

ZONING ORDINANCE

Town Board Adoption: December 11, 2012
County Board Adoption: December 19, 2012
DATCP Certification Order: December 26, 2012

Town of Hartland
Shawano County, Wisconsin

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SECTION 1.0 INTRODUCTION

AN ORDINANCE PROVIDING ZONING AND BUILDING REGULATIONS FOR THE TOWN OF HARTLAND, SHAWANO COUNTY, WISCONSIN.

1.1 Authority

In accordance with the authority granted by Sections 60.61, 60.62, 61.35, 62.23, 295.14 and Chapter 91 of the Wisconsin Statutes and for the purpose listed in Section 62.23 (7)(c) of the Wisconsin Statutes, the Town Board of Hartland, Shawano County, Wisconsin, does hereby ordain these zoning regulations.

1.2 Title

This Ordinance shall be known as, referred to or cited as the "Town of Hartland Zoning Ordinance".

1.3 Purpose and Intent

The purpose of this Ordinance is to adopt minimum requirements to promote the health, safety, morals, prosperity, aesthetics, and general welfare of the Town; to aid in implementing the Town of Hartland Comprehensive Plan.

1.4 Compliance

No future building or structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered in the Town of Hartland without being in full compliance with the provision of this ordinance.

1.5 Abrogation and Greater Restrictions

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

1.6 Interpretation

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

1.7 Severability

If any section, clause, provision or portion of this Ordinance held to be invalid or unconstitutional by a court of competent jurisdiction, or if the application of this Ordinance to any person or circumstances is held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance that can be given effect without the invalid or unconstitutional provision or application.

1.8 Conflicting Provision

All other Town of Hartland ordinances or parts of Town of Hartland ordinances in conflict with the provisions of the Ordinance are hereby repealed.

1.9 Effective Date

The power to adopt a town zoning ordinance having been approved by referendum vote of the electors of the town held at the time of a regular annual town meeting and a public hearing having been held regarding this Ordinance following the giving of requisite notice, the adoption by the Town Board original ordinance was named effective following approval by the Shawano County Board of Supervisors and publication.

SECTION 2.0 GENERAL PROVISIONS

2.1 Jurisdiction

The jurisdiction of this Ordinance shall include all lands and waters within the boundaries of the Town of Hartland. In the shoreland and floodplain areas under the dual jurisdiction of the Town of Hartland and Shawano County, this ordinance and the Shawano County regulations shall be in full effect and all requirements shall be met. In addition, Army Corp of Engineers and Wisconsin Department of Natural Resources regulations may apply in wetland and floodplain areas. It is the responsibility of the permit applicant to secure all other necessary permits required by any federal, state, or county agency. Similarly, it is the responsibility of the permit applicant to secure any other necessary Town of Hartland permits. Additionally, White Lake residents should refer to Section 8.2 of the Shawano County Shoreland Zoning Ordinance for restrictions specific to that area. Finally, all residences are subject to the Uniform Dwelling Code, administered by the building inspector.

2.2 Compliance

No future building or structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered in the Town of Hartland without being in full compliance with the provision of this ordinance.

2.3 Authority of the Town Board

The Town Board, without limitation upon such authority as it may possess by law, has responsibility for implementing and administering this Ordinance. The Town Board, in general, performs the following functions:

1. Approves or disapproves any application for an amendment to this Ordinance, including applications for amendment to the official zoning map, and forwards the approved application to the Shawano County Board of Supervisors for their approval.
2. Approves or disapproves proposed amendments to the Town's adopted Comprehensive Plan.
3. Takes such other action not delegated to other bodies that may be desirable and necessary to implement the provisions of this Ordinance.

2.4 Duties of the Zoning Administrator

The Town Zoning Administrator is hereby designated by the Town Board as the administrative and enforcement officer for the provisions of this Ordinance. The Town Zoning Administrator is not required to reside or own land in the Town of Hartland. The duty of the Zoning Administrator shall be to interpret and administer this Ordinance and to issue all permits required by this Ordinance.

(1) Duties

The Zoning Administrator is responsible for performing the following duties:

- A. Provide necessary forms and applications for permits.
- B. Review and approve or deny all applications for zoning permits for permitted uses, and any other permits required by this Ordinance.
- C. Conduct pre-application conferences with petitioners for zoning amendments.
- D. Issue and maintain records of all certificates of compliance.
- E. Receive, certify for completeness and forward to the Plan Commission all applications requiring Plan Commission review as prescribed by this Ordinance.
- F. Conduct inspections of buildings, structures and uses of land to determine compliance with the terms of this Ordinance.
- G. Make investigations with respect to matters referred to in this Ordinance.

- H. Have possession of permanent and current records of this Ordinance, including the Town's official zoning map and amendments to the official zoning map, conditional use permits, Board of Appeals decisions, and ordinance amendments.
- I. Review, process and report findings and recommendations and forward appeal and variance requests to the Board of Appeals on those applications upon which the Board of Appeals is required to act.
- J. Enforce all orders of the Board of Appeals.
- K. Revoke by order, any permit approved under misstatement of fact or contrary to the provisions of this Ordinance.

(2) Notice of Violation

If the Zoning Administrator finds that any of the provisions of this Ordinance are being violated, he shall notify, in writing by registered or certified mail, the person(s) responsible indicating the nature of the violation and ordering the action necessary to correct the violation. Whenever a person shall have been notified in writing that he is in violation of the provisions of this Ordinance, such person shall commence correction of all violations within ten days of notice and shall correct all violations within 45 days of notice. If such corrections are not commenced within ten days of written notice or not corrected with 45 days of written notice, each day that a violation continues shall be considered a separate offense.

2.5 Zoning Permit

(1) Timeline:

A zoning permit shall be granted or denied in writing by the Zoning Administrator within 30 calendar days of a complete application. Conditional use permits shall be granted or denied in writing within 60 calendar days of a complete application. If denied, the reasons for such denial shall clearly appear upon the face of the notification of denial. Zoning Permits shall expire twelve (12) months after issuance unless substantial work has commenced or granted an extension by Plan Commission. If a complete permit application is not acted upon within six (6) months of the date received, it shall be deemed to have been approved.

(2) When Required:

A zoning permit, shall be required for the construction, reconstruction, location, relocation, erection, extension, enlargement, conversion, or structural alteration of any building, structure, or part thereof, unless specifically exempted by this Ordinance (See Section 2.6).

(3) Application:

An application for a zoning permit shall be submitted to the Zoning Administrator on forms furnished by the Town and shall include the following information:

- A. Name and address of the property owner.
- B. Signature of the property owner or agent.
- C. Location ID number, deed, legal description or other identifier of the subject property.
- D. Statement concerning the proposed structure or use of the site.
- E. A clearly legible drawing, showing the following:
 - 1. Boundaries, dimensions, and areas of the subject site.
 - 2. The spatial relationship of the subject site to abutting public roads and right-of-ways, private roads, easements, wetlands and navigable waters.

3. The location and dimensions of any existing or proposed structures or additions and their relationship to abutting public roads and right-of-ways, street grades, private roads, property lines, proposed and existing wells (whether in use or abandoned) and sanitary waste disposal systems, ordinary high watermark of navigable waters, and any known sinkholes or depressions on the land.
 4. Location of proposed or existing road access points, parking and loading areas, and driveways.
- F. Building plans including all floor plans and at least two elevation views. The plan shall include any proposed decks or other structures necessary to exit doors or fire escapes, and, any other appurtenances, structures or buildings to be located on the property during construction for which a permit is required.
 - G. Satisfactory evidence of the proposed structure and/or use in compliance with Sections 5.0, 6.0, and 7.0.
 - H. Additional information as may be required on the application or by the Zoning Administrator in order to determine the full compliance with the requirements of this Ordinance.
 - I. Place stakes at the exterior corners of the proposed building on the proposed lot in which the applicant desires to build.
- (4) Application Acceptance:
- A. No application shall be accepted by the Zoning Administrator until deemed complete as judged by the Zoning Administrator and until the application is signed and all fees established have been paid in full.
 - B. Upon the Zoning Administrator's determination that the proposed use, building, or structure complies with the provisions of this Ordinance, a zoning permit shall be issued. The permit shall authorize the applicant to proceed subject to all provisions of the Ordinance.
- (5) Application Denial:
- A. An application for a use, building, or structure not in conformity with the provisions of this Ordinance shall be denied a zoning permit and the reasons for denial shall be stated. In the event the permit is denied, the application fee will not be refunded. No permit shall be issued for uses, buildings, or structures involving human occupancy without documentation that provision has been made for safe and adequate water supply and disposal of sewage.
 - B. The Town of Hartland reserves the right to withhold issuing a permit until compliance has been determined with other applicable chapters of the *Town of Hartland Code of Ordinances*.
- (6) Permit Expiration:
- If construction has commenced prior to the expiration of a zoning permit, but is not completed prior to such expiration, a 12 month renewal zoning permit may be issued by the Zoning Administrator upon submittal of a renewal application, required application items and fee. Additional renewals shall be granted by the Zoning Administrator upon a finding that progress had been made during the previous year toward completion of the structure. If a 12 month period passes without evidence of progress towards completion, the Zoning Administrator shall advise the Town Board of same and the Town Board may hold a public hearing on the matter and may impose a completion schedule. The cost of the public hearing shall be borne by the applicant. For purposes of this Ordinance, a structure shall be deemed completed when the roof, exterior walls, doors, windows, and sub floors are in

place and finished, appurtenances authorized by the permit (such as decks) are completed, and the sanitary waste disposal system and adequate water supply have been installed (if applicable).

- (7) Fees:
Fees shall be set from time to time by the Town Board through the Town of Hartland Fee Schedule.
- (8) Failure to Act:
If an application for a proposed Zoning Permit is not acted upon finally by the Zoning Administrator within six (6) months of the date upon which the Zoning Administrator determines the application complete, it shall be deemed to have been approved.

2.6 Uses Not Requiring a Zoning Permit

No Zoning Permit shall be required for any of the following cases:

- (1) For Building an Accessory Building less than 200 square feet in area.
- (2) For Any Improvement or Alteration to an existing building, less than 200 square feet in area, which does not effect a change in use.
- (3) For Repairs that do not alter the size or position of an existing structure on a lot. Such repairs shall not include the replacement or alteration of bearing walls.
- (4) Portable Structure as defined in Section 13.
- (5) Signs requiring a sign permit.
- (6) Any reconstruction, conversion, or structural alteration that does not result in any change to the existing outer walls and/or roof of an existing building unless the purpose is to convert a building not used for human habitation to one used for human habitation.
- (7) Structures which are less than 36 inches in height above grade elevation (provided such structure meets all setback and impervious surface requirements of this Ordinance).
- (8) Uses permitted as conditional use (require a Conditional Use Permit – see Section 4.0).
- (9) However, any work that qualifies for an exemption under this section shall be required to comply with the applicable setback, yard, height, and other requirements set forth in this Ordinance.

2.7 Certificate of Compliance

- (1) No building or structure hereafter erected or moved shall be occupied or used until a certificate of compliance shall have been used by the Zoning Administrator. Such certificate shall be applied for coincidental with the application for a zoning permit and shall be issued within ten days after the erection, alteration, repair, or moving of such building. Such building shall have been completed in conformity with the provisions of this Ordinance and in conformity with the statements on the application for the zoning permit.

- (2) Upon written request, the Zoning Administrator shall issue a Certificate of Compliance or a Statement of Non-Conformity for any building or premises existing at the time of the adoption of this Ordinance.

2.8 Site Restrictions

No land shall be used or structure erected where the land is unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of this community. The Town Zoning Administrator, in applying the provisions of this section, shall in writing recite the particular facts upon which he bases his conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he or she so desires. Thereafter the Town Plan Commission may affirm, modify, or withdraw the determination of unsuitability. In addition:

(1) Dimensions of Building Sites:

A. Lots not served by Public Sewer:

1. Minimum Area and Width: Except as otherwise specifically required or permitted the minimum lot area shall be 2.9 acres and a minimum lot width of 125 feet at the building line and 125 feet at the water's edge.
2. Side and Rear Yards: There shall be a fifteen (15) foot minimum side and rear yard setback for each structure.

B. Lots served by Public Sewer: (For Future Use Only. The Town had no lots served by public sewer at time of ordinance adoption.)

1. Minimum Area and Width: Except as otherwise specifically required or permitted the minimum lot area shall be 10,000 square feet and a minimum lot width of 80 feet at the building line and 80 feet at the water's edge.
2. Side and Rear Yards: There shall be a fifteen (15) foot minimum side yard for each structure.
3. Minimum lot sizes for multi-family dwellings shall not be less than required in Section 2.8 - 1 and shall be increased as shown in Table 2.8-1 below.

Table 2.8-1: Increases in Minimum Lot Area for Each Multi-Family Dwelling

Number of Bedrooms in Each Unit	Minimum Lot Area Per Dwelling Unit (square feet)
	Public Sewer
3 or more bedrooms	4,000
2 bedrooms	3,500
1 bedroom	3,000

- (2) Height Limitations: The maximum height for all residential structures shall be forty (40) feet. The maximum height for all commercial and industrial structures shall be sixty (60) feet. The maximum height for all non-farm accessory structures shall be forty (40) feet. Height limitations are further regulated per Section 6.1 of this Ordinance.

