

ZONING ORDINANCE

TOWN OF ROCK

Rock County, Wisconsin

(Adopted as of February 2, 2015)

Technical planning assistance in the preparation of this Ordinance rendered by Rock County Planner Colin Byrnes.

Adopted	<u>February 2</u> , 2015
Posted	<u>February</u> , 2015
Effective	<u>February</u> , 2015

Mark Gunn, Chairperson

Tony Dubanowich, Supervisor

Pete Parker, Supervisor

Countersigned:

Deborah Bennett
Town Clerk

SECTION 1. INTRODUCTION

1.1 Authority

Whereas the Town Board of the Town of Rock, Wisconsin, has proceeded under the provisions of Sections 60.62, 61.35 and 62.23 of the Wisconsin Statutes and whereas these regulations are adopted under the authority granted by Sections 60.62, 61.35 and 62.23 of the Wisconsin Statutes. Therefore, the Town Board of the Town of Rock, Rock County, Wisconsin, does ordain as follows:

1.2 Purpose

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

1.3 Intent

It is the general intent of this Ordinance to regulate and restrict the use of all lands and waters; preserve productive and historic agricultural soils; regulate and restrict lot coverage, population distribution and density, and to stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the community; and implement the community's comprehensive plan or plan components. It is further intended to provide for the administration and enforcement of this Ordinance and to provide penalties for its violation.

1.4 Abrogation and Greater Restrictions

It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any 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.

1.5 Interpretation

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

1.6 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.

If any application of this Ordinance to a particular structure, land or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment.

1.7 Repeal

All other ordinances or parts of ordinances of the Town inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed, including without limitation a certain zoning ordinance dated December 7, 1982.

1.8 Title

This Ordinance shall be known as, referred to, or cited as the "ZONING ORDINANCE, TOWN OF ROCK, WISCONSIN".

1.9 Effective Date

This Ordinance shall be effective after a public hearing, adoption by the Town Board and other requirements of law.

SECTION 2. GENERAL PROVISIONS

2.1 Jurisdiction

The jurisdiction of this Ordinance shall include all lands and waters within the Town.

2.2 Compliance

No land or water shall hereafter be used or any structure constructed thereon without full compliance with the provisions of this Ordinance and all other applicable local, county, and state regulations. It shall be the duty of the Zoning Officer to investigate all complaints, give notice of violations, and to enforce this Ordinance. The Zoning Officer may enter, at any reasonable time as permitted by the property owner, onto any public or private lands or waters to make inspection. If the Zoning Officer is refused entry, he may apply for, obtain, and execute a special inspection warrant for said premises pursuant to Sections 66.0119, Wis. Stats. The Zoning Officer may set time limits and conditions for the correction of violations.

2.3 Use Restrictions

The following use restrictions and regulations shall apply:

(1) Permitted Uses. Only those principal uses specified, their essential services, and uses listed in items 2-5 (below) shall be permitted in each district.

(2) 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.

(3) Conditional Uses and their accessory uses are considered as special uses requiring review, public hearing, and approval by the Planning & Zoning Committee (or by the Town Board, if required by this Ordinance) and issuance of a conditional use permit in accordance with Section 5 of this Ordinance.

(4) Unclassified or Unspecified Uses may be permitted by the Planning & Zoning Committee (or by the Town Board, if required by this Ordinance) provided that such uses are similar in character to the principal uses permitted in the district.

(5) Temporary 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 Planning & Zoning Committee.

(6) Performance Standards listed in this Ordinance shall be complied with by all uses in all districts.

(7) Soil Restrictions. Certain soil types in the Township, as shown on the operational soil survey maps prepared by the U.S. Department of Agriculture, Soil Conservation Service, have severe or very severe limitations for on-site soil absorption sewage disposal facilities

because of one or more of the following reasons: High or fluctuating water table, flooding, groundwater contamination, silting, slow permeability, steep slopes, or proximity to bedrock. The Rock County Standard Soils Survey prepared by the U.S. Soil Conservation Service is hereby adopted by reference as a determining factor in land use decisions. When a question arises as to the accuracy of a soil mapping unit, an intensive soil survey of the site in question shall be requested from the Rock County Sanitarian and/or a soil scientist from the Soil Conservation Service by either the township or the applicant.

2.4 Penalties

Any person, firm or corporation who fails to comply with, or violates, the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than \$50 nor more than \$500 and the costs of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding thirty (30) days. Each day a violation exists or continues shall constitute a separate offense.

2.5 Civil Enforcement

Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy of a building, structure or premises, and these remedies shall be in addition to the Penalties described above. Without limiting the other remedies provided for herein, the Town Board, the Zoning Officer, the Town Planning & Zoning Committee, or any neighboring property owner who would be specifically damaged by any violation of this Ordinance may institute appropriate action or proceedings to enjoin such violation.

2.6 Change in Fees

All fees required to be paid pursuant to the provisions of the Zoning Ordinance including, without limitation, the fees pursuant to Sections 5.6(a), 7.4(1), 9.5(4), 12.3(4), and 14.12, may be increased or decreased from time to time by resolution of the Town Board of the Town of Rock.

SECTION 3. ADMINISTRATION

3.1 Town Board

The Town Board is the public body having exclusive authority to change or amend this Ordinance.

3.2 Building Inspector

(1) It shall be the duty of the Building Inspector to administer, supervise and literally enforce the provisions of the Town of Rock Building Code.

(2) The Building Inspector shall prepare building permit forms, assist any applicant in preparing any building permit application, advise the applicant as to the provisions of the Town Building Code, inspect each project for which a permit has been applied for or granted, report violations, and provide information to the Planning and Zoning Committee. The Building Inspector may issue Building Permits which are in strict compliance with the requirements of the Building Code and this Zoning Ordinance provided, however, that if a Zoning Permit is required, no Building Permit shall be issued by the Building Inspector until following the issuance of a Zoning Permit by the Zoning Officer. Whenever there is a question as to the literal requirements of the Building Code and/or this Ordinance, such question is to be brought by the Building Inspector directly to the Planning & Zoning Committee for its consideration.

3.3 Zoning Officer

(1) There is herewith created the office of Zoning Officer, which office may be a full-time or part-time position, as the Town Board in its discretion shall determine. The Zoning Officer shall be appointed by the Town Board and shall hold office until replaced by the Town Board. His/Her duties shall be to administer, supervise, and literally enforce the provisions of the Town Zoning Ordinance. His/Her compensation shall be determined by the Town Board. It also shall be the duty of the Zoning Officer to literally enforce the provisions of all other ordinances of the Town except for the Town of Rock Building Code.

(2) The duties of the Zoning Officer shall be to investigate all complaints, give notice of violations, and to enforce this Zoning Ordinance as well as all other ordinances of the Town except for the Town of Rock Building Code. The Zoning Officer may enter, at any reasonable time as permitted by the property owner, onto any public or private lands or waters to make inspection. If the Zoning Officer is refused entry, a special inspection warrant shall be issued for said premises pursuant to Sections 66.0119 of the Wisconsin Statutes. The Zoning Officer may set time limits and conditions for the correction of violations. The Zoning Officer's authorization to enforce the Zoning Ordinance may include, but not be limited to, the assessment of penalties pursuant to Section 2.4 and any civil enforcement action as outlined under Section 2.5 of the Zoning Ordinance.

(3) The Zoning Officer shall make monthly report of his/her activities to the Town Board.

(4) The Zoning Officer shall prepare zoning permit forms, assist the applicant as to the provisions of the Town Zoning Ordinance, inspect each project for which a permit has been applied for or granted, report violations, issue citations for violations of Town ordinances other than the Town of Rock Building Code, and provide any information to the Planning & Zoning Committee. The Zoning Officer may issue zoning permits which are in strict compliance with the requirements of this Ordinance. Whenever there is a question as to the literal requirements of this Ordinance, such question is to be brought directly to the Planning & Zoning Committee for its consideration.

3.4 Town Planning & Zoning Committee

There is hereby established a Planning & Zoning Committee for the Town.

3.5 How Constituted

The Planning & Zoning Committee shall consist of five (5) members appointed by the Town Board. Not more than one (1) member of the Town Board shall be a member of the Planning & Zoning Committee. If a member of the Town Board is appointed to the Planning and Zoning Committee, the Town Board shall appoint four (4) citizen members who upon creation of the committee shall be appointed for one (1), two (2) and two (2) members for three (3) year terms. If a Town Board member is not appointed a member of the Planning & Zoning Committee, a fifth citizen member shall be appointed for an initial term of two (2) years. The Town Chairperson shall appoint the committee's presiding officer. The Zoning Officer shall be an ex-officio member and shall attend all Planning & Zoning Committee meetings, but shall not be a voting member.

3.6 Terms of Office

The citizen members of the Planning & Zoning Committee shall serve for terms of three (3) years, except that the citizen members initially appointed to the Committee shall serve for terms of one (1), two (2), and three (3) years, respectively from the succeeding first day of May as set forth in 3.5 above. The term of a Town Board member shall be one (1) year. Following the initial appointments to the Planning & Zoning Committee, all appointments shall be made during April and all terms shall commence on the 1st day of May and expire on the 30th day of April.

3.7 Qualifications

All citizen members shall be residents of the Town of Rock, shall be persons with recognized experience and qualifications and shall hold office until their respective successors are selected and qualified. All members of the Planning & Zoning Committee shall be removable by the Town Board for cause, upon written charges and after public hearing.

3.8 Vacancies

Whenever a vacancy shall occur in the Planning & Zoning Committee, the Town Board shall select or appoint an appropriate member to complete the unexpired term.

3.9 Matters Referred to the Planning & Zoning Committee

(1) The Town Board or other public body having authority thereon, shall refer to the Planning & Zoning Committee, for its consideration and report before final action is taken by the Town Board or public body, the following matters: the location and architectural design of any public building; the location of any statue or other memorial; the location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition, or lease of land for any street, alley or other public way, park, playground, airport, area for parking facilities, or other memorial or public grounds; the location, extension, abandonment or authorization for any public utility whether public or privately owned; all plats of land in the township; the location, character and extent, or acquisition, leasing or sale of lands for public or semi-public housing, slum clearance, relief of congestion, or vacation camps for children; and the abandonment or repeal of any ordinance adopted pursuant to planning and zoning. Unless such report is made within 45 days or such longer period as may be stipulated by the Town Board, the board or other public body may take final action without it.

(2) The Planning & Zoning Committee shall have the following powers:

(A) Building and Conditional Use Permits. To issue building permits when there is a question raised by the Building Inspector as to the literal requirements of this Ordinance and to issue conditional use permits when within the provisions of this Ordinance.

