

TOWN OF HARMONY  
VERNON COUNTY, WISCONSIN  
ZONING ORDINANCE

April 2013

Town of Harmony  
Vernon County, Wisconsin  
Zoning Ordinance  
April 20, 2013

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The Town of Harmony's Zoning Ordinance adopted December 2, 1995 is hereby repealed and recreated pursuant to the authority under §§60.10, 60.22, 60.62, 61.35 and 62.23 of the Wisconsin Statutes and the Town of Harmony does ordain as follows:

**SECTION 1 – FEE SCHDEULE**

**Permit Fees:**

<b>Site Permit</b>	<b>\$50.00</b>
<b>New Residential Construction (W/UDC)</b>	<b>\$150.00</b>
<b>Residential Additions, Foot Print Alterations</b>	<b>\$50.00</b>
<b>Residential Accessory Building (non-dwelling)</b>	<b>\$50.00/each</b>
<b>Commercial Building (&gt;25,000 cu.ft. UDC)</b>	<b>\$150.00</b>
<b>Commercial Building (&lt;25,000 cu.ft.)</b>	<b>\$100.00</b>
<b>Farm Structures or Additions</b>	<b>\$50.00/each</b>
<b>Driveway</b>	<b>\$50.00</b>
<b>Exterior Completion Extension (6 months)</b>	<b>\$100.00</b>
<b>(1 year)</b>	<b>\$300.00</b>

**Meeting Fees:**

<b>Board of Adjustment Variance Appeal</b>	<b>\$500.00</b>
<b>Conditional Use Permit Application</b>	<b>\$500.00</b>
<b>Special Exception Permit Application</b>	<b>\$500.00</b>
<b>Zoning Petitions Application Class II Notice</b>	<b>\$500.00</b>

**Fines:**

<b>Building without a permit (up to)</b>	<b>\$100.00/day</b>
<b>Fire Number signs</b>	<b>\$100.00/each</b>
<b>Additional Fire No. signs (shared driveways/replacement)</b>	<b>\$50.00</b>
<b>Multiple Fire Numbers on a shared driveway</b>	<b>\$150.00</b>

**After the fact fees will ALWAYS be double the Permit Fee**

**The Town Board has the discretion to change fees as necessary.**

**Any violation of this Zoning Ordinance may result in removal or demolition of structure(s) or changes by the builder or violator.**

## **SECTION 2 – STATUTORY AUTHORIZATION**

- a. This ordinance is to promote the public health, safety and general welfare, pursuant to the provisions of §§60.62(1), 61.35 and 62.23, Wis. Stats., and for such purpose to divide the Town of Harmony, Vernon County, Wisconsin, into zoning districts of such number, shape and area as are deemed best suited to carry out such purposes, to provide a method for its administration and enforcement, and to provide penalties for violations of its provisions.

## **SECTION 3 – INTERPRETATION, PURPOSES, AND AUTHORITY:**

- a. The powers granted by the provisions of this Ordinance shall be liberally construed in favor of the Town of Harmony exercising such powers. Whenever there is a reference to a state statute, state administrative code section, or any other state or local rule or ordinance, such reference shall include any future amendments to the statute, code section, rule or ordinance.
- b. The provisions of this Ordinance shall be held to the minimum requirements adopted to promote the public health, safety and general welfare of the Town of Harmony. As required by §66.101, Wis. Stats., the Town of Harmony has adopted a Comprehensive Plan in order to promote planned growth and orderly development. The intent of this Ordinance is to meet the requirements and aid in the implementation of the Town's Comprehensive Plan.
- c. The purpose of this Ordinance is to further develop and enforce an ordinance providing for the regulation and control of building, protection from conflicting land uses, to further the orderly layout and use of lands; to secure safety from fire and other dangers; to prevent the overcrowding of lands; to avoid undue concentration of population; to ensure the maximum preservation of agricultural land for agricultural purposes; to insure reasonable protection of natural resource lands and waters, to facilitate adequate provisions for transportation, water, sewage, road locations, and other public requirements; and to protect living environments and housing values.
- d. It not intended by this Ordinance to repeal, abrogate, annul, impair or interfere with any existing easement, covenant or agreement between parties or with any rules, regulations or permits previously adopted or issued pursuant to laws; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises, or upon the height of a building, requires larger open spaces than are required by other rules, regulations, or permits or by easements, covenants, or agreements, the provisions of this Ordinance shall govern.
- e. This Ordinance shall also repeal the Town of Harmony's Zoning Ordinance adopted on December 2, 1995 and provide a new Zoning Code in accordance with the Town's Comprehensive Plan upon passage and publication.

## **SECTION 4 – DEFINITIONS**

For the purpose of this chapter, 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 word "structure" includes the word "building"; the word "shall" is mandatory and not directory. Any words not defined as follows shall be construed as defined in applicable state statutes and county code. The following definitions are applicable throughout this chapter.

- (a) **Accessory Building or Structure.** A building or portion of a building subordinate to the main building or structure and used for a purpose customarily incidental to the permitted use of the main building or structure or the use of the premises. Including, but not limited to, garage,

prefabricated metal buildings for storage, carport, greenhouses, screened enclosures, swimming pool, bathhouse and filter equipment shed, playhouse, gazebo, and satellite dish antenna, but not including residential flag poles.

- (b) **Alley.** A street or thoroughfare a minimum of 20 feet wide and affording only secondary access to abutting property.
- (c) **Building.** Any structure with a roof and walls used, designed or intended for the protection, shelter, enclosure or support of persons, animals or property. When a building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building. A carport shall be considered a building.
- (d) **Building, Height of.** The vertical distance from the average curb level in front of the lot or the finished grade at the building line, whichever is higher, to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height of the highest gable of a gambrel, hip or pitch roof.
- (e) **Campground.** A privately or municipally owned parcel or tract of land, maintained, intended or used for the purposes of supplying temporary or overnight living accommodations to the public by providing designated areas for the placement of trailers, tents, buses, automobiles, or sleeping bags, and may include structures to provide services to the patrons, such as restrooms, bathing and laundry facilities.
- (f) **Dwelling, One Family.** A detached building designed for or occupied exclusively by one family.
- (g) **Dwelling, Two Family.** A detached or semidetached building designed for or occupied exclusively by two families.
- (h) **Dwelling, Multiple.** A building or portion thereof designed for and occupied by more than 2 families, including row houses, apartment houses and condominiums.
- (i) **Family.** Any number of persons related by blood, adoption, or marriage or not to exceed four (4) persons not so related, living together in one dwelling as a single housekeeping entity.
- (j) **Exotic Animals.** Exotic animals are prohibited to include, primates, chimpanzees, monkeys, lions, tigers, and other felids generally referred to as big cats, foxes, wolves, coyotes, wolf hybrids, including all bears, elephants, alligators and crocodiles, kangaroos, wallabies, opossums, hippopotami and rhinoceroses, hyenas, ferrets, skunks, otters, badgers, raccoons, coatis, anteaters, sloth, armadillos, mongooses, civets, genets, snakes (boa constrictors, pythons, and any other snakes), venomous reptiles, deer, elk, moose, (except farm-raised deer that are kept by a person registered under §95.55, Wis. Stats.), and camels.
- (k) **Frontage.** All the property abutting on one side of a road or street between two intersecting roads or streets or all of the property abutting on one side of a road or street between an intersecting road or street and the dead end of a road or street.
- (l) **Garage, Private.** An accessory building for the storage of motor-driven vehicles and other personal property.
- (m) **Garage, Public.** Any building or premises, other than a private or storage garage, where motor-driven vehicles are equipped, repaired, serviced, hired, sold or stored.