- (3) Yard and Other Limitations: Per Sections 6.2, and 6.3 of this Ordinance.
- (4) Setbacks: All new structures shall be regulated in accordance with Section 5.0 of this Ordinance.
- (5) Street Grade: Every building hereafter erected, structurally altered, or relocated shall be at a grade approved by the Zoning Administrator as being in satisfactory relationship with the existing street grade, with particular consideration for proper drainage and safe vehicular access.
- (6) Preservation of Topography: In order to protect the property owner from possible damage due to change in the existing grade of adjoining land, and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land shall be made which would result in increasing any portion of the slope to a ratio greater than 1-1/2 horizontal to 1 vertical within a distance of 20 feet from the property line, except with the written consent of the abutting property owner and with the approval of the Plan Commission, or which would alter the existing drainage or topography in any way as to adversely affect the adjoining property. In no case shall any slope exceed the normal angle of slippage of material involved, and all slopes shall be protected against erosion.

2.9 Use Restrictions

The following use restrictions and regulations shall apply:

- (1) Principal Uses: Only those uses specified for a zoning district shall be permitted in the district.
- (2) Accessory Uses: Accessory uses and structures are permitted in any district. Residential accessory uses shall not involve the conduct of any business, trade, or industry except home occupations as defined in this Ordinance (Section 4.5).
- (3) Conditional Uses: Conditional uses and their accessory uses are those which require review, public hearing, and approval by the Town Board in accordance with Section 4.0. The only conditional uses and structures permitted by this Ordinance shall be those enumerated in the Schedule of District Regulations (Section 3.5).
- (4) Signs: Signs in accordance with Section 7.0.
- (5) Nonconforming Uses: Nonconforming uses in accordance with Section 8.0.
- (6) Temporary Uses: Temporary uses such as real estate field offices or shelters for materials and equipment being used in the construction of a permanent structure may be permitted by the Zoning Administrator through the issuance of a Certificate Zoning Compliance for a period not to exceed six (6) months. This temporary certificate may be renewed semi-annually, but in no case shall the effective time span of the Certificates exceed two years.
- (7) Mobile Home: No mobile home shall be placed or moved onto lands lying within the Town of Hartland, except within an approved mobile home park.

- (8) Utilities: Public utility uses which have been issued a Certificate of Public Convenience and Necessity pursuant to Section 196.491(3) of the Wisconsin Statutes are exempt from the requirements of this Ordinance, and shall not be required to obtain a Zoning Permit.

2.10 Performance Standards

Standards listed in Section 13.0 shall be complied with by all uses in all districts.

2.11 Violations

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

2.12 Authority to Bring Action

The Town Board may take action to enjoin, remove, or vacate any use, erection, moving, placement, or structural alteration of any building, structure or use in violation of this Ordinance.

2.13 Penalties

Any individual, corporation, partnership, limited liability company (LLC), trust, estate or other legal entity who fails to comply with the provisions of this Ordinance shall be subject to the terms and conditions identified within the Town of Hartland Citation Ordinance.

SECTION 3.0 ZONING DISTRICTS

3.1 Establishment

For the purpose of this Ordinance, the following primary use districts are hereby established with the Town of Hartland.

PRIMARY USE DISTRICTS

- (1) FP - Farmland Preservation (See Section 14)
- (2) AFG - Agricultural & Forestry General
- (3) R - Residential
- (4) CG - Commercial General
- (5) IM - Industrial & Manufacturing (For Future Use)

3.2 Official Zoning Map

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

The boundaries of the zoning districts enumerated in Sec. 3.1 are hereby established as shown on the Official Zoning Map of the Town of Hartland, Shawano County, Wisconsin adopted and incorporated herewith by reference. The Official Zoning Map shall be on file and available for public inspection at the office of the Town Clerk, Town of Hartland. The Official Zoning Map shall be revised promptly upon the approval of any zoning map amendment requests.

3.3 Interpretation of District Boundaries

When uncertainty arises concerning the boundaries of the zoning districts, the following rules shall apply:

- (1) Where district boundaries are depicted as approximately following the centerlines of streets, highways, or road right-of-way lines, or centerlines of streams or drainage ways, such center, road right-of-way lines shall be constructed to be such boundaries.
- (2) Where district boundaries are depicted as approximately following lot lines, such lot lines shall be constructed to be such boundaries.
- (3) Where district boundaries are depicted as running parallel to centerlines of streets, highways or road right-of-way lines, such parallel lines shall be constructed to be such boundaries at a distance from the centerlines that fulfills the intent of drawing such lines.
- (4) Where boundaries do not follow property lines and distances are not specified, boundaries shall be reviewed and interpreted by the Hartland Town Board.

3.4 Uses Regulated

No building, structure or use of land shall hereafter be initiated or altered except in conformity with the regulations specified for the district in which it is located. Uses not specified in this Ordinance may, nonetheless, be allowed by the Town Board after application, only if such uses are substantially similar in character to specific permitted or conditional uses in the applicable district.

3.5 District Regulations

(1) FP Farmland Preservation Zoning District (Section 14)

(2) AFG Agricultural and Forestry General District

The purpose of this district shall be to promote an area for general agricultural, forestry and outdoor recreation use and its complimentary uses. In addition, this district will accommodate low density residential, and other open space and undeveloped land. Note that agriculture related terms are defined in Section 14.4.

A. Permitted Uses

1. Agricultural uses, except livestock facilities housing more than 500 animal units of cattle, poultry, swine, sheep, goats or any other animal confinement facilities housing other types of animals (e.g. mink). Beekeeping, grazing, field crops, forestry, green houses (home use), orchards, tree & shrub nurseries, mushrooms, wild crop harvesting and other horticultural activities.
2. Agriculture accessory uses.
3. Single family dwellings and accessory structures, including private garages and buildings clearly incidental to the residential use of the property.
4. Home occupational business (Minor).
5. Home offices.
6. Prior legal nonconforming uses that were in existence as of December 11, 2012, subject to the nonconforming use provisions of this Ordinance.
7. Undeveloped natural resource and open space areas.
8. Road side stands for the sale of farm products.
9. Family Day Care Home.
10. One recreational vehicle intended for temporary parking and living purposes.
11. Hunting and Fishing Shelters.
12. Maple syrup processing.
13. Privy (with required sanitary permit).
14. Pond (with required agency permits if applicable).
15. Solar energy systems for primarily on-site use.
16. Wind energy systems for primarily on site use.
17. Portable storage facility (under 60 days).
18. Portable sawmill and debarking operations not to operate in one location (1/4,1/4 section), in excess of 12 months.
19. Blacksmithing, welding and repairs.
20. Park, playground, and play fields.
21. Licensed game farms.
22. Christmas tree and wreath sales.
23. Veterinary clinics.
24. Animal boarding and breeding facilities.
25. Truck Farming.
26. Fish hatchery.
27. Fur farms.
28. Grain elevator and crop storage facilities.
29. On-farm butchering for personal use.
30. Transportation, utility, communication, or other uses that are required under state or federal law to be located in a specific place or that are authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for those uses.

31. Any similar use subject to Zoning Administrator approval.

B. Conditional Uses

1. Agriculture related use.
2. Animal confinement facilities over 500 Animal Units.
3. Governmental, religious, or cultural uses such as town halls, police and fire stations, libraries, churches, cemeteries, schools, and parks.
4. Duplexes.
5. Non-metallic mining.
6. Oil and gas exploration.
7. Transportation, communications, pipeline, electric transmission, wind energy systems, or utility uses.
8. Bed and breakfast establishments.
9. Commercial greenhouse, landscape and nursery sales.
10. Licensed dog kennels.
11. Home occupational business (Major)
12. Trap and sporting clay shooting facilities, archery and gun shooting ranges; gun clubs.
13. Wireless communication facilities.
14. Campgrounds.
15. Golf courses.
16. Solar energy systems when the primary intent is for export and the sale of energy.
17. Wind energy systems when the primary intent is for export and the sale of energy.
18. Group Day Care Center Facility.
19. Private Airport.
20. Cheese or dairy processing plants.
21. Quasi-public clubs and lodges.
22. Farm equipment sales and service.
23. Filling, grading and dredging (with required agency permits if applicable).
24. Housing for seasonal agriculture workers.
25. Radio, TV and cell phone towers.
26. Portable Storage Facility (over 60 days).
27. Personal Storage Facility.
28. Outdoor storage and wholesaling.
29. Indoor storage and wholesaling.
30. Sale of bait for fishing and sporting goods and supplies.
31. Dams (with required agency permits if applicable).
32. Saw mill and debarking operations.
33. Recreational, religious and/or youth camps.
34. Manure storage systems. (Please note that permits for manure storage systems are subject to s. ATCP 50.56 and Ch. ATCP 51, Wis. Adm. Code).
35. Large (greater than 2000 gallons) on-farm fuel or agricultural storage facilities.
36. Processing agricultural by-products or wastes received directly from farms, including farms in the FP zoning district.
37. Outdoor Public Recreation – Passive.
38. Outdoor Public Recreation – Active.
39. Single-Family Residence Accessory to a Business Use.
40. Any similar use subject to Town Board approval.

C. Area, Height and Yard Requirements: See Section 2.8.

(3) R Residential District

The primary purpose of this district shall be exclusive single-family residential nature.

A. Permitted Uses

1. Single family dwellings and accessory structures, including private garages and buildings clearly incidental to the residential use of the property, provided that no such accessory buildings may be used as dwelling units.
2. Two family residential.
3. Home occupations (Minor).
4. Home offices.
5. Family Day Care out of a residential home.
6. Prior legal nonconforming uses that were in existence as of December 11, 2012, subject to the nonconforming use provisions of this Ordinance.
7. Transportation, utility, communication, or other uses that are required under state or federal law to be located in a specific place or that are authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for those uses.
8. Any similar use subject to Zoning Administrator approval.

B. Conditional Uses

1. Multi-Family Residential
2. Governmental, religious and cultural uses such as fire and police stations, schools, churches, cemeteries and libraries.
3. Manufactured/mobile home park.
4. Bed and breakfast establishments.
5. Any similar use subject to the approval of the Town Board.

C. Area, Height and Yard Requirements: See Section 2.8.

(4) CG Commercial General District

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

A. Permitted Uses

1. Agricultural use.
2. Parking lots.
3. Personal or professional sales and service establishments, with no more than 3,500 square feet of floor space.
4. Professional offices with no more than 3,500 square feet of floor space.
5. Retail businesses with no more than 3,500 square feet of floor space.
6. Governmental, institutional, religious or nonprofit community uses.*
7. Farm equipment sales and service.*
8. Restaurants.*
9. Taverns.*
10. Sale of bait for fishing and sporting goods and supplies.*
11. Commercial greenhouse, landscape and nursery business.*

12. Christmas tree and wreath sales.
13. Road side stands.
14. Indoor sales and service.*
15. Long term outdoor display and sales.*
16. Maintenance service.*
17. In vehicle sales and service.*
18. Rental services.*
19. Indoor commercial entertainment and service.*
20. Indoor lodging facility.*
21. Resort establishment.*
22. Golf Courses with accessory uses.*
23. Personal storage facility.
24. Portable storage facility.
25. Indoor storage and warehousing.*
26. Indoor retail sales activity - accessory to indoor storage and wholesaling.*
27. Light industrial activity – accessory to indoor sales and service.*
28. Prior legal nonconforming uses that were in existence as of December 11, 2012, subject to the nonconforming use provisions of this Ordinance.
29. Any similar use subject to Zoning Administrator approval.
30. Transportation, utility, communication, or other uses that are required under state or federal law to be located in a specific place or that are authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for those uses.

* =Permitted Use < 3,500 sq. feet of floor space, otherwise Conditional Use.

B. Conditional Uses

1. Retail businesses, professional offices, personal and business sales and or service establishments exceeding 3,500 square feet in floor space.
2. Outdoor storage yard or wholesaling.
3. Bed and Breakfast Establishments.
4. Group Day Care Center.
5. Animal boarding and breeding.
6. Veterinary clinic.
7. Hospitals, clinics and nursing homes.
8. Residential quarters for the owner, commercial tenant, employee or caretaker located in the same building as the business.
9. Transportation, communications, pipeline, electric transmission, or utility uses.
10. Solar energy systems when the primary intent is for export and the sale of energy.
11. Wind energy systems when the primary intent is for export and the sale of energy.
12. Truck Farming.
13. Recreational, religious and/or youth camps.
14. Quasi-public clubs and lodges.
15. Outdoor public recreation - active.
16. Outdoor public recreation - passive.
17. Gas station.
18. Light industrial.
19. Private airport.
20. Single-Family Residence Accessory to a Business Use.
21. Any similar use subject to the approval of the Town Board.

C. Area, Height and Yard Requirements: See Section 2.8.

(5) IM Industrial and Manufacturing District

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

A. Permitted Uses

1. Manufacturing establishments engaged in the fabrication, processing, assembly or packaging of a product which is not specified as a conditional use in the Industrial District.
2. Light industrial.
3. Indoor sales and service – accessory to light industrial
4. Agricultural use.
5. Automobile repair facilities.
6. Contractors shop and/or office.
7. Farm machinery sales, service and storage facilities.
8. Food storage warehouses.
9. Freight yards and trucking terminals.
10. Gas stations.
11. Governmental uses such as but not limited to, police or fire stations, or buildings used for the storage or repair of road maintenance equipment.
12. Nurseries, greenhouses and landscaping businesses.
13. Parking lots.
14. Printing and publishing establishments.
15. Processing and packaging of food products.
16. Processing and packaging of recyclable materials.
17. Recycling collection point.
18. Self-service storage facility.
19. Warehousing, except the storage of chemicals, explosives, flammables and radioactive materials.
20. Wholesale establishments.
21. Retail sale of products if accessory to and in the same structure as the principal use.
22. Boat storage, sale of boats, motors, fuel, marine supplies, servicing of boats and motors and the manufacture of boats or motors.
23. Solar energy systems when the primary intent is for export and the sale of energy.
24. Wind energy systems when the primary intent is for export and the sale of energy.
25. Transportation, utility, communication, or other uses that are required under state or federal law to be located in a specific place or that are authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for those uses.

