

# Town of Rock Zoning Ordinance

**CONTENTS**

**SECTION 1. INTRODUCTION.** ..... 5

    1.01 AUTHORITY. .... 5

    1.02 PURPOSE..... 5

    1.03 INTENT..... 5

    1.04 ABROGATION AND GREATER RESTRICTION..... 5

    1.05 INTERPRETATION..... 5

    1.06 COMPREHENSIVE PLAN. .... 5

    1.07 SEVERABILITY..... 5

    1.08 REPEAL..... 6

    1.09 APPENDIX..... 6

    1.10 EFFECTIVE DATE..... 6

**SECTION 2. DEFINITIONS.** ..... 6

**SECTION 3. GENERAL PROVISIONS** ..... 15

    3.01 COMPLIANCE. .... 15

    3.02 PERMITS. .... 16

    3.03 APPLICATION PROCEDURE..... 16

    3.04 EXPIRATION..... 16

    3.05 PARCELS. .... 16

    3.06 BUILDING/ZONING PERMIT PROCEDURE..... 17

    3.07 EXEMPTIONS. .... 18

    3.08 HOME OCCUPATIONS..... 18

    3.09 USE RESTRICTIONS..... 19

    3.10 VISUAL CLEARANCE ..... 21

    3.11 SETBACK..... 23

    3.12 HEIGHT RESTRICTION EXEMPTIONS. .... 23

    3.13 AIRPORT REGULATIONS. .... 23

    3.14 AREA REGULATIONS. .... 23

    3.15 NONCONFORMING USES..... 23

    3.16 NONCONFORMING USE OF STRUCTURE OR LAND: DISCONTINUANCE. .... 24

    3.17 CHANGES OF NONCONFORMING USE OF STRUCTURE OR LAND ..... 24

    3.18 STATE PERMIT..... 24

**SECTION 4. ZONING DISTRICTS AND ZONING MAP**..... 24

4.01 ZONING DISTRICTS.....	24
4.02 OFFICIAL ZONING MAP .....	24
4.03 DISTRICT BOUNDARIES .....	25
4.04 RURAL RESIDENCE DISTRICT (R-1).....	25
4.05 RESIDENTIAL DISTRICT (R-2) .....	27
4.06 AGRICULTURAL DISTRICT (A) .....	28
4.07 COMMERCIAL DISTRICT (C) .....	32
4.08 SPECIAL PURPOSE OVERLAY DISTRICTS.....	34
SECTION 5. CONDITIONAL USES .....	36
5.01 GENERAL .....	36
5.02 PROCEDURE .....	36
5.03 STANDARDS.....	37
5.04 CONDITIONS AND GUARANTEES .....	37
5.05 DETERMINATION .....	37
5.06 TERMINATION.....	38
5.07 REAPPLICATION .....	38
5.08 EXPIRATION.....	38
SECTION 6. SIGNS .....	38
6.01 SIGNS .....	38
6.02 OFF PREMISES SIGN PERMIT REQUIRED .....	39
6.03 SIGN PERMIT FEE AND NUMBER.....	39
6.04 NON-CONFORMANCE.....	39
6.05 SPECIAL SIGNS.....	39
6.06 GENERAL SIGN PROVISIONS .....	40
6.07 DISTRICT SIGN REGULATIONS .....	41
SECTION 7. MANUFACTURED HOUSING AND MOBILE HOMES .....	42
7.01 MANUFACTURED HOUSING.....	42
7.02 MOBILE HOMES.....	43
SECTION 8. ADMINISTRATION AND ENFORCEMENT .....	43
8.01 ORGANIZATION .....	43
8.02 TOWN ZONING ADMINISTRATOR .....	43
8.03 PLAN COMMISSION.....	44
8.04 BOARD OF APPEALS .....	47

<b>8.05 TOWN BOARD .....</b>	<b>51</b>
<b>8.06 RECONSIDERATION.....</b>	<b>55</b>
<b>8.07 REVOCATION.....</b>	<b>55</b>
<b>8.08 FEES .....</b>	<b>56</b>
<b>8.09 VIOLATIONS AND PENALTIES.....</b>	<b>56</b>

DRAFT

## **SECTION 1. INTRODUCTION.**

### **1.01 AUTHORITY.**

These regulations are adopted under the Authority granted by Sections 60.61, 61.35 and 62.23(7) of the Wisconsin Statutes. In accordance with the authority granted in Section 60.22(3), Wis. Stats., the Town Board of the Town of Rock, Wood County, Wisconsin, does hereby ordain as follows:

### **1.02 PURPOSE.**

The purpose of this Ordinance is to promote and protect the health, safety, aesthetics, comfort, prosperity, and general welfare of the Town of Rock.

### **1.03 INTENT.**

It is the general intent of this Ordinance to regulate and restrict the use of all structures, lands and waters; regulate and restrict lot coverage, population density and the size and location of all structures so as to: lessen congestion in and promote the safety, efficiency of the town roads and state and county highways; provide adequate air, sanitation and drainage; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; conserve natural resources; and preserve the agricultural character of the Town of Rock. It is further intended to provide for the administration and enforcement of this Ordinance and to provide penalties for its violation.

### **1.04 ABROGATION AND GREATER RESTRICTION.**

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

### **1.05 INTERPRETATION.**

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall not be deemed a limitation or repeal of any other power granted by Wisconsin Statutes.

### **1.06 COMPREHENSIVE PLAN.**

The Town Board approved the Town's comprehensive plan in 2025 following an extensive planning effort, community participation and advice from Wood County Department of Planning and Zoning. The Town of Rock Comprehensive Plan 2025 ("Comprehensive Plan") was adopted in accordance with Wisconsin's "Smart Growth" law and Wisconsin Statute section 66.1001. The zoning ordinance is intended to support and implement the goals, objectives, policies, and recommendations set forth in the Comprehensive Plan.

### **1.07 SEVERABILITY.**

If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

#### **1.08 REPEAL.**

All other ordinances or parts of ordinances of the Town of Rock inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

#### **1.09 APPENDIX.**

The Appendix attached to this ordinance includes maps, forms and references that are hereby made a part of this ordinance as set forth in full herein and may be updated and supplemented by resolution of the Town Board.

#### **1.10 EFFECTIVE DATE.**

This Ordinance shall be effective after a public hearing, adoption by the Town Board of Supervisors, publication as provided by law and filed with Wood County.

### **SECTION 2. DEFINITIONS.**

For the purposes of this Ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and "may" is permissive.

- 1. ACCESSORY USE OR STRUCTURE.** A use or detached structure subordinate to the principal use of a structure, land or water and located on the same lot or parcel serving a purpose customarily incidental to the principal use or the principal structure.
- 2. AGRICULTURE.** Farms and general farming, animal husbandry, horticulture, floriculture, viticulture, farm forestry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.
- 3. AIRPORT.** Any runway, landing area, or other facility designed, used, or intended to be used either publicly or privately by any persons for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.
- 4. ANIMAL UNIT.** A unit of measure used to determine the total number of single animal types or combination of animal types, as specified in Wisconsin Administrative Code section NR 243.11, table 2, which are fed, confined, maintained or stabled in an animal feeding operation.
- 5. APARTMENT.** Dwelling unit in a multiple family structure.
  - a. EFFICIENCY APARTMENT.** A dwelling unit in a multi-family building consisting of not more than one habitable room, together with kitchen facilities and toilet facilities.

- 6. AUTOMOBILE REPAIR.** General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision services including body, frame or fender straightening or repair; painting and undercoating of automobiles; vehicle steam cleaning.
- 7. AUTOMOBILE OR TRAILER SALES AREA.** An open area, other than a street, used for the display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.
- 8. AUTOMOBILE SALVAGE YARD.** Any area of land where there is an accumulation of inoperative vehicles and/or parts thereof are stored in the open and are not being restored to operation; or any land, building, or structure used for the wrecking or storing of such motor vehicles.
- 9. AUTOMOBILE SERVICE STATION OR FILLING STATION.** A place where gasoline or any other automobile engine fuel (stored only in underground tanks), kerosene or motor oil and lubricants or grease (for operation of automobiles) are retailed directly to the public on premises, including sale of minor accessories and services for automobiles.
- 10. BASEMENT.** That portion of any structure located partly below the average adjoining lot grade.
- 11. BOARD.** Town Board.
- 12. BOARD OF APPEALS.** 5 members appointed by the Town Board to act on variances and administrative appeals.
- 13. BOARDING HOUSE.** A building other than a hotel or restaurant where meals or lodging are regularly furnished by pre-arrangement for compensation for three or more persons not members of a family and not open to transient customers.
- 14. BOATHOUSE.** Any structure designed for the purpose of protection or storing boats for noncommercial purposes. Boathouses shall not be used for human habitation.
- 15. BUILDING.** Any permanent structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, equipment, materials or machinery. When such a structure is divided into separate parts by one (1) or more unpierced walls extending from the ground up, each part is deemed a separate building, except as regards minimum side yard requirements as hereinafter provided.
- a. BUILDING COMPLETION.** The building shall be considered complete when roofing materials, siding materials, windows, doors and steps have been affixed to the exterior and the fixtures in operable condition and in conformance with applicable codes.
  - b. BUILDING, STORAGE.** Buildings for the storage of personal property, exclusive of dwelling units.
  - c. BUILDING HEIGHT.** The vertical distance measured from the established grade to the highest point of a coping of a flat roof; or to the deck line of a mansard roof; or to the mean height level between eaves and ridge for gable, hip or gambrel roofs.

**d. BUILDING LINE.** A line formed by the face of a building, and, for the purposes of this Ordinance, a minimum building line is the same as the front setback line.

**16. CAMPGROUND.** Any public or private premises, including buildings, established for temporary day and overnight habitation by persons using equipment designed for the purpose of temporary camping.

**17. CAMPING UNIT.** Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck or tent.

**18. CEMETERY.** Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries if operated in connection with and within the boundaries of such cemetery.

**19. CLINIC.** A place used for the care, diagnosis, and treatment of sick, ailing, and injured persons or, in the case of veterinarian clinics, animals and those who are in need of medical or surgical attention, but who are not provided with board or room nor kept overnight on the premises (except veterinarian clinics).

**20. CLUB.** An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics or the like, whose facilities are available only to a limited number of members and guests.

**21. CONDITIONAL USE.** A use of land which, while appropriate for inclusion within a given district, possesses a high likelihood of creating problems with regard to nearby parcels of land or the occupants thereof, and which are therefore permitted only subject to the fulfillment of conditions which effectively ensure that no such problems will be created. Conditional Use is the same as "special permit" as provided for in the Wisconsin Statutes.

**22. CONVALESCENT HOME.** A home designed for the care of patients requiring observation and treatment, but not requiring hospitalization.

**23. DISTRICT.** A portion of the territory of the unincorporated Town of Rock, within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance as specified on the official zoning map.

**24. DRIVE-IN.** A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles to serve patrons while in the motor vehicle, rather than within a building or structure.

**25. DRIVE-IN RESTAURANT.** Any restaurant designed to permit or facilitate the serving of meals, sandwiches, ice-cream, beverages, or other food, served directly to, or permitted to be consumed by, patrons in automobiles or other vehicles parked on the premises, or permitted to be consumed by patrons elsewhere on the site, outside the main building.

**26. DWELLING.** Any building which contains one or more dwelling units.

**a. DWELLING GROUP.** Two or more detached dwellings located on a parcel of land in one ownership and having any yard or court in common.



- b. DWELLING, MULTIPLE FAMILY.** A building, or portion thereof, designed for occupancy by three or more families living independently of each other, and containing three or more dwelling units.
- c. DWELLING, SEASONAL.** A dwelling not used for permanent residence and not occupied for more than six months in each year.
- d. DWELLING, SINGLE FAMILY.** A building designed exclusively for occupancy by one family.
- e. DWELLING, TWO FAMILY.** A building designed exclusively for occupancy by two families living independently of each other.
- f. DWELLING UNIT.** A building, or that part of a building, which is used or intended to be used as a home, residence or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others.