- (n) **Home Occupation.** A gainful occupation conducted by members of the family only, within their place of residence; provided that the area used does not exceed twenty-five (25) percent of the total floor area, excluding attached garage, and that no article or service is sold or offered for sale on the premises except such as is produced by such occupation, that no stock in trade is kept or sold, that no mechanical equipment is used other than such as is permissible for purely domestic purposes, that no sign other than 1 unlighted name plate not more than 2 square feet is installed and that no more than one other person not a member of the immediate family living on the premises is employed. Home Occupation will not include commercial domestic pet breeding or exotic pet/animal breeding. Home occupation is considered a Conditional Use.
- (o) **Hotel and Motel.** A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than 5 sleeping rooms with no cooking facilities in any individual room or apartment.
- (p) **Hostel.** A dwelling or accessory building other than a hotel where meals, or lodging and meals, are furnished for compensation for 5 or more persons not members of a family.
- (q) **Household Pets.** The most popular pets are dogs and cats, but there are also rodent pets, such as gerbils, hamsters, chinchillas, fancy rats, and guinea pigs; avian pets, such as canaries, parakeets, and parrots; reptile pets, such as turtles, lizards and snakes; and aquatic pets, such as tropical fish and frogs.
- (r) **Kennel.** An area or structure for breeding, rearing, boarding or training of three or more dogs over the age of five months.
- (s) **Landfill.** A waste disposal facility for solid waste on or in land to include household, commercial, industrial, and demolition which is non-hazardous and meets Harmony Township, Landfills and Landfill Expansion Ordinance, Vernon County and Wisconsin DNR Regulations.
- (t) **Lodging Facility.** Short term stay facility, to include Bed & Breakfasts.
- (u) **Lot.** A parcel of land having frontage or legal access to a public street, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area, and other open space provisions of this Ordinance.
- (v) **Lot, Corner.** A lot abutting on 2 or more streets at their intersection provided that the interior angle of such intersection is less than 135 degrees. A corner lot has a front setback area back from each street bordering said lot.
- (w) **Lot, Depth of.** The mean horizontal distance between the front and rear lot lines.
- (x) **Lot, Interior.** A lot other than a corner lot.
- (y) **Lot, Through.** An interior lot having frontage on two non-intersecting streets.
- (z) **Lot Lines and Area.** The peripheral boundaries of a parcel of land and the total area lying within such boundaries.
- (aa) **Manufactured Homes.** Any structure originally designed to be capable of transportation to

site by any motor vehicle upon a public highway. Intended for occupancy as a year-round single family dwelling.

- (bb) **Mobile Home Converted to Real Estate.** Any mobile home which is assessed as real estate and pays property taxes rather than having a motor vehicle license. All mobile homes shall have the bolted tongue and wheels removed and shall be fully skirted and placed on a permanent foundation within six (6) months of placement. All mobile homes shall have a County approved sewage system and a water supply. A single family dwelling.
- (cc) **Nonconforming Use.** A building or premises lawfully used or occupied at the time of the passage of this Ordinance or amendments thereto, which use or occupancy does not conform to the regulations of this Ordinance or amendments thereto.
- (dd) **Professional Office.** In home professional occupations such as: doctor, surveyor, planner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author or musician, accountant and bookkeeper, telemarketing, and computer consulting. When established in a residential district, a professional office shall be incidental to the residential occupation, not more than 25 percent of the floor area excluding the garage of only 1 story of a dwelling unit shall be occupied by such office, with only 1 nonresident person is employed.
- (ee) **Public and Semipublic Uses.** Governmental and cultural uses, such as administrative offices, fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds and museums. Public, private and parochial preschool, elementary and secondary schools and churches. Cemeteries, private clubs and lodges and storage garages. It is the intent of the Town Board to ensure that there is sufficient road capacity and safety have been addressed and completed appropriately. This issue is briefly touched on in Subdivision Ordinance.
- (ff) **Setback for Extremely Steep Slopes for Bluff Land Protection .** No dwelling, associated buildings or any structure, trailers, garages, storage buildings, etc. may be build or placed closer than 50 (fifty) feet from a significant break in a topographic slope defined here as a slope of 100 percent or greater. Thus, a 50 (fifty) foot setback is required for all structures and any part(s) thereof, adjacent to precipices and extremely steep slopes. An extremely steep slope is defined as having a 100 percent slope (=45 degrees) and precipices having a slope having greater then a 100 percent slope (=more than 45 degrees). Slope as defined here: An inclined ground surface the inclination of which is expressed as a ratio of horizontal distance to vertical distance (i.e. 2:1 or 1:1) or as a percentage (i.e. 50 % or 100%). Purpose of this setback requirement is expressed in Section 1 of this Zoning Ordinance.
- (gg) **Setback Lines.** Lines established within a lot at required distances from street rights-of-way lines, rear lot lines, and side lot lines, within which buildings or structures are prohibited as specified in each zoning district. Setback lines are the minimum distances that buildings or structures must stay back from lot lines; and this minimum distance applies to that part of a building which overhangs the foundation. A building or land use may be placed anywhere within a lot or parcel that is not subject to the setback areas which bound the perimeter of lot or parcel.
- (hh) **Setback or Depth.** (All Residential and agriculture districts). Unless otherwise provided, there shall be a road setback of not less than 60 feet. Such setback line shall be the minimum horizontal distance between the centerline of the street or town road and the nearest point of a building. There shall also be a setback line of not less than 25 feet from rear and side adjoining property lines. Such setback line shall be the minimum distance horizontally from

any building to the adjoining property line. Accessory Buildings of less than 100sq. ft. shall have a setback of not less than 5 feet from adjoining property lines. These distances shall include eaves or non-structural overhangs above the ground level.

- (ii) **Sign.** Any identification, description, illustration, or device illuminated or non-illuminated which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business, or solicitation, including a permanently installed or situated merchandise; or any emblem, painting, banner, pennant, placard or temporary sign designed to advertise, identify, or convey information with the exception of window displays, and flags. Signs located in inoperative vehicle and in trailers in locations functioning as permanent signs are included in this definition. This definition also prohibits electronic\flashing signs. A sign shall not exceed 32 square feet and anyone side will not exceed 8 feet. For the purpose of removal, signs shall also include all sign structures.
  
- (jj) **Solid waste.** Useless, unwanted or discarded solid material with insufficient liquid content to be free-flowing, including, but not limited to, rubbish, garbage, refuse-derived fuel, scrap materials, junk, refuse, inert fill material, landscape refuse and residue. Site Wis. Stats. DNR Regs.
  
- (kk) **Solid Waste/Recycle Center.** A location for the collection of waste and recyclable materials with limited onsite storage operated under the purview of the Vernon County Solid Waste / Recycling Department.