B. Conditional Uses

1. Manufacturing, processing, packaging or storage of chemicals, explosives, batteries, asphalt, cement, flammables, paint, poison, rubber, dyes, plastics and radioactive materials.
2. Heavy industrial.

3. Airports, aircraft landing fields and hangers.
4. Junk & Salvage yards.
5. Solid or hazardous waste facility.
6. Farms operated for the disposal of sewage, rubbish or any waste material.
7. Feed mills, granaries and elevators.
8. Incinerators.
9. Non-metallic mining.
10. Sewage treatment facilities.
11. One single-family residence per site for the owner or proprietor, caretaker and their family, which is incidental to a permitted or conditional use.
12. Adult-entertainment establishments.
13. Private airport.
14. Any similar use subject to the approval of the Town Board.

C. Area, Height and Yard Requirements: See Section 2.8.

SECTION 4.0 CONDITIONAL USES

4.1 Permit

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

(1) Approval Required

Any use listed as a conditional use in this Ordinance shall be permitted only upon successful completion of the following:

- A. Application to the Zoning Administrator.
- B. Approval by the Plan Commission.
- C. Issuance of a Conditional Use Permit.

(2) Application

Application for conditional use permits shall be submitted in writing to the Zoning Administrator on forms provided by the Town and shall include substantially the same information as required under Section 2.5(3). The cost of the application for a conditional use permit shall be determined by the Town's Fee Schedule.

(3) Public Hearing

- A. Before action is taken upon an application for a conditional use permit, the Town Plan Commission shall hold a public hearing. A class 2 notice shall be given as provided in Wis. Stat. Ch. 985. The Plan Commission shall report its decision in writing and the grounds for its decision.
- B. As a matter of practice, an earnest effort will be made to send by regular mail a copy of the notice for public hearing to the applicant or petitioner or their agent, and to the property owners (as recorded in the Shawano County Register of Deeds Office) of all lands adjacent any part of the parcel or parcels included in the conditional use permit application. The failure to mail a notice to the above parties or the failure of such notice to reach any of the above parties does not invalidate any public hearing or any decision of the Plan Commission.

(4) Review

In all cases of proposed establishment of a conditional use specified in this Ordinance, the Plan Commission shall review the site, existing and proposed structures, intended use of structure, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewage and water systems, and other aspects of the proposed use.

(5) Existing Conditional Uses

Any use existing on December 11, 2012, other than an existing nonfarm residence in the FP Farmland Preservation Zoning District, which is classified by this Ordinance as a conditional use in the district in which it is located, shall be deemed to have been granted approval as a conditional use under this Ordinance, subject to maintaining the character and extent of such use or structure existing on that date. Any change in such use shall require approval according to the terms of this Ordinance.

(6) Conditions and Guarantees

- A. Prior to granting a permit for a conditional use, the Plan Commission may stipulate such conditions and restriction upon the establishment, maintenance and operation of the conditional use as it may find necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards specified in (7) Standards below. Establishment, maintenance and operation shall be construed to include, but shall not be limited to such factors as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, operation control, hours of operation, traffic circulation, deed restrictions, access restrictions, yard and parking requirements, insofar as the Plan Commission shall find that conditions applying to these factors are necessary to fulfill the purpose and intent of this Ordinance.
- B. In all cases in which a permit for conditional use is granted, the Plan Commission shall require such evidence and guarantees as it may deem necessary to fulfill the purpose and intent of this Ordinance and as proof that the conditions stipulated in connection therewith are being and will be complied with.
- C. The Plan Commission may include in the conditions a requirement that the conditional use be reviewed within a specified period of time.
- D. The Plan Commission has the dual responsibility of not creating an undue burden on the applicant and ensuring the applicant is responsible for any future impact on adjacent property owners.

(7) Standards

No permit for a conditional use shall be granted unless the Plan Commission shall find that the following standards are met:

- A. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- B. That the uses, values and enjoyment of other property in the neighborhood used for purposes already permitted shall be in no foreseeable manner, substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.
- C. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- D. That adequate utilities, access roads, drainage, and other necessary site improvements have been or are being provided.
- E. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion and traffic hazards in the public roads.

(8) Compliance with Other Provisions

Conditional uses shall comply with all other provisions of this Ordinance such as lot width and area, yards, height, parking and loading.

(9) Authorization of Permit

The Plan Commission may authorize the Zoning Administrator to issue a conditional use permit for conditional use specified in this Ordinance after review and a public hearing, provided such uses are in accordance with the purpose and intent of this Ordinance.

(10) Resubmittal of Application

No application for a conditional use which has been denied wholly or in part by the Plan Commission shall be resubmitted for a period of one year from the date of said denial, except on the grounds that substantial new evidence or proof of change to compliance with the applicable condition is included in the resubmitted application.

(11) Violation and Revocation

A violation of any permit restriction as set forth herein and determined by the Plan Commission shall be deemed a revocation of said permit and said use shall be removed immediately. Nothing in this section shall be deemed to give the owner, applicant or occupant of said lands a vested interest in the use established in said permit. In addition, the Plan Commission shall revoke a Conditional Use Permit if at any time there has been a failure to comply with the conditions imposed or if there has been a substantial change in the development, unless such change has been approved by the Plan Commission.

(12) Expiration

A Conditional Use Permit shall be deemed to authorize only one particular use and shall expire if the authorized use ceases for more than twelve (12) consecutive months for any reason. Any permit issued shall expire if action has not been taken to establish the conditional use within six (6) months from the date the Plan Commission approved the permit. The Plan Commission may grant a time extension if requested by the applicant.

4.2 Campgrounds

Prior to granting a permit for the development or improvement of a campground the Plan Commission shall make the following determinations:

- (1) The minimum size of a campground shall be 5 acres.
- (2) The maximum number of campsites shall be 15 per acre.
- (3) Minimum dimensions of a campsite shall be 25 feet wide by 40 feet long.
- (4) Each campsite must be separated from other campsites by a yard not less than 15 feet wide.
- (5) There shall be 1 automobile parking space for each campsite.
- (6) In addition to the requirements of Section 5.0 of this Ordinance, there shall be a minimum yard setback of 40 feet from all exterior lot lines of the campground.
- (7) It shall conform to the requirement of the Wisconsin Administrative Code which shall apply until amended and then apply as amended.

4.3 Mobile Home Parks

In granting a permit for the development or improvement of a mobile home park, the Plan Commission shall make the following determinations:

- (1) The minimum size of a mobile home parks shall be ten (10) acres.
- (2) The maximum number of mobile homes shall be ten (10) per acre.
- (3) Minimum dimensions of a mobile home site shall be fifty (50) feet wide by 85 feet long.
- (4) All drives, parking areas and walkways shall be hard surfaced.
- (5) In addition to the requirements of Section 5.0 of this Ordinance, there shall be a minimum yard setback of forty (40) feet at all exterior lot lines of the mobile home park.
- (6) It shall conform to the requirements of the Wisconsin Administrative Code which shall apply until amended and then apply as amended.
- (7) No mobile home shall be rented for a period of less than thirty (30) days.
- (8) Each mobile home site be separated from other mobile home spaces by a yard not less than fifteen (15) feet wide.
- (9) There shall be two (2) surfaced automobile parking spaces for each mobile home.
- (10) The movement of a mobile home into a mobile home park requires Zoning Permit.

4.4 Home Occupation – Major and Minor

(1) Standards for a Home Occupation - Major

A home-based business that is accessory to a principal residential use. The regulations for major home occupations are more flexible than for minor home occupations; as such, major home occupations require the issuance of a conditional use permit. Includes economic activities performed within any dwelling or residential accessory structure that comply with specified requirements listed below. Examples include, but are not limited to, personal and professional services, handicrafts, small beauty salons, and small machine repair. This use shall meet the following performance standards:

- A. When the use is conducted entirely within the confines of the principal structure, it shall occupy no more than 50 percent of the gross floor area on the floor(s) where the use takes place.
- B. The use shall be clearly incidental and secondary to the use of the property for residential purposes, and the appearance of the structures shall not be altered or the occupation be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, or vibrations that carry beyond the premises.
- C. No more than four persons in addition to those members of the family that are permanent residents of the premises shall be employed by the home occupation.
- D. The business of selling stocks of merchandise, supplies, or products other than those produced by the major home occupation to fill orders made by customers shall not be permitted as a major home occupation. That is, the direct retail sale of products out of the residence within which the major home occupation is located is not allowed, but a person may pick up an order they have placed. Wholesale or retail sales from within the residence or accessory structure as the primary activity or function of the major home occupation is prohibited, except for sales conducted entirely via the mail, telephone, or the internet.
- E. The display, storage, or parking of materials, goods, supplies, or equipment outside of the dwelling is permitted in an enclosed accessory building, or in a yard of the subject property provided the yard area used for such display, storage, or parking is completely screened from view from all public streets and adjacent property through the use of landscaping materials or a combination of landscaping materials and a fence. However, for property zoned R Residential, display, storage, or parking is limited to a side or rear yard, provided the yard area used for such display, storage, or parking is completely screened from view from all public streets and adjacent property through the use of landscaping materials or a combination of landscaping materials and a fence. No storage, display or parking of materials, goods, supplies, or equipment shall be allowed within a minimum required yard.
- F. There shall be sufficient off street parking to compensate for additional parking generated by the home occupation, and employees.
- G. Any home occupation involving the on-site sale, resale, painting, body repair, salvage or wrecking of automobiles, trucks, boats, trailers, recreational vehicles, or other motorized vehicles shall be prohibited.
- H. Repair and maintenance of automobiles, trucks, boats, trailers, recreational vehicles, or other motorized vehicles, not including body repair or painting beyond “touchups”, shall be permitted. Size of the operation shall be limited to up to three vehicle repair bays and no more than 10 vehicles total onsite at any time, not

including property owner vehicles. No unlicensed vehicles shall be permitted at any time.

- I. Conditional use permits granted for major home occupations shall be assigned only to a designated person who resides at the residential address. Such permits do not run with the land, are not transferable from person to person, or from address to address.
- J. As part of the process to grant the conditional use permit for a major home occupation, the Plan Commission may restrict the number and types of machinery and equipment used on the property, limit hours of operation, or attach other conditions to the approval to meet the standards for granting a conditional use permit in this Section 4.0.

(2) Standards for a Home Occupation - Minor

A small home-based family or professional business that is accessory to a principal residential use. Includes economic activities performed within any dwelling that comply with the specified requirements listed below. Examples include, but are not limited to, personal and professional services, home offices, handicrafts, and small machine repair. This use shall meet the following performance standards:

- A. The use shall be conducted entirely within the confines of the principal residential structure or accessory residential structure.
- B. The use shall occupy no more than 25 percent of the gross floor area on the floor(s) where the use takes place.
- C. The use shall be clearly incidental and secondary to the use of the premises for residential purposes, and the appearance of the structure(s) shall not be altered or the occupation within the structures be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, odors, dust or vibrations that carry beyond the premises.
- D. The business of selling stocks of merchandise, supplies, or products other than those produced by the minor home occupation to fill orders made by customers shall not be permitted as a minor home occupation. That is, the direct retail sale of products out of the residence within which the minor home occupation is located is not allowed, but a person may pick up an order they have placed. Wholesale or retail sales from within the residence or accessory structure as the primary activity or function of the minor home occupation is prohibited, except for sales conducted entirely via the mail, telephone, or the internet.
- E. The display, storage, or parking of materials, goods, supplies, or equipment outside of the dwelling or an accessory building is prohibited, except for truck equipment.
- F. Any minor home occupation involving the on-site sale, resale, salvage or wrecking of automobiles, trucks, boats, trailers, recreational vehicles, or other motorized vehicles shall be prohibited.

4.5 Non-metallic Mining

(1) Intent

The intent of these regulations is to promote public health, safety and general welfare; protect the demand for and economical extraction of nonmetallic minerals; permit the development and utilization of nonmetallic mineral resources in a manner compatible with neighboring land uses; preserve environmentally sensitive areas, such as the Niagara Escarpment, which is a unique geological formation; avoid the degradation of existing private and public water supplies; and, to minimize potential adverse environmental impacts

of nonmetallic mining operations through the use of best management practices. These regulations are to be used in concert with the Shawano County Non-Metallic Mining Reclamation Ordinance.

(2) Application

- A. In addition to the submittal information required under Section 4.1(2), the application for conditional use permit and land use permit shall include the following information:
1. A written description of the proposed operation, including the types and quantities of the materials that would be extracted; proposed dates to begin extraction, end extraction, and complete reclamation; geologic composition and depth and thickness of the mineral deposit; existing use of the land and proposed use after reclamation; existing natural and archaeological features on and adjacent to the site; where extracted materials would be hauled and over what roads; types, quantities, and frequency of use of equipment to extract, process, and haul; whether and how frequently blasting, drilling, mining, crushing, screening, washing, refueling, fuel storage, asphalt batching, or concrete mixing would be performed on site; whether excavation will occur below the water table and, if so, how ground water quality will be protected; description and elevations of all temporary or permanent structures; proposed hours and days of operation; any special measures that will be used for spill prevention and control, dust control, or environmental protection; and assurances that the site will be developed, operated, and reclaimed in accordance with all approved plans and all county, state, and federal regulations, including a listing of all applicable regulations.
 2. A site/operations plan map, drawn to scale by a qualified professional, and including site boundaries; existing contour lines; existing roads, driveways, and utilities; existing natural features including lakes, streams, floodplains, wetlands, and shoreland areas; all residences and private and municipal wells within 1,320 feet; location of the proposed extraction, staging areas, fueling, fuel storage, and equipment storage areas; proposed location and surfacing of roads, driveways, and site access points; proposed phasing plan, if any; proposed fencing of property and gating of access points; proposed locations of stockpiles; proposed location and types of screening berms and landscaping; and proposed temporary and permanent structures, including scales and offices.
 3. An erosion control plan, drawn to scale by a professional engineer, meeting all applicable state and county requirements.
 4. A reclamation plan prepared in accordance with the Wisconsin Administrative Code and the Shawano County Non-metallic Mining Reclamation Ordinance.
 5. A written description as to the potential impacts to all property owners within 1320 feet of all proposed property boundaries.
 6. Documentation that there are no existing residences within 1320 feet of all proposed property boundaries.
- B. A landscaped buffer yard shall be required in the yard where the use abuts a residential use or a residential zoning district.
- C. The Town may place limits on the amount of time the non-metallic mineral extraction use shall remain in operation.

