

# TOWN OF ROCK ZONING ORDINANCE

Adopted by Town Resolution # August 11, 2016

Print Date: August 25, 2016

TOWN OF ROCK ZONING ORDINANCE  
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ZONING ORDINANCE - TOWN OF ROCK

**SECTION 1. INTRODUCTION**

**1.01 AUTHORITY**

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

**1.02 PURPOSE**

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

**1.03 INTENT**

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

**1.04 ABROGATION AND GREATER RESTRICTION**

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

**1.05 INTERPRETATION**

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

**1.06 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.

**1.07 REPEAL**

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the town of Rock inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

## 1.08 EFFECTIVE DATE

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

## SECTION 2. DEFINITIONS

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

- (1) ACCESSORY USE OR STRUCTURE. A use or detached structure subordinate to the principal use of a structure, land or water and located on the same lot or parcel serving a purpose customarily incidental to the principal use or the principal structure.
- (2) AGRICULTURE. Farms and general farming, animal husbandry, horticulture, floriculture, viticulture, farm forestry and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.
- (3) AIRPORT. Any runway, landing area, or other facility designed, used or intended to be used either publicly or privately by any persons for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.
- (4) ANIMAL UNIT A unit of measure used to determine the total number of single animal types or combination of animal types, as specified in Wisconsin Administrative Code section NR 243.11, table 2, which are fed, confined, maintained or stabled in an animal feeding operation. For the purpose of this ordinance, one animal unit is equivalent to one head of beef or slaughter cattle weighing more than 1000 pounds.
- (5) APARTMENT. Dwelling unit in a multiple family structure.
- (6) 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 two (2) or more inoperative vehicles and/or accumulation of 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. Board of Appeals.
- (13) BOARDING HOUSE. A building other than a hotel or restaurant where meals or lodging are regularly furnished by pre-arrangement for compensation for three or more persons not members of a family and not open to transient customers.
- (14) BOATHOUSE. Any structure designed for the purpose of protection or storing boats for noncommercial purposes. Boathouses shall not be used for human habitation.
- (15) BUILDING. Any permanent structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, equipment, materials or machinery. When such a structure is divided into separate parts by one (1) or more unpierced walls extending from the ground up, each part is deemed a separate building, except as regards minimum side yard requirements as hereinafter provided.
- (16) 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.
- (17) BUILDING, STORAGE. Buildings for the storage of personal property, exclusive of dwelling units.
- (18) 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.
- (19) 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.
- (20) 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.

- (21) 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.
- (22) 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.
- (23) 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).
- (24) 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.
- (25) 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 insure that no such problems will be created. Conditional Use is the same as "special permit" as provided for in the Wisconsin Statutes.
- (26) CONVALESCENT HOME. A home designed for the care of patients requiring observation and treatment, but not requiring hospitalization.
- (27) 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.
- (28) 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.
- (29) 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.
- (30) DWELLING. Any building which contains one or more dwelling units.

- (31) DWELLING GROUP. Two or more detached dwellings located on a parcel of land in one ownership and having any yard or court in common.
- (32) 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.
- (33) DWELLING, SEASONAL. A dwelling not used for permanent residence and not occupied for more than six months in each year.
- (34) DWELLING, SINGLE FAMILY. A building designed exclusively for occupancy by one family.
- (35) DWELLING, TWO FAMILY. A building designed exclusively for occupancy by two families living independently of each other.
- (36) 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.
- (37) 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.
- (38) FAMILY. Any number of persons related by blood, adoption or marriage, or not to exceed four persons not so related, living together in one dwelling as a single housekeeping unit.
- (39) FARM. An area which is used for the growing of the usual farm 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.
- (40) 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.

- (41) 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.
- (42) 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.
- (43) 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.
- (44) FRONTAGE, WHERE MEASURED. For construction purposes, minimum frontage requirements set forth in Section 4 of this Ordinance shall be met at the building line.
- (45) GARAGE, PRIVATE. A accessory building used or intended for use by the occupants of the premises for the storage of motor vehicles or trailers.
- (46) 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.
- (47) 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.
- (48) 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 exceed twenty-five percent of the area of any floor and no stock in trade is kept or sold except that made on the premises. Specifically excluded is the storage and display of merchandise not produced by such occupation, any activity involving building alterations, window display, construction features, equipment, machinery or outdoor storage, any of which is visible from off the lot on which it is located.
- (49) 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.
- (50) 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.

- (51) JUNK YARD. For the purpose of this ordinance, “Junk Yard” shall have the same meaning as Salvage Yard.
- (52) KENNEL. Any lot or premises on which three or more dogs, cats or other household pets are either permanently or temporarily boarded, bred or sold.
- (53) LAUNDROMAT. A business establishment where patrons wash, drying, dry clean or iron clothing and other fabrics with machines operated by the patron.
- (54) LIVESTOCK. Shall mean animals within the following classification; bovine, swine, sheep, equine, fowl, and poultry.
- (55) 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.
- (56) 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.
- (57) LOT AREA. The peripheral boundaries of a parcel of land and the total area lying within such boundaries.
- (58) 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.
- (59) LOT DEPTH. The mean horizontal distance between the front and rear lot lines.
- (60) 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.
- (61) LOT OF RECORD. A lot which is part of a subdivision, that map of which has been recorded in the office of the Register of Deeds of Wood County, or a parcel of land, the deed of which was on record as of the effective date of this Ordinance. For the purpose of this Ordinance, any plat which has been approved by the Wood County Planning and Planning Commission as of the effective date of this Ordinance shall have the same status as if the said subdivision plat was officially recorded in the office of Register of Deeds; however, no building permit shall be issued for any lots in such subdivision until a final plat which includes such lots has been officially recorded in the office of Register of Deeds.

- (62) LOT WIDTH. The horizontal distance between side lot lines, measured at the required front setback line.
- (63) MANUFACTURED HOME: A structure, transportable in one or more sections, which in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein. For purposes of zoning code enforcement, manufactured homes shall be set upon a permanent foundation which extends below the frost line in accordance with Chapter Comm 27, Wisconsin Administrative Code. Manufactured homes shall be allowed as permitted and conditional uses where “single family dwellings” and “two family dwellings” are shown as permitted and conditional uses. All such structures manufactured prior to July 15, 1976 shall be defined as mobile homes.
- (64) 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.
- (65) 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.
- (66) 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.
- (67) 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.
- (68) 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.
- (69) MOTEL. A series of attached, semi-attached or detached sleeping units for the accommodation of transient guests.
- (70) 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.

- (71) NONMETALLIC MINING. The removal of rock, slate, gravel, sand, top soil or other natural nonmetallic material from the earth by excavating, stripping, leveling or any other process.
- (72) 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.
- (73) 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.
- (74) 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.
- (75) 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.
- (76) RIDING STABLES OR RIDING ACADEMIES.
- (77) 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.
- (78) 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.
- (79) ROADSIDE STAND. A temporary structure, unenclosed and so designed and constructed that the structure is easily portable and can be readily moved.
- (80) 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.
- (81) SETBACK. The required distance between every structure and any lot line on the lot on which it is located.

