

Town of Rock Zoning Ordinance

Table of Contents

SECTION 1. INTRODUCTION	4
1.01 AUTHORITY	4
1.02 PURPOSE.....	4
1.03 INTENT.....	4
1.04 ABROGATION AND GREATER RESTRICTION.	4
1.05 INTERPRETATION.....	4
1.06 COMPREHENSIVE PLAN.....	4
1.07 SEVERABILITY.....	4
1.08 REPEAL.....	4
1.09 APPENDIX.....	5
1.10 EFFECTIVE DATE.....	5
1.11 ZONING PERMIT CONDITIONS STILL APPLICABLE.....	5
SECTION 2. DEFINITIONS.....	5
SECTION 3. GENERAL PROVISIONS	14
3.01 COMPLIANCE.....	14
3.02 PARCELS.....	14
3.03 USES PERMITTED IN ANY DISTRICT.....	14
3.04 HOME OCCUPATIONS.....	15
3.05 USE RESTRICTIONS.....	15
3.06 VISUAL CLEARANCE	17
3.07 SETBACK.....	19
3.08 HEIGHT RESTRICTION EXEMPTIONS.....	19
3.09 AIRPORT REGULATIONS.....	19
3.10 AREA REGULATIONS.....	19
3.11 NONCONFORMING USES.....	20
3.12 NONCONFORMING USE OF STRUCTURE OR LAND: DISCONTINUANCE.....	20
3.13 CHANGES OF NONCONFORMING USE OF STRUCTURE OR LAND	20
3.14 NONCONFORMING STRUCTURES.....	20
SECTION 4 ZONING DISTRICTS AND ZONING MAP	20
4.01 ZONING DISTRICTS.....	20
4.02 OFFICIAL ZONING MAP.....	21

4.03	DISTRICT BOUNDARIES.....	21
4.04	RURAL RESIDENCE DISTRICT (R-1)	21
4.05	RESIDENTIAL DISTRICT (R-2).....	23
4.06	AGRICULTURAL DISTRICT (A).....	25
4.07	COMMERCIAL DISTRICT (C).....	32
4.08	SPECIAL PURPOSE OVERLAY DISTRICTS.	34
SECTION 5 SIGNS		36
5.01	SIGNS.....	36
5.02	OFF PREMISES SIGN PERMIT REQUIRED	36
5.03	SIGN PERMIT FEE AND NUMBER	37
5.04	GENERAL SIGN PROVISIONS.....	37
SECTION 6 MANUFACTURED HOUSING AND MOBILE HOMES		37
6.01	MANUFACTURED HOUSING.....	37
6.02	MOBILE HOMES.....	38
SECTION 7 ADMINISTRATION AND ENFORCEMENT		38
7.01	PURPOSE.....	38
7.02	ORGANIZATION	38
7.03	ZONING APPROVALS.....	41
7.04	VARIANCES.....	44
7.05	ADMINISTRATIVE APPEALS.	45
7.06	AMENDMENT OF ZONING REGULATIONS.....	46
7.07	CONDITIONAL USES.....	47
7.08	FEES AND COST REIMBURSEMENT.	49
7.09	VIOLATIONS AND PENALTIES.	49

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.

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. 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 zoning ordinance is intended to support and implement the goals, objectives, policies, and recommendations set forth in the Comprehensive Plan. Any revisions to this ordinance shall be consistent with the Town's 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. This

Ordinance shall not repeal, abrogate or impair any existing deed restrictions, however, where this Zoning Ordinance imposes greater restrictions, the provisions of this Zoning Ordinance shall prevail.

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 and approval by the Wood County Board of Supervisors, publication as provided by law and filed with Wood County.

1.11 ZONING PERMIT CONDITIONS STILL APPLICABLE.

Any permits, including conditional use permits, granted under the Town of Rock's previous zoning ordinance, adopted on August 11, 2016, shall continue and are preserved under this Ordinance, and the terms and conditions of any prior approvals shall remain in full force in effect regardless of whether the use has become a permitted, conditional, or prohibited use under this Ordinance.

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. **ADULT DAY CARE CENTER.** An entity that provides services for part of a day in a group setting to adults who need an enriched health, supportive or social experience, and who may need assistance with activities of daily living, supervision, or protection.
3. **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.
4. **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.
5. **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.

6. **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.
7. **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.
8. **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.
9. **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.
10. **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.
11. **BASEMENT.** That portion of any structure located partly below the average adjoining lot grade.
12. **BOARD OF APPEALS.** 5 members appointed by the Town Board to act on variances and administrative appeals of zoning decisions.
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. CHILDCARE FACILITY. An entity that provides care and supervision for 4 or more children under the age of 18 for less than 24 hours a day.

20. 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).

21. 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.

22. 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.

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

24. DAYCARE. An entity that provides care and supervision for 3 or fewer children under the age of 18 for less than 24 hours a day.

25. 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.

- 26. 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.
- 27. 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.
- 28. 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.
- 29. 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.
- 30. 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.

- 31. 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.
- 32. 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.
- 33. 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.
- 34. 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.
- 35. GARAGE, PRIVATE.** An accessory building used or intended for use by the occupants of the premises for the storage of motor vehicles or trailers.
- 36. 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.
- 37. 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.
- 38. 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.
- 39. 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.
- 40. 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.