- 27. ESSENTIAL SERVICES.** Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage and communication systems and accessories thereto, such as poles, towers, wire, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings which are necessary for the furnishing of adequate service by utilities or municipal departments for the general health, safety or welfare.
- 28. FARM.** An area which is used for the growing of the usual agricultural products such as vegetables, fruit trees and grain and the storage of such products on the area, as well as for the raising thereon of the usual farm poultry and farm animals. The term farming includes the operating of such an area for one or more of the above uses, including dairy farms with the necessary accessory uses for treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities.
- 29. FLOOR AREA.** Total gross area on all floors as measured to the outside surfaces of exterior walls, excluding crawl spaces, garages, carports, breezeways, attics without floors and open porches, balconies, and terraces.
- 30. FLOOR AREA RATIO.** The floor area of the building divided by the area of the lot on which it is or will be located. Total floor area shall include the sum of the floor areas of all buildings on the lot.
- 31. FLOOR SPACE.** Floor area of all floors, as measured from the inside surfaces of the walls enclosing the part of the building occupied by a single occupant or shared by a distinct group of occupants, excluding therefrom common halls, stairwells, sanitary facilities and storage and other areas to which patrons do not have a regular access.
- 32. FRONTAGE.** Frontage shall be that boundary of a lot which is along an existing or dedicated public street or, where no public street exists, is along a public way. Where a lot abuts more

than one street, the Zoning Administrator shall determine the frontage for purposes of this Ordinance.

**a. FRONTAGE, WHERE MEASURED.** For construction purposes, minimum frontage requirements set forth in Section 4 of this Ordinance shall be met at the building line.

**33. GARAGE, PRIVATE.** An accessory building used or intended for use by the occupants of the premises for the storage of motor vehicles or trailers.

**34. GARAGE, PUBLIC.** Any garage other than a private garage available to the public, operated for gain and used for storage, repair, rental, greasing, washing, sales, servicing, adjusting or equipping of automobiles or other motor vehicles.

**35. GRADE.** A ground elevation established for the purpose of regulating the number of stories and the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

**36. HOME OCCUPATION.** Any occupation for gain or support conducted entirely within buildings by resident occupants which is customarily incidental to the principal use of the premises, does not result in a substantial increase of traffic, or require additional parking on or adjacent to the property and no stock in trade is kept or sold except that made on the premises.

**37. HOTEL.** Any building or portion thereof used as a temporary abiding place for remuneration, with or without meals, containing guest rooms or suites where no provision for cooking is made in any individual guest room or suite, except hospitals and jails.

**38. HOUSEHOLD PET.** Animals that are customarily kept for personal use or enjoyment within the home. Household pets shall include but not be limited to domestic dogs, domestic cats, domestic tropical birds, or goldfish.

**39. JUNK YARD.** For the purpose of this ordinance, "Junk Yard" shall have the same meaning as Salvage Yard.

**40. KENNEL.** Any lot or premises on which three or more dogs, cats or other household pets are temporarily boarded, bred or sold.

**41. LAUNDROMAT.** A business establishment where patrons wash, drying, dry clean or iron clothing and other fabrics with machines operated by the patron.

**42. LIVESTOCK.** Shall mean animals within the following classification: bovine, swine, sheep, equine, fowl, and poultry.

**43. LOADING SPACE.** An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which abuts upon a street, alley or other appropriate means of access.

- 44. LOT.** A parcel of land having frontage on 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.
- a. LOT AREA.** The peripheral boundaries of a parcel of land and the total area lying within such boundaries.
  - b. LOT, CORNER.** A lot abutting on two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.
  - c. LOT DEPTH.** The mean horizontal distance between the front and rear lot lines.
  - d. LOT LINES.** Property boundaries of any lot held in single ownership, except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley right-of-way line.
  - e. LOT OF RECORD.** A lot which is part of a subdivision, that map of which has been recorded in the office of the Register of Deeds of Wood County, or a parcel of land, the deed of which was on record as of the effective date of this Ordinance. For the purpose of this Ordinance, any plat which has been approved by the Wood County Planning and Planning Commission as of the effective date of this Ordinance shall have the same status as if the said subdivision plat was officially recorded in the office of Register of Deeds; however, no building permit shall be issued for any lots in such subdivision until a final plat which includes such lots has been officially recorded in the office of Register of Deeds.
  - f. LOT WIDTH.** The horizontal distance between side lot lines, measured at the required front setback line.
- 45. MANUFACTURED HOME.** A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein. For purposes of zoning code enforcement, manufactured homes shall be set upon a permanent foundation in accordance with Chapter Comm 27, Wisconsin Administrative Code. Manufactured homes shall be allowed as permitted and conditional uses where "single family dwellings" and "two family dwellings" are shown as permitted and conditional uses. All such structures manufactured prior to July 15, 1976 shall be defined as mobile homes.
- 46. MINOR STRUCTURE.** Any small, movable accessory structure or construction such as birdhouses, tool houses, pet houses, play equipment, arbors and walls and fences under four feet in height.
- 47. MOBILE HOME.** For the purpose of this ordinance, a mobile home is a manufactured housing unit which does not comply with the foundation, utility, and other applicable zoning and building requirements imposed by this and other applicable town ordinances and regulations.

- 48. MOBILE HOME PARK.** A parcel of land under single ownership designed, maintained, intended, or used for the purpose of providing a location and accommodations for two or more mobile homes, including all buildings used or intended for use as a part of the equipment thereof, whether or not a charge is made for the use of the mobile home park or its facilities.
- 49. MOBILE HOME SUBDIVISION.** A parcel of land subdivided into lots, each lot individually owned and utilized as a site for placement of a single mobile home and its facilities.
- 50. MOTORHOME.** A motor vehicle designed to be operated upon a highway for use as a temporary or recreational dwelling and having the same internal characteristics and equipment as a mobile home.
- 51. MOTEL.** A series of attached, semi-attached, or detached sleeping units for the accommodation of transient guests.
- 52. NONCONFORMING USES OR STRUCTURES.** Any structure, land or water lawfully used, occupied, or erected at the time of the effective date of this Ordinance or amendments thereto, which does not conform to the regulations of this Ordinance or any amendments thereto. Any such structure conforming in respect to use, but not in respect to frontage, width, height, area, yard, parking, loading or distance requirements shall be considered a nonconforming structure and not a nonconforming use.
- 53. NONMETALLIC MINING.** The removal of rock, slate, gravel, sand, topsoil, or other natural nonmetallic material from the earth by excavating, stripping, leveling or any other process.
- 54. PARKING LOT.** An open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free or as an accommodation for clients or customers.
- 55. PARKING SPACE.** A graded and surfaced area not less than one hundred eighty (180) square feet in area either within a structure or in the open, exclusive of driveways or access drives, for the parking of a motor vehicle and having adequate ingress and egress to a public street or other public way.
- 56. PERSON.** Any individual, firm, trust, partnership, public or private association or corporation; or an individual, partnership, firm, company, corporation, municipality, county, town, state, or federal agency, whether tenant, owner, lessee, licensee or their agent, heir or assignee.
- 57. PLANNING COMMISSION (PLAN COMMISSION).** 5 members appointed by the Town Board to act in an advisory capacity in making recommendations to the Town Board regarding the boundaries of zoning districts and appropriate regulations and restrictions to be imposed within those districts and to be responsible for preparing and maintaining the comprehensive plan.
- 58. PRINCIPAL BUILDING OR USE.** The building or use of primary importance on a parcel of land in contrast to those buildings or uses which are accessory to the main building or use.
- 59. RIDING STABLES OR RIDING ACADEMIES.**

- a. **COMMERCIAL.** A stable or riding academy, including buildings and premises, for horses, ponies, donkeys, mules or other animals which are let, hired, used or boarded on a commercial basis or for compensation.
  - b. **PRIVATE.** An accessory building for the keeping of horses, ponies, donkeys, or mules owned by the occupant of the premises and not kept for remuneration, hire or sale.
- 60. ROADSIDE STAND.** A temporary structure, unenclosed and so designed and constructed that the structure is easily portable and can be readily moved.
- 61. SALVAGE YARD.** An open area where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking activities, building wrecking activities, used lumber places and places for storage of salvaged building materials and equipment, but not including such places where such uses are conducted entirely within a completely enclosed building.
- 62. SETBACK.** The required distance between every structure and any lot line on the lot on which it is located. Measured from the sidewall or ground footprint.
- 63. SLAUGHTERHOUSE.** Any building or premises used for the killing or dressing of fowl, cattle, sheep, swine, goats or horses, and the storage, freezing or curing of meat and preparation of meat products.
- 64. SIGN.** Any outdoor medium including its component parts, which is used or intended to be used to direct attention to a business, product, subject, idea, premises, person or thing.
  - a. **ADVERTISING SIGN.** Any non-point-of-sale sign, usually of changeable character, such as a billboard which portrays advertisements for establishments, services, articles or products not necessarily associated with the premises upon which the sign is located.
  - b. **BANNER SIGN.** Any sign in which the characters, letters, illustrations, or ornamentations are applied to cloth, paper, fabric or other similar material, with or without frame.
  - c. **GROUND SIGN.** A sign supported by one or more uprights, poles or braces placed in or upon the ground surface and not attached to any building and with the bottom of the sign surface more than three feet but less than eight feet above grade.
  - d. **ILLUMINATED SIGN.** A sign designed to give forth any artificial light or reflect such light from an artificial source.
  - e. **POLE SIGN.** A sign with an elevated surface supported by one or more vertical poles or columns placed in the ground with the sign surface a minimum of eight feet above ground.
  - f. **PROJECTING SIGN.** A sign which projects from and is supported by a wall or a building and extends out from the wall more than twelve (12) inches.
  - g. **PORTABLE SIGN.** A free-standing sign not permanently anchored or secured to either a structure or the ground such as, but not limited to, "A" frame, "T" shaped or inverted "V" shaped signs.

- h. ROOF SIGN.** A sign which is erected, constructed, or maintained upon, and projects above or beyond the roof or parapet.
  - i. STRING SIGN.** Any sign in which lights, ribbons, pennants or other similar small, attention drawing devices are attached to a rope, string, wire, pole, or similar support.
  - j. WALL SIGN.** A sign which is attached directly to a building wall, and which does not extend out more than twelve (12) inches therefrom, with the exposed face of the sign in a plane parallel to the building wall.
- 65. STORY.** That part of a building included between the surface of any floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A story thus defined shall Town of Rock Zoning Ordinance not be counted as a story when more than fifty (50) percent, by cubic content, is below the height level of the adjoining ground.
- 66. STORY, HALF.** A partial story under a gable, hip or gambrel roof, the wall plates of which on a least two opposite exterior walls are not more than four (4) feet above the floor of such story; provided, however, that any half of a partial story used for residence purposes shall be deemed a story; provided that a basement or cellar used purely for recreational purposes shall not be deemed the first story.
- 67. STREET.** A public right-of-way which provides primary access to abutting property. For the purpose of this Ordinance, the term "street" shall include avenue, circle, drive, road, parkway, boulevard, land, place, highway, thoroughfare or any similar term.
- 68. STRUCTURE.** Any manmade object with form, shape and utility, either permanent or temporarily attached to, placed upon or in the ground, or an attachment to something on a premises, including but not limited to dwellings, accessory buildings, additions, signs, decks, swimming pool platforms, porches, balconies, gazebos, satellite dishes, fences, boathouses, stairs, walkways, sidewalks, piers, wharves, patios, bridges and retaining walls.
  - a. PERMANENT STRUCTURE.** A structure which is built of such materials and in such a way that it would be commonly expected to last and remain useful for one year or more.
  - b. TEMPORARY STRUCTURE.** A structure which is built of such materials and in such a way that it would commonly be expected to have a relatively short useful life or is built for a purpose to last less than a year. Another 6 months may be approved at the discretion of the Zoning Administrator.
- 69. STRUCTURAL ALTERATION.** Any change in the component members of a building, such as walls, columns, beams, or girders.
- 70. TOWN BOARD.** The Town Board of Supervisors of the Town of Rock, Wood County, Wisconsin.
- 71. TRAVEL TRAILER.** A vehicular, portable unit designed for short-term occupancy and as a temporary dwelling for frequent and extensive travel, recreational and vacation use which is identified on the unit by the manufacturer as a travel trailer or similar identification
- 72. USE.** The purpose for which land or a building is arranged, designed, or intended, or for which land or a building is or may be occupied or maintained.

