
Building height limit	35	35	35	35	60	60	35
Required lot area (square feet):							
With public sewer	10,000 ¹	12,000 per twin lot; not less than 6,000 per single lot	5 acres	10,000	1 acre	20,000	20,000
Without public sewer (a duplex may be allowed on a substandard lot under a conditional use permit)	15,000 ²			20,000			
Minimum lot width (feet):							
With public sewer	75	100 per twin lot; not less than 50 per single lot	300	75	200	125	100
Without public sewer	100			100			
Yard required: ³							
Front yard (feet) ⁴	30	30	50	10	50	30	30

	R-1	R-2	A-1	C-1, C-2, C-3, C-4	I-1	I-2	F-1
Side yard (feet):							
Principal building	10	10 ⁹	20	10	20	20	10
Accessory building ⁵	5	5	10	5	10	10	5
Rear yard (feet):							
Principal building	40	20	50	20	50	30	40
Accessory building (other than attached garage) ⁶	5	5	50	20	50		40
(Lesser setbacks than those set forth above may be allowed by the granting of a conditional use permit.)							
Floor area for residences, minimum (square feet): ^{7, 11}							
3 or more bedrooms	900		900	600	600		600
2 bedrooms	800		800	500	500		500
1 bedroom	700	450 per dwelling unit on one level	400	400	400		400
(The dimensional requirements as set forth in this section shall take precedence over setback provisions as set forth in § 515-56 of this chapter.)							
Parking spaces, off street ⁸	1 per family	2 per twin home dwelling unit ¹⁰	1 per family	1 per 200 square feet of floor area	1 per 2 employees	1 per 2 employees	1 per family
Parking at places of public gathering ⁸			1 per 5 seats	1 per 5 seats			
Truck loading area				Sufficient space so that no streets or alleys need be blocked.			

NOTES:

- ¹ Minimum for one-family dwellings; add 5,000 square feet for each additional unit over one.
- ² Plus any additional area required by Wisconsin Administrative Code Section 65.03.²
- ³ 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.
- ⁴ 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, see § 515-56.)
- 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.
- ⁶ A garage having its main entry directly facing the alley shall be allowed within 18 feet of the rear property line.
- ⁷ 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.
- ⁸ Parking requirements as set forth herein for parking off street and parking places of public gathering may be modified under conditional use permit.
- ⁹ Not on a common twin lot line; for a side yard common to twin lot line: 0 feet.
- ¹⁰ One parking space must be within an enclosed garage.
- ¹¹ The minimum dwelling width in all zone districts (except for the Business Overlay District and R-2 District) shall be 20 feet. A reduced dwelling width may be allowed upon the granting of a conditional use permit by the City of Hayward Planning Commission.

2. Editor's Note: So in original.

ARTICLE III
R-1 Residential District

§ 515-9. Purpose of 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.

§ 515-10. Permitted uses.

- A. One-family and two-family year round dwellings.
- B. Private garages and carports.
- C. Essential services and utilities intended to serve the principal permitted use.
- D. Signs subject to the provisions of Chapter 368, Signs.
- E. Horticulture and gardening.
- F. 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.

§ 515-11. Uses authorized by conditional permit.

- A. Multifamily (three or more) dwelling units.
- B. Rooming or boarding houses.
- C. Mobile home parks subject to the provisions of Article XVIII of this chapter.
- D. Public and semipublic 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.
- E. 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.
- F. 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 would create a nuisance to be otherwise incompatible with the surrounding residential area.
- G. Transitional living facilities. [Added 6-26-2006 by Ord. No. 464]

- H. Off-premises 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-premises parking shall not be counted as part of the required off-street parking for the commercial property. **[Added 7-20-2009 by Ord. No. 490]**
- I. Columbaria. Any religious association may establish an indoor columbarium or an outdoor columbarium as an accessory structure subject to § 157.123, Wis. Stats. **[Added 10-14-2019 by Ord. No. 541]**
- (1) Indoor columbaria. A religious association may establish an indoor columbarium subject to the requirements of § 157.123, Wis. Stats., and the following requirements:
 - (a) A plan of perpetual care and maintenance of any proposed columbarium pursuant to § 157.123(2)(b), Wis. Stats.
 - (2) Outdoor columbaria. A religious association may establish an outdoor columbarium subject to the requirements of § 157.123, Wis. Stats., and the following requirements:
 - (a) A plan of perpetual care and maintenance of any proposed columbarium pursuant to § 157.123(2)(b), Wis. Stats.
 - (b) A religious association must submit a site plan for review and approval to the City of Hayward Public Works Department.
 - (c) All outdoor columbaria must comply with the following physical requirements:
 - [1] Location. A columbarium must be located outside a building owned and occupied by a religious association as defined by § 157.123(2)(a), Wis. Stats.
 - [2] Setback. Columbaria structures shall meet the setback and yard requirements of the R-1 Residential One Zone District.
 - [3] Appearance. Columbaria shall be consistent in material and design to the primary structure.
 - [4] Signage. Signage shall be limited to inscriptions on the face of the columbarium niche and commemorative plaque on the columbarium structure.
 - [5] Left objects. Left objects, such as flowers and mementos, are permitted, but must be monitored by the religious association and removed on a regular basis.
 - [6] Removal of columbaria. In the event that the religious association ceases to use or occupy the church building or other place of worship where the columbarium is located, the religious association shall relocate all the urns in the columbarium containing cremated remains per the requirements of § 157.123(c), Wis. Stats.