- 41. JUNK YARD.** For the purpose of this ordinance, "Junk Yard" shall have the same meaning as Salvage Yard.
- 42. KENNEL.** Any lot or premises on which three or more dogs, cats or other household pets are temporarily boarded, bred or sold.
- 43. LAUNDROMAT.** A business establishment where patrons wash, drying, dry clean or iron clothing and other fabrics with machines operated by the patron.
- 44. LIVESTOCK.** Bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish.
- 45. 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.
- 46. 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 Zoning 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.
- 47. 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 comply with the provisions of Section SPS 321.40, 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.

- 48. 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.
- 49. 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.
- 50. 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.
- 51. 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.
- 52. 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.
- 53. MOTEL.** A series of attached, semi-attached, or detached sleeping units for the accommodation of transient guests.
- 54. 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.
- 55. 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.
- 56. 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.
- 57. 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.

- 58. 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.
- 59. 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.
- 60. 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.
- 61. 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.
- 62. ROADSIDE STAND.** A temporary structure, unenclosed and so designed and constructed that the structure is easily portable and can be readily moved.
- 63. 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.
- 64. 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.
- 65. 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.
- 66. 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.
- 67. 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 not be counted as a story when more than fifty (50) percent, by cubic content, is below the height level of the adjoining ground.
- 68. 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.

- 69. 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.
- 70. 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.
- 71. STRUCTURAL ALTERATION.** Any change in the component members of a building, such as walls, columns, beams, or girders.
- 72. TOWN BOARD.** The Town Board of Supervisors of the Town of Rock, Wood County, Wisconsin.
- 73. 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
- 74. 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.
- 75. 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.
- 76. WATERFRONT.** River, navigable streams, and lakes. Private ponds are excluded from waterfront regulations.
- 77. 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.

78. ZONING ADMINISTRATOR. A resident of the Town of Rock who is recommended by the Town Plan Commission and appointed by the Town Board to administer and enforce this Ordinance.

SECTION 3. GENERAL PROVISIONS

3.01 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.

A. Any 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-rapping or vegetative cover, ponds used for agriculture purposes or non-floating docks accessory to private dwellings.

3.02 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 all Wisconsin state building codes.

3.03 USES PERMITTED IN ANY DISTRICT.

A. The following uses are 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 are subject to building permit requirements) and electric power, gas, water, and sewer lines. Conditions of the Utility Permit Ordinance may apply.

3.04 HOME OCCUPATIONS.

The following requirements apply to all home occupations.

A. General Requirements.

No home occupation 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 related to the home occupation.
5. Involves other characteristics that are deemed by the Plan 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.

3.05 USE RESTRICTIONS.

The following use restrictions and regulations shall apply in all zoning districts:

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. An applicant must obtain a zoning and building permit for a house to guarantee the 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, otherwise the permit shall no longer be valid.

B. Accessory Uses:

1. Accessory uses and structures are allowed in any district. Residential accessory uses shall not involve the conducting 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. Accessory structures are permitted on a vacant parcel. All new structures or alterations to 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 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, temporary farm stands, 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 Plan Commission after review; provided that such uses are similar in character to the principal uses permitted in the district.

F. Household Pets

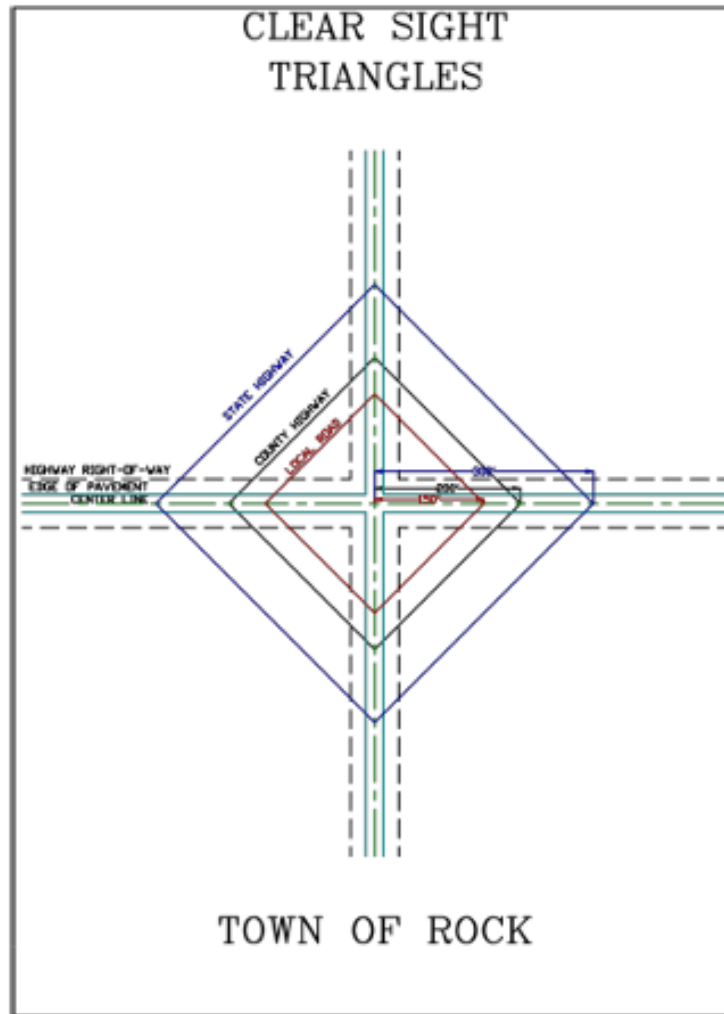
1. Dogs are limited to 6 per residence.