- D. The nearest edge of all buildings, structures, and surface activity areas, including pit edges, shall be located a minimum of 200 feet from all dwellings on adjacent properties, and no less than 10 feet from any lot line.
- E. To prevent tracking of mud onto public roads, access driveways shall be paved within 100 feet of public roads, unless the adjacent road is unpaved.
- F. All public roads shall be kept free of all mud, debris, and dust by sweeping or other means as necessary, or as requested by the Town of Hartland.
- G. Access to the site shall only be through points designated as entrances on the site/operations plan; such access points shall be secured when the site is not in operation.
- H. Provisions for the upgrade, repair, and maintenance of town and county roads shall depend on the intensity of the operation and the existing condition and capacity of such roads. A bond or other performance guarantee for such work may be required provided that a clear relationship is established between the operation and the need for road upgrades, repair, and maintenance. If any town or county road is damaged or destroyed as a result of owners operations, the owner shall restore or pay for the restoration of the same to an acceptable condition and value. The owner shall have the right to show and bear the burden of proof in showing that the indicated damage was not the result of its operations.
- I. Spraying of the site and driveways shall be conducted to control dust, except when the temperature is below freezing. The Town may request that water be applied in and around the excavation pit to further reduce dust.
- J. On-site bulk fuel storage areas and appropriate places for fueling of equipment (e.g., above the water table) shall be located to minimize the potential for groundwater contamination and in accordance with the Wisconsin Administrative Code and Wisconsin Statutes.
- K. Hours or days of operation may be limited as deemed appropriate by the Town.
- L. Expectations for any blasting, drilling, screening, and asphalt batching shall be clearly understood, and separate acceptable hours for these activities may be established. Blasting is also regulated under Wisconsin Statutes and Wisconsin Administrative Code. The conditional use permit may specifically restrict such activities from occurring if the conditional use permit standards cannot be met.
- M. If blasting or drilling is requested, additional standards or conditions may be applied with relation to frequency, noise and vibration levels, notice to neighbors, pre-inspection of neighboring basements and wells, and claims procedures in accordance with the Wisconsin Administrative Code.
- N. All trucks, excavation, and processing equipment shall have exhaust systems that meet or exceed current industry standards to ensure that noise levels are kept at or below allowable limits. The mine operator shall demonstrate that the level of noise generated by the facility or equipment does not exceed 65 decibels at the property line.
- O. Unless the extraction site is inaccessible, the area of extraction shall be completely enclosed by a safety fence or maintained at a slope not to exceed 3:1.
- P. The applicant shall furnish a certificate of insurance before operations commence and such certificate shall remain in good standing through the entire conditional use permit period.
- Q. Approval shall be subject to amendment or revocation if non-compliance with approved plans, this section, or approval conditions is identified.
- R. Approval shall be subject to periodic review of the operation to ensure compliance with the conditional use permit, and to specific limitations over the portion of the lot or parcel where extraction may occur.

- S. The conditional use permit shall expire 5 years from the date of approval except where the Town of in its conditional use approval grants otherwise. In order to continue operation beyond the specified time frame, the applicant must apply for an extension to the original conditional use permit which shall follow the normal conditional use permit process every 5 years or the timeframe granted by the Town of Hartland.

4.6 Failure to Act

If an application for a proposed Conditional Use is not acted upon finally by the Plan Commission within six (6) months of the date upon which the Zoning Administrator determines the application complete, it shall be deemed to have been approved.

SECTION 5.0 SETBACKS AND OFF-STREET PARKING

5.1 Highway and Road Setbacks

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

This section shall not be interpreted so as to prohibit the planting and harvesting of field crops, shrubbery or trees; provided, however, that no building or structure, trees or shrubbery shall be so located, maintained or permitted to obstruct a 90 degree straight line vision triangle established at the center of the intersection so that the view across the triangle is not obstructed.

Highway and Road Setback Distances The setback distance shall be as follows:

Jurisdiction of Public Road	Minimum required Front or Street Yard from Centerline of Paved or Gravel Roadway Surface (feet)	Minimum Required Front or Street Yard from Closest Public Road Right-of-Way or Easement Line, if no Paved or Gravel Road Surface (feet)
Municipal Road	50	25
County Highway	65	35
State or U.S. Highway	75	45

Exceptions:

- (1) In no case shall a building be set back less than 25 feet from the nearest State or U.S. Highway right-of-way line.
- (2) Where each of the two adjoining lots on either side of a lot contains at least one pre-existing principal building, the minimum required front yard setback on the lot may be reduced to a number equal the average setback of the closest principal buildings to the public street on the adjoining lots, except where such setback would be in violation of exception (1).

5.2 Building Setbacks from the Water

For lots that abut on navigable waters:

- (1) There shall be setbacks from both the road and water.
- (2) All buildings and structures, except piers, wharves, boat hoists, open fences, and boathouses shall be set back at least 75 feet from all points along the normal high-water mark of all navigable bodies of water, unless otherwise specified by this Ordinance.
- (3) The Zoning Administrator shall defer to a recognized authority to determine the normal high-water mark where not established.
- (4) A setback of less than 75 feet for a principal structure may be permitted by the Zoning Administrator where there is at least one principal structure on either side of the applicant's lot, within 200 feet of the proposed site that is less than the 75 foot setback. In such case, the reduced setback for the principal structure shall be the average of the nearest principal structures on each side of the proposed site, or if there is no building on one side of the proposed site, the reduced setback shall be the average setback from the existing principal structure on one side of the applicant's site and the required 75 foot setback. In no case shall the setback for the principal structure be less than 50 feet.

5.3 Loading Requirements

Adequate loading areas shall be provided so that all vehicles loading, maneuvering, or unloading do not project into traffic lanes.

5.4 Off-Street Parking

Each business or home occupation must provide off-street parking to meet its needs.

SECTION 6.0 MODIFICATIONS

6.1 Height

The district height limitations elsewhere in this Ordinance (Sections 2.8 and 14.1) may be exceeded, but such modification shall be in accord with the following:

- (1) Architectural Projections, such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys, are exempt from the height limitations of this Ordinance.
- (2) Special Structures, such as elevator leg, gas tanks, grain elevators, scenery lots, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, smoke stacks, and flag poles, are exempt from the height limitations of this Ordinance.
- (3) Essential Services, utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this Ordinance.
- (4) Communication Structures, such as radio and television transmission and relay towers, aerials, cellular telephone towers and observation towers, shall not exceed in height three (3) times their distance from the nearest lot line. In addition, no tower, structure or projecting aerial shall exceed 500 feet in height.
- (5) Public or Semi-Public Facilities, such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices and stations, may be erected to a height of sixty (60) feet, provided all required yards are increased not less than one (1) foot for each foot the structure exceeds the district's maximum height requirements.
- (6) Agricultural Structures, such as barns and silos shall not exceed in height twice their distance from the nearest lot line or public road.
- (7) Wind Energy Systems shall not exceed 500 feet in height. Additionally, all wind energy systems shall not exceed in height their distance from the nearest lot line or public road.

6.2 Yards

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

- (1) Uncovered Stairs, Landings, and Fire Escapes may project into any yard but not to exceed six (6) feet and not closer than three (3) feet to any lot line.
- (2) Architectural Projections, such as chimneys, flues, sills, eaves, belt courses, and ornaments, may project into any required yard; but such projection shall not exceed two (2) feet.
- (3) Residential Fences are permitted on property lines provided a written agreement between adjacent property owners.
- (4) Security Fences for uses other than residential are permitted on the property lines but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.

- (5) Essential Services, utilities, electric power and communication transmission lines are exempt from setback requirements.
- (6) Landscaping and Vegetation are exempt from the yard requirements of this Ordinance.

6.3 Average Street Yards

The required street yards may be decreased to the average of the existing street yards of the abutting structures on each side within 200 feet of the proposed building site, but in no case less than thirty (30) feet.

SECTION 7.0 SIGNS

7.1 Permit Required

Except those specified in Sections 7.2, no signs shall hereafter be located erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a Sign Permit and without being in conformity with the provisions of this Ordinance. The Sign Permit shall be submitted to the Zoning Administrator on forms provided by the Town. The cost of the application for a sign permit shall be determined by the Town's Fee Schedule.

7.2 Signs Allowed in all Zoning Districts without a Sign Permit

The following signs are allowed in all zoning districts without a Zoning Permit, but are subject to the following regulations:

- (1) Over Show Windows or Doors of a business establishment announcing without a display or elaboration only the name and occupation of the proprietor and not to exceed two (2) feet in height and ten (10) feet in length.
- (2) Real Estate signs not to exceed eight (8) square feet in area on any one side nor sixteen (16) square feet in display area on all sides which advertise the sale, rental, or lease of the premises upon which the signs are temporarily located and limited to one such sign for each premise.
- (3) Name, Occupation, and Warning Signs not to exceed four (4) square feet on any one side nor eight (8) square feet in display area on all sides and limited to one such sign for each premise.
- (4) Bulletin Boards for public, charitable or religious institutions not to exceed twelve (12) square feet in area on all sides and limited to one such sign for each premise.
- (5) Memorial Signs, tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against the structure.
- (6) Official Signs, such as traffic control, parking, restrictions, information, and notices.
- (7) Temporary Signs, the Zoning Administrator may permit the temporary use of a portable sign for advertising purposes in any district provided that the portable sign will not be located in any public right-of-way, will not be located closer than 10 feet to an adjacent property, and will not cause a hazard to traffic or adjoining properties. Portable sign permits shall not be granted for a period of more than 90 days in any 365-day period.
- (8) Home Occupation and Home Office Signs, not to exceed six (6) square feet in area.
- (9) Agricultural Signs, pertaining to the sale of agricultural products on a farm or to membership in agricultural or agricultural-related organizations, not to exceed thirty-two (32) square feet in display area on all sides for any one farm.
- (10) Election Campaign Signs, provided that permission shall be obtained from the property owner, renter or lessee; and provided that such sign shall not be erected prior to the first day of the "election campaign period" as defined in Section 12.04 of the Wisconsin Statutes, and shall be removed within four (4) days following the election.

- (11) Rummage Sale and Garage Sale signs, provided that no such signs shall be erected or placed within a public right-of-way and further provided that such signs are removed within 24 hours following the sale.

No such Sign mentioned in Section 7.2 shall be located closer than two (2) feet from any public road right-of-way or exceed ten (10) feet in height. These requirements shall not apply to Official Signs.

7.3 Signs Permitted within a Commercial and Industrial Zoning District with a Sign Permit

The following signs are permitted in the Commercial and Industrial zoning districts with a Sign Permit and are subject to the following regulations:

- (1) Wall Signs placed against the exterior walls of buildings shall not extend more than six (6) inches outside of a building's wall surface, shall not exceed three hundred (300) square feet in area for any one premise.
- (2) Projecting Signs fastened to, suspended from, or supported by structures shall not exceed one hundred (100) square feet in area for any one premise; shall not extend more than six (6) feet into any required yard; shall not extend more than three (3) feet into any public right-of-way; shall not be less than ten (10) feet above the sidewalk nor fifteen (15) feet above a driveway or an alley.
- (3) Ground Signs limited to one sign for each premise, shall not exceed twenty (20) feet in height above the mean centerline street grade; shall not be located closer to the road right-of-way than 27 feet, and shall not exceed one hundred (100) square feet in area on any one side nor 200 square feet in display area on all sides.
- (4) Pole Signs limited to one sign for each premise, shall not exceed 100 square feet on one side more 200 square feet on all sides for any one premises; shall not extend more than three (3) feet into any public right-of-way; shall not be less than 10 feet from all side lot lines; shall not exceed 35 feet in height above the mean centerline street grade; and shall be not less than 10 feet above the lot grade or sidewalk grade and not less than 15 feet above a parking lot, driveway, or other area used by motor vehicles.
- (5) Window Signs shall be placed only on the inside of commercial buildings and shall not exceed twenty-five (25) percent of the glass area of the pane upon which the sign is displayed.
- (6) Roof Signs shall not exceed ten (10) feet in height above the roof, shall meet all the yard and height requirements for the district in which they are located, and shall not exceed three hundred (300) square feet on all sides for any one premises.
- (7) Combinations of any of the above signs shall meet all the requirements for the individual sign.