ARTICLE IV

R-2 Residential District**[Added 1-16-2012 by Ord. No. 510]****§ 515-12. Purpose of district.**

This district is intended to provide for development of zero-lot-line twin-home development at densities not exceeding six dwelling units per net acre. Ownership of each unit will be on separate deeds. Compliance with State of Wisconsin One- and Two-Family Uniform Dwelling Code for attached units is required.

§ 515-13. Permitted uses.

It is restricted to the following uses. Permitted uses in this district are:

- A. Twin homes with one attached or detached garage per dwelling unit.
- B. Foster homes and community living arrangements as set forth in the Wisconsin Statutes.

§ 515-14. Uses authorized by conditional permit.

Conditional uses are not allowed in this district.

ARTICLE V

A-1 Agricultural District**§ 515-15. Purpose of 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 into such areas.

§ 515-16. Permitted uses.

- A. One-family and two-family farm residences but only when occupied by owners and/or persons engaged in farming activities on the premises.
- B. All agricultural land uses, buildings, and activities, except farms for disposal of garbage or offal.
- C. Roadside stands for the sale of products grown on the premises, if sufficient off-street parking space for customers is provided.
- D. Agricultural processing industries and warehouses, except slaughterhouses, and rendering and fertilizer plants.
- E. Vacation farms and other farm-oriented recreational uses such as riding stables, winter sports activities, and game farms.

- F. Cemeteries and mausoleums.
- G. Essential services and utilities intended to serve a permitted principal use on the premises.
- H. Woodlots and tree farms.
- I. Customary accessory uses provided such uses are clearly incidental to a principal permitted use.
- J. Signs subject to the provisions of Chapter 368, Signs.

§ 515-17. Uses authorized by conditional permit.

- A. One-family and two-family year-round dwellings.
- B. Mobile home parks and trailer parks subject to the provisions of Article XVIII of this chapter.
- C. 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.
- D. Dumps for the disposal of garbage, sewage, rubbish, or offal, subject to the applicable provisions of Wisconsin Administrative Code and the provisions of Article XVIII of this chapter.
- E. Slaughterhouses, rendering and fertilizer plants.
- F. Public and semipublic 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.
- G. 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.
- H. Flea markets and farmers markets. [Added 5-13-2002 by Ord. No. 415; amended 3-13-2003 by Ord. No. 430]

§ 515-18. Other uses. [Added 5-13-2002 by Ord. No. 415; amended 3-13-2003 by Ord. No. 430]

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.

ARTICLE VI
C-1 Commercial District

§ 515-19. Purpose of 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.

§ 515-20. Permitted uses.

Facilities such as, but not limited to the following:

- A. Retail stores and shops offering convenience goods and services.
- B. Business and professional offices and studios.
- C. Banks and savings and loan offices.
- D. Public and semipublic buildings and institutions.
- E. Commercial entertainment facilities.
- F. Laundromats.
- G. Restaurants.
- H. Taverns.
- I. Medical and dental clinics.
- J. Auto service stations and maintenance facilities.
- K. Public and private marinas.
- L. Recreation service oriented facilities.
- M. Motels and tourist homes.
- N. Rooming and boarding houses.

§ 515-21. Uses authorized by conditional use permit. [Amended 3-10-1997 by Ord. No. 348; 4-14-1997 by Ord. No. 349; 7-8-2002 by Ord. No. 419; 6-26-2006 by Ord. No. 464; 8-20-2007 by Ord. No. 472; 6-20-2011 by Ord. No. 502]

- A. Public and semi-public conditional uses as stated in the R-1 District.
- B. New and used car sales establishments.
- C. Wholesale establishments.
- D. Transportation terminals.
- E. Farm implements sales firms.
- F. Outdoor theaters.

- G. Miniature golf, go-karts, and amusement parks.
- H. Drive-in establishments offering in car service to customers.
- I. Apartments.
- J. Transitional living facilities.
- K. Shooting gallery for arrows.
- L. Outdoor display for the sale of large products, including but not limited to: recreational vehicles, boats, trailers, power sports equipment, home/lawn/garden equipment, manufactured homes or similar products/activities. (Excludes displays within 15 feet of the main business premises.)
- M. Farmers' market. "Farmers' market" is defined as a market at which local farmers sell their agricultural products directly to consumers. [Added 9-10-2018 by Ord. No. 536]
- N. Flea market. "Flea market" is defined as a type of bazaar that rents or provides space to people who want to sell or barter merchandise. [Added 9-10-2018 by Ord. No. 536]

ARTICLE VII

C-2 Commercial District 2 [Added 8-9-1982 by Ord. No. 225]

§ 515-22. Purpose of district.