G. Domestic Animals

1. Outside of parcels zoned as Agricultural District, Livestock animals are prohibited except for 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 .5 acres. Four animal units per acre are allowed on parcels 3 or more acres.
 - c. Household Pets are allowed.

3.06 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.



<u>Type of Road</u>	<u>Triangle Side Distances</u>
State	300 ft.
County	200 ft.
Town	150 ft.

B. 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. The Town Board may, in its sole discretion, allow deviations from this requirement if the structure does not substantially obstruct 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.

3.07 SETBACK.

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

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

3.08 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.

3.09 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.

3.10 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 if the use or structure complies with all other zoning requirements.
- C. **Lot Divisions:** No improved lot shall hereinafter be divided into two or more lots unless the new lots conform to all applicable regulations of the zone in which the property is located.

3.11 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 3.12 and 3.13.
- D. Modification of nonconforming use.** Buildings for nonconforming uses shall not be extended. The total structural repairs or alterations in such a nonconforming building, premises, structure, or fixture shall not during its life exceed 50 percent of the assessed value of the building, premises, structure, or fixture unless permanently changed to a conforming use.

3.12 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.

3.13 CHANGES OF NONCONFORMING USE OF STRUCTURE OR LAND

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

3.14 NONCONFORMING STRUCTURES.

Nothing in this Ordinance prohibits, or limits based on cost, the repair, maintenance, renovation, or remodeling of a nonconforming structure.

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

1. Non-metallic Mining (NM)
2. 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 180 days per calendar year
4. Home occupation
5. In-home daycare
6. Play structure
7. Pond
8. Hobby farming, subject to the following limitations:
 - a. The parcel is a minimum of 3 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. Adult day care center

C. Lot, Building, and Other Requirements

1. Lot Requirements

- a. Road Frontage: minimum 33 feet
- b. Area: minimum 3 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. 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: four houses per mile per side of road (each mile is measured road to road, for example: Eagle Road to Falcon Road)

c. One house per parcel

(1) After housing density of four houses per mile is reached, additional residential structures are permitted if the following conditions are satisfied:

(a) The new residential dwelling will be located on a lot of at least 30 acres.

(b) There would be no more than six houses within a mile stretch of that side of street frontage as measured from road to road.

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.

A. 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 180 days per calendar year

5. Home occupation

6. In-home daycare

7. Play structure

8. (10) Chickens are permitted

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

10. Two unregistered vehicles are permitted in view of roadway

11. Hobby farming, subject to the following limitations:

- a.** The parcel is a minimum of 3 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

B. 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. Adult day care center

C. 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 75 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)
- 2. Animal and poultry husbandry
 - a. Not to exceed four animal units per acre and less than 1000 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 1000 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 1000 or more animal units, subject to requirements of Section 4.06(C)(5) of this ordinance.

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. Unless specified otherwise in this section 4.06, the following requirements apply.

1. Lot Requirements

a. Road Frontage: minimum 33 feet

b. Area: minimum 3 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. 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 or OHWM.

4. Other requirements

a. Building height

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

(2) Other buildings: no maximum

b. Residential structure density: four houses per mile per side of road (each mile is measured road to road, for example: Eagle Road to Falcon Road)

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

(a) Lot size: minimum 30 acres, maximum of six houses per mile on that side of the street, measured from road to road.

5. Conditional use requirements for new livestock facilities with 1000 or more animal units.

a. Setback requirements.

(1) Livestock structures

(a) Setback from property lines.

- i. Livestock structures must be located a minimum 200 feet from any property line if the livestock facility is greater than 1000 Animal units
- ii. 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.

(b) Setback from public road right-of-way

- i. Livestock structures must be located a minimum of 150 feet from the edge of the public road right-of-way for 1000 Animal Units
- ii. 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.

(2) Waste storage structures

(a) Setbacks from property lines.

- i. A new waste storage facility may not be located within 100 feet of feet from rear and side property lines.
- ii. New waste storage structures must be a minimum of 350 feet from an existing dwelling.
- iii. New, replacement or upgraded waste storage structures will require a Zoning permit from the Town Zoning Administrator. If part of the conditional use permit process is for new livestock operations, no additional permit will be required.
- iv. This setback requirement does not apply to existing waste storage structures, except that an existing waste storage structure within 100 feet of a property line may not expand toward that property line.

(b) Setbacks from public road right-of-way.

- i. A new waste storage structure may not be located within 110 feet from the nearest point of any public road right-of-way.

- ii. This setback requirement does not apply to existing waste storage structures, except that an existing waste storage structure within 110 feet of the nearest point of any public road right-of-way may not expand toward the public road right-of-way.

b. Procedure for obtaining conditional use permit.