7.4 Signs Permitted in all Zoning Districts with a Sign Permit

The following signs are permitted in all zoning districts with a Sign Permit has been issued and shall be located a minimum of two (2) feet from the road right-of-way:

- (1) Off-Premise Directional Signs which contain only the name of the establishment, logo or directional information useful to the traveler in locating the site, such as mileage, route numbers or exit numbers providing that:

- A. No more than two such signs relating to any one establishment shall be located in the approaching direction along any one road or highway.
 - B. No two directional signs facing the same direction of travel shall be spaced less than one mile apart. However, more than one sign may be placed on the same support provided the total square footage does not exceed the allowable area.
 - C. No such sign shall be located within three hundred (300) feet of a highway interchange, intersection at grade, rest area or wayside.
 - D. No such sign shall exceed ten (10) feet in height.
 - E. No such sign or signs in aggregate if facing the same direction of travel shall exceed thirty-two (32) square feet in display area.
- (2) On-Premise Identification Signs for farms, residential subdivisions, parks, multi-family dwelling units, mobile home parks, industrial parks, schools, town halls, hospitals and for community identification not to exceed twenty-four (24) square feet in display area on all sides; limited to one such sign for each premises; and shall indicate only the name and/or address of the premises, logo, slogan, motto or other information pertinent to identifying the premises. Community identification signs may include service club organization symbols as part of the sign.

7.5 Off-Premise Advertising Signs (Including Billboards)

- (1) Permitted locations:
 - A. Zoning District CG
 - B. Must be located within 2,640 feet (measured along the highway from the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main traveled way) of the interchanges of State and Federal Highways with State, Federal, or County Highways within the Town of Hartland, including State Highways, 29, 47, 55 and 117.
 - C. Shall not be located within 800 feet of an existing residence, park, school, church, hospital, cemetery, government building or within 2,000 feet of an intersection right of way, or interchange right of way (measured along the highway from the nearest point of beginning or ending of pavement widening at the exit from or entrance to the main traveled way), or 1,500 feet from another off-premise advertising sign.
- (2) Maximum Height: 35 feet.
- (3) Minimum Height: 8 feet.
- (4) Maximum number allowed: 1 per parcel, except 2 will be allowed if combined on the same structure.
- (5) Minimum lot width: 50 feet frontage along a highway listed in subsection (a) above.
- (6) Setback regulations:
 - A. Minimum front or street yard setback: 25 feet from highway right-of-way.
 - B. Maximum front or street yard setback: 300 feet from highway right-of-way.
 - C. Minimum interior side yard setback: Height of the sign.

- D. Minimum rear yard setback: Height of the sign.
- (7) Maximum Area: 4 lane highway, 672 sq. feet per side. 2 lane highway, 288 sq. feet per side. The maximum area for off-premise advertising signs shall be per structure, exclusive of border and trim, apron, base supports, or other structural members. No copy or advertising shall be allowed on the border, apron, or trim.
- (8) Off-premise advertising signs which are back-to-back, side-by-side, bottom-on-top, and V-shaped shall be considered as one structure if they are physically contiguous and which share a common structure in whole or in part.
- (9) Off-premise advertising signs may be illuminated, subject to the following:
- A. Off-premise advertising signs shall meet the lighting standards or obtain a waiver from these standards from the Town Planning Commission.
 - B. Off-premise advertising signs which contain, include, or are illuminated by any flashing, intermittent or moving lights are prohibited, except for the purpose of giving public service information, such as time and temperature.
 - C. Off-premise advertising signs which are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled portion of a highway or which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle are prohibited.
 - D. No off-premise advertising sign shall be illuminated so that it interferes with the effectiveness of, or obscures, an official traffic sign, device or signal.
 - E. Off-premise advertising signs which are not effectively shielded as to prevent beams or rays of light from being directed at or towards a residence are prohibited.
- (10) Off-premise advertising signs shall not contain moving parts; copy which simulates any traffic control sign; devices which emit audible sound, odor or particulate matter; or statements, words or pictures of obscene, pornographic, immoral character or containing advertising matter which is untruthful.

7.6 Traffic

Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices. No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape; and no sign shall be attached to a standpipe or fire escape. No sign shall be placed so as to obstruct or interfere with traffic visibility.

7.7 Existing Signs

Signs lawfully existing at the time of the adoption or amendment of this Ordinance may be continued although the use, size, or location does not conform to the provisions of this Ordinance. However, it shall be deemed a nonconforming use or structure, and the provisions of Section 8.0 shall apply.

7.8 Moving or Flashing Signs

No sign shall be erected which has any flashing, moving, scrolling, rotating or brilliant intermittent parts or lights or bare reflecting type bulbs, except those giving public service information, such as time, date, temperature, weather or similar information, or where allowed by conditional use permit. No signs, billboards or other advertising media which create a hazard or dangerous distraction to vehicular traffic or a nuisance to adjoining residential property shall be permitted in any district.

7.9 Signs Not In Use

Signs which advertise or identify a business or similar activity must be removed within sixty (60) days

of the date said business or similar activity ceases operation or vacates the premises. The removal of the sign shall be the responsibility of the owner of the property on which the sign is located.

7.10 Sign Location

No sign mentioned in Section 7.0 shall be located in, on or above a public road right-of-way or navigable body of water, except for Official Signs.

7.11 Determining Area of Signs

In calculating the area of a sign to determine whether it meets the requirement of this Ordinance, the Zoning Administrator shall include the sign copy and any border or frame surrounding that copy. Supporting members of a sign shall be excluded from the area calculation. Area of irregular shaped signs or signs containing two or more detached elements shall be determined by the area of the smallest regular polygon that will encompass all elements of the sign.

7.12 Failure to Act

If an application for a sign permit is not acted upon finally by the Zoning Administrator within six (6) months of the date upon which the Zoning Administrator determines the application complete, it shall be deemed to have been approved.

SECTION 8.0 NONCONFORMING USES, STRUCTURES, AND LOTS

8.1 Existing Nonconforming Uses

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

8.2 Existing Nonconforming Structures

The lawful nonconforming structure existing at the time of the adoption or amendment of this Ordinance may be continued although its size or location does not conform with the lot width, lot area, yard, height, parking, and loading, and access provisions of this Ordinance; however, it shall not be extended, enlarged, reconstructed, moved or structurally altered except when required to do so by law or order or so to comply with the provisions of this Ordinance, and except in the following situations:

- (1) Additions and Enlargements to existing nonconforming structures are permitted so long as they do not increase the extent of nonconformity and shall conform with the required buildings setback lines along roads, water and highways and the yard, height, parking, loading and access provisions of this Ordinance.
- (2) If such structure is destroyed or damaged due to violent wind, vandalism, fire, flood, ice, snow, mold, infestation, or other calamity, the structure may be restored to the size and use that it had immediately before the damage or destruction occurred or to a larger size if necessary for the structure to comply with applicable state or federal requirements.

8.3 Changes and Substitutions

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

8.4 Vacant Substandard Lots

A vacant legal lot or parcel of record which does not contain sufficient area to conform to the dimensional requirements of this Ordinance, but which is at least 50 feet wide and 7,500 square feet in area may be used as a building site for a single family dwelling and its accessory structures upon issuance of a Zoning Permit subject to the following conditions.

- (1) Such use is permitted in the zoning district.
- (2) The lot is on record in the Shawano County Register of Deeds office prior to the effective date of this ordinance.
- (3) All the dimensional requirements of the Ordinance are complied with insofar as practical.

SECTION 9.0 BOARD OF APPEALS

9.1 Establishment

There is hereby established a Board of Appeals for the Town of Hartland. The Board of Appeals shall consist of five (5) members appointed by the Town Chairman and confirmed by the Town Board.

- (1) Terms: Terms shall be for three (3) years, except that of those first appointed; one (1) shall serve one (1) year, two (2) shall serve two (2) years and two (2) for three (3) years.
- (2) Chairman: Chairman shall be designated by the Town Chairman.
- (3) Alternate: Two (2) alternate members shall be appointed by the Town Chairman for a term of three (3) years. The Town Chairman shall designate one of the alternate members as 1st alternate and the other as 2nd alternate. The 1st alternate shall act, with full power, only when a member of the board refuses to vote because of interest or when a member is absent. The 2nd alternate shall so act only when the 1st alternate so refuses or is absent or when more than one member of the board so refuses or is absent. The above provisions, with regard to removal and the filling of vacancies, shall apply to such alternates.
- (4) Secretary: Secretary shall be as designated by the Board of Appeals.
- (5) Vacancies: Vacancies shall be filled for the unexpired terms of members whose terms become vacant.
- (6) Residency: Members do not need to reside in the Town.

9.2 Organization

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

9.3 Rules

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

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

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

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

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

In the case of all appeals, the Board of Appeals may call upon the Town Board, Plan Commission, or Zoning

Administrator for all information pertinent to the decision appealed from.

9.4 Powers

The Board of Appeals shall have the following powers:

- (1) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by administrative official in the enforcement of this Ordinance.
- (2) To hear and decide special exception to the terms of the Ordinance upon which such board is required to pass under this Ordinance.
- (3) To authorize upon appeal in specific cases such variances from the terms of the Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done.
- (4) The Board may permit in appropriate cases, and subject to appropriate conditions and safeguards in harmony with the general purpose and intent of the Ordinance, a building or premises to be erected or used for such public utility purposes in any location which is reasonably necessary for the public convenience and welfare.
- (5) The Board may reverse, affirm, or wholly or partly modify the requirements appealed from and may issue or direct the issuance of a permit.
- (6) Assistance - the Board may request assistance from other town or county officers, departments, commissions and boards.
- (7) Oaths - the chairperson may administer oaths and compel the attendance of witnesses.

9.5 Appeals and Applications

Appeals from the decision of the Zoning Administrator concerning the literal enforcement of this Ordinance may be made by any person aggrieved or by an officer, department, board or bureau of the Town. Such appeals shall be filed with the secretary and the officer from whom the appeal is taken within thirty (30) days after the date of written notice of the decision or order of the Zoning Administrator, Plan Commission or the Town Board. Applications may be made by the owner or lessee of the structure, land or water to be effected at any time and shall be filed with the Zoning Administrator. Such appeals and applications shall include the following:

- (1) Names and Addresses of the appellant or applicant and all abutting and opposite property owners of record.
- (2) Sketch showing all the information required under Section 2.5 for a Zoning Permit.
- (3) Additional Information which was required for the decision appealed from or may be required by the Board of Appeals.
- (4) Fee in the amount as set by the Town's Fee Schedule to be paid at the time of application.

9.6 Hearings

The Board of Appeals shall fix a reasonable place for the hearing and hold a hearing within 45 days or less, give a Class One (1) notice thereof as provided in Chapter 985 of the Wisconsin Statutes, and give due notice to the parties in interest, the Zoning Administrator, Plan Commission and the Town Board. At the hearing the applicant or the appellant may appear in person, by agent, or by attorney.

9.7 Withdrawal or Amendment

- (1) If the applicant elects to withdraw the appeal any time before final determination is made by the Board, this fact shall be noted on the application, with the signature of the applicant attesting withdrawal. Copies of the withdrawn application shall be returned to the files of the Board, to the Zoning Administrator, and to the applicant.
- (2) Amendment of an appeal by the applicant may be permitted at any time prior to or during the public hearing, provided that no such amendment shall be such as to make the case different from its description in the notice of public hearing. If the amendment is requested by the applicant after public notice of the hearing has been given, and such amendment is at variance with the information set forth in the public notice, the applicant shall pay an additional fee to cover the cost of amending the public notice. If the amended notice can be published within the time frame specified for the public hearing, the hearing on the amended appeal may be held on that date, otherwise the chairperson shall announce that the hearing originally scheduled on the case will be deferred to a future meeting, before which appropriate public notice will be given, and will state the reasons for deferral.

9.8 Decisions

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

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

The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect any variation in this Ordinance. The grounds of every such determination shall be stated.

9.9 Review by Court of Record

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

9.10 Variances

(1) Authority

- A. The Board of Appeals shall have the authority upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship, and so that the spirit of this Ordinance shall be observed and substantial justice done.
- B. If the variance is for a reduction in the setback from a county or state highway, an application must also be submitted to Shawano County. Both the Town of Hartland and Shawano County must approve the variance.

(2) Application

An application for a variance shall be made by filing a written application on a form provided by the Town. Such applications shall:

- (1) State the name and address of applicant and owner.
- (2) State the location of property for which the variance is sought.
- (3) State the specific variance desired.
- (4) State the facts sufficient and demonstrate that the findings prescribed in 9.10(5) below exist and support such statements with any plans and/or data as are required by the Board.

(3) Notice of Hearing

A Class 1 notice pursuant to Chapter 985, Wisconsin Statutes, shall be published specifying the date, time and place of the variance hearing.

(4) Notification of Neighbors

As a matter of practice, an earnest effort will be made to send by regular mail a copy of the notice for the public hearing to the applicant or petitioner or their agent, and to the property owners (as recorded in the Shawano County Register of Deeds Office) of all lands adjacent (or more if deemed necessary by the Board of Appeals) any part of the parcel or parcels included in the application for a variance or an appeal. The failure to mail a notice to the above parties or the failure of such notice to reach any of the above parties does not invalidate any public hearing or any decision of the Board of Appeals.

(5) Standards for a Variance

In general the power to authorize a variance from the requirements of the Ordinance shall be sparingly exercised and only under peculiar and exceptional circumstances. No variance shall be granted for actions which require an amendment to this Ordinance. Variances shall only be granted when the Board of Appeals finds that the following standards are met:

- A. Unnecessary hardship. That there are present actual physical conditions applying to the parcel, building, structure, use or intended use on that parcel that are creating the unnecessary hardship in the application of this Ordinance, as distinguished from a mere inconvenience to the owner if the strict letter of the regulations are required.
- B. Unique condition. That the conditions described in the petition for the variance are unique, exceptional, extra ordinary, or unusual circumstances applying only or primarily to the property under consideration and are not of such a general or recurrent nature elsewhere in the same zoning district as to suggest or establish the basis for ordinance changes or amendments, or of having that affect if relied upon as the basis for granting a variance.
- C. Public interest. That in granting the variance there will not be a substantial detriment to neighboring property and the grant of the variance will not be contrary to the purpose of this Ordinance and the public interest.
- D. Conditions not Self-Created. That the condition creating the hardship or difficulty was not caused by the petitioner nor by any person still having an interest in the property.
- E. Effect on Uses. No variance shall have the effect of allowing in any district a use not permitted in that district.