[My comment to the definitions is with respect to the definition of “Assessory Building or Structure” does not customarily include a portion of a building, and in addition, the definition for “Building” includes a carport, which is also considered an Assessory Building. Many requirements or regulations are also included within the definition section such as “home occupation” is considered a conditional use, set back compliance and requirements as well as sign requirements are included within the definition. These definitions are not generally considered regulations but merely for clarity or purposes of defining terms, it would be advisable to put any regulations pertaining to setbacks, signs, etc. in a separate section of the Ordinance or as part of the general requirements or as it applies to a particular district of the Zoning Code.]

## SECTION 5 – GENERAL PROVISIONS:

- a. Any zoned area along a State, County, Federal or Town Highway within the Town of Harmony shall be considered zoned in the classification designated by the Town of Harmony Zoning Map for a distance of not less than 200 feet along such highway. Such areas so zoned along such highway shall be displayed and designated on the official Town Zoning Map.
  
- b. A mobile home as defined by the Wisconsin Statutes shall not be parked within a Residential zoned area except as otherwise provided in this Ordinance. A mobile home may be parked and occupied and a mobile home park may be established, within the Commercial District providing all other requirements are in full compliance with the Town Mobile Home specifications herein set forth.
  
- c. A Town issued Site Permit is required for all new residential dwellings and for the construction, reconstruction, remodeling or moving of any building within the Town of Harmony whenever the cost or value of such shall be estimated to be over the amount of \$500.00. No permit will be required for remodeling work confined to the existing building footprint, not to include porches

or enclosing a porch. Adding a deck is considered extending the buildings footprint.

- d. A Town issued Building Permit, separate from the above Site Permit is required for all new residential dwellings. This permit and fee is separate from the permits and fees required to be issued under other State Regulators / Regulations or administration of the Uniform Dwelling Code. No permit is required for remodeling work confined to an existing building footprint, not to include porches, or enclosing a porch. Adding a deck is considered extending the building footprint.
- e. A Building Permit is issued by the UDC. Town issued Permits shall expire upon expiration of the Uniform Dwelling Code Building Permit or if no measurable work is accomplished in one (1) year (UDC is a 2 year permit). Dwellings shall have their exteriors finished on the expiration date. Exterior completion can be extended for one (1) year (see Fee Schedule).
- f. Fire Number applications shall be one hundred dollars(\$100) for one (1) new sign and one hundred fifty dollars (\$150) for two (2) new signs, two hundred (\$200) for three (3) and fifty (\$50) incrementally thereafter for new Fire Number signs on a shared driveway. To voluntarily replace a Fire Number sign is fifty dollars (\$50). To add a Fire Number to a shared driveway is fifty dollars (\$50). Note, Vernon County requires one (1) Fire Number sign for each occupied dwelling on a shared driveway. This means a Fire Number is required at both the dwelling location and at the driveway entrance.
- g. A Town of Harmony Building Permit so issued shall identify the Owners, Agents, and Adjacent owners, of such property upon which such proposed construction is to take place including the addresses and contact information for all such individuals, the legal description of the property including how the property is described in the town assessment roll, the estimated cost of the proposed construction, reconstruction, remodeling or moving project. A map drawn to scale showing the entire property including existing and/or proposed road access and any streams or drainage-ways.
- h. The Town Zoning Coordinator Officer shall issue notice to the Town Clerk whenever a Town of Harmony Building Permit is issued. The Town Clerk shall issue notice to the Towns Assessor whenever a Site Permit is issued.
- i. A State Building Permit is under the authority of the UDC Inspector. The Sanitation Code of the State of Wisconsin and all other established State and Federal standards will be followed.
- j. All auditoriums, churches or other places of public gathering hereafter erected, except such as are rebuilt on the sites occupied at the time of the adoption of the ordinance, shall provide an accessible parking space of sufficient size to accommodate at least one car for every five seats provided and defined combined seating of all public gathering places.
- k. Residents of any property within the any Residential District shall be permitted to harbor animals defined as household pets. Exotic animals are prohibited to include, primates, chimpanzees, monkeys, lions, tigers, and other felids generally referred to as big cats, foxes, wolves, coyotes, wolf hybrids, including all bears, elephants, alligators and crocodiles, kangaroos, wallabies, opossums, hippopotami and rhinoceroses, hyenas, ferrets, skunks, otters, badgers, raccoons, coatis, anteaters, sloth, armadillos, mongooses, civets, genets, snakes (boa constrictors, pythons, and any other snakes), venomous reptiles, deer, elk, moose, (except farm-raised deer that are kept by a person registered under s. 95.55, Wis. stats.), and camels. Any person owning or harboring animals in such numbers as to be a problem of annoyance to the general public shall be in

violation of this Ordinance.

- l. Any Mobile/Manufactured Home located within the Town of Harmony boundaries shall have the tongue and wheels removed and be fully skirted or placed on a foundation within six months. Placement of any Mobile Home in the Town of Harmony shall be on land with a minimum size of 1 acre and meet the proper setbacks and width requirements and shall have a sewage system and water supply and shall be reclassified as residential.
  - (1) Mobile/Manufactured Homes before 2006 require no UDC inspection or permit and may sit on any surface except a basement without inspection.
  - (2) Mobile/manufactured Homes after 2006 require UDC inspection and permit and must be placed on cross piers or 6" slab and anchored or basement anchored. All placements require UDC inspection and permit
- m. A private garage or other out building including Campers and Park Homes shall not be used as a dwelling for more than a period of one year and then only while permanent dwelling is under construction.

#### **SECTION 6 – ZONING DISTRICTS AND ZONING MAP:**

a. For the purpose of this Ordinance, the Town of Harmony, Vernon County, Wisconsin is hereby divided into eight zoning districts, as follows:

- a. General Residence District (1 acre or greater, less than 2 acres)
- b. Rural Residence District (2 acre or greater, less than 5 acres)
- c. General Agricultural District (5 to 35 acres)
- d. Exclusive Agricultural District (35 acres or more)
- e. Commercial District (plat of survey)
- f. Industrial District (plat of survey)
- g. Resource District (plat of survey)
- h. Special Purpose District (plat of survey)

b. The boundaries of the aforesaid districts are hereby established as shown on the map entitled "Town of Harmony Zoning Map" for the Town of Harmony, Vernon County, Wisconsin, on file at the Town Hall, which map accompanies and is made part of this Ordinance. All notations and references shown on the Town of Harmony Zoning Map are as much a part of this Ordinance as though specifically described herein.

#### **SECTION 7 – NON-CONFORMING USES: (Grandfather Clause)**

The existing lawful use of a building or premises at the time of the enactment of this Ordinance or any amendment thereto may be continued although such use does not conform to the provisions of this Ordinance for this District in which it is located, but such non-conforming use shall be extended.

If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or a more restricted classification. Whenever a non-conforming use has been changed to a more restricted non-conforming use, such use shall not thereafter be changed to a less restricted use.

If a non-conforming use of a building or premises is discontinued for a period of 12 months, any future use of the building or premises shall conform to the regulation for the district in which it is located.

Whenever a building containing a non-conforming use is damaged by fire, explosion, act of God or the Public Enemy to the extent of more than 50 percent of its current local assessed value, it shall not be restored except in conformity with the regulations of the district in which it is located. The total structural repairs or alterations in any non-conforming use shall not during its life exceed 75 percent of the local assessed value of the building at the time of its becoming a non-conforming use unless permanently changed to a conforming use.