- (1) A livestock operator must complete the application and worksheets prescribed by Wis. Admin. Code ATCP ch. 51, including any authorized local modifications. The application requirements specified in Wis. Admin. Code ATCP ch. 51, are hereby incorporated by reference, and the application form and worksheets establish compliance with the standards of Wis. Admin. Code ATCP ch. 51, and this Ordinance.
- (2) The operator must file four duplicate copies of the application form, including worksheets, maps, and documents (other than engineering design specifications) included in the application.
- (3) A non-refundable application fee shall accompany the application. Fees are established by the Town's fee schedule.
- (4) Application review procedure.
 - (a) Within 45 days after the Zoning Administrator receives an application, it shall notify the applicant whether the application is complete. If the application is not complete, the notice shall describe the additional information needed. Within 14 days after the applicant provides all of the required information, the Zoning Administrator shall notify the applicant that the application is complete. This notice does not constitute an approval of the proposed livestock facility.
 - (b) Within 14 days after the Zoning Administrator notifies the applicant that the application is complete, the Zoning Administrator shall notify adjacent landowners of the application. The Zoning Administrator shall use the approved notice form in Wis. Admin. Code ATCP ch. 51 and mail a written notice to each adjacent landowner.
 - (c) The Zoning Administrator shall transmit the application to the Plan Commission within 14 days after the Zoning Administrator notifies the applicant that the application is complete. Subject to 7.07, the Plan Commission shall provide a written recommendation to the Town Board within 10 days after it receives the application from the Zoning Administrator.
 - (d) The Town Board shall grant or deny the application within 90 days after the Zoning Administrator gives notice to the applicant that the application is complete. The Town Board may extend the above time limit for good cause, including any of the following:

- i. The Town Board needs additional information to act on the application.
- ii. The applicant modifies the application or agrees to an extension.

The Town Board shall give written notice of any extension. The notice shall specify the reason for the extension, and the extended deadline date by which the Town Board will act on the application.

- (e) The Town Board shall schedule a public hearing on the application within 90 days after the Zoning Administrator notifies the applicant that the application is complete.

(5) The standards for issuing a permit are:

- (a) The state livestock facility siting standards adopted under Wis. Admin. Code ch. ATCP 51, which are incorporated in this Zoning Ordinance by reference.

- (b) Setbacks authorized by this ordinance.

(6) Criteria for issuance of a permit.

- (a) A permit shall issue if the application for the proposed livestock facility contains sufficient credible information to show, in the absence of clear and convincing evidence to the contrary, that the proposed livestock facility meets the standards specified in this ordinance.

(b) A permit may be denied if any of the following apply:

- i. The application, on its face, fails to meet the standard for approval.
- ii. The Town finds, based on other clear and convincing information in the record, that the proposed livestock facility does not comply with the standards in this ordinance.
- iii. Other grounds authorized by Wis. Stat. § 93.30, that warrant disapproving the proposed livestock facility.

- (c) The Town shall not impose conditions on the permit other than the standards provided in this Ordinance.

(7) Appeals. In addition to appeals to the Board of Appeals, the appeal procedure contained in Wis. Stat. § 93.90(5), is hereby incorporated by reference.

c. Expiration of permit.

- (1) A permit granted under this section remains in effect regardless of the amount of time that elapses before the livestock operator exercises the authority granted under the permit, and regardless of whether the livestock operator exercises full authority granted by the approval.

- (2)** Paragraph (1) notwithstanding, the Town may treat a permit as lapsed and withdraw the permit if the permit holder fails to do all of the following within 2 years after the issuance of the permit:
- (a)** Begin populating the new livestock facility.
 - (b)** Begin constructing all of the new livestock housing or waste storage structures proposed in the permit application.
- d.** Permit modifications. The operator may make reasonable changes that maintain compliance with the standards in this Ordinance, and the Town shall not withhold authorization for those changes.
- e.** Terms of the permit. A permit granted under this section and the privileges granted by a permit issued is conditioned on the livestock operator's compliance with the standards in this Ordinance, and with the commitments made in the application for a permit. The Town may suspend a permit or seek other redress provided in this Zoning Ordinance for non-compliance.
- f.** Transferability of permit.
- (1)** A permit granted under this section and the privileges granted by a permit issued run with the land, and remain in effect, despite a change in ownership of the livestock facility, as long as the new operator does not violate the terms of the Town's approval. An applicant may record with the Wood County Register of Deeds, at the applicant's expense, the duplicate copy of the approved application.
 - (2)** Upon a change of ownership of the livestock facility, the new owner of the facility shall file information with the Town Clerk providing pertinent information, including but not limited to, the name and address of the new owner and the date of transfer of ownership.
- g.** Compliance Monitoring. The Town shall monitor compliance with this Ordinance as follows:
- (1)** Upon notice to the livestock facility owner requesting the right of the Zoning Administrator to personally view the permitted facility at a reasonable time and date to insure that all commitments of the application as approved are being complied with.
 - (2)** If the livestock facility owner refuses the Zoning Administrator the right to view the permitted facility, the Zoning Administrator may request assistance of the Sheriff or deputy Sheriff to obtain an inspection warrant from the Wood County Circuit Court to inspect the permitted facility for the purpose of protection of the public health and safety.
 - (3)** If the permitted facility is found to not be in compliance with the commitments made in the approved application, the Zoning Administrator shall issue a written notice to the livestock facility owner

stating the conditions of non-compliance and directing that the commitments be complied with within a reasonable amount of time as stated in the notice.