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

§ 515-23. Permitted uses.

Facilities limited to the following:

- A. Business and professional offices and studios.
- B. Banks and savings and loan and credit union offices.
- C. Public and semipublic institutions.
- D. Medical and dental clinics.
- E. Churches.
- F. Apartment buildings.
- G. Funeral homes.
- H. Day-care centers.
- I. Barber shops and beauty shops.

§ 515-24. Uses authorized by conditional permit.

- A. Public and semipublic and conditional uses as stated in the R-1 District, but not enumerated in the permitted use section of this article.
- B. Transitional living facilities. [Added 6-26-2006 by Ord. No. 464]

§ 515-25. Applicability of C-1 District provisions.

Any and all provisions with respect to off-street parking, setbacks, size of building and size of lot and any other provisions which may apply to the C-2 District shall be governed by those provisions required for the C-1 District, excepting where provisions for the C-1 District are in contradiction to the provisions set forth in this article for the C-2 District.

ARTICLE VIII**C-3 Commercial District 3**

[Added 12-12-1994 by Ord. No. 321]

§ 515-26. Purpose of district.

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.

§ 515-27. Permitted uses.

- A. All uses allowed in Commercial 1 (C-1) and Commercial 2 (C-2) Districts.
- B. Power company facilities, excluding generating plants.

§ 515-28. Uses authorized by conditional permit.

- A. All conditional uses allowed in Commercial 1 (C-1) and Commercial 2 (C-2) Districts.
- B. 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.

§ 515-29. Applicability of C-1 District provisions.

Any and all provisions with respect to off-street parking, setbacks, size of buildings, size of lot and any other provisions which may apply to the C-3 District shall be governed by those provisions required for the C-1 District, excepting where provisions for the C-1 District are in contradiction to provisions set forth in this article for the C-3 District.

ARTICLE IX

C-4 Commercial District 4
[Added 11-10-1997 by Ord. No. 355]**§ 515-30. Purpose of district.**

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.

§ 515-31. Permitted uses.

- A. Business and professional offices and studios.
- B. Public and semipublic buildings and institutions.
- C. Medical and dental clinics.
- D. Distributorships.
- E. General warehousing.
- F. Public and private parks.
- G. Wildlife preserve.
- H. 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 15% of the total square footage of the subject premises. **[Added 5-8-2000 by Ord. No. 384]**

§ 515-32. Uses authorized by conditional permit.

- A. Recreation service-oriented facilities.
- B. 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. Transportation terminals.

§ 515-33. Applicability of C-1 District provisions.

Any and all provisions with respect to off-street parking, setbacks, size of buildings, size of lot and any other provisions which may apply to the C-4 District shall be governed by those provisions required for the C-1 District, excepting where provisions for the C-1 District are in contradiction to provisions set forth in this article for the C-4 District.

ARTICLE X

**CBD Central Business Overlay District
[Added 7-18-2011 by Ord. No. 503]****§ 515-34. Purpose and intent.**

This district is intended to provide appropriate regulations beyond or in addition to those of the underlying district to ensure the compatibility of the diverse uses typical of the downtown or urban core area without inhibiting the potential for maximum development of commercial, cultural, entertainment and other activities which contribute to its role as the heart of the City.

§ 515-35. Designation of Central Business Overlay District Zone.

The Central Business Overlay District shall be bounded by U.S. Highway 63 to Fifth Street and Dakota Avenue to Kansas Avenue.

§ 515-36. Permitted uses.

The following are permitted uses within the Central Business Overlay District (CBD):

- A. Retail sales establishments.
- B. Financial institutions.
- C. Personal and business service establishments.
- D. Commercial services and professional offices.
- E. Restaurants, cafes, bakeries, taverns and nightclubs.
- F. Government offices, post offices and libraries.
- G. Medical, dental and eye clinics.
- H. Private clubs and lodges.
- I. Churches.
- J. Commercial studios and display galleries.
- K. Uses clearly similar in character and function to those listed above.

§ 515-37. Accessory uses.

The following accessory uses are permitted within the Central Business Overlay District (CBD):

- A. Accessory garages for storage of vehicles used in conjunction with the operation of the permitted use.
- B. Off-street parking lots and loading areas.
- C. Rental apartments as an incidental or secondary use on a non-ground-floor level.

- D. Any other normal accessory structure or use.

§ 515-38. Setback and yard requirements.

- A. A minimum front yard setback is not required.
- B. Minimum side yard setbacks are not required, except when adjacent or abutting a residential district, where there shall be a side yard setback of 10 feet. Where side yard setbacks are provided, a minimum of 10 feet shall be maintained.
- C. A minimum rear yard setback is not required, except when adjacent or abutting a residential district, where there shall be a rear yard setback of 20 feet.
- D. Minimum lot sizes. There is no minimum lot size or width.

§ 515-39. Parking requirements.

All permitted, accessory or conditional land uses so documented in this article, because of unique features such as building density, occupation of entire building lots and existing municipal infrastructure restraints, are exempted from various off-street parking requirements found within § 515-8, Dimensional requirements. This exemption does not imply that adequate parking for various uses is no longer desired, rather it shall be the purview of public and private sectors and interest to define the need, or lack thereof, for adequate parking within the CBD District.