9.11 Failure to Act

If an application for an Appeal or Variance is not acted upon finally by the Board of Appeals within six (6) months of the date upon which the application is determined complete by the Zoning Administrator, it shall be deemed to have been approved.

SECTION 10.0 CHANGES AND AMENDMENTS

10.1 Authority

Whenever the public necessity, convenience, health, safety, or general welfare require, the Town Board may by Ordinance, change the district boundaries or amend, change, or supplement the regulations established by this Ordinance or amendments hereto in accordance with Section 62.23(7) of the Wisconsin Statutes.

10.2 Initiation of an Amendment

The regulations imposed and the zoning districts created under authority of this Ordinance may be amended from time to time. An amendment to the text of the Ordinance and/or to the Zoning Ordinance Map may be initiated by any resident or owner of property or by the Town Board or Plan Commission by filling out the appropriate town form and paying the required fee. If the amendment is initiated by the Town Board or Plan Commission, the fee may be waived.

10.3 Plan Commission Recommendation

- (1) The Plan Commission shall review all proposed amendments to the Zoning Ordinance.
- (2) The Plan Commission shall submit a written recommendation to the Town Board prior to the Town Board's public hearing. The Plan Commission shall include findings of fact in their recommendation.

10.4 Town Board Public Hearing and Action

- (1) The Town Board shall hold a public hearing after receiving the recommendation from the Plan Commission, giving at least ten (10) days prior notice by publication of a Class 2 notice that lists the time, place and proposed amendment.
- (2) The Town Board shall also give at least ten (10) days prior written notice to the Clerk of any municipality within one thousand (1320) feet of any land to be affected by the proposed amendment.
- (3) As a matter of practice, an earnest effort will be made by the Town to send by regular mail a copy of the notice for public hearing to the applicant or petitioner or their agent, and to the property owners (as recorded in the Shawano County Register of Deeds Office) of all lands located adjacent any part of the parcel or parcels included in the amendment petition. The failure to mail a notice to the above parties or the failure of such notice to reach any of the above parties does not invalidate any public hearing or any action of the Town Board.
- (4) Following the public hearing and after careful consideration of the Plan Commission's recommendations and findings of fact, the Town Board shall take action to approve, amend, or deny the proposed amendment or to refer it back to the Plan Commission for reconsideration. In taking action, the Town Board shall include findings of fact.
- (5) If the Town Board approves the zoning amendment, it is forwarded to the County and shall only become effective upon approval by the County Board of Supervisors.

10.5 County Board Action

If the Town Board approves an amendment, the Town Board will forward the amendment to the Shawano County Board of Supervisors, who must also approve the amendment in order for it to take effect.

10.6 Protest

- (1) A protest against an amendment must be duly signed and acknowledged by:
 - A. The owners of 20% or more of the area included in the proposed amendment; or
 - B. The owners of 20% or more of the area immediately adjacent to the subject area and extending one hundred (100) feet therefrom; or

- C. The owners of 20% or more of the area directly opposite the subject area and extending one hundred (100) feet from the road frontage of such opposite land.
- (2) In the event of a protest, the amendment shall not become effective except by the favorable vote of two thirds of the members of the Town Board voting on the proposed change.

10.7 Failure to Act

If an application for a proposed amendment is not acted upon finally by the Town Board within six (6) months of the date upon which the findings and recommendations of the Plan Commission are filed with the Board, it shall be deemed to have been approved. In this situation, the Town Board is deemed to be giving permission for applicant to forward the amendment to the Shawano County Board of Supervisors and further Town approval is unnecessary. In this situation, the Town will supply the applicant with the necessary information required by the Shawano County Board of Supervisors.

SECTION 11.0 PLAN COMMISSION

11.1 Composition

The Plan Commission shall consist of seven members, all of whom shall be appointed by the Town Board Chairperson, who shall also choose the Plan Commission chairperson. The Town Board Chairperson may appoint himself or herself to the Commission and may appoint other Town elected or appointed officials to the Commission, except that the Commission shall always have at least one citizen member who is not a Town official. All other provisions of State Statutes 61.35 and 62.23 shall apply.

Members of the Commission shall be appointed to hold office for a period of three years. Appointments shall be made by the Town Board Chairperson during the month of April or at any other time if a vacancy occurs during the middle of a term.

Members do not need to reside in the town.

11.2 Rules and Organization

The Plan Commission may adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations. Such record shall be a public record. Meetings of the Commission shall be held at the call of the Plan Commission chairperson and at such other times as the Commission may determine. The Plan Commission shall have the power and authority to employ experts and a staff.

11.3 Functions

The Plan Commission shall have the following functions and duties:

- (1) To make a recommendation to the Town Board on a comprehensive plan for the physical development of the Town.
- (2) To authorize the issuance of a conditional use permit in accordance with Section 4.0 of this Ordinance.
- (3) To make a recommendation to the Town Board on any petition to amend this Ordinance or change the district boundaries.
- (4) To make a recommendation to the Town Board on any application for a land division under the Town of Hartland Land Division Ordinance.
- (5) Any other duties assigned by the Town Board.

SECTION 12.0 PERFORMANCE STANDARDS

12.1 Prohibited Activities

All activities involving the production, processing, cleaning, servicing, testing, or repair of materials, goods, or products shall be conducted in such a manner whereby there shall be no danger of fire or explosion, no offensive noise, vibration, smoke, dust, odor, glare, or heat, and objectionable influences detrimental to the public health, safety, comfort, or general welfare of the immediate neighborhood or community.

12.2 Compliance

A violation of this Section which is so flagrant as to constitute a potential nuisance shall be the subject of a nuisance action brought by the Town.

SECTION 13.0 DEFINITIONS (See Section 14.4 for Additional Farm-Related Definitions)

For the purposes of this Ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The words "shall", "will", and "must" are always mandatory. The words "may" and "should" are discretionary terms. The masculine shall include the feminine. Terms not defined in this Section, shall be interpreted based on common usage.

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

Adult Oriented Establishments: Land uses that include any facility involving the display of sexually-oriented materials such as videos, movies, slides, photos, books, or magazines; or actual persons displaying and/or touching sexually specified areas.

Animal Boarding or Breeding Facility: Land uses where five (5) or more animals six (6) months of age or older are bred by a person providing facilities for breeding and the offspring are sold, or where such animals are received for care, training, and boarding for compensation, not including a small animal hospital, clinic, or pet shop. These uses include exercise yards, fields, training areas, and trails.

Bed and Breakfast Establishment: Land uses which provide lodging facilities that are operator-occupied residences providing accommodations for a charge to the public with no more than five guest rooms for rent, in operation for more than 10 nights in a 12 month period, provide meals only to renters of the place, and are clearly residential structures in design, scale, and appearance. Such land uses may provide indoor/outdoor recreational facilities for the exclusive use of their customers.

Conditional Uses: Uses of a special nature as to make impractical their predetermination as a permitted use in a district. Conditional uses as used in the FP Farmland Preservation Zoning District must meet the requirements of Wis. Stats. 91.46.

Duplex: A dwelling containing two dwelling units.

Dwelling: A building designed or used as a residence or sleeping place, but does not include boarding or lodging houses, motels, hotels, tents, cabins.

Dwelling, Multifamily: A dwelling containing three or more units.

Dwelling, Single Family: A dwelling containing one dwelling unit.

Dwelling Unit: One or more rooms that are arranged, designed, or used as living quarters for one family only.

Duplex: A dwelling containing two dwelling units.

Essential Services: Services provided by public and private utilities necessary for the exercise of the use or service of the structure. These services include underground, surface or overhead gas, electricity, steam, water, sanitary sewerage, 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.

Family Day Care Home: A dwelling unit where supervision and care is licensed by the Wisconsin Department of Children and Families.

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

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

Governmental, Institutional, Religious, or Nonprofit Community Uses: Service and support facilities such as churches, private schools, clinics, post offices, town hall, fire stations, funeral homes, and recreational or fraternal facilities such as clubs and lodges, meeting halls, and community centers.

Group Day Care Center Facility: Land uses in which qualified persons provide child care services for nine or more children. Examples of such land uses include day care centers and nursery schools. Such land uses shall not be located within a residential building. Such land uses may be operated on a for-profit or a not-for-profit basis. Such land uses may be operated in conjunction with another principal land use on the same environs, such as a church, school, business, or civic organization. In such instances, group day care centers are not considered as accessory uses and therefore require review as a separate land use.

Heavy Industrial: Land uses which meet one or more of the following criteria: 1) are not conducted entirely within an enclosed building; 2) are potentially associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line; and 3) pose a significant safety hazard (such as danger of explosion). Examples of heavy industrial land uses include meat product producers; alcoholic beverage producers; paper, pulp or paperboard producers; chemical and allied product producers (except drug producers) including poison or fertilizer producers; petroleum and coal product producers; asphalt, concrete or cement producers; tanneries; stone, clay or glass product producers; primary metal producers; heavy machinery producers; electrical distribution equipment producers; electrical industrial apparatus producers; transportation vehicle producers; commercial sanitary sewage treatment plants; railroad switching yards; and recycling facilities not involving the on-site storage of salvage materials.

Home Occupation: Any occupation for economic gain or support conducted entirely on the premises by resident occupants, which is clearly incidental to the principal use of the premises and does not exceed twenty-five percent (25%) of the area of any floor.

Home Office: A residence that contains a home office that is clearly incidental to the principal residential use of the premises and does not exceed one-half (1/2) the area of only one (1) floor of the residence.

Indoor Lodging Facility: Land uses which provide overnight housing in individual rooms or suites of rooms, each room or suite having a private bathroom. Such land uses may provide in-room or in-suite kitchens, and may also provide indoor recreational facilities for the exclusive use of their customers. Restaurant, arcades, fitness centers, and other on-site facilities available to non-lodgers are not considered accessory uses and therefore require review as a separate land use.

Indoor Sales and Service: Land uses which conduct or display sales or rental merchandise or equipment, or non-personal or non-professional services, entirely within an enclosed building. This includes general merchandise stores, grocery stores, bike repair facility, bait shops, sporting goods stores, antique stores, gift shops, laundromats, artisan and artist studios, bakeries, and the like. Artisan craft production such as consumer ceramics, custom woodworking, or other production activities directly associated with retail sales are regulated as "light industrial activities as an accessory to retail sales or service."

Interchange: A grade-separated intersection with one or more turning lanes for travel between intersection legs.

Indoor Commercial Entertainment and Service: Land uses which provide entertainment services entirely within the premises. Such activities often have operating hours that extend significantly later than most other business land uses. Examples of such land uses include restaurants, taverns, theaters, health or fitness centers, all forms of training studios (dance, art, martial arts, etc.) bowling alleys, arcades, roller rinks, and pool halls. Such land uses do not include adult oriented establishments.

In Vehicle Sales and Service: Land uses which perform sales and/or services to persons in vehicles, or to vehicles which may be occupied at the time of such activity. Such land uses often have traffic volumes which exhibit their highest levels concurrent with peak traffic flows on adjacent roads. Examples of such land uses include drive-in, drive-up, and drive-through facilities, vehicular fuel stations, and all forms of car washes.

Junk or Salvage Yard: Land uses that include any land or structure used for a salvaging operation including, but not limited to, the above-ground outdoor storage, collection, recycling, dismantlement, and/or sale of old iron, steel, brass, copper, tin, lead, or other base metals; old cordage, ropes, rags, fibers, or fabrics; old rubber; old bottles or other glass; wastepaper and other waste or discarded material which might be prepared to be used again in some form; inoperable appliances and machinery; and three (3) or more motor unlicensed vehicles or no longer used as such, to be used for scrap metal or stripping of parts. It shall not include materials or objects accumulated by a person as by-products, waste, or scraps from the operation of his own business or materials or objects held and used by a manufacturer as an integral part of his own manufacturing process. Licensed recycling facilities involving on-site outdoor storage of salvage materials are not included in this land use.

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

Light Industrial: Land uses which operations (with the exception of loading operations):

- (1) are conducted entirely within an enclosed building;
- (2) are not potentially associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line;
- (3) do not pose a significant safety hazard (such as danger of explosion); and
- (4) comply with all of the applicable performance standards.

Light industrial land uses may conduct retail sales activity as an accessory use.

Light Industrial Activity as an Accessory to Indoor Sales and Service: Land uses that include any light industrial activity conducted exclusively indoors that is clearly incidental to an indoor sales and service facility on the same site.

Livestock Facilities with More Than 500 Animal Units: Means facilities covered by Wis. Adm. Code ch. ATCP 51.

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

Long Term Outdoor Display and Sale: Land uses which conduct sales or display merchandise or equipment on a long term basis outside of an enclosed building as a principal accessory use of the lot. Examples of such land uses would include vehicle and equipment sales and rental, manufactured housing sales, monument sales, and garden centers. Such land uses do not include the storage or display of inoperative vehicles or equipment, or other materials typically associated with a junk or salvage yard or other permanent outdoor land uses specifically defined by this Ordinance.

Lot: A contiguous and continuous quantity of land in possession of, owned by, or recorded as property of the same claimant, person, persons, or company and having frontage on a public road, occupied by a principal structure or use, and sufficient in size to meet the parcel width, parcel frontage, parcel area, yard, parking area, and other space provisions of this Ordinance. For the purposes of this definition, the boundaries of the lot includes those commonly owned parcels that are abutting or touching at more than one point and those commonly owned parcels that are separated only by a waterway or a transportation or utility right-of-way.