(4) If non-compliance continues past the date provided in the notice, the Zoning Administrator may take further action as provided in this Zoning Ordinance, including, but not limited to, issuance of a citation or seeking injunctive relief.

(5) If the livestock facility operator disputes that the conditions of the permit have not been complied with, the livestock facility owner may request a hearing in writing within five days of receipt of the notice of non-compliance. The Town Board shall schedule a hearing within five days to determine if the conditions of the permit have been complied with.

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-1)
2. Hobby farming, subject to the following limitations:
 - a. The parcel is a minimum of 3 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 plan commission.

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.

D. Lot, Building, and Other Requirements

1. Lot Requirements

- a. Road Frontage: minimum 33 feet
- b. Area: minimum 3 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

2. 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: four houses per mile per side of road (each mile is measured road to road, for example: Eagle Road to Falcon Road)
 - (1) After housing density is reached, additional residential structures are permitted when:
 - (b) Lot size: minimum 30 acres, maximum of six houses per mile on that side of the street, measured from road to road.
 - (c) One house per parcel.

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. Permitted uses in the underlying zoning district shall remain permitted uses within the overlay district.

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 Chapter NR 135, Wisconsin Administrative Code.
- 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 mining operation 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 conditionally permitted in non-residential zoning districts where the Town Board has approved a non-metallic mining overlay district. In a non-metallic mining overlay district, non-metallic mining is a conditional use. The following requirements apply for a non-metallic mining conditional use.

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.
- (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 conditional use permit.
- (3) Hours of Operation.** In cases where noise, vibration, Vehicle traffic, lights, or other intrusions may disrupt surrounding property owners, the Plan 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 dust free conditions.

(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 are 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. No development is allowed within a primary conservation area.

SECTION 5 SIGNS

5.01 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.

5.02 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 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. A minimum 1000-foot sign interval shall be maintained along highways having a 55 mile-per-hour speed zone or greater.
- D. A minimum 500-foot sign interval shall be maintained along highways having less than a 55 mile-per-hour speed zone.
- E. 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.

5.03 SIGN PERMIT FEE AND NUMBER

- A. Sign permits shall be issued by the Zoning Administrator. The fee for each sign permit shall be set by the Town's fee schedule. 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 Plan Commission, kept in good repair and complies with the requirements of this Ordinance.

5.04 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 5. This section shall not apply to signs as permitted in Section 5.
 - 1. Except as otherwise provided in this section 5.05, 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. In residential or rural residential districts, no sign shall exceed 10 square feet.
 - 2. In no event shall any sign be so located as to obstruct the driver's vision of any oncoming vehicle at any intersection.
 - 3. All signs and sign structures shall be kept in repair and in proper state of preservation.
 - 4. No sign shall be located within Town right-of-way.

SECTION 6 MANUFACTURED HOUSING AND MOBILE HOMES

6.01 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 home 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.

6.02 MOBILE HOMES

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

SECTION 7 ADMINISTRATION AND ENFORCEMENT

7.01 PURPOSE.

The purpose of this portion of the Zoning Ordinance is to establish the organization of relevant agencies under the Zoning Ordinance and provide for the procedural requirements for zoning text amendments, zoning map amendments, conditional use review and approval, site plan review and approval, certificates of occupancy, variances, zoning provision interpretations by the Zoning Administrator, and appeals of zoning provision interpretations to the Board of Appeals.

7.02 ORGANIZATION

A. TOWN ZONING ADMINISTRATOR

- 1. APPOINTMENT:** The Town Board shall appoint a Zoning Administrator for the administration and enforcement of the provisions of this Ordinance. When the position of Zoning Administrator is vacant, the Town Chairman shall serve as the Zoning Administrator.
- 2. DUTIES:** In administering and enforcing this Ordinance, the Zoning Administrator and any of his or her deputies shall perform the following duties:
 - a.** Provide necessary forms for applications for use permits.
 - b.** Issue Zoning permits where the provisions of this Ordinance have been complied with.

- c. 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.
 - d. Maintain files of applications, permits and other relevant information.
 - e. Maintain an Official District Map of the Town of Rock and update it upon zoning changes.
- 3. **POWERS:** The Zoning Administrator and his or her duly appointed deputies shall have the powers and authority including but not limited to the following:
 - a. To inspect properties within the Town to determine compliance with this Ordinance.
 - b. Upon reasonable cause of question as to proper compliance, to revoke any zoning 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.

B. PLAN COMMISSION

1. **APPOINTMENT.** A Plan Commission is hereby created pursuant to Wis. Stat. § 62.23(1). The Plan Commission shall be organized as required under Wis. Stat. § 62.23(1). The Plan Commission shall be the "Town Planning Agency" under Wis. Stat. §§ 236.02(13) and 236.45.
 - a. The Plan Commission shall consist of five (5) members plus two alternates, 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.
 - b. 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.
2. **POWERS.** The Plan Commission shall have the duties, powers and authority delegated to such bodies in Wis. Stat. § 62.23, and in the Town Code.
 - a. To review requests, conduct public hearings and make recommendations for amendments to this zoning ordinance and official zoning map and forward such recommendations to the Town Board.