[Section 62.23(7)(h) entitled “Non-conforming Uses” provides that the total structural repairs or alterations in such a non-conforming building, premises, structure, or fixture shall not during its life exceed 50 percent of the assessed value of the building, premises, structure, or fixture unless permanently changed to a conforming use. Therefore, the 75 percent measurement is inconsistent with State Statute.]

### **SECTION 8 – GENERAL RESIDENTIAL DISTRICT:**

This District is established to promote the health, safety, morals and general welfare of the citizens of the Town of Harmony, Vernon County, Wisconsin.

- a. Purposes: In the General Residential District no building or premises shall be used and no building shall hereafter be erected or structurally altered unless otherwise provided in this Ordinance, except for one or more of the following uses:
- b. Permitted Uses:
  - (1) Single family dwellings
  - (2) Customary residential accessory uses such as garages
- c. Conditional Uses:
  - (1) Proposed duplexes, condominiums, town houses and apartment buildings.
  - (2) Churches, schools, libraries, municipal buildings, public recreational or community center and grounds, truck gardening and private garages.
  - (3) Institutional housing such as foster homes, but not including nursing homes
  - (4) Home occupations
  - (5) Professional office
- d. Lot Area and Frontage: 1 acre or greater, less than 2 acres.

No dwelling shall be constructed on a parcel of land within a residential zone having an area of less than 1 acre (43,560 square feet) to a width of less than 200 feet. Except where a river, stream or lake exists, the horizontal distance parallel to the waters edge generally shall be considered the point of measurement to establish the 200 foot width requirement. The area requirement of any acreage shall be understood to mean that no part of such area shall include any part of the road, street or highway.
- e. Setbacks apply See setback definition
- f. Lands or property within a General Residential District cannot be sub-divided to a size less than is provided within (same as d. Lot Area and Frontage:) the previous paragraph except that lands may be subdivided to increase the size of lots provided such increase in size is larger than is

provided in paragraph e.

- g. Animal Restrictions – See Definition of Household Pets and Exotic Animals

## **SECTION 9 – RURAL RESIDENCIAL DISTRICT**

- a. Purpose: The purpose of this District is to provide locations for low-density farm or non-farm residences which do not require a conventional subdivision design as would be permitted in the General Residence District. A further purpose is to provide residential locations in scenic, wooded locations that would not interfere with or remove good farm land, and to provide for housing at low enough densities where a limited number of animals of non-commercial use, other than pets, could be kept under conditions set by the Town Board.
- b. Permitted Uses:
  - (1) Single family residences. 2 acre or greater, less than 5 acre
  - (2) Customary accessory uses associated with rural residential uses.
  - (3) Wood lots, tree farms and home-grown food products and flowers produced by the resident for sale off the premises.
  - (4) Temporary, seasonal and movable roadside vegetable and produce stands.
  - (5) Barns and animal shelters for private use only, but not commercial kennels or commercial animal production.
- c. Conditional Uses:
  - (1) Recreational and seasonal dwellings
  - (2) Temporary, seasonal and movable roadside vegetable and produce stands
  - (3) Home occupations
  - (4) Man-made ponds
  - (5) Wind turbines for generation of electric power for use only by the property resident.
  - (6) Animals, of a type and number approved under conditions set by the Town Board
  - (7) Barns and animal shelters, but not commercial kennels or commercial animal production.  
Private use only
  - (8) Communication towers
- d. Lot Area and Frontage:
  - (1) The parcel size per dwelling shall be a minimum of two (2) acres but shall not exceed five (5) acres
  - (2) Lot width at building setback line– minimum of 200 feet
  - (3) Setbacks apply, see setback definitions

## **SECTION 10 – GENERAL AGRICULTURAL DISTRICT**

- a. Purposes: The General Agricultural District is established to:
  - (1) Protect the agricultural base of the Township;
  - (2) Preserve the County's natural resources and open space;
  - (3) Provide an area for limited residential and hobby farm development in a rural atmosphere; and reduce costs of providing public / utility services to scattered non-farm uses.

- (4) The Town of Harmony recognizes farmers activities in this Ordinance and gives them the right of spreading manure, and the application of pesticides, herbicides, fungicides and seeding by aerial and ground methods, this Ordinance gives permission for these activities to occur on Sundays, holidays and weekends, by day or night and shall include noises, odors, dust and fumes associated with farming practices.
- b. Land included: The minimum parcel size shall be at least five (5) acres.
  - c. Permitted Uses: The following are permitted uses.
    - (1) Agriculture, including those agricultural uses permitted under Section 7, paragraph C: veterinary facilities and services; home occupations
    - (2) One single family dwelling. For purposes of this paragraph, the term "dwelling" shall include a mobile home. All mobile homes shall have the bolted tongue and wheels removed and shall be fully skirted or placed on a permanent foundation within six (6) months of placement. All mobile homes shall have an approved sewage system and a water supply. A single family dwelling.
    - (3) Parks and playgrounds.
    - (4) Temporary sawmills (not to exceed 6 months of operation).
    - (5) Temporary asphalt and cement-mixing plants (not to exceed 6 months of operation).
  - d. Permitted Principal Structures: No structure or improvement may be built unless consistent with the permitted use set forth in paragraph C above.
  - e. Permitted Utility Uses: Gas and electric uses not requiring authorization under Sec. 196.491, Wisconsin Statutes, are permitted uses.
  - f. Conditional Uses: Agricultural-related, religious, institutional or governmental uses which are consistent with agricultural use and are found necessary in light of alternative locations available for such uses, permanent sawmills, commercial kennels and communication towers (Business, Ham Radio, etc.).
  - g. Standards for Rezoning: Decisions on petitions for rezoning an area zoned for general agricultural use shall be based on findings which consider the following:
    - (1) Adequate public facilities to serve the development are present or will be provided.
    - (2) Provision of these facilities will not be an unreasonable burden to the Township.
    - (3) The land is suitable for development.
    - (4) Development will not cause illegal environmental degradation.
    - (5) **Setbacks apply, see Setback definitions.**

## **SECTION 11 – EXCLUSIVE AGRICULTURAL DISTRICT**

In the Exclusive Agricultural District no building or premises shall be used and no building shall hereafter be erected or structurally altered unless otherwise provided in this chapter.

- a. Purpose. The purpose of the Exclusive Agricultural District is to preserve agricultural land for food and fiber production; protect productive farmers by preventing conflicts between incompatible uses; maintain a viable agricultural base to support agricultural processing and service industries; reduce costs of providing services to scattered non-farm uses; promulgate orderly urban growth; implement the provisions of the Town Farmland Preservation Plan when adopted and periodically revised; and comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits under Subchapter IX of Chapter 71, Wis. Stats.
- b. Application. This district generally intended to apply to lands which include all classes of soils in the Town that are in productive agricultural use including, but not limited to, land demonstrated to be productive for forestry, dairy, livestock raising and grazing; lands historically farmed which are integral parts of farm operations; lands for the production of specialty crops; and lands that are potentially productive if given improvements such as irrigation or drainage.
- c. Authorized Uses.

- (1) Residential.