- (82) 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.
- (83) 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.
- (84) ADVERTISING SIGN. Any non-point-of-sale sign, usually of changeable character, such as a billboard which portrays advertisements for establishments, services, articles or products not necessarily associated with the premises upon which the sign is located.
- (85) BANNER SIGN. Any sign in which the characters, letters, illustrations, or ornamentations are applied to cloth, paper, fabric or other similar material, with or without frame.
- (86) GROUND SIGN. A sign supported by one or more uprights, poles or braces placed in or upon the ground surface and not attached to any building and with the bottom of the sign surface more than three feet but less than eight feet above grade.
- (87) ILLUMINATED SIGN. A sign designed to give forth any artificial light or reflect such light from an artificial source.
- (88) POLE SIGN. A sign with an elevated surface supported by one or more vertical poles or columns placed in the ground with the sign surface a minimum of eight feet above ground.
- (89) PROJECTING SIGN. A sign which projects from and is supported by a wall or a building and extends out from the wall more than twelve (12) inches.
- (90) PORTABLE SIGN. A free-standing sign not permanently anchored or secured to either a structure or the ground such as, but not limited to, "A" frame, "T" shaped or inverted "V" shaped signs.
- (91) ROOF SIGN. A sign which is erected, constructed or maintained upon, and projects above or beyond the roof or parapet.
- (92) STRING SIGN. Any sign in which lights, ribbons, pennants or other similar small, attentiondrawing devices are attached to a rope, string, wire, pole or similar support.
- (93) WALL SIGN. A sign which is attached directly to a building wall and which does not extend out more than twelve (12) inches therefrom, with the exposed face of the sign in a plane parallel to the building wall.
- (94) 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.

- (95) 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.
- (96) 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.
- (97) 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.
- (98) 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 a substantial period of time.
- (99) 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 that would commonly be expected to be relatively short term.
- (100) STRUCTURAL ALTERATION. Any change in the component members of a building, such as walls, columns, beams or girders.
- (101) TOWN BOARD. The Town Board of Supervisors of the Town of Rock, Wood County, Wisconsin.
- (102) 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: (a) is identified on the unit by the manufacturer as a travel trailer or similar identification; and (b) is of any weight provided its body length does not exceed forty (40) feet, or (c) is of any length provided the gross weight, factory equipped for the road, does not exceed 4,500 pounds
- (103) 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.
- (104) 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.

- (105) 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.
- (106) 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.
- (107) 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.
- (108) 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.
- (109) ZONING ADMINISTRATOR. A resident of the town of Rock who is recommended by the town Planning Commission and appointed by the Town Board to administer and enforce this Ordinance.
- (110) PLANNING 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.

## 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.

### 3.02 PERMITS

#### A. Purpose of Permits.

The primary purpose of issuing zoning permits is to insure compliance with provisions of this Ordinance.

B. Building Permits.

No building shall hereafter be erected, moved or structurally altered until a building permit shall have been applied for and issued by the Zoning Administrator.

C. Conditional Use Permit.

When the use being applied for is listed as a "conditional use", the Zoning Administrator shall issue a conditional use permit in lieu of the building permit.

This permit shall be issued only after approval of the Planning Commission, after a public hearing and after provisions of Section 5 of this Ordinance have been complied with. The Town Board may attach certain conditions that shall be met as a condition of approving the permit.

D. Permits to Town Assessor.

A copy of all permits concerning building or remodeling are to be forwarded to the Town Assessor within ten (10) days after issuance.

### 3.03 APPLICATION PROCEDURE

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

### 3.04 EXPIRATION

If within six months of the date of issuance of a building permit or conditional use permit, the proposed construction has not commenced, said permit shall expire. All permits shall expire within one year of the date of issuance. If the proposed construction is not completed by the expiration date, the Zoning Administrator may grant an extension of such permit for a period not to exceed one year upon the showing of a valid cause and providing 50% of the proposed construction is completed.

### 3.05 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. The parcel should be designed to provide an aesthetically pleasing building site and proper architectural setting for the building contemplated. Parcels designed for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning provisions for such use. Lot lines shall follow municipal boundary lines rather than cross them.

B. Area and dimensions.

Area and dimensions of lots shall conform to the requirements of this ordinance, or other applicable ordinances, and in areas not served by public sewer shall, in addition conform to the requirements of the Department of Industry, Labor and Human Relations and Chapter ILHR-85 of the Wisconsin Administrative Code. Whenever a tract is subdivided into parcels with areas in excess of the zoning requirements, such parcels should be arranged and dimensioned so as to allow re-subdivision of any parcels into normal lots in accordance with the provisions of this ordinance.

1. Depth of parcels should be in suitable proportion to the width. Neither long, narrow or wide, shallow parcels are normally desirable. Normal depth should not exceed three (3) times the width nor be less than one hundred and fifty (150) feet.
2. Width of parcels shall conform to the requirements of this zoning ordinance, but in no case shall the average lot width be less than one hundred (100) feet.

### **3.06 BUILDING PROCEDURE**

- A. No building permits or conditional use permits shall be issued until a county sanitary permit has been approved pursuant to applicable county and state codes.
- B. The town building permit shall include the following:
  1. Owner's name, address and phone number.
  2. Contractor's name, address and phone number.
  3. Location and type of proposed structure and its proposed use.
  4. Cost of the completed structure.
- C. The cost of the building permit or conditional use permit shall be \$30.00 for structures up to \$10,000 in cost or 300 square feet. If square footage exceeds 300 feet, the permit fee is 10 cents for each additional square foot.

### **3.07 REMODELING PROCEDURE**

- A. There shall be no permit requirement for normal upkeep.
- B. A permit shall be required for improvements to existing structures; and a fee shall be charged on any improvements over \$5,000.00
- C. The permit is to be obtained from the Zoning Administrator and shall include the following:
  1. Owner's name, address and phone number.
  2. Contractor's name, address and phone number.

3. Nature of the improvement.
4. Cost of the completed improvement.
5. The cost of the permit shall be \$30.00 unless the cost of the improvement is in excess of \$20,000.00, then the fee shall be \$1.50 for each additional \$1,000.00.

### **3.08 RESTRICTIONS**

There shall be no salvage yards located within the boundaries of town of Rock.

### **3.09 EXEMPTIONS**

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

### **3.10 HOME OCCUPATION**

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

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

1. Involves external alteration that effects a substantial change in the residential character of the building or is visible from the street;
2. Generates traffic, parking, sewerage or water use in excess of what is normal in the residential neighborhood;
3. Creates a hazard to person or property, results in electrical interference, or becomes a nuisance;
4. Results in outside storage or display of anything.
5. Involves other characteristics that are deemed by the Planning Commission and confirmed by the Town Board to be unsuitable or incompatible with the surrounding residential uses.

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

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

1. Daycare, limited to 4 clients at a time.

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, limited to four students at a time; 8. Home cooking and preserving;
9. Computer programming.
10. Barber shops and beauty parlors;

C. Prohibited Home Occupations.

The following are prohibited as home occupations:

1. Animal hospitals;
2. Dancing studios;
3. Mortuaries;
4. Private clubs;
5. Repair shops;
6. Restaurants;
7. Stables or kennels;
8. Automobile repair or paint shops.

D. Home occupations not listed.

Any proposed home occupation that is neither specifically permitted by paragraph B nor specifically prohibited by paragraph C shall be considered a conditional use and be granted or denied by the Planning Commission upon consideration of those standards in paragraph A.

### 3.11 USE RESTRICTIONS

The following use restrictions and regulations shall apply:

A. Principal Uses:

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

B. Accessory Uses:

1. Accessory uses and structures are permitted in any district, but not until their principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade or industry. Accessory uses include incidental repairs, storage, parking facilities, gardening, private swimming pools and private emergency shelters.
2. No accessory structures shall be erected, altered or moved to a location within the required area of a front or side yard. An accessory use or structure in a rear yard shall not be less than twenty feet from the property line; such accessory use or structure shall be

set back from the property line adjoining a street the distance required for a front yard, unless otherwise required herein for a specific permitted or conditional use.

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 may be permitted by the Zoning Administrator. A temporary permit for a mobile home to be inhabited during the construction or razing of a permanent home may be issued by the Zoning Administrator with an expiration of one year. No extension of such permit shall be granted without approval of the Planning Commission.