- d. All members of the Board of Appeals shall receive such compensation as shall be determined by the Town Board.

3. POWERS

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

4. HEARING PROCEDURE

- a. The Board of Appeals will conduct public hearings for appeals and variances.
- b. **NOTICE OF HEARINGS** 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.
- c. **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.

5. RULES, MEETINGS, MINUTES

- a. The Town Board shall adopt rules of procedure in accordance with the provisions of this Ordinance.
- b. 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.
- c. 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.

7.03 ZONING APPROVALS.

- A.** Review of development required. No development of any kind shall commence until the plans for such development have been reviewed for compliance with the provisions of this chapter and approved as required by this Zoning Ordinance.
- B. Zoning Permit.**
 - 1. No person may change the use of land or erect or construct any building or structure, or shall add to, enlarge, move, improve, alter, convert, extend, or demolish any building or structure or cause the same to be done, or shall commence any work covered by this chapter on any structure without first

obtaining a zoning permit from the Zoning Administrator. No zoning permit is required for normal maintenance activities or alterations that do not change the exterior dimensions of a building or structure so long as the primary use of land does not change.

2. Application for any zoning permit shall be made in writing to the Zoning Administrator by the landowner or his/her authorized agent on a form approved by the Zoning Administrator or the Town.
3. The Zoning Administrator shall issue a zoning permit if the proposed building and use complies with all the provisions of this chapter and any other applicable Town or state requirements. A zoning permit shall remain in full force and effect for a period of one year from the date of issuance. After the one-year period has expired, the applicant may request an extension of one year. If construction has not been completed after one year, or two years if an extension has been granted, no further building can take place without the issuance of a new zoning permit.
4. Each zoning permit shall be granted or denied in writing. A Denial of a zoning permit shall provide the reasoning for denial.
5. No zoning permit shall be issued unless the applicant has an approved site plan.

C. Site Plans

1. A site plan is required for any new development or any alteration to the footprint of an existing development. Prior to any development, the applicant must submit two paper copies of a site plan. Such site plan shall indicate the detailed legal description of the property as it appears on record. No building permit shall be issued for development unless a site plan is approved by the Town Board.
2. The site plan shall contain sufficient information relative to site design considerations, including but not limited to, the following:
 - a. Size and location of the building or buildings to be erected.
 - b. Relationship of the building or buildings to the exterior lines of proposed streets.
 - c. The location of streets, alleys, lot lines, and any other building on the same lot or property.
 - d. The name of the owner.
 - e. The intended use.
 - f. Supplemental requirements. The Zoning Administrator or Town Board may require other information or data for specific site plans.
3. **Standards for site plan review.** The Town Board may conditionally approve, request modifications, or deny approval of the site plan based on evaluation of the site plan details with respect to the site plan's compliance with all provisions of

this Zoning Ordinance and other ordinances in the Town, and any federal, state, or Wood County requirements. The site plan will only be approved if the following conditions are satisfied:

- a. All standards of the zoning ordinance and other applicable Town, state and federal regulations are met.
- b. If indoor plumbing is to be utilized, a Wood County Sanitary Permit is acquired prior to issuance of Zoning Permit.
- c. The public health and safety is not endangered.
- d. Adequate control of stormwater and erosion are provided and the disruption of existing topography, drainage patterns, and vegetative cover is maintained insofar as is practical.
- e. Appropriate traffic control and parking are provided.
- f. Appropriate landscaping and open space areas are provided.
- g. The appearance of structures maintains a consistency of design, materials, colors, and arrangement with nearby properties of similar use
- h. Exterior building design or appearance shall not be of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.
- i. Exterior building design or appearance shall not be so identical with nearby buildings so as to create excessive monotony or drabness.
- j. Exterior building design or appearance shall not be constructed or faced with an exterior material which is aesthetically incompatible with other nearby buildings or which presents an unattractive appearance to the public and from surrounding properties.
- k. Exterior building, sign, and lighting design or appearance shall not be sited on the property in a manner which would unnecessarily destroy or substantially damage the natural beauty of the area.

The Town Board may impose reasonable conditions necessary to protect the public health, safety, or general welfare, including landscaping, screening, berms, or any other conditions related to the purpose of this chapter.

4. Effect of site plan approval.

- a. If development of a lot with an approved site plan has not commenced within one year of the date of final approval of the site plan, the site plan shall be deemed to have expired, and a review and re-approval of the approved site plan shall be required before a building permit may be issued. If development has not completed within two years of issuance, a new site plan shall be required.

- b. The Zoning Administrator shall have the authority to approve minor modifications to an approved site plan, provided that such modifications do not materially change the building location on the site.

D. Occupancy Permit. No building constructed after the effective date of this chapter, and no addition to a previously existing building, shall be occupied until an occupancy permit has been issued by the Town building inspector.