- (a) Pre-existing residences located in areas subject to zoning under this section may be continued in residential use. Such pre-existing residences may be structurally altered and repaired, replaced, or rebuilt if destroyed but are subject to setback, height and other dimensional requirements.

- (b) The owner of a Base Farm Track (BFT) may be allowed to file a zoning petition to rezone to the Rural District up to 3% of a BFT for farm and/or non-farm residences. Said petition shall designate one contiguous area for rezoning which includes all necessary public utilities. A zoning petition to rezone to the Rural District shall not be allowed on a BFT which has been issued a Conditional Use Permit for a residential use on a BFT.

- (c) Any use authorized in the Rural District.

- (d) Parking or storage of one semi-tractor and/or semi-trailer. Semi-tractors must be licensed and operable. Semi-trailers must be roadworthy.

- (2) Agricultural.

- (a) Agricultural buildings.

- (b) One roadside stand on a BFT for the sale of farm products produced on the premises.

- (c) Beekeeping.

- (d) Dairy farming.

- (e) Egg production.

- (f) Poultry operations involving less than 10,000 birds per location.

- (g) Floriculture.

- (h) Fish farming.

- (i) Forest and game management.

- (j) Grazing.

- (k) Raising of livestock.

- (l) Orchards.
- (m) Plant greenhouses and nurseries.
- (n) Raising of crops.
- (o) Sod farming.
- (p) Sawmills when located on the premises for less than 30 days.
- (q) Riding, training or boarding stables and paddocks and equestrian trails.
- (r) Mineral extractions incidental to a farming operation.

d. Conditional Uses.

(1) Residential.

- (a) A Conditional Use Permit may be granted for up to one farm residence for every 35 acres of land included in the Base Farm Tract (BFT). A maximum of five farm residences are allowed. Existing farm residences at the time of adoption of this chapter are counted against the number of farm residences allowed. If any portion of the BFT has been previously rezoned to the Rural District for residential use, farm residences cannot be authorized by a Conditional Use Permit. The approval of a Conditional Use Permit to establish a residence shall be subject to recording of deed restrictions that shall apply to the balance of 35 acres of the BFT. The deed restrictions shall prohibit any additional residences, subdivision of land or non-agricultural development on the remainder of the 35 acres identified in the legal description. A parcel for a farm residence authorized by a Conditional Use Permit cannot do any of the following:
  - 1. 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 farm residential parcel or farm residence.
  - 2. Significantly impair or limit the current or future agricultural use of other protected farmland.
  - 3. Temporary housing for seasonal farm laborers.
  - 4. Manufactured homes to be used for permanent residential occupancy.
  - 5. Any recreational vehicle, trailer or other similar transportation device, if the wheels have been removed or if otherwise temporarily or permanently fixed to the ground or attached to something having a temporary or permanent location on the ground.
  - 6. Group homes.
  - 7. Nursery schools, day nurseries, daycare centers, or child care centers for more than 8 children.
  - 8. Community Based Residential Facilities for more than 8 residents.

(2) Agricultural.

- (a) Fur Farms when located not less than 400 feet from any residential building other than that of the owner of the premises, their agent or their employee, and not less than 200 feet from the right-of-way line of any federal, state, county trunk highway or town road.
- (b) Feedlots when more than 200 animal units.
- (c) Poultry operations when more than 10,000 birds per location.
- (d) Sawmills when located on the premises for more than 30 days.
- (e) Dams and flowages.
- (f) Agriculturally related businesses.
- (g) Commercial transport trailers or containers to be placed and used for agricultural storage. The wheels of any recreational vehicle, trailer or other similar transportation device shall not be removed or otherwise temporarily or permanently fixed to the ground or attached to something having a temporary or permanent location on the ground by any person in any manner unless a Conditional Use Permit is granted.
- (h) Farm family businesses as defined in s. 91.75(8), Wis. Stats.

(3) Other.

- (a) Cemeteries and related faith based buildings or structures.
- (b) Commercial animal establishments.
- (c) Veterinary services and animal hospitals.
- (d) Contractor's storage.
- (e) Commercial mineral extraction generating less than 200 vehicle trips per day.

e. Dimensional Standards. The following dimensional standards shall apply to the principal residential structure:

- (1) Height. There shall be a maximum height of 35 feet.
- (2) Setback. Highway setback lines as provided in Section 3(hh) or as established on a recorded subdivision plat or right-of-way plat.
- (3) Side yard. There shall be a side yard on each side of the structure. The sum of the widths of the required side yard shall not be less than 20 feet and no single side yard shall be less than 8 feet in width.
- (4) Rear yard. There shall be a rear yard having a minimum depth of 25 feet.
- (5) Lot area. There shall be a minimum lot area of 20,000 square feet for each 1 family dwelling.
- (6) Lot width. There shall be a minimum lot width of 100 feet measured at the Highway or front yard setback line.

f. Standards for Rezoning.

- (1) The Department of Agriculture, Trade and Consumer Protection shall be notified of all rezoning out of the farmland preservation district.
- (2) Decisions on zoning petitions for rezoning areas within a farmland preservation district shall be based on findings that consider the following:

- (a) The land is better suited for a use not allowed in the farmland preservation zoning district.
- (b) The rezoning is consistent with any applicable comprehensive plan.
- (c) The rezoning is substantially consistent with the county certified farmland preservation plan.
- (d) 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.
- (e) Adequate public facilities to serve the development are present or will be provided.
- (f) Provision of these facilities will not be an unreasonable burden to local government.
- (g) Development will not cause unreasonable air and water pollution, soil erosion or adverse effects on rare or irreplaceable natural areas.
- (h) The need of the proposed development in an agricultural area.
- (i) The availability of alternate locations.
- (j) The productivity of the agricultural land involved.

## **SECTION 12 – FARMLAND PRESERVATION DISTRICT**

- a. Purpose. The intent of this district is to maintain highly productive agricultural lands in food and fiber production by effectively limiting encroachment of non-agricultural development and minimizing land use conflicts among incompatible uses.
- b. Definitions. The following definitions apply in the A-1 Farmland Preservation District:
  - (1) Accessory Use means any of the following land uses on a farm:
    - (a) A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use.
    - (b) An activity or business operation that is an integral part of, or incidental to, an agricultural use.
    - (c) A farm residence.
    - (d) A business, activity, or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of a farm, that requires no buildings, structures, or improvements other than those described in paragraph (a) or (c), that employs no more than 4 full-time employees annually, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.
    - (e) Any other use that the department, by rule, identifies as an agricultural use.
  - (2) Agricultural Use means any of the following:
    - (a) 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.

(b) Any other use that the department, by rule, identifies as an agricultural use.

(3) Agriculture-related use means any of the following:

(a) An agricultural equipment dealership, facility providing agricultural supplies, facility for storing or processing agricultural products, or facility for processing agricultural wastes.

(b) Any other use that the department, by rule, identifies as an agriculture-related use.

(4) Base Farm Tract means one of the following:

(a) All land, whether one parcel or two or more contiguous parcels, that is in a farmland preservation zoning district and that is part of a single farm on [enter date here] regardless of any subsequent changes in the size of the farm.

(b) Any other tract that the department by rule defines as a base farm tract.

(5) Conditional use means a use allowed under a conditional use permit issued by the political subdivision.