(B) Subdivisions. To review and recommend to the Town Board the approval or denial of preliminary and final subdivisions. Conditions of approval may be attached to preliminary or final approval.

(C) Substitutions. To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses, provided no structural alterations are to be made. Whenever the Committee permits such a substitution, the use may not thereafter be changed without the approval of the Committee.

(D) Unclassified Uses. To hear and grant applications for unclassified and unspecified uses, provided that such uses are similar in character to the principal uses permitted in the district and such uses are not conditional or other uses that require the approval of the Town Board.

(E) Temporary Uses. To hear and grant applications for temporary uses in any district, provided that such uses are of a temporary nature, do not involve the erection of a substantial structure, and are compatible with the neighboring uses. The permit shall be temporary, revocable, subject to any conditions required by the Planning & Zoning Committee and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this Ordinance shall be required.

3.10 Meetings

Regular meetings shall be held monthly, as specifically determined by the Planning & Zoning Committee. Special meetings may be called by the presiding officer or upon written request of two committee members. Notice of special meeting shall be given by personal service to all members at least 24 hours prior to the called special meeting.

3.11 Minutes

The minutes of the Planning & Zoning Committee meetings shall be kept by the Secretary.

3.12 Quorum

Three (3) members of the Planning & Zoning Committee shall constitute a quorum to transact any business and formulate its proper action thereon.

3.13 Organization

The presiding officer of the Planning & Zoning Committee shall name the Secretary. The committee may also formulate any lawful rules for its operation and procedures.

3.14 Compensation

The members of the Planning & Zoning Committee shall be compensated as determined by the Town Board.

SECTION 4. ZONING DISTRICTS

4.1 Establishment

For the purpose of this Ordinance the Town of Rock is hereby divided into the following Zoning Districts:

Agricultural Farmland Preservation District (A-FP)
Agricultural District One (A-1)
Agricultural District Two (A-2)
Agricultural District Three (A-3)
Local Commercial District (B-1)
Large Scale Commercial District (B-2)
Residential District One (R-1)
Residential District Two (R-2)
Mobile Home Park District (MHP)
Special Purpose District (SP)
Light Industrial District (M-1)
General Industrial District (M-2)
Institutional District (IN)

4.2 Zoning Map and District Boundaries

(1) The boundaries of the zoning districts are hereby established as shown on a map entitled “Farmland Preservation Zoning Map for Town of Rock” bearing the most recent revision date of August 29, 2014 prepared by Rock County Planning, Economic & Community Development Agency (the “Zoning Map”), which map accompanies and is made a part of the Town of Rock Zoning Ordinance. Such boundaries shall be construed to follow: town and corporate limit lines, U.S. Public Land Survey Lines; lot or property lines; centerlines of streets, roads, highways, alleys, easements, and railroad right-of-ways lines or such lines extended; unless otherwise noted on the Zoning Map. The Zoning Map shall be kept on file in the office of the Town Clerk. The copy attached to the Town of Rock Zoning Ordinance is correct only as of the day of passage of this Zoning Ordinance. The Town Clerk shall keep a revised version of the Zoning Map reflecting any and all changes of zoning boundaries.

(2) Overlay districts, as presented in this section, are created for the purpose of imposing special regulations in given designated areas of the Town to accomplish stated purposes that are set forth for each overlay district. Overlay districts shall be in addition to, and shall overlap and overlay all other zoning districts within which lands placed in each district also lie, so that any parcel of land lying in an overlay district shall also lie in one or more of the other zoning districts provided for by this Ordinance.

4.3 General District Regulations

The following regulations set forth requirements that usually do not apply universally throughout the town, but rather cover things that are applicable to one or more districts.

(1) Erection of More Than One Principal Structure on a Lot. In any district no more than one structure housing a permitted or conditional use may be erected on a single lot except in the A-FP, A-1 and A-2 districts where the requirements of those districts shall be met for each structure as though it were on an individual lot.

(2) Exceptions to Height Regulations. The height limitations contained in the requirements for permitted and conditional uses do not apply to spires, belfries, cupolas, antennas, water tanks, fire towers, windmills, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

(3) Structures to Have Access. Every residential building hereafter erected or moved shall be on a lot adjacent to a public street and shall have direct access thereto; and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

(4) Parking and Storage of Certain Vehicles. Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.

(5) Setback. A setback less than the setback required by this Ordinance may be permitted where there are at least five (5) existing main buildings existing at the date of enactment of this Ordinance within five hundred (500) feet of the proposed site that are built to less than the required setback. In such case, the setback shall be the average of the nearest main building on each side of the proposed site or, if there is no building on one side, the average of the setback for the nearest main building on the one side and the required setback. Such setback shall be granted by a permit from the Planning & Zoning Committee and shall not require a special exception or variance.

(6) Loading Space. In Commercial or Industrial districts, sufficient space for loading or unloading of vehicles shall be provided off any adjoining street, road or highway in connection with any commercial or industrial use so that the adjoining street, road or highway shall at all times be free and unobstructed to the passage of traffic.

(7) Undersized Lots. Where a residential lot has an area less than the minimum number of square feet per family required for the district in which it is located and was of record as such in the office of the Register of Deeds for Rock, Wisconsin, at the time of the passage of this Ordinance, such lot may be occupied by one (1) family.

(8) Applicable Zoning for Vacated Street. Vacation of public streets, alleys and right-of-ways shall cause the land vacated to be automatically placed in the same district as the abutting side as to which the vacated land reverts.

(9) Criteria for Evaluation of Conflicting Land Use. Districts adjacent to Agricultural Districts are to recognize that agriculture is a necessary use and should be encouraged and there are certain environmental conditions that take place as a normal part of farm operation. Criteria used in reviewing this situation shall consider which land use has existed for the longest period of time, and what land use existed at the time the adjacent land use was created.

(10) Overhead Utility Lines. No overhead power, telephone, telegraph or other utility lines shall be erected within one-half mile of any boundary of the site of any airport, landing field, or landing and takeoff strip.

(11) Garages.

(A) Each single-family dwelling and each residential unit of a two-family dwelling may have one private garage only being either an attached garage or an unattached garage, provided:

(i) Such garage is clearly incidental to the residential use of the property;

(ii) The square footage of an attached garage shall not exceed the greater of 864 square feet or 50 percent of the finished livable floor area of the residential unit up to a maximum of 1,500 square feet. An attached garage in excess of 1,500 square feet may only be permitted as a Conditional Use after public hearing and approval of the Planning and Zoning Committee in accordance with the provisions of Section 5 of this Ordinance, provided, however, that in no event shall the square footage of such attached garage be greater than 50 percent of the finished livable floor area of the residential unit. Finished livable floor area of the residential unit shall not include a garage, breezeway, attic, or basement;

(iii) The square footage of an unattached garage shall not exceed 864 square feet;

(iv) An attached garage shall not exceed the height of the residential structure;

(v) An unattached garage shall not exceed 14 feet in height measured from floor to peak of roof; and

(vi) No portion of the garage may be used as a separate dwelling unit.

A garage, whether attached or unattached, shall not be counted as an accessory building.

(B) Garages, whether attached or unattached, for multi-family dwellings of three units or more may only be permitted as a Conditional Use after public hearing and approval of the Planning and Zoning Committee in accordance with the provisions of Section 5 of this Ordinance provided, however, that in no event shall the square footage of the garage be greater than 50 percent of the finished livable floor area of the multi-family residential dwelling. Finished livable floor area shall not include a garage, breezeway, attic, or basement.

(12) Towers Erected Under Small Wind Energy System Ordinance. Towers erected with a Tower Permit under the Town of Rock Small Wind Energy System Ordinance are a permitted use in all zoning districts.

(13) Accessory Buildings.

(A) In Residential District One (R-1) and Residential District Two (R-2) all accessory buildings shall comply with the following requirements:

- (i) The maximum size of an accessory building shall be 864 square feet; and
- (ii) The maximum height of an accessory building shall be 14 feet measured from floor to peak.

(B) In Agricultural District Three (A-3), all accessory buildings shall comply with the following requirements:

- (i) The maximum size of an accessory building shall be as follows:
 - (a) 864 square feet on parcels of less than 3 acres in size;
 - (b) 1,000 square feet on parcels of not less than 3 acres and not more than 5 acres in size; and
 - (c) 2,400 square feet on parcels of more than 5 acres in size.
- (ii) The maximum height of an accessory building of 1,000 square feet or less in size shall be 14 feet measured from floor to peak. No maximum height shall apply to accessory buildings of more than 1,000 square feet in size.

4.4 Agricultural Farmland Preservation District (A-FP)

(1) Purpose and Intent of Agricultural Farmland Preservation District (A-FP)

The purpose of the A-FP District is to provide a means of accomplishing the agricultural goals and objectives of the Town's Smart Growth Comprehensive Plan. This district exclusively provides for agricultural uses and uses compatible with agriculture. The intent in having this district is to conserve prime agricultural soils, historically farmed soils, and prevent uncontrolled and uneconomical spread of residential development which results in excessive costs to the community for the provisions of essential public services. Agricultural soils are predominant in this district and are to be very sparsely developed to protect the community's economic base and tax base.

The A-FP District is a "Farmland Preservation District" and meets the requirements to be regarded as Farmland Preservation Zoning for the purposes of the State of Wisconsin Farmland Preservation Program.

(2) Permitted Uses

The following uses are permitted in this district:

(A) *Agricultural uses on farms*, consisting of any of the following activities conducted for the purpose of producing an income or livelihood, **except for such agricultural uses for which a conditional use permit is required pursuant to subsection (3) below:**

(i) Crop or forage production.

(ii) Keeping *livestock*.

(iii) Nursery, sod, or Christmas tree production.

(iv) Floriculture.

(v) Aquaculture.

(vi) Forest management.

(vii) Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.

(B) *Accessory uses on farms* consisting of any of the following activities, **except for such accessory uses for which a conditional use permit is required pursuant to subsection (3) below:**

(i) A building, structure, or improvement that is an integral part of, or is incidental to, an *agricultural use*, examples of which are set forth in the definition of *accessory use* in Section 15.2 of this Ordinance.

(ii) An activity or business operation that is an integral part of, or incidental to, an *agricultural use*.

(iii) A *farm residence*, including normal residential appurtenances.

(C) Undeveloped natural resource and open space areas.

(D) Transportation, utility, communication, or other uses that are required under state or federal law to be located in a specific place, or that are authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit.

(E) *Prior nonconforming uses*, subject to the provisions of Section 60.61(5) Wis. Stats.