ARTICLE XI

I-1 Industrial District

§ 515-40. Purpose of 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 or screen in accordance with the provisions of Article XVIII of this chapter.

§ 515-41. Permitted uses.

- A. Manufacturing, assembly, fabricating, and processing plants and similar type industrial operations consistent with the purposes of this district.
- B. General warehousing.
- C. Accessory uses clearly incidental to a permitted use.

§ 515-42. Uses authorized by conditional permit.

- A. Salvage yards, subject to the provisions of Article XVIII of this chapter.
- B. Quarrying, mining, and processing of products from these activities subject to the provisions of Article XVIII of this chapter.
- C. 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.

ARTICLE XII**I-2 Industrial District (Light Industry)****[Added 9-8-1986 by Ord. No. 255]****§ 515-43. Purpose of district.**

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 chapter. It is the intent of the Common Council of the City of Hayward to provide for light industry in a less restrictive nature than that as required for the I-1 Industrial District, as set forth in this chapter.

§ 515-44. Imposition of requirements for light industry uses.

The City of Hayward may impose other requirements as necessary to effectuate the use of lands within the Industrial 2 District, for the purposes of light industry.

ARTICLE XIII**F-1 Forestry District****§ 515-45. Purpose of 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 to 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.

§ 515-46. Permitted uses.

- A. Production of forest crops, including tree plantations.
- B. Harvesting of wild crops such as marsh hay, ferns, moss, berries, tree fruits and tree seeds.

- C. Hiking trails, wildlife refuges.
- D. Signs, subject to the provisions of Chapter 368, Signs.

§ 515-47. Uses authorized by conditional permit.

- A. Hunting and fishing cabins.
- B. Seasonal dwellings and customary accessory buildings such as private garages and carports on the same lot as the seasonal dwelling unit.
- C. Public and private parks, playgrounds and winter sports areas.
- D. Dams, plants for production of electric power and flowage areas.
- E. Trailer camps subject to the provisions of Article XVIII of this chapter.
- F. Forest-connected industries such as sawmills, debarking operations, chipping facilities and similar operations. Pulp and paper production plants are not permitted.
- G. Recreation and youth camps.
- H. Riding stables.
- I. Shooting ranges.
- J. Quarrying and mining operations subject to the provisions of Article XVIII of this chapter.
- K. Year-around residences for caretakers of recreational areas.
- L. 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, radio and television stations and transmission towers, fire towers and microwave radio relay towers.

ARTICLE XIV

W-1 Resource Conservation District

§ 515-48. Purpose of district.

This district is intended to be used to prevent destruction of natural or man-made resources and to protect watercourses, 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.

§ 515-49. Permitted uses.

- A. Public fish hatcheries.
- B. Soil and water conservation programs.

- C. Forest management programs.
- D. Wildlife preserves.

§ 515-50. Uses authorized by conditional permit.

- A. Drainage where such activity will not be in conflict with the stated purposes of this district.
- B. Public and private parks.
- C. Dams, plants for the production of electric power and flowage areas.
- D. Grazing where such activities will not be in conflict with the stated purposes of this district.
- E. Accessory structures such as hunting and fishing lodges.
- F. Orchards and wild crop harvestings.
- G. 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.
- H. Trailer camps, subject to the provisions of Article XVIII of this chapter.
- I. Signs, subject to the provisions of Chapter 368, Signs.

§ 515-51. Protection of natural resources.

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

ARTICLE XV

FP-1 General Floodplain District

§ 515-52. Purpose of district.

- A. 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 which, acting alone or in combination with other existing or future uses, 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.

- B. 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.

§ 515-53. Permitted uses.

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.

ARTICLE XVI

PUD Planned Unit Development District

§ 515-54. Purpose of district; plan requirements.

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 § 62.23, Wis. Stats. 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 multifamily development as well as related commercial use, provided that the plans indicate that:

- A. A single area of at least five acres is involved.
- B. 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.
- C. Adequate streets and sidewalks as determined to serve the needs of the area involved will be provided.
- D. Adequate access to public streets and proper internal circulation will be provided.
- E. Adequate sewer and water facilities will be provided.
- F. The development will constitute a reasonable extension of the living areas in the City and will be compatible with surrounding land uses.

ARTICLE XVII
General Provisions

§ 515-55. 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 on the "Official Zoning Map, City of Hayward, Wisconsin," and in the text of this chapter.

§ 515-56. Standard district provisions.