Lot Width: The average width of a parcel of land.

Manufactured/Mobile Home Park (or Community): Land uses meeting the definitions and requirements of Wisconsin Administrative Code SPS 326.

Mobile Home: A transportable, single-family dwelling unit suitable for year-round occupancy and containing the same water supply, waste disposal, and electric conveniences as immobile housing.

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

Multi-Family Residential: A building holding 3 or more dwelling units. This includes apartment buildings and other dwelling units that are enclosed within a building or attached by a common floor or wall. Each dwelling unit may be owner-occupied or renter-occupied, with the building, lot, and/or unit in fee simple or condominium ownership. If in condominium ownership, the dwelling units may be detached.

Nonmetallic Mining: Land uses that include operations or activities for extraction from the earth, for sale or use by the operator, of mineral aggregates such as stone, sand and gravel, and nonmetallic minerals, related operations or activities such as drilling and blasting, excavations, grading or dredging if the purpose of those operations or activities is the extraction of mineral aggregates and nonmetallic minerals and related processes such as fracking, crushing, screening, scalping, dewatering and blending. Nonmetallic mining operation does not include or allow the following activities or uses by way of illustration which include, but are not limited to: manufacture of concrete building blocks or other similar products, asphalt or hot blacktop mixing or production of ready mix concrete.

Nonconforming Structure: Any structure, at the time of the effective date of this Ordinance, which does not conform to the regulations of this Ordinance.

Nonconforming Use: Any use, at the time of the effective date of this Ordinance, which does not conform to the regulations of this Ordinance.

Oil and Gas Exploration: Activities licensed by the Wisconsin Department of Natural Resources under subd. II of ch. 295 Wis. Stats.

Outdoor Public Recreation - Active: Land uses that include recreational uses located on public or private property which involves active recreational activities that are open to the public or to customers, patrons, or members. Active uses include play courts (such as tennis courts and basketball courts); playfields (such as ball diamonds, football fields, and soccer fields); tot lots; outdoor swimming pools; swimming beach areas; fitness courses; golf courses; trap, target, and shooting ranges; and similar land uses.

Outdoor Public Recreation - Passive: Land uses that include recreational uses located on public or private property which involves passive recreational activities that are open to the public or to customers, patrons, or members. Passive uses include arboretums, natural areas, wildlife areas, hiking trails, bike trails, ski trails, horse

trails, open grassed areas not associated with any particular active recreational land use, picnic areas, picnic shelters, gardens, fishing areas, and similar land uses.

Personal or Professional Sales and Service: Land uses that are exclusively indoor whose primary function is the provision of services directly to an individual on a walk-in or on-appointment basis. Examples of such land uses include, but are not limited to, professional services, insurance services, realty offices, financial services, medical offices and clinics, veterinary clinics, barber shops, beauty shops, and related land uses.

Personal Storage Facility: Land uses oriented to the indoor storage of personal items entirely within partitioned buildings having an individual access to each partitioned area. Such storage areas may be available on either a condominium or rental basis. Also known as "mini-warehouses."

Portable Storage Facility: Land uses that include shipping containers, semi-trailers, portable on demand storage (PODS), and store and move (SAM) containers that are intended for temporary storage while an individual or business is relocating. Such storage facilities shall need a permit which regulates the length of time a portable storage facility is allowed on the specified premise.

Portable Structure: A structure that is moveable and temporary in use.

Principal Uses: The primary uses conducted on a lot located within the zoning district. A lot may have more than one principal use, but only one principal use per defined area of ground within the lot.

Private Airport: An airfield or land strip where the use of the facility is limited to non-commercial flights.

Residential Accessory Structure: Land uses clearly incidental to the primary residential use and includes such uses as garages, carports, storage sheds, and decks.

Resort Establishment: Land uses which provide overnight housing in individual rooms, suites of rooms, cabins, or cottages. Such land uses may also provide indoor and outdoor recreational facilities for the exclusive use of their customers. Restaurants, arcades, fitness centers, and other on-site facilities available to non-lodgers are not considered accessory uses and therefore require review as a separate land use.

Sales and Service Activity (Indoor) as an Accessory to Indoor Storage and Wholesaling: Land uses that include any indoor sales and service activity that is clearly incidental to an indoor storage and wholesaling facility on the same site.

Sales and Service Activity (Indoor) as an Accessory to Light Industrial: Land uses that include any indoor sales or service activity that is clearly incidental to light industrial activity on the same site.

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

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

Single-Family Residence: Land uses consisting of a single detached building containing one dwelling unit. This land use includes modular and manufactured homes as defined by this ordinance. This land use does not include mobile homes as defined in the Wisconsin Statutes 101.91(10).

Single-Family Residence Accessory to a Business Use: Land uses consisting of a single-family residence that is accessory to a Business use (for shopkeeper or employee, for example). This residence may be attached to the Business building or be freestanding.

Solar Energy Systems: Equipment that converts, stores, and transfers solar energy into usable forms of thermal or electrical energy.

Solid or Hazardous Waste Facility: Land uses that include any area, lot, land, parcel, building, or structure, or part thereof, used for deposit, disposal, processing, or transfer of solid, demolition, or hazardous waste.

Storage or Wholesaling (Indoor): Land uses primarily oriented to the receiving, holding, and shipping of materials. With the exception of loading and parking facilities, such land uses are contained entirely within an enclosed building. Examples of this land use include conventional warehouse facilities, long-term indoor storage facilities, and joint warehouse and storage facilities. It does not include uses described in the "personal storage facility" land use category. Retail outlets associated with this principal use shall be considered an accessory use.

Storage or Wholesaling (Outdoor): Land uses primarily oriented to the receiving, holding, and shipping of materials for a single business or a single group of businesses. Such a land use, in which any activity beyond loading and parking is located outdoors, is considered an outdoor storage and wholesaling land use. Examples of this land use include equipment yards, lumber yards, coal yards, landscaping materials yard, tank farms, construction materials yards, and shipping materials yards. Such land uses do not include the storage of inoperative vehicles or equipment, or other materials typically associated with a junkyard or salvage yard. Contractors' storage yards are considered accessory in the "contractor shop" land use category. Retail outlets associated with this principal use shall be considered an accessory use.

Street Yard: The front yard. Corner lots shall have two such yards.

Streets or Roads: A public right-of-way providing primary access to abutting properties.

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

Transportation, Communications, Pipeline, Electric Transmission, Utility, or Drainage Uses: Activities that require a conditional use permit under this ordinance unless the use is required under state or federal law to be located in a specific place or that is authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use.

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

Turning Lanes: An existing or proposed connecting roadway between two arterial streets or between an arterial street and any other street. Turning lanes include grade separated interchange ramps.

Two Family Residence: A building containing two (2) dwelling units. This includes dwelling units that are enclosed within a building or attached by a common floor or wall.

Utilities: Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops, and storage yards.

Wind Energy System: Wind Energy System shall mean equipment that converts and then stores or transfers energy from the wind into usable forms of energy and includes all of the land, buildings, structures and equipment used by the wind energy system and its support facilities including the wind turbine, tower, access roads, control and office facilities, meteorological towers, maintenance and all power collection and transmission systems.

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

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

SECTION 14.0 FARMLAND PRESERVATION

14.1 FP Farmland Preservation Zoning District

The purpose of this district is to promote areas for uses of a generally exclusive agricultural nature in order to protect farmland and to allow participation in the state's farmland preservation program.

(1) Permitted Uses

- A. Agricultural uses, except livestock facilities housing more than 500 animal units of cattle, poultry, swine, sheep, or goats or any other animal confinement facilities housing other types of animals (e.g. mink).
- B. Accessory uses that qualify under Wis. Stats. 91.01(1).
- C. Nonfarm residences constructed in a rural residential cluster in accordance with an approval of the cluster as a conditional use.
- D. Transportation, utility, communication, or other uses that are required under state or federal law to be located in a specific place or that are authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for those uses.

[Subsection (D) acknowledges that state or federal law may sometimes preempt local authority to restrict the siting of certain facilities. It does not purport to determine which state or federal actions are preemptive. It merely says that IF state or federal action is preemptive, no local permit is required and there is no need to rezone the site out of the farmland preservation district. Uses covered by subsection (D) might include, for example, state and federal highways, federally-mandated pipelines, and energy generation and transmission facilities whose location and design are specifically mandated by the Wisconsin Public Service Commission pursuant to a certificate of convenience and necessity.]

- E. Undeveloped natural resource and open space areas.

(2) Conditional Uses

- A. Livestock Facilities housing more than 500 animal units of cattle, poultry, swine, sheep, or goats or any other animal confinement facilities housing other types of animals (e.g. mink).
- B. Agriculture-related uses.
The term "agriculture-related use" may encompass many different types and sizes of nonfarm facilities. This Ordinance requires a conditional use permit for ALL "agriculture-related uses" EXCEPT those that also qualify as on-farm "accessory uses" ("accessory uses" may be allowed without a conditional use permit under Section (1) B. This permit requirement helps ensure that "agriculture-related uses" will be appropriate for the FP zoning district.
- C. Government and nonprofit community uses.
Includes governmental, institutional, religious, or nonprofit community uses that qualify under Wis. Stats. 91.46 (5).

D. New nonfarm residences or a proposal to convert a farm residence to a nonfarm residence through a change in occupancy if all of the following apply:

1. The ratio of nonfarm residential acreage to farm acreage on the base farm tract on which the residence is located will not be greater than 1 to 20 after the residence is constructed or converted to a nonfarm residence.

Please note that a certified FP zoning district will often include some "outlier" parcels that are not located in any "base farm tract" (because they were not part of a "farm" when the ordinance was certified). Those "outlier" parcels are NOT subject to the density standards in subsection D.1., but ARE subject to the siting standards in subsection D.3. below.

2. There will not be more than 4 dwelling units in nonfarm residences, nor, for a new residence, more than 5 dwelling units in residences of any kind, on the base farm tract after the residence is constructed or converted to a nonfarm residence.
3. The location and size of the proposed nonfarm residential parcel, and, for a new nonfarm residence, the location of the nonfarm residence on that nonfarm residential parcel, will not do any of the following:
 - (a) Convert prime farmland from agricultural use or convert land previously used as cropland, other than a woodlot, from agricultural use if on the farm there is a reasonable alternative location or size for a nonfarm residential parcel or nonfarm residence.
 - (b) Significantly impair or limit the current or future agricultural use of other protected farmland.

E. Nonfarm residential clusters.

The Town Planning Commission may issue a single conditional use permit authorizing 2 or more proposed nonfarm residences if all of the following apply:

1. The conditional use permit includes all of the following information:
 - (a) The total number of nonfarm residences authorized by the permit.
 - (b) A legal or survey description of each parcel on which a nonfarm residence is authorized.
 - (c) The number of nonfarm residences authorized on each parcel under subsection D.2., if more than one.
 - (d) The number of dwelling units authorized in each authorized nonfarm residence, if more than one.
2. Each of the parcels described under subsection E.1.(b), shares a boundary with at least one other parcel described under subsection E.1.(b).
3. Each of the proposed nonfarm residences will meet all of the standards under subsection D when all of the proposed nonfarm residences have come into existence.
4. The conditional use permit prohibits all of the following:
 - (a) Any further division of any parcel described in subsection E.1.(b).
 - (b) Any nonfarm residence or dwelling unit on a parcel identified in subsection

E.1.(b), other than a nonfarm residence or dwelling unit identified in the permit.

F. Compatible Infrastructure such as:

1. Transportation uses, including roads, rail facilities, and agricultural aeronautic facilities.
2. Communication uses, including transmission lines, cell towers, antennae and broadcast towers.
3. Oil, gas and other pipelines.
4. Electrical transmission lines.
5. Wind turbines.
6. Solar power generation.
7. Drainage facilities.
8. Uses that qualify under Wis. Stats. 91.46 (4).
9. Manure storage systems. (Please note that permits for manure storage systems are subject to s. ATCP 50.56 and Ch. ATCP 51, Wis. Adm. Code)
10. Large (greater than 2000 gallons) on-farm fuel or agrichemical storage facilities.
11. Solar energy systems when the primary intent is for export and the sale of energy.
12. Wind energy systems when the primary intent is for export and the sale of energy.
13. Slaughtering livestock including livestock from the FP zoning District
14. Processing agricultural by-products or wastes received directly from farms, including farms in the FP zoning district.

See s. 91.46(4), Wis. Stats. A wind turbine that complies with Wisconsin Public Service Commission siting rules under (proposed) PSC 128, Wis. Adm. Code, is presumed to comply with the conditional use criteria.

G. The Planning Commission may issue a conditional use permit for proposed “Compatible Infrastructure” and “Government and Nonprofit Community Uses” if all of the following apply:

1. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
2. The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
3. The use is reasonably designed to minimize conversion of land, at and around the site of the use, from agricultural use or open space use.
4. The use does not substantially impair or limit the current or future agricultural use of other protected farmland.
5. Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.

The Town Planning Commission may issue a conditional use permit for a proposed land use identified in this section if the proposed land use meets applicable conditions under this section. Before issuing a conditional use permit, Town Planning Commission shall determine in writing, that the proposed use meets applicable conditions under this section. The Town Planning Commission may issue the permit subject to any additional conditions which the Planning Commission deems necessary to carry out the purposes of this ordinance.