(3) Conditional Uses

The Town Board may issue a conditional use permit for a proposed land use identified in this subsection if the proposed land use meets applicable conditions under this subsection. The Town Board shall follow the procedures described in Section 5 of this Ordinance. In addition, before issuing a conditional use permit hereunder, the Town Board shall determine in writing that the proposed use meets applicable conditions under this subsection. The Town Board may issue the permit subject to any additional conditions which the Town Board deems necessary to carry out the purposes of this Ordinance (with the exception that no additional conditions may be imposed upon a permit relating to a *livestock facility* to the extent that such additional conditions are prohibited by Section 93.90 Wis. Stats. and Chapter ATCP 51 of the Wisconsin Administrative Code).

(A) Agricultural and accessory uses on farms. The Town Board may issue a conditional use permit for any of the following *agricultural uses* or *accessory uses*:

(i) A new or expanded *livestock facility*, if the facility will have more than one (1) animal unit per contiguous acre or more than 500 animal units, whichever is less, if the proposed facility meets the standards prescribed in Chapter ATCP 51, Wis. Adm. Code.

(ii) On-farm riding stables and boarding facilities, provided such use complies with the requirements of Section 91.01(1)(d) Wis. Stats.

(iii) Farmstead food processing facilities, provided such use complies with the requirements of Section 91.01(1)(d) Wis. Stats.

(iv) Farmstead retail outlets, provided such use complies with the requirements of Section 91.01(1)(d) Wis. Stats.

(v) Large on-farm fuel or agrichemical storage facilities, provided such use complies with the requirements of Section 91.01(1)(d) Wis. Stats.

(vi) Fur farms and beekeeping facilities conducted for the purpose of producing an income or livelihood.

(vii) Storage of non-agricultural items in buildings existing at the time of the adoption of this Ordinance, provided such use complies with the requirements of Section 91.01(1)(d) Wis. Stats.

(viii) Agricultural related airport or air strip not open to the public located on a *farm* which is accessory to the farm use.

(ix) A *farm owner/operator business* as defined in Section 15.2 of this Ordinance.

(x) Application of lagoon wastewater or other liquid by-products of animal waste by use of Center Pivot Waste Distribution Systems and Traveling Gun Waste Distribution Systems.

(B) Agriculture-related uses. The Town Board may issue a conditional use permit for an *agriculture-related use* if all of the following apply:

(i) The use supports *agricultural uses* in the farmland preservation zoning district in direct and significant ways, and is more suited to a farmland preservation zoning district than to an industrial or commercial zoning district.

(ii) The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.

(iii) The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.

(iv) The use is reasonably designed to minimize conversion of land, at and around the use site, from *agricultural use* or open space use.

(v) The use does not substantially impair or limit the current or future *agricultural use* of other *protected farmland*.

(vi) Construction damage to land remaining in *agricultural use* is minimized and repaired to the extent feasible.

For purposes of this subsection, *agriculture-related use* shall include, but not be limited to, the following:

- A grain warehouse, potato warehouse, or other warehouse that stores raw agricultural commodities received from farms.
- A dairy plant that processes or handles milk from farms.
- A meat slaughter establishment.
- A food processing plant that processes raw agricultural commodities received from farms.
- A feed mill or rendering plant that processes raw agricultural commodities or agricultural by-products received directly from farms, or supplies animal feed directly to farms.
- An ethanol plant, bio-diesel plant, communal manure digester, pelletizing plant or other facility that processes raw agricultural commodities, agricultural by-products or agricultural wastes received directly from farms to produce fuel or other products.
- A sawmill or other facility that processes wood or other forest products received directly from farms.
- A facility that provides farm inputs such as fertilizer, pesticides, seed or feed directly to farms.
- A facility that is primarily engaged in sale and servicing of farm vehicles or other farm equipment.
- A facility that is primarily engaged in providing agronomic or veterinary services to farms.
- Other agricultural facilities (other than livestock facilities) that may cause noxious odors or noise in excess of the Performance Standards set forth in Sections 13.6 and 13.7 of this Ordinance.
- Creameries, milk condenseries, cheese factories, and pea vineries that processes or handles milk and other commodities received directly from farms, provided, however, that such use is not located or operated nearer than 500 feet to any dwelling.

(C) Compatible Infrastructure.

(i) The Town Board may issue a conditional use permit for any of the following uses if that use meets applicable conditions under subsection (3)(C)(ii) below:

- (a) Transportation uses, including roads, rail facilities, and agricultural aeronautic facilities.
- (b) Communication uses, including transmission lines, cell towers, antennae and broadcast towers.
- (c) Oil, gas and other pipelines.
- (d) Electrical transmission lines.
- (e) Wind turbines.
- (f) Solar power generation facilities that primarily produce energy not used on the *farm*.
- (g) Drainage facilities.

(ii) The Town Board may issue a conditional use permit for a proposed use under subsection (3)(C)(i) above if all of the following apply:

- (a) The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
- (b) The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
- (c) The use is reasonably designed to minimize conversion of land, at and around the site of the use, from *agricultural use* or open space use.
- (d) The use does not substantially impair or limit the current or future *agricultural use* of other *protected farmland*.
- (e) Construction damage to land remaining in *agricultural use* is minimized and repaired to the extent feasible.

(D) Government and nonprofit community uses. The Town Board may issue a conditional use permit for a government use, or for an institutional, religious or community use, if the Town Board determines that all of the following apply:

(i) The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.

(ii) The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.

(iii) The use is reasonably designed to minimize conversion of land, at and around the use site, from *agricultural use* or open space use.

(iv) The use does not substantially impair or limit the current or future *agricultural use* of other *protected farmland*.

(v) Construction damage to land remaining in *agricultural use* is minimized and repaired to the extent feasible.

(E) Nonmetallic mineral extraction. The Town Board may issue a conditional use permit for a nonmetallic mineral extraction operation if all of the following apply:

(i) The operation complies with all of the following:

(a) Subchapter I of Chapter 295, Wis. Stats., and rules promulgated under that subchapter.

(b) Applicable provisions of the Town of Rock Mining Ordinance and the Rock County Non-Metallic Mining Reclamation Ordinance.

(c) Any applicable requirements of the Wisconsin Department of Transportation concerning the restoration of nonmetallic mineral extraction sites.

(ii) The operation and its location in the farmland preservation zoning district are consistent with the purpose of the farmland preservation zoning district.

(iii) The operation and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations outside the farmland preservation zoning district, or are specifically approved under state or federal law.

(iv) The operation is reasonably designed to minimize conversion of land around the extraction site, from *agricultural use* or open space use.

(v) The operation does not substantially impair or limit the current or future *agricultural use* of other *protected farmland*.

(vi) The conditional use permit requires the landowner and/or the operator to restore the affected land after the nonmetallic mineral extraction operation is completed. The permit shall require the landowner and/or the operator to restore the land to a condition suitable for *agricultural use*, according to a written restoration plan included with the permit.

(4) Rezoning Land out of Agricultural Farmland Preservation District (A-FP)

(A) Except as provided in subsection (4)(B) below, the Town Board may not rezone land out of the A-FP District unless the Town Board does all of the following prior to the rezoning:

(i) Finds all of the following in writing, after public hearing, as part of the official record of the rezoning:

(a) The rezoned land is better suited for a use not allowed in the farmland preservation zoning district.

(b) The rezoning is consistent with any comprehensive plan, adopted by the Town Board, which is in effect at the time of the rezoning.

(c) The rezoning is substantially consistent with the Rock County farmland preservation plan, certified under Chapter 91, Wis. Stats., which is in effect at the time of the rezoning.

(d) The rezoning will not substantially impair or limit current or future *agricultural use* of other *protected farmland*.

(B) Subsection (4)(A) above does not apply to any of the following:

(i) A rezoning that is affirmatively certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection under Chapter 91, Wis. Stats.

(ii) A rezoning that makes the farmland preservation zoning ordinance map more consistent with the Rock County farmland preservation plan map, certified under Chapter 91, Wis. Stats., which is in effect at the time of the rezoning.

(C) By March 1 of each year, the Town Clerk shall provide to the Wisconsin Department of Agriculture, Trade and Consumer Protection and the County of Rock a report of the number of acres that the Town has rezoned out of the A-FP District during the previous year and a map that clearly shows the location of those areas.

(5) Requirements for Permitted and Conditional Uses

Within the A-FP District the following standards shall apply:

(A) Minimum Lot Size ----- 35 acres

(B) Maximum Building Height -----35 ft. Residential structures
--- No maximum on other structures.

(C) Minimum Front Yard Setback----- 50 ft.

(D) Minimum Rear Yard Setback----- 50 ft.

(E) Minimum Side Yard;
Principal Buildings ----- 20 ft. on each side
Accessory Buildings ----- 10 ft. on each side

(F) Minimum Lot Width at Building Line ----- 100 ft.

(G) All front yard setbacks are also subject to Section 10.1 of this Ordinance for setbacks on Arterial, Collector and Local Roads.

(H) Minimum Floor Area per Family ----- 1,000 sq. ft.

(I) Animals per Acre – One (1) Animal Unit per contiguous acre. Additional Animal Units per acre will require a Conditional Use Permit from the Town Board, after recommendation from the Planning & Zoning Committee.

(J) General Setbacks Applicable to Livestock Structures

(i) Property lines

Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from the property line if the livestock facility will have fewer than 1,000 animal units, and 200 feet from the property line if the livestock facility will have 1,000 or more animal units. The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of this setback requirement, except that a structure may not be expanded closer to the property line.

(ii) Public Road Right-of-Way

Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from a public road right-of-way if the livestock facility will have fewer than 1,000 animal units, and 150 feet from a public road right-of-way if the livestock facility will have 1,000 or more animal units. This setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of this setback requirement, except that a structure may not be expanded closer to the public road right-of-way.

(iii) Waste Storage Structure

A new waste storage structure may not be located within 350 feet of a property line, or within 350 feet of the nearest point of any public road right-of-way.

A single new waste storage structure may be constructed closer to the property line or public road if a new structure is:

- located on the same tax parcel as a waste storage structure in existence before May 1, 2006;
- no larger than the existing structure;
- no further than 50 feet from the existing structure;
- no closer to the road or property line than the existing structure.

This setback requirement does not apply to existing waste storage structures, except that an existing structure within 350 feet of a property line may not expand toward that property line or road.

(K) Water Quality and Related Setback Requirements

(i) Navigable waters and wetlands

A livestock facility shall comply with setback and related requirements in any applicable shore land or wetland zoning ordinances enacted within the scope of authority granted under §§ 59.692, 61.351 or 62.231 of the Wisconsin Statutes.

(ii) Flood Plain

A livestock facility shall comply with setback and related requirements in any applicable flood plain zoning ordinance that is enacted within the scope of statutory authority under § 87.30 of the Wisconsin Statutes.