- A. Setback requirements on highways and roads. The setback along highways and roads with speeds equal to or greater than 35 miles per hour shall be 80 feet from the center line or 40 feet from the right-of-way, whichever is greater. **[Amended 7-20-2009 by Ord. No. 490]**
- (1) All state and U.S. numbered highways are hereby designated Class A highways.
 - (2) All county trunk highways not otherwise designated as Class A highways are hereby designated Class B highways.
 - (3) All City streets and town roads not otherwise designated Class A or Class B highways are hereby designated Class C highways.
 - (4) 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 the principal buildings do not conform with the appropriate setback line.
 - (5) Minor readily removable structures such as open fences or signs permitted by this chapter 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 chapter. **[Amended 9-8-1980 by Ord. No. 197]**
 - (6) 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. **[Added 10-9-2000 by Ord. No. 393]**
- B. Access driveways.³ **[Amended 6-8-1998 by Ord. No. 364; 7-13-1998 by Ord. No. 369; 5-26-2004 by Ord. No. 441]**

3. Editor's Note: Former Subsection B, Visual clearance at intersections was repealed 9-16-2013 by Ord. No. 520.

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

Class of Highway	Minimum Distance of Highway Frontage Between Access Driveways For Separate Land Uses (feet)	Minimum Distance the Nearest Edge of an Access Driveway May Be From the Right-of-Way of Any Highway or Street (feet)
Class A highways Federal aid highways:		
Primary	600	75
Secondary	500	
Class B highways	300	
Class C highways	75	

- (2) 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.
- (3) 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.
- (4) The maximum number and width of access driveways to highways and service roads shall be as follows:

Type of Access Driveway	Maximum Number of Access Driveways	Maximum Width of Access Driveways (feet)
Commercial and industrial land uses	2	35
Other land uses	1 (additional allowed by conditional use permit)	24

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

- C. 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, lookout towers, silos, windmills, water towers, spires, radio and television aerials, masts, antennas and necessary mechanical appurtenances and other approved special structures.
- D. Lot sizes.
- (1) After adoption of this chapter, no lot area shall be so reduced that the dimensional and yard requirements required by this chapter cannot be met. Lots existing and of record prior to adoption of this chapter, but of substandard size, may be devoted to uses permitted in this district in which located.
 - (2) If two or more substandard lots with continuous frontage have the same ownership as of the effective date of this chapter, the lots involved shall be considered to be an individual parcel for the purposes of this chapter.
 - (3) Lots created after adoption of this chapter and which are not served by public sewer systems shall meet minimum area requirements of the Sawyer County Sanitary Code.
- E. Accessory uses and structures.
- (1) 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.
 - (2) In the Residential 2 District, one building, other than a garage, not exceeding 150 square feet shall be permitted for each twin home dwelling unit. **[Added 1-16-2012 by Ord. No. 510]**
- F. Drainage, sanitation and water supply.
- (1) 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 four feet above the highest groundwater level. This section shall not apply in areas served by City sanitary sewers.
 - (2) 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 Administration Code.
 - (3) 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 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.

- (4) 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.
 - (5) 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.
- G. Excepting in the fire zone, nothing in this chapter shall prevent rebuilding 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.

§ 515-57. Supplementary regulations.

- A. Airport safety zones Pursuant to § 114.136(2)(B), Wis. Stats.
- B. Off-street parking. Any building hereafter erected or placed on a lot shall be provided with off-street parking spaces for those using such building.
 - (1) Each parking space shall be a minimum of nine feet wide and 18 feet in length. **[Amended 7-20-2009 by Ord. No. 490]**
 - (2) Residential 1 uses shall be provided with at least one parking space for each dwelling unit. Residential 2 shall have a minimum of two off-street parking spaces for each twin home dwelling unit, one of which must be within an enclosed garage. **[Amended 1-16-2012 by Ord. No. 510]**
 - (3) Commercial and industrial uses as listed and permitted in the zoning districts shall be provided, except as noted below, with one parking space for each 200 square feet of floor area. However, restaurants taverns, and similar establishments shall be provided with at least one space for each three seats devoted to patron use; motels, tourist cabins and similar establishments shall be provided with at least one space for each unit; drive-in eating stands offering in-car service shall be provided with at least four spaces for each person employed to serve customers.
 - (4) Public gathering uses shall be provided with at least one space for each five patrons to be accommodated on the premises.
- C. 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.

- D. Notwithstanding provisions set forth in Subsection A, B or C of this section, 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 landowners. **[Added 9-8-1980 by Ord. No. 197]**
- E. 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. **[Added 7-20-2009 by Ord. No. 490]**
- F. Additional requirements for Residential 2 Districts: **[Added 1-16-2012 by Ord. No. 510]**
- (1) A joint or attached driveway serving attached two-home dwelling is permitted, provided covenants addressing the maintenance of such driveway are in a form approved by the City Zoning Administrator.
 - (2) Placement of driveways that are not shared with the adjoining attached two-home dwelling shall be allowed as approved by the City Zoning Administrator.
 - (3) A minimum fire separation complying with § Comm 21.08, Wis. Adm. Code, providing a vertical separation of all areas from the lowest level to flush against the underside of the roof, is required between each dwelling unit.
 - (4) The plans, specifications and construction shall require the installation and construction of separate sewer, water and other utility services to each twin home dwelling.
 - (5) Both living units of the twin home dwelling shall remain unoccupied until completion of construction of the entire twin home dwelling.
 - (6) A maintenance agreement (party wall agreement), approved by the City Zoning Administrator, shall be entered into by the owners of the attached twin home dwelling in order to ensure that equal and reasonable maintenance and repairs are performed on the attached twin home dwelling. Alternatively, provisions for maintenance of common walls may be incorporated into applicable covenants to be reviewed and approved by the City Zoning Administrator.
 - (7) Easements necessary for water, sewer and utility services and the maintenance agreement shall be recorded with the Sawyer County Register of Deeds.
 - (8) The exterior and roof materials on each attached twin home dwelling shall be of the same color, quality and consistency.
 - (9) A statement shall be placed on the face of all twin home plats creating twin home dwelling lot stating: "When two attached, single-family dwelling units are created, matters of mutual concern to the adjacent property owners, due to construction, catastrophe, and/or maintenance, shall be guarded against by private covenants and deed restrictions, and the City of Hayward shall not be responsible for the same."