(6) Farm means all land under common ownership that is primarily devoted to agricultural use.

(7) Farm acreage means size of a farm in acres.

(8) Farmland preservation agreement means any of the following agreements between an owner of land and the department under which the owner agrees to restrict the use of land in return for tax credits:

(a) A farmland preservation agreement or transition area agreement entered into under §91.13, 2007 Wis. Stats., or §91.14, 2007 Wis. Stats.

(b) An agreement entered into under §91.60(1), Wis. Stats.

(9) Farmland preservation area means an area that is planned primarily for agricultural use or agriculture-related use, or both, and that are one of the following:

(a) Identified as an agricultural preservation area or transition area in a farmland preservation plan described in §91.12(1), Wis. Stats.

(b) Identified under §91.10(1)(d) in a farmland preservation plan described in §91.12(2), Wis. Stats.

(10) Farmland preservation plan means a plan for the preservation of farmland in a county, including an agricultural preservation plan under subch. IV of ch. 91, 2007 Wis. Stats.

- (11) Farm residence means any of the following structures that are located on a farm:
  - (a) A single-family or duplex 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.
  - (b) A migrant labor camp that is certified under §103.92.
- (12) Livestock means bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish.
- (13) Nonfarm residence means a single-family or multi-family residence other than a farm residence.
- (14) Nonfarm residential acreage means the total number of acres of all parcels on which nonfarm residences are located.
- (15) Owner means a person who has an ownership interest in land.
- (16) Permitted use means a use that is allowed without a conditional use permit, special exception, or other special zoning permission.
- (17) Prior nonconforming use means a land use that does not conform to the farmland preservation zoning ordinance but that existed lawfully before the farmland preservation zoning ordinance was enacted.
- (18) Protected farmland means land that is located in the farmland preservation zoning district, is covered by a farmland preservation agreement, or is otherwise legally protected from nonagricultural development.
- c. Land Use in the Farmland Preservation District; General. Only the following land uses are allowed in a farmland preservation zoning district:
  - (1) Uses allowed under Section (D) as a permitted use.
  - (2) Uses allowed under Section (E) with a conditional use permit.
  - (3) Prior nonconforming uses, subject to §§59.69(1), 60.61(5), or 62.23(7)(h), Wis. Stats., as applicable
- d. Permitted Uses.

(1) Agricultural Uses

(2) Accessory Uses

(3) Agriculture-related Uses

(4) Nonfarm residences constructed in a rural residential cluster in accordance with an approval of the cluster as a Conditional Use under Section e.(2)(b).

(5) Undeveloped natural resource and open space areas.

(6) A transportation, utility, communication, or other use that 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 special use permit for that use.

(7) Other uses identified by DATCP rule.

e. Conditional Uses.

(1) Creation of a nonfarm residence or conversion of a farm resident to a nonfarm residence through a change of occupancy, subject to the following requirements:

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

(b) There will not be more than four dwelling units in nonfarm residences, nor more than five dwelling units in residences of any kind, on the base farm tract after the residence is constructed or converted to a nonfarm residence.

(c) 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:

1. 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 a nonfarm residence.

2. Significantly impair or limit the current or future agricultural use of other protected farmland.

(2) Creation of a nonfarm residential cluster that covers more than one nonfarm residence if all of the following apply:

(a) The parcels on which the nonfarm residences would be located are contiguous.

- (b) Each nonfarm residence constructed in the nonfarm residential cluster must satisfy the requirements of Section b.(13).
- (3) Transportation, communication, pipeline, electric transmission, utility, or drainage uses, if all of the following apply:
- (a) The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
  - (b) 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.
  - (c) 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.
  - (d) The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
  - (e) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
- (4) Governmental, institutional, religious, or nonprofit community uses, if all of the following apply:
- (a) The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
  - (b) 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.
  - (c) The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.
  - (d) The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
  - (e) Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.
- (5) Nonmetallic mineral extraction, if all of the following apply:
- (a) The operation complies with Subchapter I of Chapter 295, Wisconsin Statutes, and rules promulgated under that subchapter, with applicable provisions of local ordinances under Wis. Stat. §295.13 or Wis. Stat. §295.14 (including all applicable provisions of this ordinance), and with any applicable requirements of the department of transportation concerning the restoration of nonmetallic mining sites.

- (b) The operation and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
- (c) The operation and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations outside the farmland preservation zoning district, or are specifically approved under state or federal law.
- (d) The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use.
- (e) The operation does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
- (f) The owner agrees to restore the land to agricultural use, consistent with any required reclamation plan, when extraction is completed.

(6) Oil and gas exploration or production that is licensed by the department of natural resources under Subchapter II of Chapter 295, Wisconsin Statutes.

f. Rezoning Land Out of a Farmland Preservation Zoning District.

(1) Except as provided in sub. (2), the zoning authority may not rezone land out of the farmland preservation zoning district unless the zoning authority finds all of the following in writing, after public hearing, as part of the official record of the rezoning:

- (a) The rezoned land is better suited for a use not allowed in the farmland preservation zoning district.
- (b) The rezoning is consistent with any applicable comprehensive plan.
- (c) The rezoning is substantially consistent with the [county] farmland preservation plan, which is in effect at the time of the rezoning.
- (d) The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.

(2) Subsection (1) does not apply to any of the following:

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

(3) By March 1 of each year the *zoning authority* shall provide to the Wisconsin

Department of Agriculture, Trade and Consumer Protection a report of the number of acres that the *political subdivision* has rezoned out of the farmland preservation zoning district under sub. (1) during the previous year and a map that clearly shows the location of those acres.

*If not a county then the political subdivision must also provide a copy of the information reported under this paragraph to the county in which the political subdivision is located.*

### **SECTION 13 - COMMERCIAL DISTRICT:**

a. Purpose: This district is intended to provide for existing and future commercial land uses of service to the Town and at locations consistent with the Town Comprehensive Plan.

b. In the Commercial District no building shall hereafter be erected or structurally altered, unless otherwise provided in this Ordinance without obtaining a Conditional Use Permit. For example but ***not*** limited to:

1. Retail establishments, including repair businesses, and barber and beauty shops.
2. Professional offices, food and clothing store, campground or lodging facility.
3. Agricultural-Business facilities, including veterinary facilities and services.
4. Mobile Home Parks.
5. Any commercial use requiring a state or federal environmental permit.
6. Communication towers, commercial windmills, windmill towers.
7. Filling stations, restaurant and bars.

In any Commercial District, whenever a lot abuts upon a public or private street, sufficient space for the loading or unloading of vehicles shall be provided to the lot in connection with any commercial or industrial use so that the alley or roadway shall at all times be free and unobstructed to the passage of all traffic.

### **SECTION 14 – INDUSTRIAL DISTRICT:**

In the Industrial District, no building shall hereafter be erected or structurally altered, unless otherwise provided in this Ordinance, except for one or more of the following uses:

a. Conditional

- (1) Any industrial plants not requiring any form of environmental permits.
- (2) Agro-processing businesses and industries including sales.
- (3) Saw mills.
- (4) Communication towers.
- (5) Any industrial activity involving the manufacturing, storage, or processing of chemicals, flammable and hazardous materials or explosives, including uses which require state or federal permits.
- (6) Quarries, including customary associated uses.
- (7) Any industrial plants requiring any form of environmental permits.
- (8) Any use generating more than 200 vehicle trips per day.