D. Yard Regulations:

The following shall not be considered to be obstructions when located in the required yards specified:

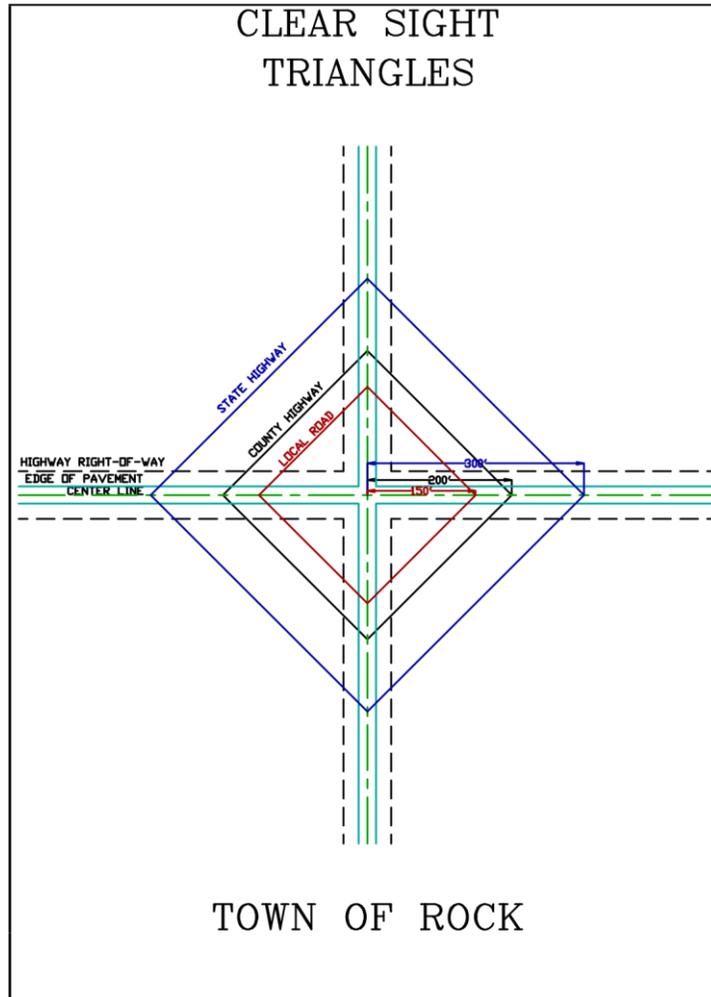
1. In Any Yards: Marquees and awnings adjoining the principal structure; overhanging roof eaves; chimneys, minimum set levels must be planned; and ornamental light standards, flag poles, arbors, trellises, trees, shrubs, coin operated telephone, permitted signs and outdoor fuel dispensing equipment.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

E. Unclassified or Unspecified Uses:

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

### 3.12 VISUAL CLEARANCE

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



Type of Road

Triangle Side Distances

State	300 ft.
County	200 ft.
Town	150 ft.

D. Vision Obstructions:

1. Within the clear vision triangle, no object shall be allowed above a height of two and one-half feet above average elevation of the streets at the aforesaid points on their respective centerlines if it substantially obstructs the view across the triangle.
2. Where trees of large diameter, large number of trees, 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.

**3.13 SETBACK.**

Setbacks shall be as follows (greater distances shall apply):

<u>Type of Road</u>	<u>from centerline</u>	<u>from right-of-way</u>
State	110 ft.	50 ft.
County	75 ft.	42 ft.
Town	75 ft.	42 ft.

**3.14 HEIGHT RESTRICTION EXCEPTIONS**

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.

**3.15 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.

**3.16 AREA REGULATIONS**

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

All yards and other open spaces allocated to a building (or group of buildings comprising one principal use) shall be located on the same lot as such building. The maintenance of yards and other open spaces and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, as long as the building is in existence. Further, no legally required yards, open spaces or minimum lot areas already allocated to any building shall, by virtue of change of ownership or for any other reason, be used to satisfy yard, open space, or minimum lot area requirements for any other building.

E. Average Setback Determination:

A setback equal to the average setback of existing principal structures located within 500 feet of a proposed structure and on the same side of the road, shall be permitted where five of these structures do not conform with the appropriate setback line

F. Required Lot Groupings:

If two substandard lots with continuous frontage have the same ownership as of the effective date of this Ordinance, the lots involved shall be considered to be an individual parcel for the purpose of this Ordinance. If more than two substandard lots with continuous frontage have the same ownership as of the effective date of this Ordinance, said lots shall be grouped in such a manner as to provide standard sized lots whenever possible.

### **3.17 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 with 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 3.16 and 3.17.

### **3.18 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 zone in which it is located, unless otherwise specifically stated.

### **3.19 CHANGES AND SUBSTITUTIONS**

Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the Board of Appeals has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal conforming use and become subject to all conditions required by the Board of Appeals.

### **3.20 STATE PERMIT**

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

## SECTION 4. ZONING DISTRICTS AND ZONING MAP

### 4.01 ZONING DISTRICTS

For the purpose of this Ordinance, the Town of Rock is hereby divided into two districts as follows:

- A. General Use District (GU)
- B. Mixed Use District (MU)

### 4.02 OFFICIAL ZONING MAP

The boundaries of the aforesaid districts are hereby established as shown on the map entitled the "Town of Rock District Map", dated October, 1998, which map accompanies and is made a part of this Ordinance. All notations and references shown on the District Map are a part of this Ordinance as though specifically described herein. In subdivided property, the district boundary lines shown on the District Map shall be determined by use of the scale shown on such map.

### 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 CONSERVATION AREAS

- A. Primary Conservation Areas.

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

B. Secondary Conservation Areas.

Natural regions identified as significant for preserving the natural environment of the Town of Rock. Included in this category is prime agricultural soils when in blocks of 5 acres or more and where these soils coincide with crop fields, meadows, and pastures. Other lands included are where slopes exceed 20 percent. Residents in the Town identified the natural environment as the primary reason for living here. Other elements of town-wide significance can be added to this category for future protection. These could include woodlands, other meadows, historic and cultural elements, and scenic viewsheds and road corridors.

C. Development Restrictions.

1. Primary Conservation Areas: No development is allowed within a primary conservation area.
2. Secondary Conservation Area: Any use allowed as a permitted use in the underlying zoning district must apply for and receive a conditional use permit before any construction may begin.

#### **4.05 GENERAL USE DISTRICT (GU)**

A. Purpose.

This district provides primarily for agricultural uses and uses compatible with agriculture. The intent is to help conserve good farming areas and prevent uncontrolled, uneconomical spread of residential development which results in excessive costs to the community for premature provision of essential public improvements and services. While the Town of Rock does not use the Residential and Commercial Uses those permitted uses and conditional uses are permitted in the General Use district.

B. Density.

A maximum of four (4) farm or non-farm dwellings shall be allowed as permitted use per section mile on each side of existing public roads regardless of set-back from such roads. Minimum lot size is 5 acres.

C. Permitted Uses.

The following uses are permitted in this district, provided adherence to the provisions of 4.06 (B):

1. Agriculture, including animal and poultry husbandry, bee-keeping, dairying and grazing, field crops, forestry, greenhouses, orchards and wild crop harvesting, truck farming, horticulture or viticulture.
2. In-season roadside stands for the sale of farm products produced on the premises, and up to two unlighted signs not larger than eight square feet each, advertising such sale.
3. Farm dwellings for resident owners.
4. Uses customarily accessory to a permitted agriculture uses.
5. Single-family and two-family dwellings provided they are located on tracts of five (5) acres or more and that soils analysis indicates a suitability for private sewage and water systems.
6. Storage buildings
7. Camping. Camping in a camping unit outside of approved campgrounds as defined in NR 116.12(2)(b), Wisconsin Administrative Code, is allowed without a permit if the camping unit consists of nothing more than an easily removable tent or if the following criteria are met:
  - i. The camping unit is a mobile recreational vehicle;
  - ii. The camping unit is on a parcel of land that has less than 4 camping sites and the parcel is not advertised, represented or used as a public camping area; and
  - iii. The camping unit may not occupy the site for a period of more than 180 consecutive days.
  - iv. The camping unit may not be occupied for more than 180 days per calendar year.