**73. VARIANCE.** A modification of the literal provisions of this Ordinance granted by the Board of Appeals when strict enforcement of this Ordinance would cause undue hardship due to circumstances unique to the individual property on which the variance is granted and that the condition permitted by the departure still would be in fundamental harmony with surrounding uses.

**74. WATERFRONT.** River, navigable streams, and lakes. Private ponds are excluded from waterfront regulations.

**75. YARD.** A required open space, other than a court, on the same lot with the principal building, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance.

- a. FRONT YARD.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.
- b. REAR YARD.** An open space extending full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.
- c. SIDE YARD.** An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot to the nearest point of the main building.

**76. ZONING ADMINISTRATOR.** A resident of the town of Rock who is recommended by the town Planning Commission and appointed by the Town Board to administer and enforce this Ordinance.

### **SECTION 3. GENERAL PROVISIONS**

**A. DEFINITIONS.** For the purpose of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. If not defined herein, the word, term or phrase shall have the definition commonly accepted including a relevant definition contained in the Wisconsin Statutes. When not inconsistent with the context, the words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory:

- 1. PERSON.** Includes a corporation, firm partnership, association, organization, and any other group acting as a unit as well as individuals, including a personal representative, receiver or other representative appointed according to law. Whenever the term "person" is used in any section of this Ordinance prescribing a penalty or fine, as to partnerships or associations, the work shall include the partners or members thereof, and as to corporations, shall include the officers, agents or members thereof who are responsible for any violation of such section.
- 2. TOWN.** The Town of Rock, Wood County, Wisconsin, or any duly appointed designate thereof, including, but not limited to, the Town Board and Town committees.

**3. TOWN BOARD or BOARD.** The present governing body of the Town or any successors to the legislative power of said body, or any duly appointed designate thereof.

### **3.02 COMPLIANCE.**

Except as may be otherwise provided, the use, size, height, and location of buildings now existing or hereafter erected, converted, enlarged or structurally altered, the provisions of open spaces and the use of land, shall be in compliance with the regulations established herein for the district in which such land or building is located.

### **3.03 PERMITS.**

- A. Purpose of Permits.** The primary purpose of issuing zoning permits is to ensure compliance with provisions of this Ordinance.
- B. Building/Zoning Permits.** No building shall hereafter be erected, moved, or structurally altered until a permit has been applied for and issued by the Zoning Administrator as specified in Town of Rock Dwelling Code Ordinance. See fee schedule for permitting details.
- C. Conditional Use Permit.** When the use being applied for is listed as a "conditional use", the Zoning Administrator shall issue a conditional use permit in lieu of the zoning permit. This permit shall be issued only after approval of the Planning Commission, after a public hearing and after provisions of Section 5 of this Ordinance have been complied with. The Plan Commission or Town Board may attach certain conditions that shall be met as a condition of approving the permit. See fee schedule for permitting details.
- D. Permits to Town Assessor.** A copy of all permits concerning building or remodeling are to be forwarded to the Town Assessor within ten (10) days after issuance.

### **3.04 APPLICATION PROCEDURE.**

Applications for building permits or conditional use permits shall be accompanied by scale maps or drawings prepared to the best of the applicant's ability, showing legibly and accurately the location, size and shape of the lot(s) involved, and of any proposed structures, including the relation of abutting streets and any abutting lakes, ponds or streams, and the existing and proposed use of each structure and lot, and the number of families to be accommodated, or the number of persons that would normally occupy the building.

### **3.05 EXPIRATION.**

If within six months of the date of issuance of a building permit or conditional use permit, the proposed construction has not commenced, said permit shall expire. All permits shall expire within 24 months of the date of issuance. If the proposed construction is not completed by the expiration date, the Zoning Administrator may grant an extension of such permit for a period not to exceed one upon the showing of a valid cause. If not completed by the end of the extension a penalty will apply. See fee schedule.

### **3.06 PARCELS.**



**A. Size, shape, and orientation.** The size, shape and orientation of parcels shall be appropriate for the location and for the type of development and use contemplated. Parcels designed for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning provisions for such use. Lot lines shall follow municipal boundary lines rather than cross them.

**B. Area and dimensions.** Area and dimensions of lots shall conform to the requirements of this ordinance, or other applicable ordinances, and in areas not served by public sewer shall, in addition conform to the requirements of the Department of Industry, Labor and Human Relations and Chapter ILHR-85 of the Wisconsin Administrative Code.

### **3.07 BUILDING/ZONING PERMIT PROCEDURE.**

**A.** The Town building/zoning permit shall include the following:

1. Parcel number
2. Owner's name, mailing address, property address, and phone number.
3. Contractor's name, address, and phone number.
4. Location and type of proposed structure and its proposed use.
5. Cost of the completed structure.
6. Dimensions
7. Date

**B. Dwelling Procedure.**

1. Requirements

- A.** Obtain building permit from the building inspector
- B.** Obtain zoning permit from the Town
- C.** Obtain sanitary permit from Wood County
- D.** Submit building plans to the Town

2. No minimum square footage: if the building is intended for sleeping, it will be permitted as a dwelling

3. Mobile homes are permitted the same as a dwelling

**C.** There shall be no permit requirement for normal maintenance.

**D.** A zoning permit shall be required for any change in the use of land for any construction, relocation or alteration of a building or structure. Alterations that do not change the exterior dimensions of the building or structure shall be exempt from the requirement of a zoning permit.

- E.** Except as hereinafter provided, no permit shall be issued unless the application for such permit has been examined and approved by the Zoning Administrator. Any permit issued in conflict with the provisions of this Ordinance shall be null and void.
- F.** The Zoning Administrator shall, after reviewing an application for a zoning permit, determine whether all requirements of this Ordinance have been satisfied. The Zoning Administrator shall issue the permit if that burden is satisfied. If it is not satisfied, the Zoning Administrator shall issue a written denial explaining the reasons that the application was denied.
- G.** The Zoning Administrator shall retain continuing jurisdiction over all permitted uses for the purpose of resolving complaints and may order the removal or discontinuance of any unauthorized alterations or violations.
- H.** Should a permit applicant, his heirs or assigns, fail to comply with the conditions of the permit issued or should the use or characteristics of the use be changed without prior approval, the permit may be revoked.

### **3.08 EXEMPTIONS.**

- A.** The following are exempted by this Ordinance and permitted in any zoning district: poles, towers, wires, cables, conduits, vaults, laterals, pipe mains, valves or any other similar distributing equipment for telephone or communications (towers or buildings would be subject to building permit requirements) and electric power, gas, water, and sewer lines. Conditions of the Utility Permit Ordinance may apply.
- B.** The provisions regarding filling, grading, and work in respect to waterways shall not apply to the construction and repair of public roads, flood control structures, or conservation practices such as terracing, installation of diversions, grass waterways, subsurface drainage, unnavigable drainage ditches, stream stabilization by rip-raping or vegetative cover, ponds used for agriculture purposes or non-floating docks accessory to private dwellings.

### **3.09 HOME OCCUPATIONS.**

#### **A. General Requirements.**

No home occupation, as defined in Section 2 of this Ordinance, shall be permitted that:

- 1.** Involves external alteration that effects a substantial change in the residential character of the building or is visible from the street;
- 2.** Generates traffic, parking, sewerage or water use in excess of what is normal in the residential neighborhood;
- 3.** Creates a hazard to person or property, results in electrical interference, or becomes a nuisance;
- 4.** Results in outside storage or display of anything.

5. Involves other characteristics that are deemed by the Planning Commission and confirmed by the Town Board to be unsuitable or incompatible with the surrounding residential uses.

#### **B. Permitted Home Occupations.**

The following are permitted home occupations provided they do not violate any of the provisions of the previous paragraph:

1. Daycare
2. Home office;
3. Dressmaking, sewing, and tailoring;
4. Painting, Sculpturing, or writing;
5. Telephone answering;
6. Home crafts, such as model making, rug weaving, lapidary work, and cabinet making;
7. Tutoring
8. Home cooking and preserving;
9. Computer programming.
10. Barber shops and beauty parlors;

#### **C. Prohibited Home Occupations.**

The following are prohibited as home occupations:

1. Mortuaries;
2. Private clubs;
3. Restaurants;

**D. Home occupations not listed.** Any proposed home occupation that is neither specifically permitted by paragraph B nor specifically prohibited by paragraph C shall be considered a conditional use and be granted or denied by the Zoning Administrator upon consideration of those standards in paragraph A.

### **3.10 USE RESTRICTIONS.**

The following use restrictions and regulations shall apply:

**A. Principal Uses:** Only those principal uses specified for a district, their essential services and the following uses shall be permitted in that district.

1. Home sites are first-come first-serve. You must obtain a zoning and building permit for a house to guarantee your property as a home site. Once the permit is obtained, construction must begin within 6 months and be completed in 24 months from the date of issuance.

**B. Accessory Uses:**

1. Accessory uses and structures are allowed in any district. Residential accessory uses shall not involve the conduct of any business, trade, or industry. Accessory uses include but are not limited to incidental repairs, storage, parking facilities, gardening, private swimming pools and private emergency shelters.
2. All structures are allowed on a vacant property.
3. All structures require a Town zoning permit.

**C. Temporary Uses:** Uses such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure are permitted during the construction phase.

**D. Yard Regulations:** The following shall not be considered to be obstructions when located in the required yards specified:

1. **In Any Yards:** Marquees and awnings adjoining the principal structure; overhanging roof eaves; chimneys, minimum set levels must be planned; and ornamental light standards, flag poles, arbors, trellises, trees, shrubs, permitted signs and outdoor fuel dispensing equipment.
2. **In Rear Yards:** Enclosed, attached or detached off-street parking spaces; open off-street parking spaces; accessory sheds, tool rooms or any similar structures customarily accessory to the principal uses; and balconies, breezeways, and open porches.

**E. Unclassified or Unspecified Uses:** Unclassified or unspecified uses may be permitted by the Planning Commission after review; provided that such uses are similar in character to the principal uses permitted in the district.

**F. Household Pets**

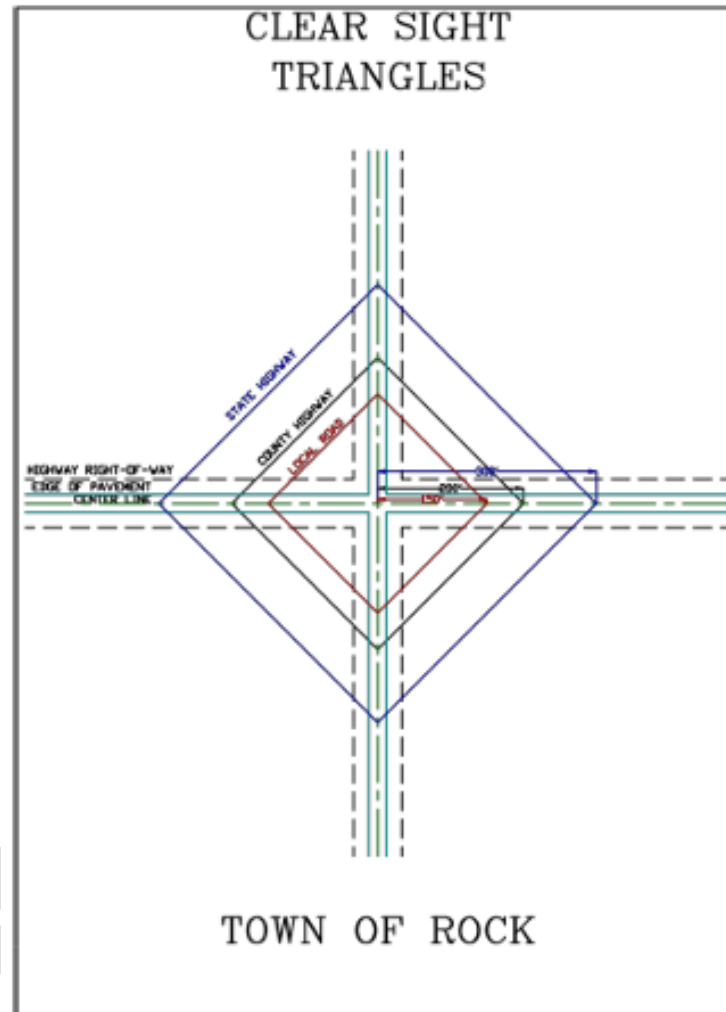
1. Dogs are limited to 6 per residence.
2. It shall be unlawful for any person to own, harbor, or keep any dog more than five months of age after January 1 of the license year without complying with the provisions of Wisconsin State Statutes and this article.
3. The owner or person having control or charge of any dog shall have the animal under restraint at all times. "Under restraint," within the meaning of this section, shall mean to be controlled by a leash or by competent person and immediately obedient to that person's command or within a vehicle being driven or parked on the street or on the property of its owner.
4. It shall be unlawful for any person knowingly to keep or harbor any dog which habitually barks, howls or yelps, or any cat which habitually cries or howls to the discomfort of the peace and quiet of the neighborhood or in such manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such dogs and cats are hereby declared to be a public nuisance.