§ 515-58. Shoreland regulations.

- A. Setback. For lots that abut on navigable waters, the following setback regulations shall apply: **[Amended 9-17-2007 by Ord. No. 477; 6-17-2013 by Ord. No. 516; 6-8-2015 by Ord. No. 525]**
- (1) All structures shall be set back 75 feet from the normal high water elevation of navigable waters.
 - (2) Additions and alterations.
 - (a) Additions and/or alterations to preexisting, nonconforming structures may be allowed less than 75 feet from the normal high water elevation of navigable waters upon receiving a conditional use permit.
 - (b) Said additions/alterations shall be no closer than the preexisting, nonconforming structure and shall include a stormwater runoff plan which will alleviate any additional runoff created by the addition and/or alteration.
 - (3) Private sewage disposal systems shall conform to the setback requirements of the Sawyer County Sanitary Code and the applicable rules, regulations and laws set forth in the Wisconsin Statutes and the Wisconsin Administrative Code.
 - (4) The City of Hayward Building Inspector shall determine the normal high water elevation where not established.
- B. Cutting of trees and natural shrubbery within a strip paralleling the shoreline and extending inland 35 feet from the normal high water mark of the shoreline shall be limited as follows:
- (1) Within any one-hundred-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 30 feet wide for every 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 runoff.
- C. Commercial forestry. From the inland edge of the thirty-five-foot strip to the outer limited 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.⁴

4. Editor's Note: Former Section 5.0, Signs, as amended, which immediately followed this section, was repealed 12-11-2006 by Ord. No. 467. See now Ch. 368, Signs.

§ 515-59. Setbacks from wetland areas (non-shoreland). [Added 6-20-2011 by Ord. No. 502]

For lots that abut on nonnavigable wetlands, all buildings and structures shall be set back a minimum of 40 feet from the wetland boundary.

- A. The City of Hayward Building Inspector shall determine the normal high water elevation where not established.

ARTICLE XVIII

Special Uses

§ 515-60. General provisions.

Except as added to alter hereafter in this section, the procedures and requirements of Article XX of this chapter governing conditional uses shall apply.

§ 515-61. Quarries and mines.

- A. Application required. Application requesting Hayward Planning Commission approval of a proposed quarrying activity shall be accompanied by:
- (1) A description of all phases of the contemplated operation including types of machinery and equipment which will or might be necessary to carry on the operation. Where the operation is to include sand and gravel washing, the estimated daily quantity of water required, its source and its disposition shall be identified.
 - (2) A legal description of the proposed site.
 - (3) 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.
 - (4) A restoration plan as hereinafter required.
- B. Consideration of compatibility. In reviewing a proposal for a quarrying activity, the Hayward Planning Commission shall take into consideration:
- (1) The effect of the proposed operation on drainage and water supply, particularly in connection with sand and gravel washing.
 - (2) The possibility of soil erosion as a result of the proposed operation.
 - (3) The most suitable land use for the area.
- C. 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 practicable 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.

- D. 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.
- E. 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.
- F. Existing quarry operations.
 - (1) Within 60 days after the effective date of this chapter, the owners of all existing quarrying operations shall submit to the Hayward Planning Commission the names of the quarry owners and operators and information regarding its operation.
 - (2) Within one year after adoption of this chapter, the owners shall submit to the Hayward Planning Commission a plan for restoration of the quarrying site in accordance with Subsection C 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 chapter.
 - (3) Within three years after the effective date of this chapter, any such existing operation shall be subject to the provisions of Subsections D, E and F of this section.

§ 515-62. 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, Ch. NR 51⁵ and the requirements herein specified.

- A. All salvage yards shall have minimum front, side and rear yards of 100 feet.
- B. 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.

§ 515-63. Garbage and refuse disposal sites.

- A. No garbage or refuse disposal sites shall be permitted in the City of Hayward except in conformance with the rules and regulations of Ch. NR 51 Wisconsin Administrative Code.⁶

5. Editor's Note: So in original.

6. Editor's Note: So in original.

- B. All such disposal sites shall have a minimum front, side and rear yards of 100 feet each.
- C. 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.