(3) Area, Height and Yard Requirements:

- A. All Principal Structures shall be on a lot consistent with the principal use permitted on such lot by the regulations of the district in which it is located.
- B. No Zoning Permit shall be issued for a lot which abuts a public road dedicated to only a portion of its proposed width and located on that site thereof from which the required dedication has not been secured.
- C. Dimensions of Building Sites:
1. Minimum Area and Width: Except as otherwise specifically required or permitted the minimum lot area shall be 2.9 acres and a minimum lot width of 125 feet at the building line and 125 feet at the water's edge.
 2. Side and Rear Yards: There shall be a fifteen (15) foot minimum side yard for each structure.
 3. Height Limitations: The maximum height for all residential structures shall be forty (40) feet. The maximum height for all commercial and industrial structures shall be sixty (60) feet. The maximum height for all non-farm accessory structures shall be forty (40) feet. Height limitations are further regulated per Section 6.1 of this Ordinance.
 4. Yard and Other Limitations: Per Sections 6.2, and 6.3 of this Ordinance.
 5. Setbacks: All new structures shall be regulated in accordance with Section 5.0 of this Ordinance.
 6. Street Grade: Every building hereafter erected, structurally altered, or relocated shall be at a grade approved by the Zoning Administrator as being in satisfactory relationship with the existing street grade, with particular consideration for proper drainage and safe vehicular access.
 7. Preservation of Topography: In order to protect the property owner from possible damage due to change in the existing grade of adjoining land, and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land shall be made which would result in increasing any portion of the slope to a ratio greater than 1-1/2 horizontal to 1 vertical within a distance of 20 feet from the property line, except with the written consent of the abutting property owner and with the approval of the Plan Commission, or which would alter the existing drainage or topography in any way as to adversely affect the adjoining property. In no case shall any slope exceed the normal angle of slippage of material involved, and all slopes shall be protected against erosion.

14.2 Rezoning Land out of the FP Farmland Preservation Zoning District

Land may be rezoned out of the FP Farmland Preservation Zoning District if the Planning Commission, after a public hearing, finds that all of the following apply:

- (1) The land is better suited for a use not allowed in the FP Farmland Preservation Zoning District.
- (2) The rezoning is consistent with the Town of Hartland Comprehensive Plan.
- (3) The rezoning is substantially consistent with the Shawano County Farmland Preservation Plan, certified under ch. 91, Wis. Stats., which is in effect at the time of zoning.

- (4) The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

The above Section 14.2 (1-4) does not apply to any of the following situations:

- (5) A rezoning that is affirmatively certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection under ch. 91, Wis. Stats.
- (6) A rezoning that makes the farmland preservation zoning ordinance map more consistent with the Shawano County farmland preservation plan map, certified under ch. 91, Wis. Stats., which is in effect at the time of the rezoning.

14.3 Certification of Ordinance and Amendments by DATCP

- (1) This Zoning Ordinance must be certified by the State of Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) in order for owners of land that is zoned FP Farmland Preservation in the Town of Hartland to be eligible to claim tax credits under the State of Wisconsin's Farmland Preservation Program.
- (2) The Town of Hartland shall notify DATCP of any amendments as required by Wis. Stats. 91.36(8).
- (3) The Town of Hartland shall notify DATCP, by March 1 annually, of any acres rezoned out of a farmland preservation zoning district during the previous year and a map that clearly shows the location of those acres as required by Wis. Stats. 91.48(2) and 91.48(3).

14.4 Farmland Preservation Definitions

For the purposes of Section 14 of this Ordinance, the following definitions shall be used. Please see Section 13 for conventional zoning district definitions.

Accessory Use: With the FP Zoning District means any of the following land uses on a farm:

- (1) A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use. This may include, for example:
 - A. A facility used to store or process raw agricultural commodities, all of which are produced on the farm.
 - B. A facility used to keep livestock on the farm.
 - C. A facility used to store or process inputs primarily for agricultural uses on the farm.
 - D. A facility used to keep or service vehicles or equipment primarily employed in agricultural uses on the farm.
 - E. A wind turbine or solar energy facility that collects wind or solar energy on the farm, and uses or transforms it to provide energy primarily for use on the farm.
 - F. A manure digester, bio-fuel facility, or other facility that produces energy primarily from materials grown or produced on the farm, primarily for use on the farm.
 - G. A waste storage or processing facility used to store or process animal waste produced solely from livestock kept on the farm.
- (2) An activity or business operation that is an integral part of or incidental to, an agricultural use.
- (3) A farm residence, including normal residential appurtenances.
- (4) A business, activity, or enterprise, whether or not associated with an agricultural use, which meets all of the following requirements:
 - A. It is conducted on a farm by an owner or operator of that farm.
 - B. It requires no buildings, structures, or improvements other than those described in par. a) or (c).
 - C. It employs no more than 4 full-time employees annually.

- D. It does not impair or limit the current or future agricultural use of the farm or other protected farmland.

Agricultural Use:

Any of the following activities conducted for the purpose of producing an income or livelihood:

- (1) Crop or forage production.
- (2) Keeping livestock.
- (3) Beekeeping.
- (4) Nursery, sod, or Christmas tree production.
- (5) Floriculture.
- (6) Aquaculture.
- (7) Fur farming.
- (8) Forest management.
- (9) Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
- (10) Any other use that the Department of Agriculture, Trade and Consumer Protection, by rule, identifies as an agricultural use.

Agriculture-related use:

An agricultural equipment dealership, facility providing agricultural supplies, facility for storing or processing agricultural products, or facility for processing agricultural wastes. In addition, any use that the Department of Agriculture, Trade and Consumer Protection identifies by rule as an agriculture-related use. An “agriculture related use” must be primary (not just incidentally) related to agriculture, and must have a direct connection to agriculture uses in the FP zoning district.

Animal Confinement Facility:

Any animal, livestock or poultry operation with 500 or more animal units that are used in the production of food, fiber, or other animal products or that will be fed, confined, maintained, or stabled for a total of 45 days or more in any 12-month period.

Animal Unit:

Animal Unit has the following meaning that was given in s. NR 243.03 (3) Wisconsin Administrative Code as of April 27, 2004: “Animal Unit” means a unit of measure used to determine the total number of single animal types or combination of animal types, as specified in s. NR 243.11, Wisconsin Administrative Code, which are fed, confined, maintained or stabled in an animal feeding operation. The total number of animal units for a given type of animal shall be calculated by multiplying the number of animals for each animal type by the appropriate equivalency factor from the following table, and summing the products. The number of combined animal units shall be the sum of the number of animal units for each animal type. For animal types not listed in the following table, the equivalency to animal units shall be based on live animal weights. In these cases, 1,000 pounds of live weight is equivalent to one animal unit.

Animal Unit Calculation Table		
Number Equivalent to 500 Animal Units		
Number Equivalent to 500 Animal Units	Animal Type	Animal Equivalency Factor
	Dairy Cattle:	
350	Milking and Dry Cows	1.4
455	Heifers (800 to 1200 lbs)	1.1
835	Heifers (400 to 800 lbs)	0.6
2500	Calves (under 400 lbs)	0.2
	Beef Cattle:	
500	Steers or Cows (600 lbs to Mkt.)	1.0
1000	Calves (under 600 lbs)	0.5
350	Bulls	1.4
	Swine:	
1250	Pigs (55 lbs to Mkt.)	0.4
5000	Pigs (up to 55 lbs)	0.1
1250	Sows	0.4
1000	Boars	0.5
	Sheep:	
5000	Per Animal	0.1
	Horses:	
250	Per Animal	2.0
	Ducks:	
2500	Per Bird (Wet Lot)	0.2
50000	Per Bird (Dry Lot)	0.01
	Chickens:	
50000	Layers	0.01
100000	Broilers	0.005
50000	Broilers (continuous over flow watering)	0.01
15000	Layers or Broilers (Liquid Manure System)	0.033
	Turkeys:	
27500	Per Bird	0.018
	Combined Animal Units:	
500	Calculated Total	

Base Farm Tract:

All land, whether one parcel or two or more contiguous parcels, that is in the FP Farmland Preservation Zoning District and that is part of a single farm on December 26, 2012 regardless of any subsequent changes in the size of the farm. Alternatively, any other tract that the Department of Agriculture, Trade and Consumer Protection by rule defines as a base farm tract.

For the purposes of this definition, when determining the boundaries of the base farm tract, the term “contiguous parcel” includes those commonly owned parcels that are abutting or touching at more than one point and those commonly owned parcels that are separated only by a waterway or a transportation or utility right-of-way.

Base farm tracts are defined ONLY for the purpose of calculating residential densities in connection with conditional use permit applications. They have no other legal or ownership implications, and are not used for any other purpose. A "base farm tract" is a fixed geographical reference area that (once determined) remains constant over time.

Certified Farmland Preservation Plan:

A farmland preservation plan that is certified as determined under Wis. Stats. 91.12.

Certified Farmland Preservation Zoning Ordinance:

A zoning ordinance that is certified as determined under Wis. Stats. 91.32.

Common Ownership:

Ownership by the same person or persons, or by persons that are all wholly owned by the same person or persons. "Common ownership" includes joint tenancy and tenancy in common. Solely for purposes of this definition, a parcel owned by one member of a married couple is deemed to be owned by the married couple.

Land is deemed to be under "common ownership," for purposes of this ordinance, if it is all owned by the same individual, married couple, joint tenants, tenants in common, corporation, LLC, partnership, estate or trust. If land parcels are owned by separate legal entities, but those legal entities are all wholly owned by exactly the same person or persons, those land parcels are deemed to be under "common ownership" for purposes of this ordinance.

Contiguous:

Adjacent to or sharing a common boundary. "Contiguous" land includes land that is separated only by a river, stream, section line, public road, private road, railroad, pipeline, transmission line, or transportation or transmission right-of-way. Parcels are not "contiguous" if they meet only at a single point.

Conditional Uses:

Uses of a special nature as to make impractical their predetermination as a permitted use in a district. Conditional uses as used in the FP Farmland Preservation Zoning District must meet the requirements of Wis. Stats. 91.46.

Density: Number of dwelling units per acre allowable under the schedule of district regulations.

Farm:

All land under common ownership that is primarily devoted to agricultural use. For the purpose of this definition, land is deemed to be primarily devoted to agricultural use if the following apply:

- (1) The land produces at least \$6,000 in annual gross farm revenues to its owner or renter, regardless of whether on a majority of the land area is in agricultural use; or,
- (2) A majority (greater than 50%) of the land is in agricultural use.

In determining whether land is in agricultural use for purposes of par. (2), a zoning authority may consider how the land is classified for property tax purposes. See ch. TAX 18, Wis. Adm. Code.]

Farm Acreage:

The size of a farm in acres for the purpose of determining the "base farm tract". "Farm acreage" includes farmland, farm buildings, farm residence and open space parcels over 10 acres. Farm acreage does not include non-farm residential acreage.

Farm Residence:

A single-family or two family residence that is the only residential structure on the farm or is occupied by any of the following:

- (1) An owner or operator of the farm.
- (2) A parent or child of an owner or operator of the farm.
- (3) An individual who earns more than 50 percent of his or her gross income from the farm.

To qualify as a "farm residence," a residence must be located on a "farm." If a farm owner deeds off a residential parcel to another person (even if that person is the farm owner's parent, child or employee), the separately-owned parcel is no longer part of the original "farm." A residence built on that parcel does not qualify as a "farm residence" unless the parcel qualifies as a "farm" in its own right.

Gross Farm Revenues:

Means gross receipts from agricultural use of a farm, excluding rent receipts, less the cost or other basis of livestock or other agricultural items purchased for resale which are sold or otherwise disposed of during the taxable year. Gross farm revenue includes receipts accruing to a renter, but does not include rent paid to the land owner.

Livestock:

Includes bovine animals, equine animals, goats, poultry, sheep, swine, farm raised deer, farm raised game birds, camelids, ratites and farm raised fish.

Livestock Facilities with More Than 500 Animal Units: Means facilities covered by Wis. Adm. Code ch. ATCP 51.

Nonfarm Residence:

Any residence other than a farm residence.

Nonfarm Residential Acreage:

"Nonfarm residential acreage" means the combined total acreage of all parcels on which nonfarm residences are located, all parcels on which Planning Commission has approved nonfarm residences, all parcels of 10 acres or less that do not qualify as farms, and the parcel to which the conditional use permit application pertains. If a residence is located or proposed to be located on an undivided farm, but does not qualify as a farm residence, the size of the residential parcel is deemed to be 10 acres

Nonfarm residential acreage is defined ONLY for the purpose of calculating residential densities in connection with conditional use permit applications in the FP zoning district.

This ordinance counts, as "nonfarm residential acreage," parcels on which residences have been approved but not yet built, as well as "open space" parcels less than 10 acres. Larger "open space parcels" may be counted as "farm acreage" (see definitions of "farm acreage" and "open space parcel)."

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

Open Space Parcel:

A parcel on which no buildings, other than hunting blinds or small sheds, have been constructed or approved or construction.

Person:

An individual, corporation, partnership, limited liability company (LLC), trust, estate or other legal entity.

Prime Farmland:

An area with a class I or II land capability classification as identified by the Natural Resources Conservation Service of the United States Department of Agriculture or land that is identified as prime farmland in a certified farmland preservation plan. Prime farmland soils are not necessarily associated with the boundaries of the FP Farmland Preservation Zoning District.

Prior Nonconforming Use:

A land use that does not comply with this zoning ordinance, but which lawfully existed prior to the application of this ordinance.

Protected farmland:

Land that is any of following:

- (1) Land that is located in the FP Farmland Preservation Zoning District certified under ch. 91, Wis Stats.
- (2) Covered by a farmland preservation agreement under ch. 91, Wis Stats.
- (3) Covered by an agricultural conservation easement under s. 93.73, Wis Stats.
- (4) Otherwise legally protected from nonagricultural development