D. Conditional Uses.

The following are conditional uses that may be permitted within this district:

1. Single-family and farm dwellings above the permitted density as defined in 4.06 (B), provided that:
  - i. Total density does not exceed five (5) dwellings per section mile on one side of existing roads regardless of set-back from such roads.
  - ii. The parcel to be developed must have a minimum of 1,280 feet of frontage on a public roadway.
  - iii. Each application includes a scaled drawing indicating the location of the proposed dwelling to surrounding farms and dwellings, and plans for adding or maintaining vegetation to minimize the visual impact of the new development on existing dwellings;
  - iv. The dwelling is sited on that portion of the lot which separates it as much as possible from adjacent farming and dwellings; and,
  - v. The dwelling and its lot are located on the least productive farmland whenever practical.
2. Temporary farm housing, provided that this use:
  - i. is located adjoining existing farmstead buildings;
  - ii. the Town Planning Commission determines that it is needed as a part of a farm operation;

- iii. Utilizes mobile home or manufactured housing; iv. Is only used to house farm laborers, and;
- v. Is removed when farm laborers no longer occupy the housing.
- 3. Churches, schools, cemeteries, community park and recreational areas.
- 4. Public and recreational area.
- 5. Water storage facilities and power stations (provided they are enclosed by an eight-foot or more protective fence).
- 6. Fur farms, kennels, greenhouses, cheese factories or dairy processing plants, grain elevators and other agricultural uses that may cause noxious odors or noise, or create health or sanitation hazards.
- 7. Trap or skeet shooting facilities, target ranges, gun clubs, shooting preserves.
- 8. Riding stables, riding schools.
- 9. Airport.
- 10. Christmas tree sales.
- 11. Farm equipment sales and/or service.
- 12. Fish hatchery-commercial.
- 13. Housing for migrant workers.
- 14. Incinerator, public.
- 15. Non-metallic mining as specified in Section 4.09.
- 16. Hot Mix Plants for road construction purposes.
- 17. Radio or TV broadcasting studio and/or tower.
- 18. Other similar and compatible uses which are determined by the Planning Commission to be in accord with the purpose of this district.
- 19. Mobile Home parks as specified in Section 7.

E. Height, Yard, Area and Other Requirements.  
See Section 4.10 Schedule of Regulations

#### **4.06 MIXED USE DISTRICT (MU)**

- A. Purpose.  
The purpose of the mixed use district is to provide areas that can develop with residential uses, but also mix commercial uses as conditional uses. Areas suitable for mixed use development are along major travel corridors with high visibility that could conceivably develop with residential homes or certain commercial uses or both.
- B. Permitted Uses.  
The same as those listed for the R-1 Single-Family Residential district.
- C. Conditional Uses.
  - 1. Those conditional uses listed for the R-1 Single-Family Residential District.
  - 2. Those permitted and conditional uses listed for the Commercial district.

- D. Height, Yard, Area and Other Requirements.
  - 1. See Section 4.10.
  - 2. For residential uses, see Schedule of Regulations for R-1 Single-Family Residential district. 3. For commercial uses, height, yard, area and other requirements shall be set by the Town Board under the provisions of the conditional use section of this Ordinance. At a minimum, fencing, vegetative screening or a combination of these is recommended where a commercial lot adjoins an R-1 lot to reduce noise, lighting conflicts and sight of the commercial use.

#### **4.07 SINGLE-FAMILY RESIDENCE DISTRICT (R-1)**

A. Purpose:

The Town of Rock does not have any R-1 districts. This district if ever implemented is intended to provide a quiet, pleasant and relatively spacious living area protected from traffic hazards and the intrusion of incompatible land uses.

B. Permitted Uses:

The following uses of land would be permitted in this district:

- 1. Single-family dwellings.
- 2. One private garage for each residential parcel.
- 3. Accessory buildings.
- 4. Unlighted signs and bulletin boards of up to sixteen square feet for public or religious announcements, provided that all such signs must be located directly on the premises involved and at least 15 feet from the nearest public sidewalk or street.
- 5. Unlighted signs of up to six square feet for advertisements for the lease or sale of the premises; provided that all such signs must be located directly on the premises involved and at least 15 feet from the nearest public sidewalk or street.
- 6. Household pets.
- 7. Uses customarily incident to any of the above uses; provided that no such use generates traffic or noise that would create a public or private nuisance.

C. Conditional Uses:

The following are conditional uses that may be permitted within this district:

- 1. Customary home occupations.
- 2. Two-family dwellings.
- 3. Livestock, provided there is no more than 1 combined animal unit per 2.5 acres.
- 4. Libraries, museums, and art galleries.
- 5. Hospitals and clinics.
- 6. Telephone buildings, exchanges and transformer stations, but excepting service garages and storage yards.
- 7. Microwave radio relay structures and television transmission towers.

8. Funeral homes.
9. Recreation grounds and buildings.
10. Grade schools.
11. Churches and their affiliated uses.
12. Public buildings, except sewage plants, garbage incinerators, warehouses, garages, shops and storage yards.
13. Water-storage facilities and their accessory structures.
14. Other similar and compatible uses which are determined by the Planning Commission to be in accord with the purpose of this district.

- D. Height, Yard, Area and Other Requirements.  
See Section 4.10 Schedule of Regulations

#### **4.08 COMMERCIAL DISTRICT (COM)**

A. Purpose.

The Commercial district if implemented is intended to provide an area for the business and commercial needs of the community, especially those which can be most suitably located in a compact and centrally located business district.

**B. Permitted Uses.**  
The following uses of land would be permitted in this district:

1. Department, variety and specialty merchandise stores (retail and wholesale).
2. General grocery and specialty food establishments.
3. Restaurants including drive-in establishments.
4. Business and professional offices and studios.
5. Personal service establishments (i.e. barbershops, beauty shops, shoe repair shops, etc.).
6. Retail laundry and dry cleaning outlets, dry cleaning plants and Laundromats.
7. Hotels and motels.
8. Rooming and boarding houses.
9. Public transportation stations except storage lots or garages.
10. Semi-public buildings (i.e. fire stations, police station, administrative buildings, etc.).
11. Liquor stores, taverns and bars.
12. Banks and financial institutions.
13. Funeral homes.
14. Any use permitted as a primary use in the General Use District.

**B. Conditional Uses.**

The following are conditional uses that may be permitted within this district; provided that no nuisance shall be afforded to the public through noise, the discharge of exhaust gases from motor-driven equipment, unpleasant odors, smoke, steam, harmful vapors, obnoxious materials, unsightly conditions, obstruction of passage on the public street or sidewalk, or other conditions generally regarded as nuisances; and provided that where operations which are necessary or incident to the proper performance of these services or occupations would

tend to afford such nuisances, buffer areas, facilities, barriers, or other devices shall be provided in such a manner that the public is effectively protected from any and all such nuisances. These uses shall be subject to the consideration of the Town Board with regard to such matters.

The following are conditional uses that may be permitted within this district:

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, race tracks and similar facilities.
8. Wholesale merchandise establishments.
9. Warehouses.
10. Motor Carrier facilities.
11. Travel Trailer Parts, specifically for transient dwelling purposes. This use shall be subject to the condition that it shall conform to all Ordinances and laws regulating such Parts.
12. Free-standing advertising signs related to the use of the premises.
12. Other similar and compatible uses which are determined by the Town Board to be in accord with the purpose of this district.

- C. Height, Yard, Area and Other Requirements.  
See Section 4.10 Schedule of Regulations

#### **4.09 NON-METALLIC MINING OVERLAY DISTRICT**

- A. Purpose.

It is the purpose of this Overlay District to establish conditional regulations and performance standards for the extraction, processing, utilization and transport of non-metallic resources and products in such a manner as to ensure maximum protection to surrounding properties and the physical environment through siting of activities and structures, buffering, setbacks, visual screening, height limitations, access routing, and noise, vibration, air quality and water quality controls.