In any Industrial District, whenever a lot abuts upon a public or private street, sufficient space for the loading or unloading of vehicles shall be provided to the lot in connection with any commercial or industrial use so that the alley or roadway shall at all times be free and unobstructed to the passage of all traffic.

## **SECTION 15 – CONDITIONAL USES**

- a. Purpose: Conditional Uses represent a category of special uses in each zoning district which could be considered to be unique uses to the town and/or have such unusual characteristics as to require the Town Board officials to review each one individually and set conditions on the establishment of such uses, or to prohibit such uses if found to be incompatible within the town, including the relationship to nearby residents and other land uses. Conditional Use status allows a path to possible approval as compared to outright disallowance in the town.
- b. Application and Hearing: Any conditional use listed in this Ordinance shall become eligible for approval only after application for a Conditional Use Permit and finally authorized by the Town Board after a public hearing. The application for a Conditional Use Permit shall be made to the town's Zoning Administrator on forms provided by the Town Board, and said application being referred to the Town Board. The Town Board shall then schedule a public hearing(s) on the application. Notice of such hearing shall be given by the Town Board by publishing a Class II notice of such hearing according to the town's procedures for such notices. The Conditional Use Permit application shall include the name and address(s) of the owner or owner's agent of the land and proposed facility, a detailed description of the proposed conditional use including a site plan drawn to scale illustrating the size and location of the proposed facility on the property, and a description of any and all state and federal permits required of such proposed use. The Town Board may request other information as a part of the application process as judged necessary by the Board. Applicant or representative of shall appear before the Town Board during its hearing.
- c. Review: The Town Board shall review the site location existing and proposed structures, architectural or engineering plans, neighboring uses, parking and driveway locations, highway access, traffic generation and safety factors, screening, drainage, waste water provisions, water supply, environmental mitigations, and characteristics of the proposed operation including hours of operation, noise, dust and other process emissions extending off the site. The Board may refer the application to the Town Zoning Planning Committee for recommendation. The Town Board may retain outside experts and consultants to provide expert opinions and recommendations to aid the Town Board in making its determination on the application. The cost of such opinions and recommendations shall be assessed to the applicant.
- d. Determination: The Town Board shall make such findings that it deems appropriate based on the information submitted to it, including any expert information and advice, and upon any public input provided at the public hearing or otherwise by town residents and adjoining land owners. The Town Board shall make the final determination of whether or not to grant the Conditional Use Permit for the proposed use. In making this determination the Board may add conditions to the approval of a Conditional Use Permit. The decision on a Conditional Use Permit shall be consistent with the town's Comprehensive Plan. Any approved Conditional Use Permit application shall have all conditions attached to the application and the permit applicant shall sign such permit attesting to accepting the conditions. An original signed copy of the permit shall be filed with the Town Clerk and another original signed copy shall be kept on file at the premises of the permitted use.
- e. Setting Conditions: The Town Board may set conditions, in writing, related to any of the factors referenced in the Review process of paragraph C above, which conditions shall govern the location

and operation of the proposed use. The Board may require reissuance or amendment of a Conditional Use Permit if the use is expanded in physical size or scope of operation if judged necessary by the Town Board.

- f. Compliance: This Ordinance permits specific uses in specific districts and these performance standards are designed to limit, restrict and prohibit the effects of those uses outside their premises or districts. No structure, land or water shall hereafter be used except in compliance with their district regulations and with the following performance standards.
- g. The Town Board shall require periodic inspections of a Conditional Use to assure compliance with set conditions. Such inspections may be provided by the Town Zoning Planning Committee and/ or expert advisors or the Town Board. The Town Board shall review Conditional Use Permits on a two year cycle for renewals. All permits are subject to immediate review as determined by the Town Board.
- h. Conditional Use Permits DO NOT go with the land, but are subject to re-issuance to new owners and/ or operators of a Conditional Use.
- i. Violations: Any permitted conditional use which does not continue in conformity with the conditions of the permit shall be considered in violation of this Ordinance, and such permit shall become null and void and the permit holder subject to the penalties provided by this Ordinance.

#### **SECTION 16 – ZONING COMMITTEE AND ZONING OFFICER**

A Town Zoning Planning Committee or “Town Plan Commission” shall be established by the Town Board and shall consist of five (5) members, all of whom shall be appointed by the Town Board Chairperson, subject to confirmation by the Town Board in accordance with §60.62(4)(a), Wis. Stats. The Town Chairperson shall also select the presiding officer. The Town Board Chairperson may appoint Town Board Members 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. Appointees to the Town Plan Commission or Town Zoning Planning Committee may be removed only by a majority vote of the Town Board. Other provisions of §§61.35 and 62.25, Wis. Stats., shall apply to a Town Plan Commission that has five (5) members. This committee may also act and be established as a Town Park Commission, such persons may be compensated in a manner and method designated by the Town Board which has appointed them and such compensation and its amount shall be established and set at the time of such appointment and shall remain in effect for the remainder of the term of such appointment of such Town Zoning Planning Committee. Town Zoning Planning Committee members shall be removable by the Town Board for cause upon written charges and after a public hearing. The Town Board shall also appoint an alternate member for a term of 3 years who shall act with full power when a member of the Town Zoning Planning Committee recuses themselves because of conflict of interest. Vacancies shall be filled for the un-expired terms of members who terms become vacant. Duties of the Towns Zoning Planning Committee shall be:

- a. To prepare and present amendments of the Zoning Ordinance to the Town Board for approval;
- b. Receive and review any requests or complaints not under the authority of the Board of Appeals;

- c. Hold a public hearing upon written request for all zoning changes, Conditional Use applications, requests, and make a recommendation to the Town Board for a final decision on such requests.
- d. The Town Zoning Coordinator shall be appointed by the Town Board according to terms of office, duties and compensation as set by the Town of Harmony Board. This Officer shall be accountable to the Board in the discharge of the duties of this position.
- e. Duties of the Zoning Coordinator shall be to issue building permits upon a completed application and determination of compliance with the Zoning Ordinance, investigate all complaints, give notice of violations, enforce the provisions of this Ordinance, assist the Board of Appeals, the Zoning Planning Committee, and Town Board on all Ordinance matters as requested. The Zoning Coordinator may enter at any reasonable time onto a public or private land or water to make a zoning inspection or enforcement determination. The Zoning Coordinator or designee will make a reasonable attempt to notify the property owner(s) within twenty four (24) hours prior to an inspection.
- f. The Town Zoning Planning Committee Chairperson (and their term limit) will be determined by the members and approved by the Town Board. BB says Yes, and is advisable to do so.
- g. Notification of adjoining and abutting parcel owners when required for notification.