(iii) Wells

All wells located within a livestock facility shall comply with Chapters NR811 and 812 of the Wisconsin Administrative Code. New or substantially altered livestock structures shall be separated from existing wells by the distances required in said Chapters NR811 and 812, regardless of whether the livestock facility operator owns the land in which the wells are located. A livestock structure in existence on May 1, 2006, may be altered as long as the alteration does not reduce the distance between the livestock structure and an existing well.

(L) Single-Family Residences

No single-family residence shall be constructed within 1,000 feet of a livestock structure or building, including animal waste storage areas. This provision shall not apply to dwelling units that are accessory to a livestock facility.

4.5 Agricultural District One (A-1)

(1) Purpose and Intent of Agricultural District One (A-1)

The purpose of the A-1 District is to provide a means of obtaining the agricultural goals and objectives of the Town's Smart Growth Comprehensive Plan. This district exclusively provides for agricultural uses and uses compatible with agriculture. The intent in having this district is to conserve prime agricultural soils, historically farmed soils and prevent uncontrolled, uneconomical spread of residential development which results in excessive costs to the community for the provision of essential public services. Agricultural soils are predominant in this district and are to be very sparsely developed to protect the community's economic base and tax base.

(2) Permitted Uses

The following uses are permitted in this district:

(A) General farming including dairying, livestock and poultry raising, nurseries, and other similar agricultural enterprises or uses, except fur farms and farms operated for the disposal or reduction of garbage, sewage, rubbish or offal, provided that such permitted uses shall not include the use of Center Pivot Waste Distribution Systems and Traveling Gun Waste Distribution Systems unless a conditional use permit is obtained as described in Section 3(N) below, and further provided that no buildings for the housing of livestock or poultry shall be located within 100 feet of any boundary of a residential or commercial lot other than that of the owner or lessee of such buildings containing such livestock or poultry.

(B) Forestry, grazing, hatcheries, nurseries, orchards, paddocks, stables, truck farming, sale of farm products produced on the premises that do not require outside processing before they are offered for sale, and up to two unlighted signs not larger than 32 square feet each advertising such sale.

(C) Up to two residential dwellings for those resident owners and workers who are actually engaged in the principal permitted use and earn a substantial part of their livelihood from the farm operations on the parcel.

(D) Livestock facilities up to one (1) animal unit per contiguous acre.

(3) Conditional Uses

A conditional use in this district is to permit the following uses only after public hearing and approval of the Planning and Zoning Committee in accordance with the provisions of Section 5 of this Ordinance.

(A) Churches, veterinary hospitals, community parks and recreational areas.

(B) Water storage facilities, gas and electric utility uses not requiring authorization under Section 196.491, Wis. Stats., provided they are enclosed by an eight-foot or more protective fence.

(C) Farm dwellings and related farm structures existing at the time of adoption of this Ordinance may be separated from the farm plot provided that the parcel created conforms with all regulations set forth in either the A-3 district or the R-1 district and provided further that the parcel created does not exceed five (5) acres.

(D) Fur farms, insect-breeding facilities, commercial or wholesale greenhouses, and other agricultural uses or facilities (other than livestock facilities) that may cause noxious odors or noise.

(E) Riding stables and riding schools as secondary uses to agriculture.

(F) Creameries, milk condenseries, cheese factories, and pea vineries, provided, however, that same are not located or operated nearer than 500 feet to any dwelling.

(G) Supportive agri-business activities to include grain elevators; seed, fertilizer, and farm chemical sales; feed mills; and similar agricultural activities provided they are adjacent to Arterial or Collector roads as defined by this Ordinance (Section 10).

(H) Storage of non-agriculture items in buildings existing at the time of the adoption of this Ordinance.

(I) Additional farm dwellings for those resident owners and workers actually engaged in the principal permitted uses.

(J) Telephone, telegraph and electric transmission lines, buildings or structures.

(K) Agriculture related airport or air strip not open to the public which is accessory to the farm use.

(L) Single family dwellings occupied by the farm operator or the parents or children of the farm operator may be separated from the farm plot provided that the parcel created conforms with all regulations set forth in the R-1 district and provided further that the parcel created does not exceed five (5) acres.

(M) Livestock facilities over one (1) animal unit per contiguous acre or over 500 animal units total, whichever is less.

(N) Application of lagoon wastewater or other liquid by-products of animal waste by the use of Center Pivot Waste Distribution Systems and Traveling Gun Waste Distribution Systems, which uses shall require a Conditional Use Permit from the Town Board after recommendation from the Planning and Zoning Committee.

(4) Requirements for Permitted and Conditional Uses

Within the A-1 District the following standards shall apply:

- (A) Minimum Lot Size ----- 35 acres
- (B) Maximum Building Height -----35 ft. Residential structures
--- No maximum on other structures.
- (C) Minimum Front Yard Setback----- 50 ft.
- (D) Minimum Rear Yard Setback----- 50 ft.
- (E) Minimum Side Yard;
Principal Buildings ----- 20 ft. on each side
Accessory Buildings ----- 10 ft. on each side
- (F) Minimum Lot Width at Building Line ----- 100 ft.
- (G) All front yard setbacks are also subject to Section 10.1 of this Ordinance for setbacks on Arterial, Collector and Local Roads.
- (H) Minimum Floor Area per Family ----- 1,000 sq. ft.
- (I) Animals per Acre – One (1) Animal Unit per contiguous acre. Additional Animal Units per acre will require a Conditional Use Permit from the Town Board, after recommendation from the Planning & Zoning Committee.
- (J) General Setbacks Applicable to Livestock Structures

(i) Property lines

Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from the property line if the livestock facility will have fewer than 1,000 animal units, and 200 feet from the property line if the livestock facility will have 1,000 or more animal units. The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of this setback requirement, except that a structure may not be expanded closer to the property line.

(ii) Public Road Right-of-Way

Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from a public road right-of-way if the livestock facility will have fewer than 1,000 animal units, and 150 feet from a public road right-of-way if the livestock facility will have 1,000 or more animal units. This setback requirement does not prevent the use or

expansion of a livestock structure that was located within the setback area prior to the effective date of this setback requirement, except that a structure may not be expanded closer to the public road right-of-way.

(iii) Waste Storage Structure

A new waste storage structure may not be located within 350 feet of a property line, or within 350 feet of the nearest point of any public road right-of-way.

A single new waste storage structure may be constructed closer to the property line or public road if a new structure is:

- located on the same tax parcel as a waste storage structure in existence before May 1, 2006;
- no larger than the existing structure;
- no further than 50 feet from the existing structure;
- no closer to the road or property line than the existing structure.

This setback requirement does not apply to existing waste storage structures, except that an existing structure within 350 feet of a property line may not expand toward that property line or road.

(K) Water Quality and Related Setback Requirements

(i) Navigable waters and wetlands

A livestock facility shall comply with setback and related requirements in any applicable shore land or wetland zoning ordinances enacted within the scope of authority granted under §§ 59.692, 61.351 or 62.231 of the Wisconsin Statutes.

(ii) Flood Plain

A livestock facility shall comply with setback and related requirements in any applicable flood plain zoning ordinance that is enacted within the scope of statutory authority under § 87.30 of the Wisconsin Statutes.

(iii) Wells

All wells located within a livestock facility shall comply with Chapters NR811 and 812 of the Wisconsin Administrative Code. New or substantially altered livestock structures shall be separated from existing wells by the distances required in said Chapters NR811 and 812, regardless of whether the livestock facility operator owns the land in which the wells are located. A livestock structure in existence on May 1, 2006, may be altered as long as the alteration does not reduce the distance between the livestock structure and an existing well.

(L) Single-Family Residences

No single-family residence shall be constructed within 1,000 feet of a livestock structure or building, including animal waste storage areas. This provision shall not apply to dwelling units that are accessory to a livestock facility.

4.6 Agricultural District Two (A-2)

(1) Purpose and Intent of Agricultural District Two (A-2)

The purpose of the A-2 District is to provide a means of accomplishing the agricultural goals and objectives in the Town's Smart Growth Comprehensive Plan. This district is designed to promote the maintenance and preservation of areas with prime agricultural soils and lands that have been historically utilized for agricultural purposes. The intent of the A-2 District is to provide for agricultural activities and uses that are compatible with agriculture and that are generally best suited for smaller farm units.

(2) Permitted Uses

The following uses are permitted in this district:

(A) General farming including dairying, livestock and poultry raising, nurseries, and other similar enterprises or uses, except fur farms and farms operated for the disposal or reduction of garbage, sewage, rubbish or offal, provided that such permitted uses shall not include the use of Center Pivot Waste Distribution Systems and Traveling Gun Waste Distribution Systems, and further provided that no buildings for the housing of livestock or poultry shall be located within 100 feet of any boundary of a residential or commercial lot other than that of the owner or lessee of such buildings containing such livestock or poultry.

(B) Forestry, grazing, hatcheries, nurseries, orchards, paddocks, stables, truck farming, sale of farm products produced on the premises that do not require outside processing before they are offered for sale, and up to two unlighted signs not larger than 32 square feet each advertising such sale.

(C) One residential dwelling for those resident owners or workers who are actually engaged in the principal permitted use and earn a substantial part of their livelihood from the farm operations on the parcel.

(D) Livestock facilities up to one (1) animal unit per contiguous acre.

(3) Conditional Uses

A conditional use in this district is to permit the following uses only after public hearing and approval of the Planning and Zoning Committee in accordance with the provisions of Section 5 of this Ordinance.

(A) Churches, veterinary hospitals, community parks and recreational areas.

(B) Water storage facilities and power stations provided they are enclosed by an eight-foot or more protective fence.

(C) Farm dwellings and related farm structures existing at the time of adoption of this Ordinance may be separated from the farm plot provided that the parcel created

conforms with all regulations set forth in either the A-3 or the R-1 district and provided further that the parcel created does not exceed five (5) acres.

(D) Fur farms, insect-breeding facilities, commercial or wholesale greenhouses, and other agricultural uses or facilities (other than livestock facilities) that may cause noxious odors or noise.

(E) Riding stables and riding schools.

(F) Creameries, milk condenseries, cheese factories, and pea vineries, provided, however, that same are not located or operated nearer than 500 feet to any dwelling.

(G) Supportive agri-business activities to include grain elevators; seed, fertilizer, and farm chemical sales; feed mills; and similar activities provided they are adjacent to Arterial or Collector roads as defined by this Ordinance (Section 10).

(H) Storage of non-agriculture items in existing buildings or new buildings in the immediate vicinity of existing buildings on the parcel.

(I) Additional farm dwellings for those resident owners and workers actually engaged in the principal permitted uses.

(J) Telephone, telegraph and electric transmission lines, buildings or structures.

