

**Town of Hayward
Highway Overlay District Ordinance
Ordinance # 01-2010
Amended May 14, 2019**

INTRODUCTION.

The Comprehensive Plan for the Town of Hayward 2018 – 2038 contains “Vision, Goals, Objectives, & Policies” per Chapter 2, “Future Land Use” per Chapter 3, and “Implementation” per Charter 4. It is in the spirit of these chapters that the following Ordinance is enacted. The Town shall use the criteria in these chapters when considering approval of site plans or land clearing/site grading/filling and/or excavating within the Highway Overlay District

AUTHORITY.

The Town Board of the Town of Hayward, Sawyer County, Wisconsin, has the specific authority to adopt this ordinance under the provisions of Sections 60.22 and 61.34, of the Wisconsin Statutes.

A. PURPOSE AND INTENT. The purpose of the Highway Overlay District is to maintain and enhance the aesthetic appeal, community character, scenic beauty, natural landscape, dark sky, traffic safety, long-term economic health, and orderly development along and generally visible from the Highway. The provisions of this section supplement the regulations applicable in base zoning districts covering lands mapped within the district. Further purpose and intent of this district:

- (1) To provide appropriately located areas for retail stores, offices, service establishments, amusement establishments and wholesale businesses, offering commodities and services required by residents of the Town and its surrounding market area.
- (2) To provide opportunities for retail stores, offices, service establishments, and wholesale businesses to concentrate for the convenience of the public and in mutually beneficial relationship to one another.
- (3) To minimize traffic congestion.
- (4) To provide appropriately located areas for establishments catering to tourists and highway travelers.
- (5) To provide appropriately located areas for establishments that generally require larger sites and do not require close proximity to other retail uses.
- (6) To control land clearing/site grading/filling and/or excavating within the Highway Overlay District.

B. DESIGNATION OF HIGHWAY OVERLAY DISTRICT ZONE. The Highway Overlay District shall extend approximately 1320 ft back from the center and on both sides of the designated highway to the Town limits of the Town of Hayward. Highways included are County B, State #27 & 77, and US # 63 and all intersecting roads and highways back 1320 feet from intersection of said highway.

C. PERMITTED USES. Any use permitted in the underlying zoning district is permitted in the Highway Overlay District.

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D. **CONDITIONAL USES.** Any conditional use permitted in the underlying zoning district is permitted in the Highway Overlay District.

E. **SETBACK AND YARD REQUIREMENTS.**

(1) Minimum front, side, and rear setbacks are defined in The Sawyer County Zoning Ordinance. Additional setbacks may be required to preserve the intent of this Ordinance or where unlike zoning districts abut.

(2) No new building or structure within the Highway Overlay District, except a security or decorative fence obstructing not more than 10% of the through vision, may protrude into the triangular area of a corner parcel enclosing an isosceles triangle described by two fifteen-foot legs extended each way from the vertex of the two street rights-of-way.

F. **PARKING REQUIREMENTS.**

All off-street parking areas of more than 10,000 square feet shall provide canopy-type shade trees along with other forms of vegetation hardy to this region in tree islands and planting buffer strips totaling not less than 3% of the surfaced parking area. The size, type and location of the islands and plant material shall be indicated on building, site and operational plans.

G. **USE AND DESIGN STANDARDS.**

(1) Buffer areas along the highway corridor and between unlike zone districts are required. During any land clearing/site grading/filling and/or excavating, no more than 20% of the existing canopy-type vegetation may be removed from the front yard buffer area unless it is approved by the Planning Commission. Buffer areas along the highway frontage extend back 50 ft from the property line.

(2) Internal access roads to intersecting highways shall be provided, insofar as possible, to enable development on both sides of the access road. No public or private access road shall be nearer than 200 feet to the right-of-way of the intersecting highway, as measured along the center line of the street providing connection between the public or private access road and the intersecting highway. Backage roads, defined as roads located near the rear of a land parcel, will be the preferred layout for access roads. All roads are subject to Town of Hayward Road Ordinance.

(3) Traffic generation, circulation and off-street parking shall not create hazardous traffic conditions and shall not have an adverse impact on surrounding land uses.

(4) Proposed lighting for signs and buildings shall not be directed onto adjacent property or any public street or highway and all other lighting shall project downward only.

H. **SITE PLANNING AND APPROVAL PROCEDURE**

(1) The purpose of this section is to specify the requirements and procedures for the review and approval of site plan applications.