1. No occupancy permit shall be issued until construction has been completed and the premises inspected and certified by the building inspector to be in conformity with the plans and specifications upon which the site plan was based.
2. The occupancy permit shall be issued, or notice shall be given to the applicant stating the reasons why a permit cannot be issued, not later than five business days after the building inspector is notified, in writing, by the applicant that the premises or building is ready for occupancy. If no decision is made within five business days of the filing of an occupancy permit application, the application shall be deemed approved. The deadlines under this subsection may be extended by mutual agreement.

7.04 VARIANCES.

- A. Application for a variance shall be submitted to the Zoning Administrator on the prescribed form. The application shall contain such information as requested in the application provided by the Zoning Administrator, as well as such other information as the Zoning Administrator may deem reasonably necessary to evaluate such request for a variance.
- B. The Board of Appeals shall hold a public hearing on each request for variance. Time, place, and purpose of the hearing shall be published as provided by Wisconsin law or this Ordinance. Notice of the hearing shall be given to the applicant, as well as parties of interest as determined by the Zoning Administrator and any other individual who has filed a request with the Zoning Administrator for a written notice of the time and place of the hearing.
- C. 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.
- D. 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 or use variance, the applicant must establish that the application satisfies the applicable requirements of Wis. Stat. § 62.23(7)(e).
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.
- E. A property owner is not entitled to a variance simply to increase the value of the property or for economic gain.
- F. 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.
- G. 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.
- H. In determining whether to grant or deny a requested variance, the Board of Appeals shall prepare written findings of fact setting forth the criteria it considered in reaching its decision and what facts it considered in relation to the criteria.

7.05 ADMINISTRATIVE APPEALS.

A. Scope of Appeals.

1. 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.
2. Such appeal shall be taken within reasonable thirty (30) days of the alleged grievance or judgment in question by filing, in writing, with the Zoning Administrator 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.
3. The Zoning Administrator shall transmit to the Board of Appeals all papers constituting the record of appeals upon which the action appeals from was taken.

B. Findings on appeal.

1. An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Appeals after filing the notice of appeal, by reason of facts state in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise by a restraining order which may be

granted by the Board of Appeals or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.

2. The Board of Appeals shall hold a public hearing on each appeal. The time, place, and purpose of the appeal shall be published as provided by state law.
 3. Notice of the hearing shall be given to the appellant, as well as parties of interest as determined by the Zoning Administrator and any other individual who has filed a request with the Zoning Administrator for a written notice of the time and place of the appeal.
 4. The Board of Appeals shall issue a written decision within 60 days from the filing of the appeal. If no decision is issued within 60 days, the appeal shall be deemed denied.
- C. The Board of Appeals may affirm or reverse, wholly or in part, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as, in its opinion, ought be made, and to that end shall have all powers of the administrative officer from whom the appeal is taken.

7.06 AMENDMENT OF ZONING REGULATIONS.

- A. Initiation. Amendments may be proposed by the Town Board, Plan Commission, interested person, or organization.
- B. Application. An application for an amendment shall be filed with the Zoning Administrator, and shall be in such form and accompanied by such information as required by the Zoning Administrator. The Zoning Administrator shall then immediately forward a copy of the application to the Chairperson of the Plan Commission. Requests proposed by the Town Board shall be forwarded directly to the Plan Commission.
- C. Resubmittals. No application for a zoning amendment which has been denied by the Town Board may be resubmitted for a period of one year from the date of the denial, except on the grounds of new and substantial evidence or proof of change of conditions found to be valid by the Town Board.
- D. Plan Commission Review.**
1. The Plan Commission shall review the application and make a recommendation whether to approve the zoning amendment to the Town Board, and make findings regarding whether the zoning amendment will be in furtherance of the public health, safety, or general welfare, within 60 days from the date the application was received by the Zoning Administrator. A failure of the Plan Commission to submit written findings to the Town Board within the sixty-day period shall constitute a recommended denial of the application by the Plan Commission.

E. Town Board action.

1. Hearing. The Town Board shall hold a public hearing on each application for an amendment. The time, place, and purpose of the hearing shall be published as a class 2 notice under Wis. Stat. ch. 985. Written notice mailed no later than 10 days in advance of the hearing shall be given to the applicant, as well as parties of interest as determined by the Zoning Administrator.
2. The Town Board shall not act upon a proposed amendment to this chapter until it has received a recommendation from the Plan Commission on the proposed amendment or until the sixty-day period has expired, whichever occurs first.
3. The Town Board may request additional information, or grant or deny any application for an amendment.
4. The Town Board shall make a decision on the amendment within 60 days from the receipt of the Plan Commission recommendation or the expiration of the Plan Commission's 60-day review period.
5. If an application for a proposed amendment is not approved or denied by the Town Board within 180 days of the date upon which such application is received, it shall be deemed to have been denied.
6. The Town Board may approve, but is not required to approve, the application if the applicant establishes the zoning amendment would not adversely affect the public health, safety, or general welfare.