(K) Sale of agricultural products not produced on premises and up to two unlighted signs not larger than 32 square feet each advertising such sale.

(L) Single family dwellings occupied by the farm operator or the parents or children of the farm operator may be separated from the farm plot provided that the parcel created conforms with all regulations set forth in the R-1 district and provided further that the parcel created does not exceed five (5) acres.

(M) Antique shops.

(N) A farm market for the sale of fresh farm products produced on the premises or on other agricultural lands farmed by the owner or operator of the premises together with the following accessory uses: (1) the sale of fresh farm products purchased wholesale from others for resale to customers; (2) the sale of simple food items such as doughnuts, caramel apples, popcorn, pretzels, baked items, and sandwiches prepared on site in a state approved kitchen; (3) the sale of non-alcoholic beverages such as coffee, cider, soda, and bottled water; (4) the sale of honey, jellies, and similar products purchased wholesale from others for resale to customers; (5) the sale of seasonal craft items and books purchased wholesale from others for resale to customers; and (6) the operation of a pumpkin patch, wagon rides, corn maze, or other similar activities upon the premises or upon other adjoining agricultural lands farmed by the owner or operator of the premises.

(O) Livestock facilities over one (1) animal unit per contiguous acre or over 500 animal units total, whichever is less.

(4) Requirements for Permitted and Conditional Uses

Within the A-2 District the following standards shall apply:

(A) Minimum Lot Size ----- 10 acres

(B) Maximum Lot Size -----Not to exceed 35 acres

(C) Maximum Building Height -----35 ft. Residential structures
No maximum on other structures.

(D) Minimum Front Yard Setback----- 50 ft.

(E) Minimum Rear Yard Setback----- 50 ft.

(F) Minimum Side Yard;
Principal Buildings ----- 20 ft. on each side
Accessory Buildings ----- 10 ft. on each side

(G) Minimum Lot Width at Building Line ----- 100 ft.

(H) All front yard setbacks are also subject to Section 10.1 of this Ordinance for setbacks on Arterial, Collector, and Local Roads.

(I) Minimum Floor Area per Family ----- 1,000 sq. ft.

(J) Animals per Acre – One (1) Animal Unit per contiguous acre. Additional Animal Units per acre will require a Conditional Use Permit from the Town Board, after recommendation from the Planning & Zoning Committee.

(K) General Setbacks Applicable to Livestock Structures

(i) Property lines

Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from the property line if the livestock facility will have fewer than 1,000 animal units, and 200 feet from the property line if the livestock facility will have 1,000 or more animal units. The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of this setback requirement, except that a structure may not be expanded closer to the property line.

(ii) Public Road Right-of-Way

Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from a public road right-of-way if the livestock facility will have fewer than 1,000 animal units, and 150 feet from

a public road right-of-way if the livestock facility will have 1,000 or more animal units. This setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of this setback requirement, except that a structure may not be expanded closer to the public road right-of-way.

(iii) Waste Storage Structure

A new waste storage structure may not be located within 350 feet of a property line, or within 350 feet of the nearest point of any public road right-of-way.

A single new waste storage structure may be constructed closer to the property line or public road if a new structure is:

- located on the same tax parcel as a waste storage structure in existence before May 1, 2006;
- no larger than the existing structure;
- no further than 50 feet from the existing structure;
- no closer to the road or property line than the existing structure.

This setback requirement does not apply to existing waste storage structures, except that an existing structure within 350 feet of a property line may not expand toward that property line or road.

(L) Water Quality and Related Setback Requirements

(i) Navigable waters and wetlands

A livestock facility shall comply with setback and related requirements in any applicable shore land or wetland zoning ordinances enacted within the scope of authority granted under §§ 59.692, 61.351 or 62.231 of the Wisconsin Statutes.

(ii) Flood Plain

A livestock facility shall comply with setback and related requirements in any applicable flood plain zoning ordinance that is enacted within the scope of statutory authority under § 87.30 of the Wisconsin Statutes.

(iii) Wells

All wells located within a livestock facility shall comply with Chapters NR811 and 812 of the Wisconsin Administrative Code. New or substantially altered livestock structures shall be separated from existing wells by the distances required in said Chapters NR811 and 812, regardless of whether the livestock facility operator owns the land in which the wells are located. A livestock structure in existence on May

1, 2006, may be altered as long as the alteration does not reduce the distance between the livestock structure and an existing well.

(M) Single-Family Residences

No single-family residence shall be constructed within 1,000 feet of a livestock structure or building, including animal waste storage areas. This provision shall not apply to dwelling units that are accessory to a livestock facility.

4.7 Agricultural District Three (A-3)

(1) Purpose and Intent of Agricultural District Three (A-3)

The purpose of the A-3 District is to provide a mixture of low density residential and agricultural land uses which are consistent with the goals and objectives of the Town's Smart Growth Comprehensive Plan. This district is designed to permit utilization of relatively small land parcels in predominantly agricultural areas for rural residential use. The intent of the A-3 District is that it is to be applied to those rural lands that have marginal utility for agricultural use because of soil type, lot configuration and/or topography.

(2) Permitted Uses

The following uses are permitted in this district:

(A) One single family dwelling per lot.

(B) General farming including livestock and poultry raising, nurseries, and other similar enterprises or uses, except fur farms and farms operated for the disposal or reduction of garbage, sewage, rubbish or offal, provided that such permitted uses shall not include the use of Center Pivot Waste Distribution Systems and Traveling Gun Waste Distribution Systems, and further provided that no buildings for the housing of livestock or poultry shall be located within 100 feet of any boundary of a residential or commercial lot other than that of the owner or lessee of such buildings containing such livestock or poultry. No barbwire fences shall be located forward of the front yard setback or building line, whichever is greater.

(C) In-season roadside stands for the sale of farm products produced on the premises, and up to two unlighted signs not larger than 32 square feet each advertising such sale.

(D) Gardening, including truck gardens, nurseries and greenhouses, and the raising or keeping of poultry, livestock and rabbits.

(E) Governmental and public buildings, except sewage disposal plants, garbage incinerators, landfills, warehouses, garages, shops and storage areas.

(F) Public works, playgrounds, recreational and community center buildings and grounds.

(G) Grade schools, churches and their affiliated uses.

(H) Water storage facilities and their accessory structures.

(I) Accessory buildings, including buildings clearly incidental to the residential use of the property; provided, however, that no accessory building may be used as a separate dwelling unit. There shall be no more than two (2) accessory buildings per lot.

(J) Uses customarily incidental to any of the above uses; provided that no such use generates traffic or noise that would create a public or private nuisance.

(K) Livestock facilities up to one (1) animal unit per contiguous acre.

(3) Conditional Uses

A conditional use in this district is to permit the following uses only after public hearing and approval of the Planning and Zoning Committee in accordance with the provisions of Section 5 of this Ordinance.

(A) Home occupation, when such operation is incidental to the residential use of the premises and does not involve any external alteration that would effect a substantial change in the residential character of the building.

(B) Professional offices, when such office is conducted solely by a member or members of the resident family, entirely within the residence and incidental to the residential use of the premises.

(C) Fur farms, insect-breeding facilities, commercial or wholesale greenhouses, and other agricultural uses or facilities (other than livestock facilities) that may cause noxious odors or noise.

(D) Storage of nonagricultural items in existing buildings or new buildings in the immediate vicinity of existing buildings on the parcel.

(E) Telephone, telegraph and electric transmission lines, buildings, or structures.

(F) Antique shops.

(G) Auto body repair shops in existence as of December 6, 1982.

(H) A museum for the display of a white buffalo as well as the Native American offerings and artifacts relating thereto, together with an accessory retail gift store offering for sale to the general public memorabilia and other retail items related to such white buffalo.

(I) A farm market for the sale of fresh farm products produced on the premises or on other agricultural lands farmed by the owner or operator of the premises together with the following accessory uses: (1) the sale of fresh farm products purchased wholesale from others for resale to customers; (2) the sale of simple food items such as doughnuts, caramel apples, popcorn, pretzels, baked items and sandwiches prepared on site in a state approved kitchen; (3) the sale of non-alcoholic beverages such as coffee, cider, soda and bottled water; (4) the sale of honey, jellies and similar products purchased wholesale from others for resale to customers; (5) the sale of seasonal craft items and books purchased wholesale from others for resale to customers; and (6) the operation of a pumpkin patch, wagon rides, corn maze or other similar activities upon the premises or upon other adjoining agricultural lands farmed by the owner or operator of the premises.

(J) Livestock facilities over one (1) animal unit per contiguous acre or over 500 animal units total, whichever is less.

(K) Wholesale sale and storage of mulch, rock and other landscaping materials and the processing, storage and wholesale sale of black dirt operated in conjunction with a nursery or greenhouse on the same parcel or an adjoining parcel owned by the same person or entity. Any permit issued under this subsection shall require that an appropriate road agreement be entered into between the Town and the Petitioner/Permittee designating the town road(s) by which materials may be hauled to and from the property and requiring appropriate security to protect the Town from damage to such roads resulting from such hauling.

(4) Requirements for Permitted and Conditional Uses

Within the A-3 District the following standards shall apply:

(A) Minimum Lot Size ----- 3 acres

(B) Maximum Lot Size -----10 acres

(C) Maximum Building Height-----35 ft. for Residential Structures
(See paragraphs 4.3(12)(B)(ii) of Section 4 of the Ordinance for the
Maximum Accessory Building Height)

(D) Minimum Front Yard Setback----- 50 ft.

(E) Minimum Rear Yard Setback----- 50 ft.

(F) Minimum Side Yard;
Principal Buildings ----- 20 ft. on each side
Accessory Buildings ----- 10 ft. on each side

(G) Minimum Lot Width at Building Line ----- 100 ft.

(H) All front yard setbacks are also subject to Section 10.1 of this Ordinance for setbacks on Arterial, Collector, and Local Roads.

(I) Animals per Acre – One (1) Animal Unit per contiguous acre. Additional Animal Units per acre will require a Conditional Use Permit from the Town Board, after recommendation from the Planning & Zoning Committee.

(J) Minimum Floor Area per Family ----- 1,000 sq. ft.

(K) General Setbacks Applicable to Livestock Structures

(i) Property lines

Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from the property line if the livestock facility will have fewer than 1,000 animal units, and 200 feet from the property line if the livestock facility will have 1,000 or more animal units. The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of this setback requirement, except that a structure may not be expanded closer to the property line.

(ii) Public Road Right-of-Way

Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from a public road right-of-way if the livestock facility will have fewer than 1,000 animal units, and 150 feet from a public road right-of-way if the livestock facility will have 1,000 or more animal units. This setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of this setback requirement, except that a structure may not be expanded closer to the public road right-of-way.