**G. Domestic Animals**

1. Outside of parcels zoned as Agricultural District, domestic animals are prohibited except as follows:
  - A. Rural Residence and Commercial Districts (R-1 & C): Four animal units per acre
  - B. Residential District (R-2): 10 chickens on a minimum lot size of 2 acres

### **3.11 VISUAL CLEARANCE**

- A. In each quadrant of every public street or road intersection, there shall be designated a clear vision triangle bounded by the street or road centerlines at a specified distance from their point of intersection in the manner illustrated on the following page.
- B. The use of the term "triangle" shall not be construed to preclude reasonable modifications of a triangular shaped area, including modifications occasioned by the existence of curving streets or roads.
- C. The term "centerline" shall be interpreted as follows for the purposes of this section:
  1. Where there is an undivided pavement within a right-of-way, the centerline shall be the centerline of that pavement, irrespective of whether or not that coincides with the centerline of the right-of-way.



Type of Road

Triangle Side Distances

State  
County  
Town

300 ft.  
200 ft.  
150 ft.

**D. Vision Obstructions:**

1. Within the clear vision triangle, no object shall be allowed above a height of two and one-half feet from the average street elevation at the aforesaid points on their respective centerlines if it substantially obstructs the view across the triangle.
2. Where there are a large number of trees, trees of large diameter, or some combination of these is present, this provision shall be construed to mean that a sufficient number of trees shall be removed so as to render an object, such as a motor vehicle, clearly visible across the clear vision triangle from one street or road to the other; the intent being to provide for the public safety. It shall not be construed to mean that every tree in the clear vision triangle must be removed.
3. Restrictions herewith shall not apply to the posts and wires of wire fences.

### **3.12 SETBACK.**

Unless otherwise specified in specific district regulations, setbacks are measured from the sidewalk or ground footprint and shall be as follows (greater distances shall apply):

- A. State highway**
  - a.** From centerline: min 110 ft
  - b.** From right-of-way: min 50 ft
- B. County and Town roads**
  - a.** From centerline: min 75 ft
  - b.** From right-of-way: min 42 ft

### **3.13 HEIGHT RESTRICTION EXEMPTIONS.**

Heights of the following structures may exceed ordinance limits for the zone in which it is to be located: cooling towers, stacks, lookout towers, silos, windmills, water towers, spires, radio and television aerials, masts, antenna and mechanical appurtenances and barns and other buildings designed for the storage of agricultural products.

### **3.14 AIRPORT REGULATIONS.**

Except for field crops and fences under five feet high, the maximum height of any object located within 500 feet of either side of the centerline of a landing strip and extended to a distance of two miles from the end of the runway shall be no higher than 1/100 of the distance of the object to the landing strip as defined in State Statutes.

### **3.15 AREA REGULATIONS.**

- A. Lot Reduction:** After adoption of this Ordinance, no lot areas shall be so reduced that the dimensions and yard requirements specified by this ordinance cannot be met.
- B. Existing Lot Use:** Unimproved, vacant lots existing and of record prior to adoption of this ordinance, but of substandard size, may be devoted to uses permitted in the zone in which located upon granting of a variance by the Board of Appeals, except where specified within the jurisdiction of shoreline provisions.
- C. Lot Divisions:** No improved lot shall hereinafter be divided into two or more lots and no portion of any improved lot shall be sold unless all improved lots resulting from each such division or sale shall conform to all applicable regulations of the zone in which the property is located.

### **3.16 NONCONFORMING USES.**

- A. Existing Conditions:** All uses and structures which exist and are in use at the effective date of this Ordinance may be continued although the use does not conform to the provisions of this Ordinance.
- B. Building Repair:** Provisions of this Ordinance shall not be construed to prevent the customary and necessary maintenance or repairs of buildings, utilities, and property.

**C. Continuation of Nonconforming Use:** Any nonconforming use or structure which existed lawfully at the time of the adoption of this Ordinance, and which remains nonconforming and any such use or structure which shall become nonconforming upon adoption of this Ordinance, or any subsequent amendment thereof may be continued as provided in Sections 3.14 and 3.15.

### **3.17 NONCONFORMING USE OF STRUCTURE OR LAND: DISCONTINUANCE.**

If any nonconforming use of a structure or land is discontinued for 12 consecutive months, any future use of the structure or land shall conform to the regulations of the zoning district in which it is located, unless otherwise specifically stated in writing prior to the change of ordinance.

### **3.18 CHANGES OF NONCONFORMING USE OF STRUCTURE OR LAND**

**A.** Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure.

### **3.19 STATE PERMIT.**

A permit shall be obtained from the state agency authorized by law to issue such permits when required under Sections 30.12, 30.18, 30.20, and 195 of the Wisconsin Statutes or other applicable state regulations.

## **SECTION 4. ZONING DISTRICTS AND ZONING MAP**

### **4.01 ZONING DISTRICTS**

The following zoning districts are established:

- A. Rural Residential District (R-1)
- B. Residential District (R-2)
- C. Agricultural District (A)
- D. Commercial District (C)
- E. Overlay Districts
  - a. Non-metallic Mining (NM)
  - b. Conservation (CON)

### **4.02 OFFICIAL ZONING MAP**

The location and boundaries of the zoning districts are hereby established as shown on the map(s) entitled "Town of Rock Zoning Map" on file with the Town and referred to as the Zoning Map. The Town Zoning Official and Plan Commission shall periodically update the Zoning Map to show changes in the zoning district boundary lines resulting from amendments to this ordinance. Where any uncertainty exists as to the exact location of zoning district boundary lines, the Plan Commission, upon written application thereto, shall determine the location of boundary lines. The Zoning Map, together with all information shown thereon and all



amendments thereto, shall be as much a part of this ordinance as if fully set forth and described herein.

#### **4.03 DISTRICT BOUNDARIES**

- A.** Where the designation on the map indicates that the various districts are approximately bounded by a street, road or alley line, such street, road, or alley line shall be interpreted to be the district boundary line unless provisions to the contrary be expressly indicated.
- B.** Where the district boundaries are not otherwise indicated, and where the district boundaries approximately follow section lines, quarter section lines or other logical subdivisions of sections, such section lines or other such lines shall be intended to be the district boundary line.
- C.** Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be interpreted to be lot lines, and where the designations on the map are approximately bounded by lot lines, said lot line shall be interpreted to be the boundary of the district.
- D.** In un-subdivided property, the district boundary shown on the map shall be determined by use of the scale shown on such map.
- E.** The land uses and minimum standards set forth in the following sections apply to the districts specified as such on the Zoning District Map

#### **4.04 RURAL RESIDENCE DISTRICT (R-1)**

This Rural Residence District is designed to encourage a suitable environment for family life by protecting the rural residential character against incompatible uses. This district allows for efficient land use while maintaining low-density housing and allowing broad use of hobby and recreational activities.

##### **A. Permitted Uses**

- 1. Single-family dwelling
- 2. Residential accessory structures
- 3. Camping Unit
  - a.** Camping unit can be occupied for a maximum of 6 months per calendar year
- 4. Home occupation
- 5. In-home childcare
- 6. Play structure
- 7. Pond
- 8. Hobby farming, subject to the following limitations:

- a. The parcel is a minimum of 2 acres
  - b. Total animal units cannot exceed 4 per acre
  - c. No manure may be stored or allowed within 10 feet of the parcel's boundaries
- 9. In-season, roadside stands for the sale of farm products produced on the premises.

#### **B. Conditional Uses**

- 1. Libraries, museums, and art galleries.
- 2. Hospitals and clinics.
- 3. Childcare facility
- 4. Schools
- 5. Churches and their affiliated uses
- 6. Funeral homes.
- 7. Recreation grounds and buildings.
- 8. Cemeteries
- 9. Semi-public buildings
- 10. Other uses may be approved by the Zoning Administrator

#### **C. Lot, Building, and Other Requirements**

##### **1. Lot Requirements**

- a. Road Frontage: minimum 33 feet
- b. Area: minimum 2 acres

##### **2. Roadway setback**

- a. State highway (whichever is greater)
  - (1) From center of roadway: minimum 110 feet
  - (2) From lot line: minimum 50 feet

- b. County road and town road

- (1) From center of roadway: minimum 45 feet

##### **3. Building Setbacks (from the sidewall or ground footprint)**

###### **a. Dwelling**

- (1) Side: minimum 25 feet
- (2) Rear: minimum 25 feet
- (3) Waterfront: minimum 75 feet

(4) Residential Buffer: minimum 150 feet from the neighboring dwelling

**b. Accessory Structures**

(1) Side: minimum 10 feet

(2) Rear: minimum 10 feet

(3) Waterfront: minimum 75 feet

**4. Other requirements**

a. Building height: maximum 40 feet

b. Residential structure density: one house per parcel with a maximum of 5 houses per mile per side of road (each mile is measured road to road, for example: Eagle Road to Falcon Road)

(1) After housing maximum density is reached, additional residential structures are permitted when:

(a) Lot size: minimum 30 acres

**4.05 RESIDENTIAL DISTRICT (R-2)**

This Residential District is designed to encourage a suitable environment for family life by protecting the rural residential character against incompatible uses. This district allows for denser residential development surrounding the Village of Lindsey.

**D. Permitted Uses**

1. Single-family dwelling

2. Two-family dwelling

3. Residential accessory structures

4. Camping Unit

a. Camping unit can be occupied for a maximum of 6 months per calendar year

5. Home occupation

6. In-home childcare

7. Play structure

8. (10) Chickens are permitted if the property is a minimum of 2 acres.

9. In-season, roadside stands for the sale of farm products produced on the premises.

10. (2) unregistered vehicles are permitted in view of roadway

**E. Conditional Uses**

1. Multi-family buildings and condominiums up to 4-plexes

2. Libraries, museums, and art galleries.
3. Hospitals and clinics.
4. Childcare facility
5. Schools
6. Churches and their affiliated uses
7. Funeral homes.
8. Recreation grounds and buildings.
9. Cemeteries
10. Semi-public buildings
11. Other uses may be approved by the Zoning Administrator

**F. Lot, Building, and Other Requirements**

**1. Lot Requirements**

- a. Road Frontage: minimum 33 feet
- b. Area: minimum .5 acres

**2. Roadway setback**

- a. State highway (whichever is greater)
  - (1) From center of roadway: minimum 110 feet
  - (2) From lot line: minimum 50 feet
- b. County road and town road
  - (1) From center of roadway: minimum 45 feet

**3. Building Setbacks (from the sidewall or ground footprint)**

**a. Dwelling and Accessory Structures**

- (1) Side: minimum 5 feet
- (2) Rear: minimum 5 feet
- (3) Waterfront: minimum 75 feet

**4. Other requirements**

- a. Building height: maximum 40 feet
- b. Residential structure density: one house per parcel

**4.06 AGRICULTURAL DISTRICT (A)**

The Agricultural District provides exclusively for agricultural uses and uses compatible with agriculture. The intent is to preserve and enhance farmland and prevent uncontrolled, uneconomical spread of residential development.