It is further the purpose of this Overlay District to unconditionally require that any excavation or mining activity falling under the jurisdiction of this section abide by the requirements of Wisconsin Department of Natural Resources rule NR135, NONMETALLIC MINING RECLAMATION.

B. Extent.

This section does not apply to excavations or mining operations of one acre or less, provided slopes do not exceed 3:1, and where only one is present per forty-acre parcel.

C. Conditional Uses.

Mining of nonmetallic minerals and the processing for manufacture of materials incidental to such extraction and the erection of buildings and the installation of equipment and machinery may be permitted in non-residential zoned districts in the Town of Rock provided a Conditional Use permit has been secured as per the procedures in Section 5 of this Ordinance. The Planning Commission may require any or all of the following development site standards, special regulations, or performance standards or other conditions as the Planning Commission may deem necessary (see Section 5) as part of the conditions for granting a Conditional Use Permit;

1. Development Site Standards.

- a. 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.
- b. Lot Coverage, Percent of. Not more than 10% of the net area of the lot may be covered by buildings, including Accessory Buildings.
- c. Yards, Front, Side and Rear. All quarries, pits, open mines, processing plants, screening, sorting, storage, stone works, stone cutting, stone polishing, loading, batching, mixing, maintenance, service and repair equipment, facilities and structures shall be set back from zone boundaries and lot lines an amount sufficient to achieve the performance standards set in the Conditional Use Permit and in conformance with setbacks established by Section 6, Schedule of Regulations, whichever is greater.
- d. 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.

2. Special Regulations.

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

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

- c. Hours of Operation. In cases where noise, vibration, Vehicle traffic, lights, or other intrusions may disrupt surrounding property owners, the Planning Commission may require reasonable hours of operation. However, during a public emergency during which sand and/or gravel is needed and upon the order of the Director of the Emergency Government Department of the County, the County Sheriff, or the County Board Chairman, operation may proceed outside of the imposed hours of operation.
3. Performance Standards.
    - a. Visual Effects. The line of sight for developed residential property (whether developed prior to or subsequent to the operation of the quarry) to quarries, pits, structures, and stock piles, loading areas, access roads, and other facilities shall be interrupted so as to reduce to the maximum extent practicable the visual intrusion of surrounding occupied properties not owned or leased by the owner or operator of the area zoned for mineral resource recovery.
    - b. Dust. Any operation shall comply with all applicable federal, state, and local air pollution control laws and regulations.
    - c. Protect Water. No extractive operation shall be conducted in such a manner as to significantly affect the water availability of surrounding inhabited properties.
    - d. Dust Free Roads. The operator of the excavation shall maintain all haulage roads used in connection with this operation, whether under their control and ownership, a private road, or that of a municipality, as much as possible in a dust free condition.

4.10 SCHEDULE OF REGULATIONS

SCHEDULE OF REGULATIONS FOR TOWN OF ROCK ZONING DISTRICTS									
			MINIMUM LOT SIZE		MINIMUM SETBACK REQUIREMENTS				
ZONING DISTRICT	PERMITTED USES	DEVELOPMENT DENSITY	AREA	FRONTAGE & WIDTH	FRONT	REAR	SIDE	MAX. BUILDING HEIGHT	OTHER REQUIREMENTS FOR DISTRICT
<b>Residential (R-1)</b>	Single-family residential One private garage Accessory buildings		30,000 sq. ft. or 20,000 sq.ft. with public sewer and water	<u>FRONTAGE:</u> 33' or XXX' with public sewer and water <u>WIDTH:</u> 100' minimum average lot width	See Section 3.12. SETBACK.	25' for principal buildings; 5' for accessory buildings.	10' for principal buildings; 5' for accessory buildings.	35' above grade.	Off street parking: Single family res.: 1 space/family Place of public gathering: 2 spaces/5 person cap.
<b>General (GU)</b>	Agricultural uses Single-family residential Two-family residential	Four (4) farm or non-farm dwelling shall be permitted per section mile on each side of existing public roads.	5 Acres	<u>FRONTAGE:</u> 500' <u>WIDTH:</u> 100' minimum average lot width	See Section 3.12. SETBACK.	20'	75'	Residential: 35' Farm: None	Minimum water setback: 75'  Exceeding permitted density for residential development requires a conditional use permit.
<b>Commercial (COM)</b>	General commercial activities				See Section 3.12. SETBACK.	7 1/2' from alleys, otherwise none	Same as A-1	Same as A-1	Exceeding permitted density for residential development requires a conditional use permit.
<b>Mixed Use</b>	Residential Uses Commercial uses as conditional		2 Acres	<u>FRONTAGE:</u> 264' <u>WIDTH:</u> 100' minimum average lot width	75' with front yard parking 50' without front yard parking ? is this from ROW	50'	20'	45'	See Table 1 or 1 space/350 sq. ft. floor area <u>Truck Unloading</u> to be sufficient space so that no streets or alleys need be blocked.

## SECTION 5. CONDITIONAL USES

### 5.01 GENERAL

- A. Uses listed as permitted by conditional use permit may be authorized in the zone in which permitted upon application to the Planning Commission and subject to the committee's authorization of a conditional use permit.
- B. In all cases of proposed establishment of a conditional use specified in this Ordinance, the Planning Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and other aspects of the proposed use.

### 5.02 PROCEDURE

A request for a conditional use permit shall be submitted in writing to the Town Zoning Administrator who shall promptly refer the application to the Town Planning Commission. The request shall be accompanied by scale maps or drawings prepared to the best of the applicant's ability, showing legibly and accurately, the location, size and shape of the lot(s) involved, and of any proposed structures, including the relation to the abutting streets and any abutting lakes or streams, and the existing and proposed use of each structure and lot, and the number of families to be accommodated, or the number of persons that would normally occupy the building or structure.

### 5.03 STANDARDS

No permit for a conditional use shall be granted unless the Planning Commission shall find the following conditions are present:

- A. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- B. That the uses, values and enjoyment of other property in the neighborhood used for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.
- C. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

- D. That adequate utilities, access roads, drainage, and other necessary site improvements have been or are being provided.
- E. That adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion and traffic hazards in the public street.

#### **5.04 CONDITIONS AND GUARANTEES**

- A. Prior to granting a permit for a conditional use, the Planning Commission may stipulate such conditions and restrictions upon the establishment, maintenance and operation of the conditional use as it may find necessary to secure compliance with the standards specified in Section 5.03. Establishment, maintenance and operation shall be construed to include, but shall not be limited to: landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, operational control, hours of operation, traffic circulation, deed restrictions, access restrictions, yard and parking requirements, insofar as the Town Board shall find that conditions applying to these factors are necessary to fulfill the purpose and intent of this Ordinance. In all cases in which a permit for conditional use is granted, the Planning Commission shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.
- B. In addition to the above conditions and restrictions, the following special conditions may apply to permit requests that exceed a districts permitted development density or where development would take place within a secondary conservation area:
  - 1. The development shall be designed to promote the preservation of natural features, including significant wildlife habitat, sensitive environmental lands and scenic vistas.
  - 2. Residential lots shall be laid out, to the greatest extent feasible, to achieve the following objectives:
    - i. On the most suitable soils for subsurface septic disposal.
    - ii. Within a woodland contained in the parcel or along the far edge of open fields adjacent to any woodland.
    - iii. In locations least likely to block or interrupt scenic vistas, as seen from public roadway(s).
  - 3. Dwelling units shall be carefully located in order to avoid conflicts with neighboring land uses. Dwelling placement shall be planned to screen homes from offsite vantage points, away from environmentally sensitive areas, existing agricultural uses, sites suitable for open space and upwind from areas subject to land management practices that will cause dust, noise, smoke, odors or similar problems.