7.07 CONDITIONAL USES.

- A. PURPOSE.** The purpose of conditional uses is to promote the public health, safety, and general welfare of the Town, and to control certain land uses to ease conflicts on neighboring lands and public need.
- B. INITIATION.** Any person having a freehold interest in land, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest or an exclusive possessory interest, and which is specifically enforceable, may file an application to use such land for one or more of the conditional uses provided for in this Zoning Ordinance in the zoning district in which the land is located.
- C. APPLICATION.** The application for a conditional use permit shall be filed with the Zoning Administrator on a form so prescribed by the Town. The application shall be accompanied by such plans and/or data required by the Zoning Administrator and shall include a statement, in writing, by the applicant and substantial evidence showing the proposed conditional use will conform to the standards set forth in this Ordinance and the respective zoning district.
- D. RESUBMITTALS.** No application for a conditional use permit which has been denied by the Town may be resubmitted for a period of one year from the date of said

denial, except on the grounds of new and substantial evidence or proof of change of conditions found to be valid by the Town.

E. PLAN COMMISSION ACTION.

1. After a complete application for a conditional use permit has been submitted, it shall go before the Plan Commission for review and recommendation. The Plan Commission shall provide a written recommendation to the Town Board. For purposes of this section, the written recommendation shall be filed with the Town Clerk and such filing shall be deemed a filing with the Town Board.
2. In its written recommendations, the Plan Commission may recommend such conditions and restrictions upon the establishment, location, construction, maintenance, appearance, and operation of the conditional use as the Plan Commission deems necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in this Zoning Ordinance. No conditional use shall be recommended by the Plan Commission for approval by the Town Board unless the Plan Commission determines that the proposed use complies with the Zoning Ordinance.
3. A failure by the Plan Commission to serve upon the Town Clerk a written recommendation regarding the application for a conditional use permit within 60 days from the date said application was filed with the Zoning Administrator shall be deemed a recommended denial of the conditional use permit by the Plan Commission.

F. TOWN BOARD ACTION.

1. The Town Board shall hold a public hearing on each application for a conditional use permit following the publication in the Town of a Class 2 notice under Wis. Stat. ch. 985. Notice of the hearing shall be given to the applicant, as well as interested parties determined by the Zoning Administrator.
2. Only the Town Board may issue a conditional use permit. Within 90 days of the date on which the Town Board receives the written recommendation from the Plan Commission, the Town Board shall make a determination concerning the issuance of the conditional use permit. If the Plan Commission fails to render a written recommendation to the Town Board within 60 days from its receipt of the conditional use permit, then the Town Board shall have 90 days from the date on which the Town Board is notified by the applicant of the failure of the Plan Commission to make a recommendation. It is the responsibility of the applicant to notify the Town Board, by means of notification to the Town Clerk, that the Plan Commission has failed to take the necessary action.
3. Standards for approval. The Town Board may approve a conditional use permit only if the applicant establishes, with substantial evidence, the following:
 - a. The proposed use is consistent with the Town's comprehensive plan.
 - b. When applicable, the proposed use provides sufficient parking.

- c. In accordance with generally accepted engineering standards, the proposed use will not lead to an increase in traffic that Town roads cannot adequately support, unless appropriate conditions can be imposed to offset any adverse traffic impacts. The Town may require an applicant to provide a traffic study prior to making a determination on a conditional use permit.
 - d. When applicable, the property on which the use is proposed can provide sufficient landscape buffering, berms, or other methods of screening, and that conditions specific to the property combined with the proposed use would not substantially adversely affect the use of adjacent property.
 - e. The proposed use will not substantially adversely affect the public health, safety, or general welfare.
 - f. The proposed use will not reduce property values of adjacent parcels by more than 10%.
 - g. Any additional standards applicable to the specific proposed conditional use specified in this Zoning Ordinance are satisfied.
4. Conditions and guarantees. When issuing a conditional use permit, the Town Board shall require such conditions and restrictions upon the conditional use as deemed necessary to secure compliance with the standards and requirements as specified in this Zoning Ordinance. In all cases in which conditional uses are granted, the Town Board may require such evidence and guaranties as it may deem necessary as proof that the conditions required in connection therewith are being fulfilled.
5. The Town Board may impose conditions related to expiration, transfer, and renewal of a conditional use permit.

7.08 FEES AND COST REIMBURSEMENT.

- A. Any application for a conditional use permit, an appeal, zoning amendment, or variance shall be accompanied by a fee as established by the Town. This fee shall not apply to any changes proposed by the Town itself.
- B. For any development in which the Town may incur third-party costs, such as legal or engineering fees, the applicant shall enter into a an agreement with the Town requiring the applicant reimburse the Town for all third-party costs incurred in evaluating, processing, or administering any application or zoning approval.

7.09 VIOLATIONS AND PENALTIES.

- A. Any building erected, constructed or reconstructed, added to, enlarged, moved, improved, altered, converted, extended, or demolished or any work commenced in violation of this section or regulations adopted pursuant thereto shall be deemed unlawful.
- B. The building inspector or other official designated by the Town Board may bring an action to enjoin such violation.

- C.** Any person, firm, or corporation violating the provisions of this Zoning Ordinance shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined, and such fine limits will be set by the Town's fee or forfeiture schedule. Each and every day during which said violation continues shall be deemed a separate offense.
- D.** In the event that any building or structure is or is proposed to be erected, constructed or reconstructed, or any land is or is proposed to be used in violation of this Zoning Ordinance, the Town or any adjacent or neighboring property owner who would be specially damaged by such violation, may, in addition to other remedies provided by law, instituted injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, or abate such violation.