## **A. Permitted Uses**

1. Any permitted uses in the Rural Residence District (R-1)
  - A. Only one residence shall be permitted within 250 feet (measured at right angles) to the centerline of any highway.
2. Animal and poultry husbandry
  - A. Not to exceed four animal units per acre and less than 500 animal units total.
3. Apiculture
4. Christmas tree farm and sales
5. Dairying and grazing
  - A. Not to exceed four animal units per acre and less than 500 animal units total.
6. Farm dwellings
7. Field crops
8. Forestry
9. Greenhouses
10. Horticulture
11. Orchards and wild crop harvesting
12. Ponds used for agricultural purposes, provided the soil taken in the construction of the pond remains on the property of the same ownership. If the soil is moved from the property or sold, the pond shall be considered a quarry.
13. Riding stables
14. Truck farming
15. Viticulture

## **B. Conditional Uses**

1. Airport
2. Kennels
3. Cheese factories
4. Communication towers
5. Dairy processing plants
6. Deer and elk farming
7. Farm equipment sales and/or service
8. Fish hatchery – commercial
9. Fur farms

10. Grain elevators
11. Gun range
12. Livestock facilities of 500 or more animal units, subject to requirements of 2.04 herein.
13. Maple syrup processing plant
14. Renewable energy systems
15. Other uses may be approved by the Zoning Administrator

### **C. Lot, Building, and Other Requirements**

#### **1. Lot Requirements**

- A. Road Frontage: minimum 33 feet
- B. Area: minimum 2 acres

#### **2. Roadway setback**

- A. State highway (whichever is greater)
  - (1) From center of roadway: minimum 110 feet
  - (2) From lot line: minimum 50 feet
- B. County road and town road
  - (1) From center of roadway: minimum 45 feet

#### **3. Building setbacks (from the sidewall or ground footprint)**

##### **A. Dwellings and Residential Accessory Structures**

- (1) Side: minimum 25 feet
- (2) Rear: minimum 25 feet
- (3) Waterfront: minimum 75 feet
- (4) Residential Buffer: minimum 150 feet from the neighboring dwelling

##### **B. Agricultural Structures**

- (1) Side: minimum 50 feet
- (2) Rear: minimum 50 feet
- (3) Waterfront:
  - (a) Residential structures: minimum 75 feet
  - (b) Livestock Facilities: Minimum of 150 feet from the ordinary high-water mark (OHWM)

- i. The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of the setback requirement,

except that a structure may not be expanded closer to the public road right-of-way.

#### **4. Other requirements**

##### **A. Building height**

**(1)** Dwelling and residential accessory buildings: maximum 40 feet

**(2)** Other buildings: no maximum

**B. Residential structure density:** one house per parcel with a maximum of 5 houses per mile per side of road (each mile is measured road to road, for example: Eagle Road to Falcon Road)

**(1)** After housing maximum density is reached, additional residential structures are permitted when:

**(a)** Lot size: minimum 30 acres

#### **5. Conditional use requirements for livestock facilities with 500 or more animal units.**

The following requirements shall apply to livestock facilities with 500 or more animal units. Except as modified herein, the requirements of 2.04 shall apply.

##### **A. Livestock structures:**

###### **(1) Setback from property lines.**

###### **(a) Livestock structures:**

- i.** Minimum 100 feet from any property line if the livestock facility will have fewer than 1,000 animal units
- ii.** Minimum 200 feet from any property line if the livestock facility will have more than 1,000 animal units

**(b)** The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of the setback requirement, except that a structure may not be expanded closer to the property line.

###### **(2) Public road right-of-way**

###### **(a) Livestock structures:**

- i.** Minimum of 100 feet from the edge of the public road right-of-way if the livestock facility will have fewer than 1,000 animal units
- ii.** Minimum of 150 feet from the edge of the public road right-of-way if the livestock facility will have more than 1,000 animal units

**(b)** The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior

to the effective date of the setback requirement, except that a structure may not be expanded closer to the public road right-of-way.

#### **6. Waste storage structures**

- A.** Minimum 350 feet from a property line or public road right-of-way.
- B.** This setback requirement does not apply to existing waste storage structures, except that an existing structure within 350 feet of a property line or road may not expand toward that property line or road.

#### **4.07 COMMERCIAL DISTRICT (C)**

**A. Purpose.** The Commercial District is intended to provide an area for the business and commercial needs of the community.

**B. Permitted Uses.**

1. Any permitted uses in the Residential District (R-2)
2. Hobby farming, subject to the following limitations:
  - a.** The parcel is a minimum of 2 acres
  - b.** Total animal units cannot exceed 4 per acre
  - c.** No manure may be stored or allowed within 10 feet of the parcel's boundaries
3. In-season, roadside stands for the sale of farm products produced on the premises.
4. Department, variety and specialty merchandise stores (retail and wholesale).
5. General grocery and specialty food establishments.
6. Restaurants including drive-in establishments.
7. Business and professional offices and studios.
8. Personal service establishments (i.e. barbershops, beauty shops, shoe repair shops, etc.).
9. Retail laundry and dry-cleaning outlets, dry cleaning plants and Laundromats.
10. Hotels and motels.
11. Rooming and boarding houses.
12. Public transportation stations except storage lots or garages.
13. Semi-public buildings (i.e. fire stations, police station, administrative buildings, etc.).
14. Liquor stores, taverns, and bars.
15. Banks and financial institutions.



16. Funeral homes.

17. Other uses deemed substantially similar by the zoning administrator.

**C. Conditional Uses.**

1. Automobile service stations, repair shops and retail sales businesses.
2. Establishments engaged in the sale, service, repair, testing, demonstration or other use of recreational vehicles, motor-driven cycles, boats, household appliances, trucks, or farm equipment.
3. Parking lots, parking garages, or parking structures.
4. Bowling alleys, skating rinks and similar recreational uses.
5. Establishments engaged in the publishing and printing of newspapers, periodicals, or books.
6. Establishments or facilities for the sale, rental, service, repair, testing demonstration or other use of recreational vehicles and boats.
7. Golf courses, athletic facilities, racetracks, and similar facilities.
8. Wholesale merchandise establishments.
9. Warehouses.
10. Motor Carrier facilities.
11. Free-standing advertising signs related to the use of the premises.
12. Other uses approved by the zoning administrator

**D. Lot, Building, and Other Requirements**

**1. Lot Requirements**

- A. Road Frontage: minimum 33 feet
- B. Area: minimum 2 acres

**2. Roadway setback**

- A. State highway (whichever is greater)
  - (1) From center of roadway: minimum 110 feet
  - (2) From lot line: minimum 50 feet
- B. County road and town road
  - (1) From center of roadway: minimum 75 feet

**3. Building setbacks (from the sidewall or ground footprint)**

- A. Side: minimum 25 feet
- B. Rear: minimum 25 feet
- C. Waterfront: minimum 75 feet

#### **4. Other requirements**

**A.** Residential structure density: one house per parcel with a maximum of 5 houses per mile per side of road (each mile is measured road to road, for example: Eagle Road to Falcon Road)

**(1)** After housing maximum density is reached, additional residential structures are permitted when:

**(a)** Lot size: minimum 30 acres

#### **4.08 SPECIAL PURPOSE OVERLAY DISTRICTS.**

Overlay districts are used to achieve certain specific objectives. The Town's ordinance includes overlay zones that apply restrictions to certain areas. These will be identified through amendments to this zoning ordinance and zoning map and will then apply in addition to the restrictions in the underlying base zoning districts.

##### **A. NONMETALLIC MINING OVERLAY DISTRICT (NM)**

- 1. Purpose.** It is the purpose of this Overlay District to establish conditional regulations and performance standards for the extraction, processing, utilization, and transport of non-metallic resources and products in such a manner as to ensure maximum protection to surrounding properties and the physical environment through siting of activities and structures, buffering, setbacks, visual screening, height limitations, access routing, and noise, vibration, air quality, and water quality controls. It is further the purpose of this Overlay District to unconditionally require that any excavation or mining activity falling under the jurisdiction of this section abide by the requirements of Wisconsin Department of Natural Resources rule NR135, NONMETALLIC MINING RECLAMATION.
- 2. Extent.** This section does not apply to excavations or mining operations of one acre or less, provided slopes do not exceed 3:1, and where only one is present per forty-acre parcel.
- 3. Conditional Uses.** Mining of nonmetallic minerals and the processing for manufacture of materials incidental to such extraction and the erection of buildings and the installation of equipment and machinery may be permitted in non-residential zoned districts in the Town of Rock provided a Conditional Use permit has been secured as per the procedures in Section 5 of this Ordinance. The Planning Commission may require any or all of the following development site standards, special regulations, or performance standards or other conditions as the Planning Commission may deem necessary (see Section 5) as part of the conditions for granting a Conditional Use Permit;

##### **A. Development Site Standards.**

**(1) Net Lot Area.** The net lot area requirement shall be determined by the sum of the area to be extracted plus that area required to meet the

minimum setback standards, or the area required to meet the Performance Standards set by this Ordinance, whichever is greater.

**(2) Lot Coverage, Percent of.** Not more than 10% of the net area of the lot may be covered by buildings, including Accessory Buildings.

**(3) Yards, Front, Side and Rear.** All quarries, pits, open mines, processing plants, screening, sorting, storage, stone works, stone cutting, stone polishing, loading, batching, mixing, maintenance, service and repair equipment, facilities and structures shall be set back from zone boundaries and lot lines an amount sufficient to achieve the performance standards set in the Conditional Use Permit and in conformance with setbacks established by Section 6, Schedule of Regulations, whichever is greater.

**(4) Exclusion from Setback Line Limitations.** Access roads, security patrol roads, railroad sidings, identification, directional and safety warning Signs, security fences and acoustical or visual screens, berms or walls may be permitted within the setback area.

#### **B. Special Regulations.**

In addition to the above requirements, the following special regulations may apply to mineral resource extraction, processing, utilization and related uses:

**(1) Parking.** Off-street parking shall be provided at a rate of 1 space/each 1 1/2 employee on the major shift plus one space each business Vehicle plus 'sufficient' loading and waiting space.

**(2) Screening.** Adequate planting and/or fencing shall be provided along all public roads and residential Dwellings adjacent to the property involved, sufficient to screen the operation from public view, as reasonably as possible and as approved by the Town Board in granting a special use.

**(3) Hours of Operation.** In cases where noise, vibration, Vehicle traffic, lights, or other intrusions may disrupt surrounding property owners, the Planning Commission may require reasonable hours of operation. However, during a public emergency during which sand and/or gravel is needed and upon the order of the Director of the Emergency Government Department of the County, the County Sheriff, the County Board Chairman, or designated Town Official, operation may proceed outside of the imposed hours of operation.

#### **C. Performance Standards.**

**(1) Visual Effects.** There is a visual buffer required between the facility and residential properties which are developed prior to the operation of the quarry. This does not apply to adjacent properties owned or leased by the owner or operator of the area zoned for mineral resource recovery.

**(2) Dust.** Any operation shall comply with all applicable federal, state, and local air pollution control laws and regulations.

**(a) Dust Free Roads.** The operator of the excavation shall maintain all haulage roads used in connection with this operation, whether under their control and ownership, a private road, or that of a municipality, as much as possible in a dust free condition.

**(3) Protecting Ground Water.** No extractive operation shall be conducted in such a manner as to affect the water availability and quality of surrounding inhabited properties.

## **B. CONSERVATION AREA (CON)**

**1. Primary Conservation Areas.** Natural regions of the town protected from development by State or Federal regulations. These regulations include Wisconsin Department of Natural Resources Regulated Wetlands, and the Federal Emergency Management Agency 100-year floodplain.

### **2. Development Restrictions.**

**A.** No development is allowed within a primary conservation area.

## **SECTION 5. CONDITIONAL USES**

### **5.01 GENERAL**

**A.** Uses listed as permitted by conditional use permit may be authorized in the zone in which permitted upon application to the Planning Commission and subject to the committee's authorization of a conditional use permit.

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

### **5.02 PROCEDURE**

A request for a conditional use permit shall be submitted in writing to the Town Zoning Administrator who shall promptly refer the application to the Town Planning Commission. The request shall be accompanied by:

1. Scale maps or drawings prepared to the best of the applicant's ability,
2. Showing legibly and accurately,
3. The location,
4. Size and shape of the lot(s) involved,
5. Size, shape, and location of any proposed structures, including the relation to the abutting streets and any abutting lakes or streams,

6. The existing and proposed use of each structure and lot,
7. The number of families to be accommodated, or the number of persons that would normally occupy the building or structure.