(iii) Waste Storage Structure

A new waste storage structure may not be located within 350 feet of a property line, or within 350 feet of the nearest point of any public road right-of-way.

A single new waste storage structure may be constructed closer to the property line or public road if a new structure is:

- located on the same tax parcel as a waste storage structure in existence before May 1, 2006;
- no larger than the existing structure;
- no further than 50 feet from the existing structure;
- no closer to the road or property line than the existing structure.

This setback requirement does not apply to existing waste storage structures, except that an existing structure within 350 feet of a property line may not expand toward that property line or road.

(L) Water Quality and Related Setback Requirements

(i) Navigable waters and wetlands

A livestock facility shall comply with setback and related requirements in any applicable shore land or wetland zoning ordinances enacted within the scope of authority granted under §§ 59.692, 61.351 or 62.231 of the Wisconsin Statutes.

(ii) Flood Plain

A livestock facility shall comply with setback and related requirements in any applicable flood plain zoning ordinance that is enacted within the scope of statutory authority under § 87.30 of the Wisconsin Statutes.

(iii) Wells

All wells located within a livestock facility shall comply with Chapters NR811 and 812 of the Wisconsin Administrative Code. New or substantially altered livestock structures shall be separated from existing wells by the distances required in said Chapters NR811 and 812, regardless of whether the livestock facility operator owns the land in which the wells are located. A livestock structure in existence on May 1, 2006, may be altered as long as the alteration does not reduce the distance between the livestock structure and an existing well.

(M) Single-Family Residences

No single-family residence shall be constructed within 1,000 feet of a livestock structure or building, including animal waste storage areas. This provision shall not apply to dwelling units that are accessory to a livestock facility.

4.8 Local Commercial District (B-1)

(1) Purpose and Intent of Local Commercial District (B-1)

The purpose of the B-1 District is to provide a means of obtaining the commercial goals and objectives of the Town's Smart Growth Comprehensive Plan. The intent of this district is to accommodate certain limited sales and service facilities adjacent to residential areas which constitute a convenience to residents in the neighborhood and are compatible with residential uses.

(2) Permitted Uses

(A) Stores and shops in which items are sold directly to the public to include:

1. Books, stationery, newspaper or magazine stores.
2. Camera and photographic stores.
3. Candy, confectionery, or ice cream stores.
4. Card, curio and gift shops.
5. Clothes pressing establishments.
6. Drug stores.
7. Dry cleaning establishments retail only.
8. Florist shops.
9. Food stores, bakeries, grocery stores, meat and fish markets, delicatessens, and fruit and vegetable markets.
10. Garden supply stores.
11. Hardware stores.
12. Hearing aid service.
13. Liquor stores.
14. Locksmith shops.
15. Photography studios.
16. Antique shops.
17. Art and school supply stores.
18. Banks and financial institutions having no drive-in facilities.
19. Bicycle Sales, rental and repair.
20. Carpet and rug stores.
21. China and glassware stores.
22. Clothing stores.
23. Custom dress making.
24. Department stores.
25. Furniture and home furnishing stores.
26. Sporting good stores.
27. Gun shops.
28. High fidelity and stereophonic equipment.
29. Hobby shops.
30. Jewelry stores.
31. Leather goods and luggage stores
32. Music instrument sales and repairs.

33. Office supply stores.
34. Paint and wallpaper stores.
35. Radio, TV, electronic equipment-retail sales and repair.
36. Restaurants and taverns.
37. Tobacco stores.
38. Toy shops.
39. Variety stores.

(B) Professional offices for physicians, dentists, attorneys, real estate, insurance sales, and similar professional services in which services are offered to the general public on the premises.

(C) Personal services to include:

1. Barbershops.
2. Beauty salons.
3. Tailor shops.
4. Coin operated laundromats.
5. Shoe and hat repair shops.

(D) Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, and playgrounds.

(3) Conditional Uses

A conditional use in this district is to permit the following uses only after public hearing and approval of the Planning and Zoning Committee in accordance with the provisions of Section 5 of this Ordinance.

(A) Lodges and fraternal buildings and nursery and day care centers.

(B) All public utility facilities, except sewage treatment plants, garbage incinerators and sanitary landfills.

(C) Up to two dwelling units above the first floor of any structure in existence as of the date of the adoption of this Ordinance.

(D) Single family residences in existence as of the date of the adoption of this Ordinance but only in conjunction with and accessory to another permitted use for residential quarters for the owner or operator of the permitted use.

(E) A temporary mobile office to be used by a business concern located in the Town of Rock during the expansion or remodeling of its existing business premises within the Town of Rock. The temporary mobile office shall be located in conjunction with its existing business premises within the Town of Rock and shall be used for only such period as shall be authorized by the Planning and Zoning Committee of the Town of Rock, which period shall not exceed 24 months.

(4) Requirements for Permitted and Conditional Uses.

Within the B-1 District the following standards shall apply:

(A) Minimum Lot Area (sewered) ----- 7,500 sq. ft.

Setbacks

Front Yard ----- 30 ft.
Rear Yard ----- 12 ft.
Side Yard ----- 10 ft.
Width at Building Line ----- 75 ft.

(B) Minimum Lot Area (unsewered) ----- 40,000 sq. ft.

Setbacks

Front Yard ----- 50 ft.
Rear Yard ----- 25 ft.
Side Yard ----- 15 ft.
Width at Building Line ----- 100 ft.

(C) Maximum Building Height ----- 35 ft.

(D) Accessory Building Side Yard Setback----- 5 ft.

(E) Minimum Frontage on Public Road ----- 50 ft.

(F) Parking Requirements ----- One 200 sq. ft.
parking space for each 200 sq. ft. of building.

(G) Maximum Floor Area ----- 5,000 sq. ft.

(H) All front yard setbacks are also subject to Section 10.1 of this Ordinance for setbacks on Arterial, Collector, and Local Roads.

4.9 Large Scale Commercial District (B-2)

(1) Purpose and Intent of Large Scale Commercial District (B-2)

The purpose of this district is to provide a means of obtaining the economic goals and objectives of the Town's Smart Growth Comprehensive Plan. This district is intended to provide areas adjacent to major highways for the location of commercial establishments which usually require extensive land area for the open storage and display of merchandise and equipment.

(2) Permitted Uses

The following uses are permitted uses in this district:

- (A) Any use permitted in B-1 District.
- (B) Amusement establishments within enclosed buildings such as bowling alleys, gymnasiums, swimming pools, skating rinks, handball courts, archery lanes, tennis courts and other similar uses.
- (C) Automobile sales, rental and servicing including repair of new or used automobiles but not including body shops.
- (D) Automotive supply stores.
- (E) Bakeries with retail, wholesale and garage facilities.
- (F) Boat storage, sales and repairs.
- (G) Cooperatives, milk depot.
- (H) Commercial laundries and dry cleaning plants.
- (I) Farm machinery and equipment sales, rental, and servicing, including repair of new and used farm equipment and machinery.
- (J) Feed and grain dealers, grain storage facilities, and farm supply stores.
- (K) Gasoline service stations.
- (L) Glass and window shops.
- (M) Lumber yards, building service and supply.
- (N) Golf driving ranges and par 3 courses.
- (O) Machinery, vehicle and equipment sales, rental and servicing, including repairs.
- (P) Painting contractors (office and shops).

(Q) Printers and printing shops.

(R) Plumbing, heating, air conditioning and electrical sales and service.

(S) Recreational vehicle sales, rental and servicing, including repairs but not including body shops.

(T) Truck sales, rental and servicing, including repairs but not including body shops.

(U) Trailer sales.

(V) Restaurants and taverns.

(W) Public utility facilities, except sewage treatment plants, garbage incinerators, and sanitary landfills.

(3) Conditional Uses

A conditional use in this district is to permit the following uses only after public hearing and approval of the Planning and Zoning Committee in accordance with the provisions of Section 5 of this Ordinance.

(A) Animal hospitals, animal clinics or veterinary services provided all kennels are within completely enclosed buildings.

(B) Body shops.

(C) Welding, sheet metal or blacksmith shops.

(D) Drive-in establishments such as restaurants, banks and financial institutions, car washes and theaters.

(E) Storage and warehousing establishments provided that the loading docks are not permitted in the front yard or corner side yard.

(F) Retailing, wholesaling, or warehousing of drugs and chemicals.

(G) Up to two dwelling units above the first floor of any structure in existence as of the date of the adoption of this Ordinance.

(H) Single family residences in existence as of the date of the adoption of this Ordinance but only in conjunction with and accessory to another permitted use for residential quarters for the owner or operator of the permitted use.

(I) Outdoor "Survival Game" operation.

(J) Go-Kart track.

(K) A temporary mobile office to be used by a business concern located in the Town of Rock during the expansion or remodeling of its existing business premises within the Town of Rock. The temporary mobile office shall be located in conjunction with its existing business premises within the Town of Rock and shall be used for only such period as shall be authorized by the Planning and Zoning Committee of the Town of Rock, which period shall not exceed 24 months.

(L) A mobile home to be used as an office and display home by a business concern located in the Town of Rock and engaged primarily in the business of mobile home sales, provided the mobile home shall be located on the existing business premises of the business concern and shall be used only as an office and display home in connection with the sale of mobile homes by such business concern.

(M) Sale and repair of motorcycles, motor scooters, and ATV motor vehicles.

(N) Metal stamping and metal finishing.

(O) Waste recycling and transfer facility.

(P) Indoor pet boarding, grooming of small animals onsite, and/or sale of animal supplies.

(Q) Inbound storage facilities used in the salvage of motor vehicles and other equipment. Any permit issued hereunder shall, in addition to any and all other restrictions and conditions that the Planning and Zoning Committee requires in its sole discretion, require that the property be vacant and contain appropriate and proper screening in order to keep the motor vehicles and equipment from public view.

Added by Ordinance
2016-02.

(4) Requirements for Permitted and Conditional Uses

Within the B-2 District the following standards shall apply:

(A) Minimum lot area ----- 40,000 sq. ft.

(B) Maximum building height ----- Two times the setback of the building.

(C) Minimum Front Yard Setback ----- 50 ft.

(D) Minimum Back Yard Setback ----- 50 ft.

(E) Minimum Side Yard:

Principal Buildings ----- 15 ft.

Accessory Buildings ----- 10 ft.

(F) Minimum Setback for Grain Elevators, Silos, and Feed Storage ---- 2 times the length of the facility.

(G) Minimum Lot Width At Building Line ----- 100 ft.

(H) Minimum frontage on public road ----- 50 ft.

(I) Parking requirements:

(i) All business and commercial establishments shall provide one 200 square foot parking space for each 200 square feet of floor area.