4. Preserving Roadway Frontage. All dwellings and accessory structures shall be no less than one hundred (100) feet from the edge of the major arterial and that one hundred (100) foot area shall be maintained in native plants and trees so as to create a buffer between the roadway and the development.
- C. Conditional uses shall comply with all other provisions of this Ordinance such as lot width and area, yards, height, parking and loading.

#### **5.05 DETERMINATION**

- A. The Planning Commission shall report its decision within 60 days after the filing of the application. Its decision shall include an accurate description of the use permitted, of the property on which it is permitted, and any and all conditions made applicable thereto.
- B. The Planning Commission may authorize the Zoning Administrator to issue a conditional use permit for conditional uses specified in this Ordinance after review by the Planning Commission and a public hearing, provided such uses are in accordance with the purpose and intent of this Ordinance.

#### **5.06 TERMINATION**

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

#### **5.07 REAPPLICATION**

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

#### **5.08 EXPIRATION**

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

## SECTION 6. SIGNS

### 6.01 SIGNS

- A. All signs hereafter located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered, shall be in conformity with the provisions of this Ordinance and the Wisconsin Administrative Code, Chapter Trans-200.
- B. The size, type and location of signs shall be as provided by this section as affecting each zoning district, except that this Ordinance is not intended to prohibit "no hunting", "no trespassing", "for sale", "for rent", or similar signs not larger than six square feet in gross area.
- C. Existing signs of non-conforming businesses or industries announcing only the name and occupation of the business or the proprietor are permitted by this Ordinance.

### 6.02 OFF PREMISES SIGN PERMIT REQUIRED

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

### 6.03 SIGN PERMIT FEE AND NUMBER.

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

#### 6.04 NON-CONFORMANCE

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

#### 6.05 SPECIAL SIGNS

A. Home Occupation Nameplate.

One nameplate advertising a legal home occupation shall be permitted upon the property on which the home occupation is located, provided that it is not in violation with the other provisions of this Ordinance, and that it does not exceed three square feet in gross area.

B. Temporary Signs.

Temporary signs announcing construction, remodeling or rebuilding, sale, lease, or rental shall be permitted for each lot frontage. Such signs shall be removed when construction, ale, lease or other indicated purpose is completed. One temporary sign not exceeding sixty-four (64) square feet shall be permitted for each lot frontage of one hundred fifty (150) feet or less. Temporary signs not exceeding one hundred sixty (160) square feet shall be permitted for each lot frontage of more than one hundred fifty (150) feet provided, however, that no two signs shall be located closer than three hundred (300) feet on any one lot. Where lot frontage is sufficient to permit two signs, one sign may be used in substitution, provided the total area does not exceed two hundred forty (240) square feet. Only one side of a double-faced sign shall count toward total temporary sign area permitted.

C. Incidental Signs.

1. The number of incidental signs shall be unlimited; provided, however, that the surface area of such sign shall not exceed one (1) square foot.
2. Incidental signs, except those accessory to parking and loading areas, shall be set back in accordance with the building setback lines required by zoning district for the lot.
3. Signs accessory to parking and loading areas shall be subject to the following requirements:
  - i. Directional signs for traffic, pedestrian or other control, or designating entrances or exits to or from parking or loading area shall not exceed nine (9) square feet of surface area per sign.
  - ii. One sign, maximum surface area of sixteen (16) square feet, identifying a parking or loading area shall be permitted for each street frontage of such

parking area. Said sign may include the name of the owner and/or name of the use for which it is provided.

iii. Signs accessory to parking or loading areas shall be set back a minimum of two

(2) feet from any lot line unless attached flat to a building wall.

1. Area: The maximum surface area of such sign shall be one (1) square foot for each lineal foot of frontage of the lot, but not to exceed six hundred (600) square feet.

2. Height: The sign structure shall not project higher than forty (40) feet above grade level (at base of sign structure).

#### **6.06 GENERAL SIGN PROVISIONS.**

A. These provisions shall apply to free standing, billboard type, and signs painted or posted onto existing structures except signs used on the premises of a place of business or industry and as otherwise provided in Section 6. This section shall not apply to signs as permitted in Section 6.

1. Signs not advertising a service to the motoring public, such as restaurant or establishment serving food; hotel or motel; or an automobile or trucking service facility shall be eliminated in accordance with Section 6.04.
2. No sign shall exceed 400 square feet in area, 40 feet in length or 25 feet in height unless such sign is a part of the building in which event such sign shall not extend more than four feet above the roof line nor exceed the maximum height limit of the zoning district.
3. A minimum 1000-foot sign interval shall be maintained along highways having a 55 mile-per-hour speed zone or greater.
4. A minimum 500-foot sign interval shall be maintained along highways having less than a 55 mile-per-hour speed zone.
5. The setback, from the right-of-way, for all signs shall be not less than 66 feet on all federal, state and county truck roads and 35 feet on all other roads. In no event shall any sign be so located as to obstruct the driver's vision of any oncoming vehicle at any intersection.
6. All signs and sign structures shall be kept in repair and in proper state of preservation.

## 6.07 DISTRICT SIGN REGULATIONS

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

1. Agricultural District.

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

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

3. Commercial and Mixed Use Districts.

- i. No sign shall be placed within 20 feet of a Residential District Zone boundary line.
- ii. No free standing business or advertising sign shall be located within 15 feet of any roadway, street or highway; within 10 feet of any driveway, or within 25 feet of the intersection of two streets or roads.
- iii. No sign structure or any part thereof, except of provided in Section 6.07(A)(1)(i) and 6.07(A)(1)(iii) shall be located in any public right-of-way.
- iv. The maximum allowable gross area of a sign, in square feet shall not exceed three times the lineal frontage of the lot upon which the sign is located; however, under no circumstances, shall a sign exceed 250 square feet in area.
- v. Ground mounted on premises signs shall be erected not less than 1-1/2 times the setback from the centerline of the street and not at ached sign shall be higher than four feet above the top of the roof line or in any case exceed the maximum height limitation of the district.
- vi. When any sign is illuminated, the light shall be shaded or concealed so that it will not interfere with the vision of motor vehicle operators or shine directly upon any residential property located in a residential district.
- vii. Rotating, moving or flashing signs are prohibited.

- viii. Ground mounted on premise signs shall be spaced no closer than 300 feet from any other ground mounted sign whether or not such sign is located on the same premises, except that:
  - 1. When a property has frontage of less than 300 feet, one sign shall be permitted for each individual property ownership, and
  - 2. On corner lots a ground mounted sign may be located along each street provided that all other signs regulations are followed.
- ix. All signs shall be mounted in one of the following manners:
  - 1. Back to back;
  - 2. Flat against a building or wall;
- 2. Otherwise mounted so that the backs of all signs or sign structures shall be painted and maintained in a neutral color or a color that blends with the surrounding environment.

**SECTION 7. MANUFACTURED HOUSING, MOBILE HOMES, MOBILE HOME PARKS AND TRAVEL TRAILER PARKS.**

**7.01 MANUFACTURED HOUSING**

- A. It shall be lawful to locate and occupy a manufactured home on any lot or parcel of land where a single family dwelling may be constructed on site, provided such lot or parcel is owned by the owner of the manufactured home. All zoning, building and sanitary ordinances and regulations which apply to on-site constructed single family residential buildings shall apply to manufactured homes, except to the extent such regulations may conflict with controlling state or federal law.
- B. Manufactured homes shall be established on permanent foundation in accordance Chapter Comm 27, Wisconsin Administrative Code which extends below the frost line, shall be permanently connected to utility connections, and shall have perimeter skirting which extends to ground level or below around the entire home. Any manufactured houses that are so established and connected under this paragraph shall have its tow hitch, wheels or traveling carriage, if any, removed, and it shall be affixed to the permanent foundation in the same manner as an on-site built residential house.
- C. A manufactured housing unit which does not comply with the foundation, utility, and other applicable zoning and building requirements imposed by this and other applicable town, county and state ordinances and regulations shall be deemed, for the purposes of the Town of Rock Zoning Ordinance, a “mobile home” and shall be subject to the restrictions and limitations applicable to mobile homes, as set forth in this Section 7.02, below.