### **5.03 STANDARDS**

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

### **5.04 CONDITIONS AND GUARANTEES**

- A.** Prior to granting a permit for a conditional use, the Plan Commission may stipulate such conditions and restrictions upon the establishment, maintenance, and operation of the conditional use as it may find necessary to secure compliance with the standards specified in Section 5.03. Establishment, maintenance, and operation shall be construed to include, but shall not be limited to: landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, operational control, hours of operation, traffic circulation, deed restrictions, access restrictions, yard and parking requirements, insofar as the Town Board shall find that conditions applying to these factors are necessary to fulfill the purpose and intent of this Ordinance. In all cases in which a permit for conditional use is granted, the Plan Commission shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.
- B.** Conditional uses shall comply with all other provisions of this Ordinance such as lot width and area, yards, height, parking, and loading.

### **5.05 DETERMINATION**

- A.** The Plan Commission shall report its decision within 60 days after the filing of the application. Its decision shall include an accurate description of the use permitted, of the property on which it is permitted, and all conditions made applicable thereto.

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

#### **5.06 TERMINATION**

If the Town Board determines that at any point the development or use of the property does not comply with the necessary requirements and conditions for issuance of the conditional use permit, the Town Board by resolution may cancel the permit. The Town shall have no liability for any loss incurred due to termination of such permit.

#### **5.07 REAPPLICATION**

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

#### **5.08 EXPIRATION**

If after one year of the date of issuance of a zoning/building permit, the proposed construction has not commenced, said zoning/building permit shall expire. If the proposed construction is not completed by the expiration date, the Zoning Administrator may grant an extension of such permit for a period not to exceed one year upon the showing of a valid cause and providing 50% of the proposed construction is completed.

### **SECTION 6. SIGNS**

#### **6.01 SIGNS**

- A.** All signs hereafter located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered, shall be in conformity with the provisions of this Ordinance and the Wisconsin Administrative Code, Chapter Trans-200. In all cases of proposed establishment of a conditional use specified in this Ordinance, the Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and other aspects of the proposed use.
- B.** The size, type and location of signs shall be as provided by this section as affecting each zoning district, except that this Ordinance is not intended to prohibit "no hunting", "no trespassing", "for sale", "for rent", or similar signs not larger than six square feet in gross area.
- C.** Existing signs of legal non-conforming businesses or industries announcing only the name and occupation of the business, or the proprietor are permitted by this Ordinance.

## **6.02 OFF PREMISES SIGN PERMIT REQUIRED**

- A.** Off premises sign permits shall be obtained, within 12 months after adoption of this Ordinance for all signs erected before the date of enactment of this Ordinance, except that the aforementioned "no hunting", "no trespassing", "for sale", "for rent", or similar excepted signs mentioned in Section 6.1 of this Ordinance shall not require sign permits.
- B.** On premises signs advertising a product for sale or a service rendered on the same lot upon which the business is located shall not require a permit, provided that other provisions of this Ordinance are not violated.
- C.** After the enactment of this Ordinance, a sign permit is required before any new sign is erected, painted, installed, located or otherwise placed, as provided in this Ordinance.

## **6.03 SIGN PERMIT FEE AND NUMBER**

- A.** Sign permits shall be issued by the Zoning Administrator. The fee for each sign permit shall be \$30.00. Signs shall display the sign permit number, in legible form (not less than 3" in height, (in the lower left hand, front corner, not less than 3" on off-premises sign and 1" on on-premises signs).
- B.** One permit for the "life" of each sign is required. Such permits shall authorize the use of each sign as long as such sign is, according to rules specified by the Planning Commission, kept in good repair and complies with the requirements of this Ordinance.

## **6.04 NON-CONFORMANCE**

Signs not in conformance with the provisions of this Ordinance shall be removed by the owner or owners of the property on which they are located within three years of the 2016, the enactment of this Ordinance, or three years of the date this Ordinance is subsequently amended, and thus non-conforming signs are created.

## **6.05 SPECIAL SIGNS**

- A. Home Occupation Nameplate.** One nameplate advertising a legal home occupation shall be permitted upon the property on which the home occupation is located, provided that it is not in violation with the other provisions of this Ordinance, and that it does not exceed three square feet in gross area.
- B. Temporary Signs.** All signs in Town right-of-way must be approved prior to placement or may be removed by a town official. Temporary signs announcing construction, remodeling or rebuilding, sale, lease, or rental shall be permitted for each lot frontage. Such signs shall be removed when construction, sale, lease or other indicated purpose is completed. One temporary sign not exceeding sixty-four (64) square feet shall be permitted for each lot frontage of one hundred fifty (150) feet or less. Temporary signs not exceeding one hundred sixty (160) square feet shall be permitted for each lot frontage of more than one hundred fifty (150) feet provided,

however, that no two signs shall be located closer than three hundred (300) feet on any one lot. Where lot frontage is sufficient to permit two signs, one sign may be used in substitution, provided the total area does not exceed two hundred forty (240) square feet. Only one side of a double-faced sign shall count toward total temporary sign area permitted.

### **C. Incidental Signs.**

1. The number of incidental signs shall be unlimited; provided, however, that the surface area of such sign shall not exceed one (1) square foot.
2. Incidental signs, except those accessory to parking and loading areas, shall be set back in accordance with the building setback lines required by zoning district for the lot.
3. Signs accessory to parking and loading areas shall be subject to the following requirements:
  - A. Directional signs for traffic, pedestrian or other control, or designating entrances or exits to or from parking or loading area shall not exceed nine (9) square feet of surface area per sign.
  - B. One sign, maximum surface area of sixteen (16) square feet, identifying a parking or loading area shall be permitted for each street frontage of such parking area. Said sign may include the name of the owner and/or name of the use for which it is provided.
  - C. Signs accessory to parking or loading areas shall be set back a minimum of two (2) feet from any lot line unless attached flat to a building wall.
    - (1) Area: The maximum surface area of such sign shall be one (1) square foot for each lineal foot of frontage of the lot, but not to exceed six hundred (600) square feet.
    - (2) Height: The sign structure shall not project higher than forty (40) feet above grade level (at base of sign structure).

### **6.06 GENERAL SIGN PROVISIONS**

- A. These provisions shall apply to free standing, billboard type, and signs painted or posted onto existing structures except signs used on the premises of a place of business or industry and as otherwise provided in Section 6. This section shall not apply to signs as permitted in Section 6.
  1. Signs not advertising a service to the motoring public, such as restaurant or establishment serving food; hotel or motel; or an automobile or trucking service facility shall be eliminated in accordance with Section 6.04.
  2. No sign shall exceed 400 square feet in area, 40 feet in length or 25 feet in height unless such sign is a part of the building in which event such sign shall not extend



more than four feet above the roof line nor exceed the maximum height limit of the zoning district.

3. A minimum 1000-foot sign interval shall be maintained along highways having a 55 mile-per-hour speed zone or greater.
4. A minimum 500-foot sign interval shall be maintained along highways having less than a 55 mile-per-hour speed zone.
5. In no event shall any sign be so located as to obstruct the driver's vision of any oncoming vehicle at any intersection.
6. All signs and sign structures shall be kept in repair and in proper state of preservation.

## **6.07 DISTRICT SIGN REGULATIONS**

**A.** The following sign regulations shall apply in the zoning districts as outlined below:

### **1. Agricultural District.**

- A.** Not more than three non-illuminated off-premises signs used in conjunction with a permitted commercial use are permitted in the agricultural district. Such sign(s) shall not exceed 32 square feet in area and 12 feet in height and shall be erected back of the required front yards and within 500 feet of the commercial use and limited to the owner's property.
- B.** No sign permit shall be required for one farm residential nameplate, not to exceed 32 square feet which may be erected for farm or residential identification.
- C.** There will be no size restriction on signs painted on farm buildings, however, they must be non-commercial in nature. iv. Any commercial sign must meet and follow Sections 6.02, 6.03, 6.04, 6.05, 6.06 and 6.08.

### **2. Residential Districts.**

All zones in the Residential Districts - no signs are allowed except those permitted in Sections 6.01, 6.02 and 6.05.

### **3. Commercial District.**

- A.** No sign shall be placed within 20 feet of a Residential District Zone boundary line.
- B.** No free-standing business or advertising sign shall be located within 15 feet of any roadway, street or highway; within 10 feet of any driveway, or within 25 feet of the intersection of two streets or roads.
- C.** No sign structure or any part thereof, except of provided in Section 6.07(A)(1)(i) and 6.07(A)(1)(iii) shall be in any public right-of-way. iv. The maximum allowable gross area of a sign, in square feet shall not exceed three times the lineal frontage of the lot upon which the sign is located;

however, under no circumstances, shall a sign exceed 250 square feet in area.

- D.** Ground mounted on premises signs shall be erected not less than 1-1/2 times the setback from the centerline of the street and not attached sign shall be higher than four feet above the top of the roof line or in any case exceed the maximum height limitation of the district.
- E.** When any sign is illuminated, the light shall be shaded or concealed so that it will not interfere with the vision of motor vehicle operators or shine directly upon any residential property located in a residential district.
- F.** Rotating, moving or flashing signs are prohibited.
- G.** Ground mounted on premise signs shall be spaced no closer than 300 feet from any other ground mounted sign whether such sign is located on the same premises, except that:
  - (1)** When a property has frontage of less than 300 feet, one sign shall be permitted for each individual property ownership, and
  - (2)** On corner lots a ground mounted sign may be located along each street provided that all other signs regulations are followed.
- H.** All signs shall be mounted in one of the following manners:
  - (1)** Back to back;
  - (2)** Flat against a building or wall;
- I.** Otherwise mounted so that the backs of all signs or sign structures shall be painted and maintained in a neutral color or a color that blends with the surrounding environment.

## **SECTION 7. MANUFACTURED HOUSING AND MOBILE HOMES**

### **7.01 MANUFACTURED HOUSING**

- A.** It shall be lawful to locate and occupy a manufactured home on any lot or parcel of land where a single-family dwelling may be constructed on site, provided such lot or parcel is owned by the owner of the manufactured home. All zoning, building and sanitary ordinances and regulations which apply to on-site constructed single family residential buildings shall apply to manufactured homes, except to the extent such regulations may conflict with controlling state or federal law.
- B.** Manufactured homes shall be established on permanent foundation, in accordance SPS 321.40, Wisconsin Administrative Code, shall be permanently connected to utility connections, and shall have perimeter skirting which extends to ground level or below around the entire home. Any manufactured houses that are so established and connected under this paragraph shall have its tow hitch, wheels or traveling carriage, if any, removed, and it shall be affixed to the permanent foundation in the same manner as an on-site built residential house.

- C. A manufactured housing unit which does not comply with the foundation, utility, and other applicable zoning and building requirements imposed by this and other applicable town, county and state ordinances and regulations shall be deemed, for the purposes of the Town of Rock Zoning Ordinance, a "mobile home" and shall be subject to the restrictions and limitations applicable to mobile homes, as set forth in this Section 7.02, below.

## **7.02 MOBILE HOMES**

- A. A mobile home is considered and shall be permitted as a dwelling.

## **SECTION 8. ADMINISTRATION AND ENFORCEMENT**

### **8.01 ORGANIZATION**

The Administration of this Ordinance is hereby bested in four offices of the Town as follows:

- A. Zoning Administrator**
- B. Planning Commission**
- C. Board of Appeals**
- D. Town Board**

### **8.02 TOWN ZONING ADMINISTRATOR**

- A. APPOINTMENT:** The Town of Rock Board shall appoint a Zoning Administrator for the administration and enforcement of the provisions of this Ordinance. Compensation for the Zoning Administrator to be the responsibility of the town.
- B. DUTIES:** In administering and enforcing this Ordinance, the Zoning Administrator and any of his deputies shall perform the following duties:
1. Provide necessary forms for applications for use permits.
  2. Issue land use permits and conditional use permits where the provisions of this Ordinance have been complied with.
  3. Survey the town, upon adoption of this Ordinance and, when necessary, upon the passage of amendments, identify and record information relative to nonconforming uses and structures.
  4. Maintain files of applications, permits and other relevant information.
  5. Maintain an Official District Map of the Town of Rock and update it upon zoning changes.
- C. POWERS:** The Zoning Administrator and his duly appointed deputies shall have the powers and authority including but not limited to the following:
1. At any reasonable time, and for any proper purpose, to enter upon any public or private property and make inspection thereof.
  2. Upon reasonable cause of question as to proper compliance, to revoke any land use permit and issue cease and desist orders requiring the cessation of any

building, moving, alteration or use which is in violation of the provisions of this Ordinance.

