

SECTION 6.0 – ZONING PERMITS

(Created by Ordinance 050712A)

6.1 Permit required

Any person or entity intending to engage in any activity as described herein shall first obtain, in addition to any building permit required under Chapter 14 of this Code of Ordinances, a Zoning Permit. A Zoning Permit is required in each of the following cases:

- (a) When any building or other structure is to be erected, moved or structurally altered so as to change its use or to expand its area in any manner, including, but not limited to, expansion resulting from adding a deck or similar projection on an existing building or structure;
- (b) When the use of any parcel of land is altered from its previous use;
- (c) When a structure has been destroyed to the extent of 50% or more of its fair market value and it is to be repaired or reconstructed.
- (d) When a new parcel of 35 acres or less in size is to be created by land division or consolidation.

A Zoning Permit is not required for the following types of construction:

- (a) When internal improvements or alterations are to occur entirely within the existing footprint of a building and no change in land use is to occur. This exception does not apply to the creation or increasing of size of an attached garage.
- (b) When proposed external improvements or alterations to an existing building result in no expansion of the footprint of the building and no change in land use is to occur.
- (c) For maintenance or repairs that are not in the nature of structural alterations.

6.2 Display

Whenever a Zoning Permit is issued for construction activities on any site hereunder, the Permit card shall be displayed at a prominent location on the site.

6.3 Application

An application for a Zoning Permit shall be made to the Zoning Officer on forms provided by the Town, and shall include a site plan showing the following:

- (a) The property lines of the property;
- (b) The location of the centerlines or right-of-way lines of any abutting roads, streets, or highways;
- (c) The location of any existing buildings, proposed new buildings or other structures, and proposed additions to existing buildings, including the measured distances between such buildings, and from the property lines, and from the centerlines or road right-of-way lines of any abutting roads, streets, or highways to the nearest portion of each new building or other structure or addition;
- (d) The floodway, flood-fringe, or high water line of any stream or lake on or adjoining the property;
- (e) The dimensions and the maximum height of all proposed buildings or additions;
- (f) If the proposed construction involves an attached garage, the area of the garage and the area of the finished living space of the building to which it is to be attached.
- (g) The location of any roof overhangs exceeding 36 inches;
- (h) For property sites which include or will include an on-site sewage disposal system, the location of the water system and sewage system and their distances from any proposed construction;
- (i) Driveways;
- (j) If requested by the Zoning Officer, the Planning & Zoning Committee or the Town Board, the location of Environmentally Sensitive Areas (“ESAs”), cultural resources, productive agricultural soil, and woodlands, as described in Chapter 17 of this Code of Ordinances, and any POWTS areas as required under County ordinances.

6.4 Zoning Permit Fee

The applicant, upon filing of his application, shall pay a fee to the Town of Harmony of \$50, except as otherwise provided in this Chapter, such as for mobile tower siting, or as determined by Town Board Resolution. In addition to the Zoning Permit Fee, the applicant shall also pay any Town building permit fees and any state inspection fees which are necessary in order to obtain any required building permit.

(Amended by Ordinance 030314)

6.5 Conditions for Issuance

No Zoning Permit may be issued hereunder except upon a showing by the applicant that the action proposed by the applicant is in compliance with all Town ordinances. Further, before a Zoning Permit is issued hereunder, the Zoning Officer may, in the Zoning Officer's discretion, make inquiry of the Rock County Planning, Economic & Community Development Agency to determine whether, according to the records and resources available to that Agency, there are any of the following on the subject property: Environmentally Sensitive Areas ("ESAs"), cultural resources, productive agricultural soil, and woodlands, as described in Chapter 17 of this Code of Ordinances, and any POWTS areas as required under County ordinances. If said Agency advises the Zoning Officer of the presence of any such areas or resources on the subject property, the Zoning Officer may choose to impose conditions under Chapter 17 of this Code of Ordinances related to such areas or resources. The applicant shall have the right to appeal any conditions imposed by the Zoning Officer to the Committee under Section 6.9 of this Chapter.

6.6 Conditions for construction

Upon receipt of a Zoning Permit, any construction or disturbance of earth contemplated thereunder may take place only on the following conditions and, upon failure to meet any of such conditions, the Zoning Officer, the Planning and Zoning Committee or the Town Board, in their discretion, may suspend the Zoning Permit pending resolution of any deficiency:

- (a) The applicant shall comply with the terms of any notations on a POS, CSM, or Sub-division plat and any deed restrictions and conservation easements imposed under Chapter 17 of this Code of Ordinances.
- (b) The applicant shall comply with any erosion control measures applicable to the property under any stormwater management and erosion control plan filed with or required by the County;
- (c) The applicant shall obtain any sanitary permit required for construction under County ordinances or state law;
- (d) The applicant shall obtain any driveway or access control permit required to obtain access to the property.

6.7 Foundation survey.

In any case in which new foundation or footings are to be placed within ten (10) feet of any required setback, the Zoning Officer may, as a condition for issuance of a Zoning Permit hereunder, require a foundation survey to be completed and submitted to the Zoning Officer within thirty (30) days of construction of any foundation or footings. The foundation survey shall identify lot lines, building setback lines, and a building and/or accessory building's existing foundation or footings, and the distance from the lot lines to

said foundation or footings, and any floodplain.

6.8 Completion.

Any construction and any change of land use permitted under a Zoning Permit issued hereunder shall be commenced within six (6) months of the date of issuance and, if not so commenced, the Zoning Permit shall expire. In the event of expiration, the applicant may apply for new Zoning Permit, but must comply with any requirements resulting from changes in ordinances which may have occurred after issuance of the original TSP. An extension of the time limit set forth herein may be granted by the Planning and Zoning Committee if application is made therefor before the expiration and the applicant demonstrates good cause for failure to commence the construction or change of land use within the required time.

6.9 Appeals.

Appeals from the decision of the Zoning Officer in granting or denying or placing conditions upon a Zoning Permit may be made by any person aggrieved by such decision. Any such appeal shall be filed with Town Clerk within 30 days after the date written notice of the decision from which the appeal is taken. A fee of \$350, or such other amount as shall hereafter be set by Town Board resolution, shall be paid by the appellant at the time of filing the appeal. If such an appeal is filed, the Planning & Zoning Committee shall hear the appeal under the same procedural rules applicable to the Board of Adjustment for hearings on variances, provided that the standards to be applied by the Town Board shall be the same standards applicable to the Zoning Officer for issuance of Zoning Permits.

6.10 Zoning Permit Fee for Mobile Tower Siting

The procedure for issuance of a Zoning Permit for a mobile tower shall be as set forth in Section 15 of this Chapter and, to the extent the conditions for issuance of a Zoning Permit under that Section are inconsistent with that Section or contrary to Wis. Stat. § 66.0404, the provisions of that Section and that statute shall apply.