**7.02 MOBILE HOMES AND TRAVEL TRAILERS**

No mobile homes or travel trailers may be placed, located or parked on any privately owned parcel of land except as provided hereunder. All the permitted uses listed hereunder shall be subject to approval as a conditional use in Section 5 above.

- A. It shall be lawful to locate one mobile home only on each parcel of land within an area designated as a mobile home lot by the Town Board.
- B. It shall be lawful to locate mobile homes in a mobile home park as delineated by this Ordinance, provided that the Park is licensed by the Town Board.
- C. It shall be lawful to locate a travel trailer or motor home on a parcel of land as delineated by this Ordinance, provided that it is within a travel trailer park licensed by the Town Board.
- D. It shall be lawful to locate mobile homes or travel trailers on the premises of business establishments which are engaged in the sale, rental, leasing, manufacture, or repair of mobile homes or travel trailers.
- E. It shall be lawful to park for storage only a house trailer, motor home or recreational mobile home in any district, if such unit is unoccupied.
- F. It shall be lawful to locate and occupy a mobile home or house trailer temporarily on a residential lot during construction of a primary dwelling, as provided at Section 7.06.
- G. It shall be lawful to locate and occupy a mobile home for use by farm labor as defined at Section 4.06 (D)(2).

**7.03 MOBILE HOME LOT**

A mobile home lot may be established as a conditional use within a Single-Family Residential (R-1) District as delineated by this Ordinance, subject to all provisions thereof.

- A. Parcels of land within an area designed as a mobile home lot shall be utilized for single-family residential housing on individual lots, with residence in mobile homes exclusively.
- B. The subdivision of land and the use of land within an area designated as a mobile home lot shall be in accordance with the Subdivision Ordinance of Wood County, and all other applicable ordinances of the County and Town of Rock applying to the subdivision, use the occupancy of land. The development standards of the Single-Family Residential District of this Zoning Ordinance, including, but not limited to, yard setback, average lot width and lot area per family, shall apply.
- C. Every mobile home located on a mobile home lot shall be sited parallel to the adjacent public road or street and shall be set on a concrete slab or permanent basement foundation, secured by adequate tie-downs, and unless on a permanent foundation shall be equipped with skirting.

**7.04 MOBILE HOME PARKS, GENERAL PROVISIONS**

- A. Construction, alteration or extension of a mobile home park shall be subject to the usual requirements for a building permit as set in this Ordinance.
- B. All mobile home parks established in the Town of Rock shall comply with the design, system and other requirements set forth in Chapter ATCP 125 Mobile Home Parks, Wisconsin Administrative Code and with all applicable Town and County Ordinances.

**7.05 MOBILE HOME PERMIT**

- A. Any person desiring to place or locate a mobile home or travel trailer within the Town of Rock shall apply for a mobile home permit, which shall be issued on the same terms and conditions as a building permit, except as provided in this Section.
- B. The valuation of a mobile home for purposes of the fee for a permit shall be the fair market value of the home plus costs of placement, including well, sanitary disposal installation and foundation or slab, except that the fee for temporary placement of mobile homes shall be \$15.00.

**7.06 TEMPORARY PLACEMENT**

When any person owning or occupying a lot in the Town of Rock requests permission to park a mobile home for the purpose of constructing a permanent dwelling, the following procedure shall be followed:

- A. The applicant shall first be required to apply for a building permit for the permanent dwelling from the Town Zoning Administrator, as required by this Ordinance.
- B. After such time as the Zoning Administrator issues a building permit for an approved building on such premises, the applicant may then apply for a Mobile Home permit as provided under Section 7.05. Such Mobile Home Permit issued under these conditions shall be issued by the Zoning Administrator as a Temporary Permit and shall be declared invalid after a period of two years from the date of issuance.
- C. Not more than one permit shall be issued to any person or persons occupying the same property for the same purpose. A Temporary Mobile Home Permit cannot be extended for a period of more than two years.

**7.07 REMOVAL**

Whenever a Mobile Home existing at the time of the adoption of this ordinance is removed from any premises, the non-conforming use shall terminate and another Mobile Home permit shall not be issued for a different Mobile Home on that Premises to any person owning or controlling such Premises, except as provided herein.

**SECTION 8. AMENDMENTS**

**8.01 AUTHORITY**

The regulations imposed and the zoning districts created under authority of this Ordinance may be amended from time to time in accordance with Section 60.61, Wisconsin Statutes. An amendment shall be granted or denied by the Town Board only after a public hearing before the Town Planning Commission, and a report of its findings and recommendations has been submitted to the Town Board.

**8.02 INITIATION**

A petition for change or amendment may be made by any property owner in the area to be affected by the change or amendment, by any member of the Town Board, or by the Planning Commission.

**8.03 PETITIONS**

Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Zoning Administrator and shall describe the premises to be rezoned (including legal descriptions) or the regulations to be amended, list the reasons justifying the petition, specify the proposed use and list the owner's names and addresses of all properties lying within five hundred (500) feet of the area proposed to be rezoned. The petitioner will provide additional information as may be required by the Planning Commission or Town Board.

**8.04 FEE**

The following fee shall be paid to the Zoning Administrator by the petitioner to defray the cost of administration, investigation, advertising, and processing of the petition.

	<u>Initial Fee</u>	<u>Appeal Fee</u>
Zoning Amendment	\$250.00	\$250.00

**8.05 PROCESSING**

A petition for amendment shall be filed with the Zoning Administrator. Such petition shall be forwarded from the Zoning Administrator to the Town Board with a request to hold a public hearing in accordance with Section 60.61, Wisconsin Statutes.

**8.06 RECOMMENDATIONS**

The Planning Commission shall review all such proposed changes or amendments and shall recommend that the petition be granted as requested, modified or denied. Recommendation shall be made in a written statement to the Rock Town Board.

**8.07 PUBLIC HEARINGS**

Notice of any public hearing which the Planning Commission is required to hold under the terms of this Ordinance shall specify the date, time and place of hearing and the matters to come before the Board of Adjustment at such hearing and notice shall be given in each of the following ways:

- A. By publication in the official newspaper(s) of the Town at least once, not less than ten (10) days prior to the date of such hearing.
- B. By certified mail to the parties having a legal interest in any of the matters to come before the Board of Appeals at such hearing.

**8.08 TOWN BOARD ACTION**

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

**8.09 EFFECTIVE DATE OF AMENDMENT AND THE ORDINANCE**

The amended ordinance shall be mailed by the Zoning Administrator to the Town Clerk as provided by Section 60.61 of the Wisconsin Statutes, and shall become effective unless disapproved within forty (40) days by the Town Board as provided in Section 60.61 of the Wisconsin Statutes.

## SECTION 9. BOARD OF APPEALS

### 9.01 ESTABLISHMENT

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

### 9.02 MEMBERSHIP

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

### 9.03 DUTIES

The Board of Appeals is hereby delegated the following duties and responsibilities:

- A. To correct errors or abuses in the administration of the Ordinance by the Town Zoning Administrator;
- B. To grant relief when hardship results from strict application of the provisions of the Ordinance;
- C. To consider applications for exceptions and variances;
- D. To grant or deny applications for variances from the Ordinance;
- E. To interpret the zoning regulations or the zoning district map.

#### **9.04 PRINCIPLES GUIDING BOARD DECISIONS**

The following are principles that shall guide the Board of Appeals.