### **8.03 PLAN COMMISSION**

**A. APPOINTMENT.** A Plan Commission is hereby created pursuant to § 62.23(1), Wis. Stats. The Plan Commission shall be organized as required under § 62.23(1), Wis. Stats.

1. The Plan Commission shall consist of five (5) members plus one alternate, appointed by the Town Chairman, subject to confirmation by the Town Board. No more than one member of the Town Board shall be a member of the Plan Commission. The Town Chairman shall appoint one of the members to Chair the Board. The Plan Commission shall elect one of its members as Vice-Chair and one member as Secretary. Members can be removed by majority vote of the Town Board.
2. Members of the Plan Commission shall all reside within the Town of Rock. Terms shall be staggered for three-year periods. Of those first appointed, one shall serve for one (1) year, two for two (2) years and two for three (3) years. Successors shall be appointed in a like manner at the expiration of each term and their term shall be three (3) years in all cases. Vacancies shall be filled for the unexpired terms of members whose terms shall become vacant. The members shall receive such compensation as determined by the Town Board. Members of the Plan Commission shall be removable by the Town Board for cause upon written charges and after public hearing before the Town Board.

**B. POWERS.** The Plan Commission shall have the duties, powers and authority delegated to such bodies in § 62.23, Wis. Stats., and in the Town Code.

1. To review requests, conduct public hearings and make recommendations for amendments to this zoning ordinance and official zoning map and forward such recommendation to the Town Board.
2. To conduct public hearings in response to conditional use petitions and recommend approval, modification, or denial of the petition to the Town Board together with a list of conditions to be met by the petitioner.
3. To interpret the provisions of this Ordinance in such a manner as to carry out the intent and purpose of the plan as shown on the district map accompanying and made a part of this Ordinance, where the street layout actually on the ground varies from the street layout on the district map.
4. At the direction of the Town Board, to develop a Town Comprehensive Plan and the associated zoning and subdivision ordinances which aid compatibility with and implementation of the Towns development goals and objectives, as laid out in the Town of Rock Comprehensive Plan.

**C. RECORDS.** The Zoning Administrator shall draft and maintain records of all actions of the Plan Commission as approved by the secretary of the body.

## **D. HEARING PROCEDURE**

1. The Planning Commission will conduct the public hearings for conditional use permits, zoning ordinance amendments, and zoning map amendments.

### **2. NOTICE OF HEARINGS**

- A.** Notice of the time and place for hearings for zoning amendments or modifications and conditional use requests before the Plan Commission shall be published as a Class 2 Notice, under Ch. 985, Wis. Stats., and at least 10 days' prior written notice shall be given to the clerk of any municipality whose boundaries are within 1,000 feet of any lands included in the hearing application. The Zoning Administrator shall also mail a copy of the notice to all parties of interest and to the owners of other properties located within 200 feet of the land in the application. Failure to mail said notice or failure to meet the time requirements herein, provided it is unintentional, shall not invalidate proceedings under this section.

- 3. EVIDENCE.** The applicant may appear in person or be represented by his agent or attorney. In the absence of an appearance for or against an application, the application may be denied.

### **4. CONDITIONAL USE PERMITS**

- A. DECISION** Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operation control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or parking requirements may be required upon the finding that these are necessary to fulfill the purpose and intent of this Ordinance. A permit shall be valid only as long as the conditions upon which it is granted are observed.

- (1)** The final disposition shall be in written form stating the reasons for the determination with findings of fact, signed by the Chairperson and the Secretary and a copy of the decision shall be sent to the applicant, Zoning Administrator and Town Board within 30 days of the hearing.
- (2)** When all applications cannot be disposed of on the day set, the hearing may be adjourned from day to day and such adjourned day shall be construed as a continuance of the hearing.
- (3)** No member shall participate in the decision of or vote upon any case in which the member is financially interested, directly or indirectly, but the Chairperson shall direct an alternate member to act instead. Disqualification of a member for interest shall not decrease the number of votes required for acting upon any matter, but such member may be counted in determining whether a quorum is present for the transaction of business.

- (4) Any subsequent substantial change or addition to the plans or uses shall be submitted for approval and if such change or addition constitutes a substantial alteration of the original plan, a notice of public hearing as for the original petition shall be scheduled.

## **5. AMENDMENTS**

- A. AUTHORITY.** The regulations imposed and the zoning districts created under authority of this Ordinance may be amended from time to time in accordance with Section 60.61, Wisconsin Statutes. An amendment shall be granted or denied by the Town Board only after a public hearing before the Town Plan Commission, and a report of its findings and recommendations has been submitted to the Town Board.
- B. INITIATION.** A petition for change or amendment may be made by any property owner in the area to be affected by the change or amendment, by any member of the Town Board, or by the Plan Commission.
- C. PETITIONS.** Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Zoning Administrator and shall describe the premises to be rezoned (including legal descriptions) or the regulations to be amended, list the reasons justifying the petition, specify the proposed use and list the owner's names and addresses of all properties lying within five hundred (500) feet of the area proposed to be rezoned. The petitioner will provide additional information as may be required by the Plan Commission or Town Board.
- D. PROCESSING.** A petition for amendment shall be filed with the Zoning Administrator. Such petition shall be forwarded from the Zoning Administrator to the Town Board with a request to hold a public hearing in accordance with Section 60.61, Wisconsin Statutes.
- E. RECOMMENDATIONS.** The Plan Commission shall review all such proposed changes or amendments and shall recommend that the petition be granted as requested, modified or denied. Recommendation shall be made in a written statement to the Rock Town Board.
- F. PUBLIC HEARINGS.** Notice of any public hearing which the Plan Commission is required to hold under the terms of this Ordinance shall specify the date, time and place of hearing and the matters to come before the Board of Appeals at such hearing and notice shall be given in each of the following ways:
- (1) By publication in the official newspaper(s) of the Town at least once, not less than ten (10) days prior to the date of such hearing.
  - (2) By certified mail to the parties having a legal interest in any of the matters to come before the Board of Appeals at such hearing.

**G. TOWN BOARD ACTION.** The Town Board, after receiving the recommendation of the Plan Commission, and without further public hearing, may grant or deny any proposed amendment in accordance with applicable Statutes of the State of Wisconsin, or it may refer it back to the Plan Commission for further consideration.

**H. EFFECTIVE DATE OF AMENDMENT AND THE ORDINANCE.** The amended ordinance shall be mailed by the Zoning Administrator to the Town Clerk as provided by Section 60.61 of the Wisconsin Statutes and shall become effective unless disapproved within forty (40) days by the Town Board as provided in Section 60.61 of the Wisconsin Statutes.

## **8.04 BOARD OF APPEALS**

### **A. ESTABLISHMENT**

There is hereby established a Board of Appeals for the Town of Rock for the purpose of hearing appeals and granting variances from the provisions of this Ordinance in harmony with the general purpose and intent of this Ordinance.

### **B. APPOINTMENT**

1. The Board of Appeals shall consist of five (5) members appointed by the Chairman of the Town Board and confirmed by the Town Board. No more than one Town supervisor shall be a member of the Board.
2. The members of the Board of Appeals shall all reside within the Town of Rock. Terms shall be staggered for three-year periods. Successors shall be appointed in a like manner at the expiration of each term and their term shall be three (3) years in all cases. An alternate member may be appointed by the Town Chairman for a term of three (3) years and shall act only when a regular member is absent or refuses to vote because of interest. Vacancies shall be filled for the unexpired term in the same manner as appointment for a full term. Members of the Board of Appeals shall be removable by the Town Board for cause upon written charges and after public hearing before the Town Board.
3. The Chairman of the Board of Appeals shall be designated by the Town Chairman.
4. All members of the Board of Appeals shall receive such compensation as shall be determined by the Town Board.

### **C. POWERS**

1. The Board of Appeals shall have the duties, powers and authority delegated to such bodies in § 62.23(7)(e), Wis. Stats., and in this Ordinance.

### **D. HEARING PROCEDURE**

1. The Board of Appeals will conduct the public hearings for appeals and variances.

### **2. NOTICE OF HEARINGS**

**A.** Notice of the time and place for hearings of an appeal or other matter referred to the Board of Appeals shall be made by a Class 2 notice and by posting the same in at least three public places in the Town. The Zoning Administrator shall also mail a copy of the notice to all parties of interest and to the owners of other properties located within 200 feet of the land included in the application. Said posting and mailing shall be at least 10 days prior to the date of hearing.

**3. EVIDENCE.** The applicant may appear in person or be represented by his agent or attorney. In the absence of an appearance for or against an application, the application may be denied.

#### **4. ADMINISTRATIVE APPEALS**

**A.** Appeals to the Board of Appeals may be taken by any person aggrieved or by an officer, department, or board of the Town affected by any decision of the administrative officer. Such appeal shall be taken within reasonable thirty (30) days of the alleged grievance or judgment in question by filing with the officer from whom the appeal is taken and with the Board of Appeals a notice of appeal specifying the grounds thereof, together with payment of a filing fee as may be established by the Town Board. The officer(s) from whom the appeal is taken shall forthwith transmit to the Board of Appeals all papers constituting the record of appeals upon which the action appeals from was taken.

**B. HEARING APPEALS.** The Board of Appeals shall fix a reasonable time for the hearing of the appeal and publish a Class 2 public notice thereof, pursuant to Chapter 985, Wis. Stats., as well as give due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

#### **5. VARIANCES**

The law governing variances is an amalgam of statutes, case law and local ordinance. The standards set for herein are based on the governing standards existing at the time of adoption. It is the intent of the Town of Rock, however, to apply the governing standards applicable at the time of the consideration of the requested variance.

**A.** Application for a variance shall be submitted to the Zoning Administrator on the prescribed form.

**B.** The Board of Appeals may authorize, in specific cases, such variance from the terms of this Ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship and so that the spirit of zoning shall be observed and substantial justice done. Variances are permitted in the Town of Rock and allow for an exception to a dimensional



restriction for area, density, height, frontage, or setback for a use that is permitted in the applicable zoning district.

- C.** A variance may not be granted unless the following conditions have been proven by the applicant:
  - (1)** A literal enforcement of the zoning requirement will result in unnecessary hardship.
    - (a)** The hardship cannot be self-created.
    - (b)** For determining whether to grant an area variance, the term unnecessary hardship shall be interpreted according to the following standard: whether compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.
  - (2)** The hardship is based on a physical limitation unique to the property and not shared by other properties, as distinguished from a mere inconvenience.
  - (3)** The variance will not harm public interests.
- D.** A property owner is not entitled to a variance simply to increase the value of the property or for economic gain.
- E.** A variance will not be granted if it would impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets or increase the danger of fire, or endanger the public safety, or possess the likelihood to diminish or impair property values within the neighborhood.
- F. Conditions and Guarantees.** The Board of Appeals may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards established in this Ordinance.
- G.** In determining whether to grant or deny a requested variance, the Board of Appeals shall prepare written finding of fact setting forth the criteria it considered in reaching its decision and what facts it considered in relation to the criteria.

## **6. DECISION.**

- A.** The final disposition shall be in written form stating the reasons for the determination with findings of fact, signed by the Chairperson and the Secretary and a copy of the decision shall be sent to the applicant, Zoning Administrator and Town Board within 30 days of the hearing.

- B.** When all applications cannot be disposed of on the day set, the hearing may be adjourned from day to day and such adjourned day shall be construed as a continuance of the hearing.
- C.** No member shall participate in the decision of or vote upon any case in which the member is financially interested, directly or indirectly, but the Chairperson shall direct an alternate member to act instead. Disqualification of a member for interest shall not decrease the number of votes required for acting upon any matter, but such member may be counted in determining whether a quorum is present for the transaction of business.
- D.** Any subsequent substantial change or addition to the plans or uses shall be submitted for approval and if such change or addition constitutes a substantial alteration of the original plan, a notice of public hearing as for the original petition shall be scheduled.