#### **SECTION 17 – BOARD OF APPEALS**

- a. The Board of Appeals is hereby established in accordance with §§60.62, 61.35 and 62.23, Wis. Stats. The Board shall consist of five (5) members and two (2) alternates who shall be appointed by the Town Chairperson, subject to confirmation of the Town Board. The members of the Board shall serve without compensation. The Town Chairperson shall designate one of the members Chairman. The Town Clerk shall serve as Secretary of the Board. The term of office of the members of the Board shall be for three (3) calendar years, with no more than two terms expiring the same year. The term of the alternate shall be for staggered terms of three (3) years. Annually, the Town Chairperson shall designate one of the alternate members as first alternate and the other as second alternate. The first 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 second alternate shall so act only when the first alternate so refuses or is absent or when more than one member of the Board so refuses or is absent. The Board of Appeals shall have the duties, responsibilities and authority, and shall follow the procedures set out by the Wisconsin Statutes.
- b. The Board of Appeals shall adopt rules for its government and procedure. Meeting of the Board of Appeals shall be held at the call of the Town Board or, in their absence, the acting Chairperson may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.
- c. The Board of Appeals shall keep minutes of its proceedings showing the vote of each question or, if absent or failing to vote, indicated such fact. It shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Town Clerk and shall be a public record.
- d. Appeals to the Board of Appeals may be taken by any individual with a grievance or any officer of the Town of Harmony affected by any decision of the Zoning Board. Appeals shall be made within 60 days of a decision having been made by the Zoning Board. The Board of Appeals shall be contacted by the individual(s) desiring an Appeal and the individual(s) shall specify the basis

of their appeal in writing. Once an appeal is made to the Board of Appeals, the Zoning Board will transmit written records that pertain to the decision being appealed from. The Board of Appeals shall hear appeals within 30 days of a request for hearing and the public shall be notified as well as the individuals desiring the appeal. A decision to allow or disallow an appeal shall be made, in writing, within 30 days from the date of hearing.

- e. Powers of the Board of Appeals: To hear and decide any written appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Coordinator in the enforcement of this Ordinance.
  - (1) To hear and decide special exceptions to the terms of this Ordinance upon which the Board of Appeals is required to pass.
  - (2) To authorize upon appeal in the specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest owing to special conditions a literal enforcement 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. However, such variances shall not have the effect of granting permission to establish a land use in any zoning district where such use is not a permitted or conditional use, also known as a “use variance”.
  - (3) Permit the erection and use of building or premises in any location subject to appropriate conditions and safeguards in harmony with the general purposes of this Ordinance for such Public Utility purposes, which are reasonably necessary for public convenience and welfare.
  - (4) The Board of Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination appealed from and make such order, requirement, decision or determination based on facts and specific terms of the ordinance to be made in the premises to that end shall have all powers of the Zoning Coordinator. The concurring vote of two members of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass or to effect any variation in the requirement of this Ordinance.
  - (5) In addition to the foregoing, the Board of Appeals shall have the following specific powers:
    - (a) Grant a permit for a temporary building for commerce or industry in a residence district which is in accordance with all building codes and requirements to the residential development-such permit to be issued for a period of not more than one year.
    - (b) Grant a permit for the extension of a district boundary if a district divides a housing lot in a single ownership at the time of the adoption of this Ordinance.
  - (6) The Board of Appeals does not have the authority to permit any use of land within any zoning district, which is not a permitted or conditional use in that zoning district.

## **SECTION 18 – AMENDMENTS AND CHANGES**

- a. The Town Board may, by Ordinance, amend the districts or amend, change or supplement the regulations established by this Ordinance. Such changes or amendments to the Zoning Code shall be subject to review and recommendation of the Town Zoning Planning Committee (Town Plan

Commission).

- b. The Town Board may initiate the changes or amendments, or change may be initiated by a petition of the owners or an agent of the property proposed to be changed.
- c. The fee for any filed application can be found in the Fee Schedule. The fee may be amended by a simple majority vote of the Town Board.
- d. The Town Board prior to formally acting upon any change or amendment to the Town of Harmony Zoning Ordinance, including rezoning requests shall:
  - (1) Request of petitioner and have before the Town Board at time of voting a map drawn to scale showing the parcel and property boundary of area proposed for change, the legal description of the property, the location of any proposed structures, its dimensions and the location and zoning classifications of adjacent properties.
  - (2) Request of petitioner and have before the Town Board at the time of voting the names and addresses of the owners of the properties to be rezoned and the names of the owners of all properties in question.
  - (3) Request of petitioner and have before the Town Board at the time of voting any other pertinent information, as determined by the Town Board, regarding the rezoning of the properties.
  - (4) Have before the Town Board the written specific recommendations of the Town Zoning Planning Committee regarding the proposed changes and amendments.
  - (5) Have a public hearing after publication of a Class 2 Notice under Chapter 985, Wisconsin Statutes. If the proposed revision would make a change in an airport affected area as defined in Sec. 62.23(6)(am), Wisconsin Statutes, the Town Board shall mail a copy of such notice to the owners or operator of the airport.
  - (6) The Town Board must adopt a proposed amendment or change by not less than a three-fourths (3/4) vote of the Town Board of Harmony if a protest against the proposed amendment or change is presented to the Town Board prior to or at the public hearing and the protest meets the following standards:
    - (a) The protest is signed and acknowledged by the owners of at least fifty percent (50%) of the area proposed to be altered, or
    - (b) The protest is signed and acknowledged by the abutting owners of at least fifty percent (50%) of the total perimeter of the area proposed to be altered that is included within three hundred (300) feet of the parcel or parcels to be rezoned.

[alternate statutory provision: In the event of a protest of such District change or amendment to the regulations of this Ordinance, duly signed and acknowledged by the owners of twenty percent (20%) or more, either of the areas of the lands included in such proposed change, or by the owners of twenty percent (20%) or more of the land immediately adjacent extending one hundred (100) feet there from, or by the owners of twenty percent (20%) or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage or highway frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of 3/4ths of the full Town Board Membership.]

- (7) Whenever any person, firm or corporation represents to the Town Board a development plan, such plan must provide a means of access to the property proposed for development, which is approved by the Town Board. Such access must be in compliance with the Towns Road Ordinance and all ordinances and other laws related thereto.

**SECTION 19 - PENALTIES**

Any person violating ANY provision of this Ordinance, including those provisions of Wisconsin State Statutes, and other materials which are incorporated by reference, shall, upon conviction thereof, forfeit not less than \$100.00, nor more than \$500.00 each day the violation exists and the cost of prosecution, and in default of payment of such forfeitures and the costs of prosecution, shall be imprisoned in the County Jail until payment of such forfeitures and costs, but not exceeding thirty (30) days for each violation, each day of such violation to constitute a separate offense. In addition to such penalty, the Town Board is authorized to bring an action to enjoin any violation and is authorized to refuse to issue a building permit for construction on any premises laid out or subdivided contrary to this Ordinance.

**SECTION 20 – VALIDATION**

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

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

This Ordinance repeals and recreates the original Town Zoning Ordinance, which was adopted at a special meeting of the Town of Harmony on the 12th day of June, 1993 and amendments to the Ordinance adopted by a special meeting of the Town of Harmony on the 2nd Day of December 1995.

The fees provided for in accordance with this Zoning Code shall be as determined and prescribed by the Town Board from time to time.

Town Board:

\_\_\_\_\_  
Lorn Goede, Chairman

\_\_\_\_\_  
Charles Gartner, Supervisor 1

\_\_\_\_\_  
Keith Bauer, Supervisor 2

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Ruthie Lepke, Clerk/Treasurer

Adopted this 20<sup>th</sup> day of April, 2013.