- A. The burden is upon the appellant to prove the need for a variance.
- B. Pecuniary hardship, loss of profit, self-imposed hardships, such as that caused by ignorance, deed restrictions, proceeding without a permit, or illegal sales, are not sufficient reasons for granting a variance.
- C. The board is bound to accept the Zoning Ordinance and map as being correct.
- D. The plight of the appellant must be unique, such as a shallow or steep parcel of land, or situation caused by other than his own action.
- E. The hardship justifying a variance must apply to individual appellant's parcel or structure and not generally to other properties in the same district.
- F. The variance must not be detrimental to adjacent properties.
- G. The Board of Appeals, in fulfilling its duties, may modify, alter, or change any application.

#### **9.05 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.

#### **9.06 APPEALS TO BOARD AND APPEAL FEES**

Appeals to the Board of Appeals may be taken by any person aggrieved or by an officer, department, or board of the town affected by any decision of the administrative officer. Such appeal shall be taken within ten (10) calendar days, by filing with the officer from whom the appeal is taken and with the Board of Appeals a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the

Board all the papers constituting the record upon which the action appealed from was taken. The cost of the appeal shall be \$250.00. This fee shall be paid to the Town Clerk at the time of the appeal.

### **9.07 STAYS**

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 the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than 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.

### **9.08 HEARING APPEALS**

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

### **9.09 POWERS OF THE BOARD**

The Board of Appeals shall have the following powers:

- A. To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the Zoning Administrator.
- B. To hear and decide special exceptions to the terms of the Ordinance upon which such board is required to pass under such Ordinance.
- C. To authorize, upon appeal 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 the Ordinance shall be observed and substantial justice done.

### **9.10 ORDER ON APPEAL**

In exercising the above-mentioned powers, such board may, in conformity with the provisions of this section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all powers of the officer from whom the appeal is taken, and may issue or direct the issuance of a permit.

**9.11 CONCURRING VOTE**

The concurring vote of 4 members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such Ordinance, or to effect any variation in such Ordinance. The grounds of every such determination shall be stated.

**9.12 COURT REVIEW**

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

**9.13 CERTIORARI**

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

**9.14 RETURN TO WRIT**

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

**9.15 COURT DECISION**

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

**9.16 COSTS**

Costs shall not be allowed against the Board unless it shall appear to the court that the Board acted with gross negligence or in bad faith, or with malice, in making the decision

appealed from. All issues in any proceeding under this section shall have preference over all civil action and proceedings.

## SECTION 10. PENALTIES

### **10.01 FAILURE TO COMPLY**

Any person, firm or corporation that fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit \$200.00 for each violation, plus the costs of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense.

### **10.02 DOUBLE FEE PROVISION**

A double fee shall be charged by the Zoning Administrator for any act requiring issuance of a permit should the act commence prior to issuance of the permit.

**SECTION 11. PERMIT AND VARIANCE FEE SCHEDULE**

The following fees shall be paid by the person requesting the permit or variance to the Zoning Administrator or authorized deputy at the time of filing to defray the cost of administration, investigation, advertising and processing of the permits and variances:

	Initial Fee	Appeal Fee
Building Permit	See Section 3.06	Section 3.06 plus an additional \$200.00
Conditional Use Permit	\$200.00	\$200.00
Variance	\$200.00	\$200.00
Remodeling	See Section 3.11	See Section 3.11

**SECTION 12. ADMINISTRATION**

**12.01 TOWN ZONING ADMINISTRATOR**

**A. Designation:**

The town of Rock Planning Commission shall appoint a Zoning Administrator for the administration and enforcement of the provisions of this Ordinance. Compensation for the zoning Administrator to be the responsibility of the town.

**B. Duties:**

In administering and enforcing this Ordinance, the Zoning Administrator and any of his deputies shall perform the following duties:

- i. Provide necessary forms for applications for use permits.
- ii. Issue land use permits and conditional use permits where the provisions of this Ordinance have been complied with.
- iii. 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.
- iv. Maintain files of applications, permits and other relevant information.
- v. Maintain an Official District Map of the town of Rock and update it upon zoning changes.

**C. Powers:**

The Zoning Administrator and his duly appointed deputies shall have the powers and authority including but not limited to the following:

- i. At any reasonable time, and for any proper purpose, to enter upon any public or private premises and make inspection thereof.
- ii. Upon reasonable cause of question as to proper compliance, to revoke any land use permit and issue cease and desist orders requiring the cessation of any building, moving, alteration or use which is in violation of the provisions of this Ordinance.

**County Approval**



**Wood County**  
WISCONSIN

OFFICE OF PLANNING  
AND ZONING

DATE: September 23, 2016  
TO: Jill Wensch  
Town of Rock  
10166 MacArthur Drive  
Marshfield WI 54449  
FROM: Wood Co Planning & Zoning *Julie*  
RE: Town of Rock Zoning Amendment

Attached is a signed copy of the County Board Resolution for the recent Town of Rock Zoning Amendments that was approved by the County Board at their September 20, 2016 meeting.

If you have any questions or need clarification on this or any other matter, please feel free to contact this office.

Enc: Co Board Resolution

Town of Rock Zoning Ordinance

WOOD COUNTY



RESOLUTION# \_\_\_\_\_

ITEM# \_\_\_\_\_

DATE September 20, 2016

Effective Date September 20, 2016

Introduced by Conservation, Economic & Education Development

Page 1 of 1

Committee \_\_\_\_\_

Motion:	Adopted:	<input type="checkbox"/>
1 <sup>st</sup>	Lost:	<input type="checkbox"/>
2 <sup>nd</sup>	Tabled:	<input type="checkbox"/>
No: _____	Yes: _____	Absent: _____
Number of votes required:		
<input checked="" type="checkbox"/> Majority	<input type="checkbox"/> Two-thirds	
Reviewed by: <u>PAK</u>	, Corp Counsel	
Reviewed by: _____	, Finance Dir.	

INTENT & SYNOPSIS: To approve a zoning amendment to the Town of Rock Zoning Ordinance.

FISCAL NOTE: No County expenditure.

WHEREAS, the Town of Rock, a town with village powers, has amended their town zoning ordinance in accordance with Chapter 60.62 Wisconsin Statutes, and

WHEREAS, the Rock Town Board met on August 11, 2016 and approved the recommended zoning ordinance amendments, and

WHEREAS, the Town of Rock has submitted the zoning ordinance amendment to Wood County, along with a request for the County Board approval, as required by Wisconsin Statute, and

WHEREAS, the Wood County Planning and Zoning staff and the Conservation, Education & Economic Development Committee have reviewed the amendment and find that it does not conflict with any county planning programs or zoning ordinances.

NOW, THEREFORE, LET IT BE RESOLVED, that the Wood County Board of Supervisors does hereby approve the following amendments to the Town of Rock zoning ordinance and so notify the Town of the approval via a copy of this resolution.

		NO	YES	A
1	LaFontaine, D			
2	Rozar, D			
3	Feirer, M			
4	Wagner, E			
5	vacant			
6	Breu, A			
7	Ashbeck, R			
8	Miner, T			
9	Winch, W			
10	Henkel, H			
11	Curry, K			
12	Machon, D			
13	Hokamp, M			
14	Polach, D			
15	Clendenning, B			
16	Pliml, L			
17	Zurfluh, J			
18	Hamilton, B			
19	Leichtnam, B			

**Town of Rock Proposed Zoning Ordinance Amendments**

- 1) Conditional Use duration changed from expiration in 5-years to no expiration.
- 2) Zoning Ordinance and map change of Agricultural District designation to General Use District.

<u>Hilde Henkel</u>	_____	Hilde Henkel, Chair
<u>Robert Ashbeck</u>	_____	Robert Ashbeck
<u>Ken Curry</u>	_____	Ken Curry
<u>Bill Leichtnam</u>	_____	Bill Leichtnam

Adopted by the County Board of Wood County, this 20th day of September 20 16.

\_\_\_\_\_  
County Clerk

\_\_\_\_\_  
County Board Chairman