#### **E. RULES, MEETINGS, MINUTES**

- 1.** The Town Board shall adopt rules of procedure in accordance with the provisions of this Ordinance.
- 2.** Meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as the Board of Appeals may determine. Such Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public.
- 3.** The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

#### **F. CONCURRING VOTE**

The concurring vote of the board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such Ordinance, or to affect any variation in such Ordinance. The grounds of every such determination shall be stated.

#### **G. COURT REVIEW**

Any person or persons, jointly or severally aggrieved by any decision of the Board of Appeals, or any taxpayer, or any officer, department, board, or bureau of the Town of Rock, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision of the Board of Appeals.

#### **H. CERTIORARI**

Upon the presentation of such petition, the court may allow a writ of certiorari directed to the Board of Appeals to review such decision of the Board of Appeals and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than ten (10) days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board, and on due cause shown, grant a restraining order.

#### **I. RETURN TO WRIT**

The Board of Appeals shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

#### **J. COURT DECISION**

If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence, or appoint a referee to take such evidence as it may direct and to report the same to the court with his findings of fact and conclusion of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify, the decision brought up for review.

#### **K. COSTS**

Costs shall not be allowed against the Board unless it shall appear to the court that the Board acted with gross negligence or in bad faith, or with malice, in making the decision appealed from. All issues in any proceeding under this section shall have preference over all civil action and proceedings.

### **8.05 TOWN BOARD**

**A. Legal status.** The Town of Rock is a body corporate and politic, with those powers granted by law. The Town shall be designated in all actions and proceedings by its name, the Town of Rock.

**B. Village powers.** The Town Meeting having, by resolution, directed the Town Board to exercise all powers relating to villages and conferred on village boards by Chapter 61, Wis. Stats., the Town shall have said powers through its Board. This is a continuing grant of powers.

#### **C. Membership.**

1. The Town Board consists of five Supervisors of the Town of Rock, one of whom is the Chairperson.
2. Three supervisors constitute a quorum of a five member Town Board.

**D. Meetings of Town Board.** Regular meetings of the Town Board shall be as scheduled and noticed by the Town Board. All meetings of the Town Board shall be held at the Municipal Building of the Town of Rock unless specified otherwise in the minutes of the preceding meeting or by written notice posted at the regular meeting place at least three hours prior to any meeting. Pursuant to § 60.24(1)(a), Wis. Stats., the presiding officer at meetings of the Town Board is the Town Chairperson. If the Town Chairperson is not present at the time for the call to order, the senior member of the Town Board present, based on date of original election as a member of the Town Board, shall call the meeting of the Town Board to order, and call the initial roll call. The Town Board shall then, by motion, elect an acting Town Chair for the meeting.

**E. Order of business.**

1. At all meetings, the following order may be observed in conducting the business of the Town Board:

- (1) Call to order by presiding officer;
- (2) Roll call;
- (3) Reading and correcting the financial report and the minutes of the last preceding meeting or meetings;
- (4) Presentation of petitions, memorials, remonstrances, and communications;
- (5) Reports from officials of the Town;
- (6) Reports from committees;
- (7) Unfinished business remaining from preceding sessions in the order in which it was introduced;
- (8) New business; ordinances and resolutions may be introduced and considered;
- (9) Business may be presented by the Chairperson and Supervisors;
- (10) Establish next agenda.
- (11) Adjournment.

2. **Agenda preparation.** The Town Administrator shall provide oversight to the Town Clerk/Treasurer in the preparation of an agenda incorporating the matters comprising the order of business, with final approval of the agenda by the Town Chairperson.

3. No business shall be taken out of order unless by majority consent of all Supervisors and in the absence of any debate whatsoever. The Chairperson or presiding officer may impose a time limit on the length of time citizens may address the Town Board.

4. As soon as the Town Board meeting is called to order roll call shall be taken, noting who are present and who are absent, and the same shall be recorded in the proceedings of the Board. If it shall appear that there is not a quorum present, the fact shall be entered on the journal and the Town Board shall adjourn.

**F. Introduction of business, resolutions, and ordinances; disposition of communications.**

1. Ordinances, including amendments to existing ordinances, shall be adopted pursuant to §§ 60.80 and 66.0103, Wis. Stats., and as provided for in Subsection B herein.
2. The procedure for adoption of an ordinance or an amendment to an existing ordinance shall be as follows:
  - A. An ordinance or amendment may be submitted to the Town Clerk/Treasurer by any Town Board member, or department head.
  - B. Proposed ordinances or amendments shall either be drafted by a person appointed by the Town Board for review prior to submission to the Town Clerk/Treasurer. To ensure this requirement is met, the Town Clerk/Treasurer shall forward all submitted ordinances and amendments to the Town Board.
  - C. Upon receipt of the proposed ordinance or amendment, the Town Clerk/Treasurer shall provide a copy of the same to each Town Board member. The Town Clerk/Treasurer shall further consult with the Town Chairperson about placement of the proposal on the agenda for a future Town Board meeting.
  - D. Upon being placed on the agenda, a proposed ordinance or amendment shall be considered and acted upon according to the standards and procedures outlined in this section.
  - E. If approved by the Town Board, an ordinance, amendment to an existing ordinance or resolution shall become effective as set forth in § 8.05 I herein.
3. Every petition or other writing of any kind, addressed to the Town Board, Clerk/Treasurer, or other Town officer/employee for reference to the Town Board, shall be delivered to the Chairperson as soon as convenient after receipt of same and, in any event, prior to or at the opening of the next meeting of the Town Board following the receipt of same.

**G. Conduct of deliberations.**

1. A roll call shall not be necessary on any questions or motions except as follows:
  - A. When the ayes and nays are requested by any member.
  - B. When required by the Wisconsin Statutes or this Town Code.
2. All aye and nay votes, when taken, shall be recorded in the official minutes.
3. The Town Board shall, determine the rules of its procedure, which shall be governed by Robert's Rules of Order, which is hereby incorporated by reference,

unless otherwise provided by state statute and except when otherwise limited or modified by the Town Code.

- A.** No person other than a member shall address the Town Board except under public comment time, if any. Provided, however, citizens may address the Town Board with the permission of the presiding officer as to matters, which are being considered by the Board at the time.
- B.** No motion shall be discussed or acted upon unless and until it has been seconded. No motion shall be withdrawn or amended without the consent of the person making the same and the person seconding it.

#### **H. Procedure at public hearings.**

1. The Chairperson shall call on those persons who wish to speak for the proposition. Each person wishing to speak for the proposition shall give his or her name and address.
2. Each person speaking on behalf of the proposition shall be limited in time to be determined by the chair.
3. The Chairperson shall then call on those persons who wish to oppose the proposition. Each person wishing to speak in opposition to the proposition shall give his or her name and address.
4. Each such person wishing to speak in opposition to the proposition shall be limited to a time limit determined by the chair.
5. Any person wishing to speak in rebuttal to any statements made may do so, with the permission of the Chairperson.
6. When the Chairperson, in his or her discretion, is satisfied that the proposition has been heard, he or she shall entertain a motion from the Town Board to close the public hearing.

#### **I. Publication or posting of ordinances and resolutions.**

1. An ordinance or amendment shall take effect as follows:
  - A.** If the ordinance or amendment does not impose forfeiture, it may either be posted in three public places or published pursuant to § 60.80(1), Wis. Stats. After posting, the Town Clerk/Treasurer shall complete and file an affidavit of posting as required in § 60.80(4), Wis. Stats.
  - B.** If the ordinance or amendment imposes forfeiture, it shall be published as a Class 1 notice pursuant to § 60.80(1) and (2), Wis. Stats. In lieu of publication of the ordinance or amendment in its entirety, a summary may be published pursuant to § 60.80(1) and (5), Wis. Stats.
  - C.** Unless a later date is set forth therein, the ordinance or amendment shall take effect the day after it is posted or published. An ordinance or amendment, after publication or posting, shall be inserted into the Town Codes.

2. All resolutions shall be posted and shall take effect the day after posting unless a different date is stated in the resolution. The Town Clerk/Treasurer shall sign an affidavit attesting that the item was posted as required by this section and stating the date and place of posting. The affidavit shall be filed with other records under the jurisdiction of the Town Clerk/Treasurer.

#### **J. Suspension of rules.**

Any of the provisions of §8.05 E through §8.05 F, inclusive, of this Ordinance may be suspended temporarily by a majority of the Town Board members present at any meeting.

#### **K. Communications.**

1. Consistent with the spirit and intent of Wisconsin's open meetings law (§ 19.85, Wis. Stats.), each member of the Town Board and the members of all other Town bodies (hereinafter, "member"), including, without limitation, the Plan Commission, and Board of Appeals shall refrain from engaging in communication, regardless of form, that would involve, directly or indirectly, a quorum of the membership of such body.
2. **Other Communications.** The policies and standards set forth in Subsection A herein shall be applied to all other forms of communications, as applicable, outside of a duly noticed meeting of a body.

### **8.06 RECONSIDERATION**

- A. Resubmission.** No application which has been dismissed or denied shall be considered again without material alteration or revision within one year of the decision, except on the grounds that substantial new evidence or proof of change to comply with the applicable conditions is included in the resubmitted application.
- B. Rehearing.** No rehearing shall be held except upon the affirmative vote of four or more members upon finding that substantial new evidence is submitted which could not reasonably have been presented at the previous hearing. Requests for rehearing shall be in writing, shall state the reasons for the request and shall be accompanied by necessary data and diagrams. Rehearings shall be subject to the same notice requirements as original hearings.

### **8.07 REVOCATION**

Upon written complaint by any citizen or official, the Zoning Administrator shall determine if the complaint indicates a reasonable probability that a condition of approval or other requirement imposed hereunder is in violation of this Ordinance. Upon reaching a positive initial determination, a stop order shall be issued, and a hearing shall be held upon notice as provided in this section. Any person may appear at such hearing and testify in person or be represented by an agent or attorney. To bring the subject use into compliance with the standards set forth in this section or conditions previously imposed, existing conditions may be modified or additional reasonable conditions imposed. If no reasonable modification can be

made an order may be given to revoke the subject approval and direct the Zoning Administrator and Town Board to seek elimination of the subject use.

## **8.08 FEES**

The fee schedule shall remain separate from this Ordinance. Fees shall be nonrefundable unless an application is withdrawn prior to consideration by applicable Board, Committee or Commission, after a written request is received by the applicant. No refund shall be given after commencement of work, after 180 days of submission of initial application, or after the end of the calendar year in which an application is submitted. Refund amount shall be calculated as the amount paid; fewer actual costs incurred by the Town.

## **8.09 VIOLATIONS AND PENALTIES**

It shall be unlawful to use or improve any structure or land, or to use water or air in violation of any of the provisions of this ordinance. In case of any violation, the Town Board, the Zoning Administrator, or any property owner who would be specifically damaged by such violation may cause appropriate action or proceeding to be instituted to enjoin a violation of this Ordinance or cause a structure to be vacated or removed.

### **A. GENERAL PENALTY**

1. In concurrence with Town of Rock Ordinance 2021-11, except where a penalty is provided elsewhere in the Town Code, any person who shall violate any of the provisions of the Town Code shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:
  - A. First offense penalty.** Any person who shall violate any provision of the Town Code shall, upon conviction thereof, forfeit a deposit of not less than \$25 nor more than \$500, together with all applicable costs and fees.
  - B. Second offense penalty.** Any person who shall violate any provision of the Town Code as a second or subsequent offense shall, upon conviction thereof, forfeit a deposit of not less than \$25 nor more than \$1,000, together with all applicable costs and fees.
2. **Continued violations.** Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in the Town Code shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of the Town Code.
3. **Other remedies.** The Town shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution above. The Town may bring an action in the Circuit Court for Wood County, Wisconsin, for the abatement of the offense and an injunction prohibiting continued and/or future use of the premises, property, etc. in a manner, which would violate the requirements of the ordinance.