(ii) Every structure or building containing 5,000 square feet or more of gross floor area shall provide off-street loading space measuring not less than 10 feet by 40 feet and having a height, clear of all obstructions, of 14 feet, according to the following schedule:

<u>GROSS FLOOR AREA</u>	<u>NUMBER OF LOADINGS SPACES</u>
5,000 sq. ft. to 24,000 sq. ft.	1
24,000 sq. ft. to 60,000 sq. ft.	2
60,000 sq. ft. to 96,000 sq. ft.	3
96,000 sq. ft. to 144,000 sq. ft.	4
144,000 sq. ft. to 192,000 sq. ft.	5
192,000 sq. ft. to 240,000 sq. ft.	6
240,000 sq. ft. to 294,000 sq. ft.	7
294,000 sq. ft. to 348,000 sq. ft.	8
For each additional 54,000 sq. ft.	1 additional space

The Planning & Zoning Committee may permit the required loading spaces to remain undeveloped until it decides that they are needed.

(iii) There shall be definite entrances and exits to the property.

(J) Green Area - Not less than fifteen (15%) percent of the lot shall be permanently set aside, planted and maintained as a green area.

(K) Screening: All storage except of motor vehicles in operable condition shall be within completely enclosed buildings or effectively screened either (1) by a solid wall or fence not less than 6 feet nor more than 8 feet in height; or (2) by a densely planted hedge or shrubbery at least 6 feet in height which effectively causes a visual barrier; or (3) by a permanent evergreen planting, the individual trees to be of such a number and kind so arranged that they will effectively cause a visual barrier at least 6 feet in height.

(L) Maximum Lot Coverage of All Buildings to Lot Size: 5 (Lot) to 1 (Building).

(M) All front yard setbacks are also subject to Section 10.1 of this Ordinance for setbacks on Arterial, Collector, and Local Roads.

4.10 Residential District One (R-1)

(1) Purpose and Intent of Residential District One (R-1)

The purpose of the R-1 District is to provide a means of obtaining the residential goals and objectives of the Town's Smart Growth Comprehensive Plan. The R-1 District is to provide sufficient space in appropriate locations for residential development to meet the housing needs of the community's present and expected future population, with due allowance for the need for a choice of sites. The intent of this district is to provide dwellings at low densities.

(2) Permitted Uses

The following uses are permitted in this District:

(A) One single family dwelling and one private garage for each residential lot.

(B) Gardening and private greenhouses.

(C) Public parks, playgrounds, recreational and community center buildings and grounds.

(D) Churches and all affiliated uses, grade schools and libraries.

(E) Municipal buildings, except sewage plants, garbage incinerators, landfills, warehouses, garages, shops, and storage yards.

(F) Accessory buildings, including buildings clearly incidental to the residential use of the property; provided, however, that no accessory building may be used as a separate dwelling unit. There shall be no more than one (1) accessory building per lot.

(G) Uses customarily incident to any of the above uses; provided that no such use generates traffic, odor, or noise that would create a public or private nuisance.

(3) Conditional Uses

A conditional use in this district is to permit the following uses only after public hearing and approval of the Planning and Zoning Committee in accordance with the provisions of Section 5 of this Ordinance.

(A) Home occupation, when such occupation is incidental to the residential use of the premises and does not involve any external alteration that would affect a substantial change in the residential character of the building.

(B) Professional offices, when such office is conducted solely by a member or members of the resident family, entirely within the residence and incidental to the residential use of the premises.

(C) Telephone, telegraph and electric transmission lines, buildings or structures.

(D) Two-family dwellings.

(E) Preschools, day care centers and nursery schools.

(F) Water-storage facilities and accessory structures.

(G) Additional accessory building(s) clearly incidental to the residential use of the property, provided, however, that no accessory building(s) may be used as a separate dwelling unit.

(H) Farm produce stand in non-residential structure in existence on December 6, 1982, provided such structure is the only structure on the premises.

(4) Requirements for Permitted and Conditional Uses.

Within the R-1 District the following standards shall apply:

(A) Minimum Lot Area (sewered) ----- 8,000 sq. ft.

(B) Minimum Lot Area (unsewered) ----- 40,000 sq. ft.
*Unless a smaller lot area is approved in writing by county sanitarian.

(C) Minimum Lot Area Per Two Family Dwelling (sewered) ----- 10,000 sq. ft.

(D) Minimum Lot Area Per Two Family Dwelling (unsewered) ----- 55,000 sq. ft.
*Unless a smaller lot area is approved in writing by county sanitarian.

(E) Setback (sewered)

Front Yard ----- 25 ft.

Rear Yard ----- 12 ft.

Side Yard

Principal Buildings -----8 ft. minimum total of 20 ft both sides

Accessory Buildings ----- 3 ft.

Lot Width At Building Line ----- 70 ft.

(F) Setbacks (unsewered)

Front Yard ----- 50 ft.

Rear Yard ----- 25 ft.

Side Yard

Principal Buildings ----- 5 ft.

Accessory Buildings ----- 5 ft.

Lot Width at Building Line ----- 100 ft.

- (G) Maximum Building Height ----- 35 ft.
- (H) Maximum Accessory Building Height-----see paragraph 4.3(12)(A)(ii) of Section 4 of this Ordinance.
- (I) Minimum Lot Frontage On Public Road ----- 50 ft.
- (J) Off Street Parking, Residential ----- 2 spaces per family
- (K) Off Street Parking, Public Gathering ----- 1 space per 5 seats if applicable or 1 space per 200 sq. ft. of building
- (L) Minimum Floor Area Per Family
 - Single Family Dwelling ----- 1,000 sq. ft.
 - Two-Family Dwelling ----- 900 sq. ft.
- (M) Maximum Lot Coverage Ratio of All Buildings (sewered) -----Not to exceed 25% of total lot
- (N) Maximum Lot Coverage Ratio of All Buildings (unsewered) -----Not to exceed 12.5% of total lot
- (O) All front yard setbacks are also subject to Section 10.1 of this Ordinance for setbacks on Arterial, Collector, and Local Roads.

4.11 Residential District Two (R-2)

(1) Purpose and Intent of Residential District Two (R-2)

The purpose of the R-2 District is to provide a means of obtaining the residential goals and objectives of the Town's Smart Growth Comprehensive Plan. The R-2 District is to provide areas which are to be occupied by varied dwelling types of moderate density so as to meet the housing needs of the community's present and expected future population, with due allowance for the need for a choice of sites.

(2) Permitted Uses

The following uses are permitted in this District:

(A) Single-family dwellings.

(B) Two-family dwellings.

(C) Multiple-family dwellings up to eight units upon approval of site plan by the Planning and Zoning Committee.

(D) Public parks, playgrounds, recreational and community center buildings and grounds.

(E) Churches and all affiliated uses, grade schools and libraries.

(F) Municipal buildings, except sewage plants, garbage incinerators, landfills, warehouses, garages, shops, and storage yards.

(G) One private garage.

(H) Accessory buildings, including buildings clearly incidental to the residential use of the property; provided, however, that no accessory building may be used as a separate dwelling unit. There shall be no more than one (1) accessory building per lot.

(I) Uses customarily incident to any of the above uses; provided that no such use generates traffic, odor, or noise that would create a public or private nuisance.

(3) Conditional Uses

A conditional use in this District is to permit the following uses only after public hearing and approval of the Planning and Zoning Committee in accordance with the provisions of Section 5 of this Ordinance.

(A) Home occupation, when such occupation is incidental to the residential use of the premises and does not involve any external alteration that would affect a substantial change in the residential character of the building.

(B) Professional offices, when such office is conducted solely by a member or members of the resident family, entirely within the residence and incidental to the residential use of the premises.

(C) Telephone, telegraph and electric transmission lines, buildings or structures.

(D) Preschools, day care centers and nursery schools.

(E) Water storage facilities and accessory structures.

(F) Funeral home or undertaking establishment.

(G) Multiple-family dwellings greater than eight units.

(H) Additional accessory building(s) clearly incidental to the residential use of the property, provided, however, that no accessory building(s) may be used as a separate dwelling unit.

(4) Requirements for Permitted and Conditional Uses

Within the R-2 District the following standards shall apply:

(A) Minimum Lot Area (sewered) ----- 8,000 sq. ft.

(B) Minimum Lot Area (unsewered) ----- 40,000 sq. ft.

*Unless a smaller lot area is approved in writing by county sanitarian.

(C) Minimum Lot Area - Two Family (sewered) ----- 10,000 sq. ft.

(D) Minimum Lot Area - Two Family (unsewered) ----- 55,000 sq. ft.

*Unless a smaller lot area is approved in writing by county sanitarian.

(E) Minimum Lot Area - Multiple-Family Dwelling Units larger than two units but eight units or less (sewered) 10,000 sq. ft. plus 1,500 sq. ft. for each additional unit over two.

(F) Minimum Lot Area - Multiple-Family Dwelling Units larger than two units but eight units or less (unsewered) 55,000 sq. ft. plus 15,000 sq. ft for each additional unit over two.

*Unless a smaller lot area is approved in writing by county sanitarian.

(G) Minimum Lot Area for Multiple Family Units containing more than eight dwelling units (sewered) ----- 2,500 sq. ft. per unit

(H) Minimum Lot Area for Multiple Family Dwelling Units containing more than eight units (unsewered) ----- 20,000 sq. ft. per unit

*Unless a smaller lot area is approved in writing by county sanitarian.

(I) Setbacks (sewered)

Front Yard ----- 25 ft.

Rear Yard ----- 25 ft.

Side Yard

Principal Buildings ----- 10 ft. minimum

Total of 25 ft. for both sides

Accessory Buildings ----- 3 ft.

Lot Width at Buildings ----- 70 ft.

(J) Setbacks (unsewered)

Front Yard ----- 50 ft.

Rear Yard ----- 50 ft.

Side Yard

Principal Buildings ----- 15 ft.

Accessory Buildings ----- 5 ft.

Lot Width at Building Line ----- 100 ft.

(K) Maximum Building Height ----- 35 ft.

(L) Maximum Accessory Building Height-----see paragraph 4.3(12)(A)(ii) of Section 4 of this Ordinance.

(M) Minimum Lot Frontage on Public Road ----- 50 ft.

(N) Off-Street Parking, Residential ----- 2 spaces per family

(O) Off-Street Parking, Public Gathering ----- 1 space per 5 seats if applicable or 1 space per 200 sq. ft. of building

(P) Minimum Floor Area Per Family

Single Family Dwelling ----- 1,000 sq. ft.

Two Family Dwelling ----- 900 sq. ft.

Multiple Family Dwelling Larger Than 2 Units -----800 sq. ft.