§ 515-64. 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:

- A. Minimum size: 10 acres.
- B. Maximum number of mobile home sites: six per acre.
- C. Minimum width of mobile home site: 40 feet.
- D. Maximum height of mobile home trailer: 25 feet.
- E. Minimum distance between mobile trailers: 20 feet.
- F. Minimum distance between mobile home and service road: 10 feet.
- G. Each mobile home site shall be connected to a public or common water supply system and a public or common sewage disposal system.
- H. 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 1 1/4 parking spaces for each mobile home space.
- I. No mobile home sales office or other business or commercial use shall be located on the mobile home park site. However, laundries, washrooms, recreation rooms, maintenance equipment, storage and one office are permitted.
- J. Minimum side yard setback: 40 feet at all front, side and rear lot lines of the mobile home park.
- K. Each mobile home shall be placed on a four-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 accessway, 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.

- L. All mobile home parks shall be screened in accordance with Article XIX of this chapter.
- M. All mobile homes shall meet the construction standards of the Mobile Homes Manufacturing Association.
- N. Mobile home parks shall comply with the sanitation regulations of the Sawyer County Sanitary Code and the appropriate requirements of the Wisconsin Administrative Code.

§ 515-65. 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.

- A. Each trailer site shall be plainly marked and surfaced.
- B. Maximum number of trailer sites shall be 15 per gross acre.
- C. All drives and parking areas other than those at individual trailer sites shall be surfaced, at least gravel surface.
- D. Central toilet, shower and washing facilities shall be provided in sufficient quantity, as determined by the State Department of Safety and Professional Services requirements.
- E. Water supply and sewage disposal shall be provided by Hayward's public systems or shall comply with regulations of the Sawyer County Sanitary Code.
- F. No trailer shall be less than 50 feet from the front, side or rear lot lines of the camp.
- G. Marshland and shoreline areas shall not be altered.
- H. The screening provisions of Article XIX, Screening and Fencing, shall be met.

§ 515-66. Major recreational equipment.

The parking, storage, or use of major recreational equipment shall not be subject to the provisions of this article, 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.

§ 515-67. Outdoor solid-fuel-fired heating device. [Added 4-12-1999 by Ord. No. 378; amended 11-13-2012 by Ord. No. 514]

- A. Definition. As used in this section, the following term shall have the meaning indicated:
OUTDOOR SOLID-FUEL-FIRED HEATING DEVICE — A freestanding solid fuel unit or device designated for solid fuel combustion that:

- (1) Is intended and/or used to provide useable heat and/or hot water to any associated structure.
 - (2) Operates by burning wood or any other solid fuel, including but not limited to: coal, paper pellets, and agricultural products.
 - (3) Is not located within a building intended for habitation by humans or domestic animals and the structure to be heated.
 - (4) Includes, but not limited to, devices referred to as outdoor furnaces, outdoor boilers, and outdoor stoves.
- B. An outdoor solid-fuel-fired heating device may be installed and used in the City of Hayward only in accordance with the following provisions:
- (1) Unless a specific written approval has been obtained from the Department of Natural Resources, the following materials may not be burned in an incinerator, furnace, stove or any other indoor or outdoor incineration or heating device. The City of Hayward will not issue a permit for burning any of the following materials without air pollution control devices and a written copy of an approval by the Department of Natural Resources.
 - (a) Rubbish or garbage, including but not limited to food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite, shingles, construction or demolition debris or other household or business wastes.
 - (b) Waste oil or other oily wastes except used oil burned in a heating device for energy recovery subject to the restrictions in Chapter NR 590, Wisconsin Administrative Code.
 - (c) Asphalt and products containing asphalt.
 - (d) Treated or painted wood, including but not limited to plywood, composite wood products or other wood products that are painted; varnished or treated with preservatives.
 - (e) Any plastic material, including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic container.
 - (f) Rubber including tires and synthetic rubber-like products.
 - (g) Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled in accordance with Chapter 384, Solid Waste, Article III, Recycling, except as provided below in Subsection B(1)(g)[1] and [2];
 - [1] Paper and cardboard products may be used as a starter fuel.
 - [2] Small quantities of confidential papers from a residence may be burned if necessary to prevent the theft of financial records, identification or other confidential information.

- (h) Must meet EPA air standards.
 - (2) The outdoor solid-fuel-fired heating device shall be located at least 50 feet from the nearest building which is not on the same property as the device.
 - (3) The outdoor solid-fuel-fired heating device shall have a chimney that extends at least 15 feet above the ground surface. The Building Inspector may approve a lesser height on a case-by-case basis if necessary to comply with manufacturer's recommendations and if the smoke from the lower chimney height does not create a nuisance for neighbors.
 - (4) The outdoor solid-fuel-fired heating device shall follow the minimum setbacks of the applicable zoning district.
 - (5) Outdoor solid-fuel-fired heating devices may be operated all 12 months of the year. However, the use of an outdoor solid-fuel-fired heating device shall not be a public nuisance as prohibited by the City of Hayward Municipal Code.
- C. Existing nonconforming outdoor solid-fuel-fired heating devices. The lawful use of a nonconforming outdoor solid-fuel-fired heating device existing at the time of the adoption or amendment of this chapter may be continued although such device does not conform to the provisions of this chapter. However, the use of a nonconforming outdoor solid-fuel-fired heating device shall not be a public nuisance as prohibited by the City of Hayward Municipal Code.
- D. All outdoor solid-fuel-fired heating devices are considered an accessory structure and require a building permit.