(2) A site plan must be submitted to the Town of Hayward Planning Commission for all zoning districts before any building or grading permit will be issued and prior to starting any land clearing/site

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grading/filling and/or excavating within the Highway Overlay District. Action by the Planning Commission will only be a recommendation to the Town Board of Supervisors. Approval, by the Board of Supervisors, may contain conditions necessary to comply with the intent of this ordinance. For Residential and or Commercial/Industrial construction, approval will be the "Town of Hayward Building Permit." Approval by the Board of Supervisors of any land clearing/site grading/filling and/or excavating, not associated with building, will be through issuance of a "Town of Hayward Grading Permit" specifically noting actions applied for and actions approved.

(3) Whereas the Town does not have final approval on rezoning or conditional use permits, after the enactment date of this Ordinance, any construction or use without approval by the Town Board will be in violation of this ordinance and will subject to penalties.

(4) Single residential houses may only require a site plan showing any land clearing/site grading/filling and/or excavating, access, setbacks and building size.

(5) **SITE PLAN SUBMITTAL DOCUMENTS.** Requests for site plan approval shall be initiated by the filing of a complete site plan submittal to the Town of Hayward. Such submittal may be made by the owner of the property on which the site plan approval is requested, or by a representative of the property owner with the owner's written consent. The submittal should include the following plans on one or more sheets, not larger than 11" x 17" or 3 copies of each if larger, unless the Town of Hayward waives the submittal of one or more plans:

- a) Site plan, drawn to scale of not less than one inch to 100 feet, and showing and labeling the date of preparation and revisions; land owner's name; north arrow; lot dimensions; adjacent public streets and rights-of-way; easement labels and locations; existing and proposed structures and their dimensions; parking and loading areas; any outdoor storage or dumpster areas; visual clearance triangles; distances between structures and lot lines, and between structures and other structures; distances between structures and the centerlines of abutting streets and highways; floodplain(s); wetland(s); shoreland zone boundaries; distance between structures and the ordinary high water mark of any abutting watercourse and the watermark as of the day of the sketch. .
- (b) Landscape plan, showing an overhead view of all existing and proposed landscaping on the site. The location, species, size at time of planting, and mature size shall be indicated for all new plantings.
- (c) Grading and drainage plan, showing existing and proposed surface elevations, and proposed erosion control, and storm water management provisions, and any land clearing/site grading/filling and/or excavating. Soils information may also be required.
- (d) Utilities plan, showing existing and proposed locations and types of private well and on-site waste treatment systems, or connections to public sanitary sewer, water, and/or storm sewer.
- (e) Building elevations, showing the dimensions, colors, and materials used on all exterior sides of the building(s).
- (f) Sign plan, showing the location, height, dimensions, colors, materials, lighting and copy area of all signage.
- (g) Lighting plan, showing the location, height, type, orientation, and power of all proposed exterior lighting.


(I) **SEVERABILITY.** The provisions of this ordinance are severable, and the invalidity of any section, subdivision, paragraph, or other part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

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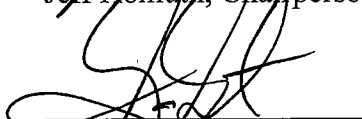
(J) ENFORCEMENT. The Hayward Town Board, and others as appointed by the Board including Town of Hayward Police Department, will be responsible for enforcement.

(K) PENALTIES. Possible revocation of building permit and/or monetary fines up to but not to exceed 5% of total project cost. Except as otherwise provided, any person who shall violate any of the provisions of this section shall, upon conviction of such violation, be subject to a penalty which shall be as follows:

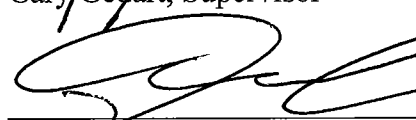
- (a) First Offense. Any person who shall violate any provision hereof shall, upon conviction thereof, forfeit \$50.00 deposit amount, and all of court costs and court assessments.
- (b) If the problem is not corrected within 60 days of a written notice, an additional \$100.00 fine plus a \$25.00 per day fine for each day after the 60 days will be assessed and any court cost incurred by the Town.



Jeff Homuth, Chairperson




Gary Gedart, Supervisor



Daniel Cousins, Sr., Supervisor

Attested by:



Bryn Hand, Clerk

*Signed by Town Board and effective May 11, 2010
Amended and effective November 14, 2017
Amended and effective..... 2019
Original Ordinance on file at the Town of Hayward*