ARTICLE XIX

Screening and Fencing

§ 515-68. General provisions.

Screening or fencing as required by this chapter shall be subject to the following provisions.

§ 515-69. Approval of plan required.

Any use or conditional use listed in this chapter 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.

§ 515-70. Objectives.

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.

§ 515-71. Extent.

- A. Screen planting. Screen planting shall be 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. Existing planting is acceptable as required planting to the extent that it is equivalent, suitable, and preserved in good condition.
- D. Fences and walls. Fences and walls shall be appropriately designed for the function intended and shall be substantially constructed to withstand conditions of soil, weather, and use.
- E. All screening, fences and walls required by this chapter shall be maintained so as not to prove an objectionable view by themselves.

ARTICLE XX
Conditional Uses

§ 515-72. Objective of conditional uses.

One of the purposes of this chapter 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.

§ 515-73. Conditional use permit required.

Any conditional uses listed in this chapter 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.

§ 515-74. Basis of approval; considerations.

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.

§ 515-75. Conditional use permit procedure.

- A. 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 Article XXIII of this chapter 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.
- B. 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.
- C. Hearing. The Hayward Planning Commission shall schedule a public hearing on the application within 30 days after it is filed.
- D. 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.
- E. 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.
- F. 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.

ARTICLE XXI
Nonconforming Uses

§ 515-76. Continuation of uses; alterations; abandonment.

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

ARTICLE XXII
Board of Appeals
[Amended 4-15-1975 by Ord. No. 152]

§ 515-77. Appointments; compensation; removal from office; powers.

A Board of Appeals shall be appointed as specified in §§ 60.74 and 62.23, Wis. Stats. Each member of said Board of Appeals shall receive the sum of \$5 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:

- A. To hear and decide appeals where it is alleged that the Building Inspector has made an erroneous finding or order.
- B. To hear and decide special exceptions to the terms of this chapter upon which the Board is required to pass.
- C. To grant specific variances from the terms of this chapter where it is shown that unique physical circumstances applying to a lot cause hardship to the owner under the chapter 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.

§ 515-78. Limitation on powers.

No action of the Board of Appeals shall have the effect of permitting in any district uses prohibited in such district by this chapter.

§ 515-79. Public access to minutes and determinations.

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/Treasurer and shall be open for public inspection during office hours.

ARTICLE XXIII**Enforcement and Penalties****§ 515-80. Enforcement by Building Inspector.**

The City of Hayward shall designate that the Building Inspector enforce this chapter by means of land use permits, the cost of which shall be established by the City of Hayward.

§ 515-81. Land use permit required.

The Inspector shall not issue a permit for a structure or a use that is not allowed by this chapter. 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.

§ 515-82. Application for land use permit.

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.

§ 515-83. Lot size to accommodate on-site sewage disposal systems.

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 on-site sewage disposal system in accordance with Ch. SPS 385 of the Wisconsin Administrative Code and provisions of the Sawyer County Sanitary Code.

§ 515-84. Temporary permits.

Under rules established by the City of Hayward, the Inspector may issue temporary permits of up to one year's duration.

§ 515-85. Violations and penalties. [Amended 7-8-1991 by Ord. No. 286]

A. Any person or entity who violates this chapter 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:

- (1) First offense: \$100 forfeiture.

- (2) Second offense (within one year): \$150 forfeiture.
- (3) Third offense (within one year): \$200 forfeiture.
- B. Every day of violation shall be considered to be a separate offense.

§ 515-86. Citations. [Added 7-8-1991 by Ord. No. 286]

- A. With respect to the City of Hayward, issuance of citations under § 66.0113, Wis. Stats., 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 chapter. 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 by the City Clerk/Treasurer 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:
 - (1) First alleged offense: \$100, plus court costs and court assessments.
 - (2) Second alleged offense (within one year): \$150, plus court costs and court assessments.
 - (3) Third alleged offense and subsequent alleged offenses (within one year): \$200, plus court costs and court assessments.
- C. In lieu of the filing of a cash bond and/or deposit as set forth under § 66.0113, Wis. Stats., 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 § 66.0113, Wis. Stats. are hereby incorporated herein by reference and shall be considered to be part of this chapter in total.

ARTICLE XXIV

Amendments

[Amended 10-20-1975 by Ord. No. 156]

§ 515-87. Statutory authority.

The City of Hayward may amend this chapter following the procedures described in § 62.23, Wis. Stats.

§ 515-88. Application fee.

Wherever 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 nonrefundable application fee of \$75 at the time of filing of said application.

7. Editor's Note: So in original.

ARTICLE XXV

Annexation

§ 515-89. Assignment to zoning district.

All territory annexed by the City of Hayward shall be assigned a zoning district according to its use as provided by § 66.0217, Wis. Stats., as amended.