(Q) Maximum Lot Coverage Ratio of All Buildings

(sewered) -----Not to exceed 25% of total lot

(R) Maximum Lot Coverage Ratio of All Buildings

(unsewered) -----Not to exceed 12.5% of total lot

(S) Usable open space shall be provided on each lot used for multiple family dwellings of three or more units. Usable open space shall comprise at least 25% of the

gross land area of the lot area and shall be used for recreational, park or environmental amenity for collective enjoyment by occupants of the development but shall not include public or private streets, drives, or drainage ways.

(T) All front yard setbacks are also subject to Section 10.1 of this Ordinance for setbacks on Arterial, Collector, and Local Roads.

4.12 Mobile Home Parks District (MHP)

(1) Purpose and Intent of Mobile Home Parks District (MHP)

The purpose of the MHP District is to provide a means of obtaining the residential goals and objectives of the Town's Smart Growth Comprehensive Plan. The intent of the MHP District is to provide for the location of mobile home parks and to establish regulations governing their construction and use for the health and well being of the residents of the community.

(2) Permitted Uses, Conditional Uses and Requirements for Permitted and Conditional Uses.

In the MHP District, no building or premises shall be used unless it complies completely with the separate Mobile Home Park Ordinance of the Town of Rock.

4.13 Special Purpose District (SP)

(1) Purpose and Intent of Special Purpose District (SP)

The purpose of this district is to provide a means of obtaining the goals and objectives of the Town's Smart Growth Comprehensive Plan. The SP District is intended to provide for those uses which create, or could present special problems, hazards or other circumstances with regard to the use of land. This District is to include those uses of land which require large expanses of land; those which afford hazards to health, safety, or other aspects of the general welfare; and those for which it is desirable to have a limited number of a given land use within the community. All such uses shall be conditional uses and subject to the consideration and approval of the Planning and Zoning Committee. The Planning and Zoning Committee may require special facilities as a condition of approval such as, but not limited to fences, trees, shrubbery, barriers and other applicable material to protect the general public, the aesthetics of the area, or the immediate environment.

(2) Conditional Uses

A conditional use in this District is to permit the following uses only after public hearing and approval of the Planning and Zoning Committee in accordance with the provisions of Section 5 of this Ordinance.

(A) Refuse disposal sites, dumping grounds, sanitary landfill operations, or similar uses; with the specific provision that setbacks, screening, protective fencing, or some combination of these be provided in a manner adequate to protect the general public from any and all nuisances, hazards or other harmful conditions.

(B) Facilities for the production, mining, processing or storage of concrete, blacktop, asphalt, or other pavings or road surfacing or building material provided said facilities comply with the provisions of the Town of Rock Mining Ordinance.

(C) Airports open to the public, heliports, hangars, or accessory structures.

(D) Cemeteries when they comply with the provisions of Section 157.06 of the Wisconsin Statutes.

(E) Race Tracks.

(F) Sewerage treatment facilities and garbage incinerators.

(G) Junkyards and automobile salvage yards.

(H) Sand and gravel operations provided said operations comply with the provisions of the Town of Rock Mining Ordinance.

(I) A temporary mobile office to be used by a business or manufacturing concern located in the Town of Rock during the expansion or remodeling of its existing business or manufacturing premises within the Town of Rock. The temporary mobile office shall be

located in conjunction with its existing business or manufacturing premises within the Town of Rock and shall be used for only such period as shall be authorized by the Planning and Zoning Committee of the Town of Rock, which period shall not exceed 24 months.

(J) Garage, warehouse, and office facilities for use in concrete construction which are not inconsistent with the purpose and intent of the Special Purpose District.

(K) Storage and maintenance of excavating equipment provided all maintenance is done within an enclosed building.

(3) Requirements For Conditional Uses

(A) Minimum Lot Area ----- 5 acres

(B) Minimum Front Yard Setback ----- 50 feet

(C) Minimum Side Yard Setback ----- 20 feet

(D) Minimum Rear Yard Setback ----- 25 feet

(E) All front yard setbacks are also subject to Section 10.1 of this Ordinance for setbacks on arterial, collector, and local roads.

(F) If on-site production, mining or processing operations are not carried out continuously for one year at any location, the same shall be considered to have been abandoned and, prior to any further excavation or processing, a new permit shall be required.

4.14 Light Industrial District (M-1)

(1) Purpose and Intent of Light Industrial District (M-1)

The purpose of the M-1 District is to provide a means of accomplishing the economic goals and industrial objectives in the Town's Smart Growth Comprehensive Plan. The intent in having this district is to provide for industrial areas where adequate transportation facilities, topographic conditions, and utilities are available for light industry.

Permitted and conditional uses in this district shall be limited to those light industrial uses that only discharge domestic waste. Light Industrial uses producing other than domestic waste shall be prohibited in this district.

(2) Permitted Uses

The following uses are permitted in this district:

- (A) Agricultural Uses.
- (B) Public or private offices.
- (C) Building material sales.
- (D) Truck, bus, or railroad terminals, and railroad switching yards.
- (E) Mini-warehouses, warehousing, storage or wholesale of manufactured goods.
- (F) Public utility facilities, except sewage treatment plants, garbage incinerators, and sanitary landfills.
- (G) Police, fire, and postal stations.
- (H) Automotive upholstery and body repair shops.
- (I) Commercial bakeries.
- (J) Greenhouses.
- (K) Dry printing and publishing.
- (L) Distributors of food products.
- (M) Wholesale Distributors.
- (N) Radio, television, and telecommunications transmitting or relay towers and facilities.
- (O) Construction Contractor offices and workshops.

(P) Welding, sheet metal, and blacksmith shops.

(Q) Fabrication or assembly of construction components from non-toxic materials or substances.

(3) Conditional Uses

A conditional use in this district is to permit the following uses only after public hearing and approval of the Planning and Zoning Committee in accordance with the provisions of Section 5 of this Ordinance.

(A) Assembly of goods.

(B) Tank Facilities for Petroleum, Gas, and Chemical products for wholesale or retail sales.

(C) Terminal facilities for flammable gases or liquids.

(D) Sale of live animals.

(E) Contractor storage yards and sale of machinery and equipment.

(F) Packaging of confections, cosmetics, electrical appliances, electronic devices, instruments, pharmaceuticals, jewelry, tobacco, and toiletries.

(G) Animal hospitals, animal clinics, or veterinary services provided all kennels are within completely enclosed buildings.

(H) A temporary mobile office to be used by a business or manufacturing concern located in the Town of Rock during the expansion or remodeling of its existing business or manufacturing premises within the Town of Rock. The temporary mobile office shall be located in conjunction with its existing business or manufacturing premises within the Town of Rock and shall be used for only such period as shall be authorized by the Planning and Zoning Committee of the Town of Rock, which period shall not exceed 24 months.

(4) Requirements

(A) Minimum Lot Area ----- 2 acres

(B) Maximum Building Height ----- 35 ft.

(C) Minimum Front Yard Setback ----- 50 ft.
Corner Lot Side Yard Setback ----- 50 ft.
(75 ft. if parking is permitted in front yard)

(D) Minimum Rear Yard Setback ----- 50 ft.

(E) Minimum Side Yard Setback ----- 20 ft.
(50 ft. when abutting a residential area)

(F) Minimum Lot Width on public road ----- 100 ft.

(G) Minimum Accessory Side Yard Setback ----- 8 ft.

(H) All front yard setbacks are also subject to Section 10.1 of this Ordinance for setbacks on arterial, collector, and local roads.

(I) To help prevent ground water contamination, no building shall have floor drains.

(J) Parking and loading requirements:

(i) All light industrial establishments shall provide one 200 square foot parking space per two employees.

(ii) Every structure or building containing at least 5,000 square feet of gross floor area shall provide off-street loading space measuring not less than 10 feet by 40 feet and having a height clear of all obstructions, of 14 feet, according to the following schedule:

<u>GROSS FLOOR AREA</u>	<u>NUMBER OF LOADINGS SPACES</u>
5,000 sq. ft. to 24,000 sq. ft.	1
24,000 sq. ft. to 60,000 sq. ft.	2
60,000 sq. ft. to 96,000 sq. ft.	3
96,000 sq. ft. to 144,000 sq. ft.	4
144,000 sq. ft. to 192,000 sq. ft.	5
192,000 sq. ft. to 240,000 sq. ft.	6
240,000 sq. ft. to 294,000 sq. ft.	7
294,000 sq. ft. to 348,000 sq. ft.	8
For each additional 54,000 sq. ft.	1 additional space

The Planning & Zoning Committee may permit the required loading spaces to remain undeveloped until the committee decides that they are needed.

(K) Screening: All storage except of motor vehicles in operable condition shall be within completely enclosed buildings or effectively screened from non-industrial use or districts either:

(i) By a solid wall or fence not less than six (6) feet nor more than eight (8) feet in height; or

(ii) By a densely planted hedge or shrubbery at least six (6) feet in height which effectively causes a visual barrier; or

(iii) By a permanent evergreen planting, the individual trees to be of such a number and kind and so arranged that they will effectively cause a visual barrier at least six (6) feet in height.

(5) Prohibited Uses

No structure or improvement may be built, or land used in this district unless it is a Permitted Use or Conditional Use in this district.

4.15 General Industrial District (M-2)

(1) Purpose and Intent of General Industrial District (M-2)

The purpose of the M-2 District is to provide a means of obtaining the economic and industrial goals and objectives of the Town's Smart Growth Comprehensive Plan. The M-2 District is intended to provide areas which are suitable for industrial development in terms of adequate transportation facilities, topographic conditions and public utilities and to protect these lands from the intrusion of certain incompatible uses which might impede the development and use of lands for industrial purposes.

(2) Permitted Uses

The following uses are permitted in this district:

(A) Any use permitted in the M-1 District.

(B) Manufacturing, processing, fabrication or production of any commodity, except:

(i) Manufacturing, processing, fabrication or production of explosives, flammable gases or liquids, or toxic materials;

(ii) Animal slaughtering, meat packing or rendering;

(iii) Sulphur plants, rubber reclamation plants or cement plants; and

(iv) Steel mills, foundries or smelters.

(C) Motor freight terminals.

(D) Railroad freight terminals, switching yards, and round houses.

(3) Conditional Uses

A conditional use in this district is to permit the following uses only after public hearing and approval of the Planning and Zoning Committee in accordance with the provisions of Section 5 of this Ordinance.

(A) Animal slaughtering, meat packing, or rendering.

(B) Sulphur plants, cement plants, or rubber reclamation plants.

(C) Steel mills, foundries, or smelters.

(D) Manufacturing, processing, fabrication or production of flammable gases or liquids, explosives, or toxic materials.

(E) Warehousing, storage or wholesaling of live animals, explosives, flammable gases or liquids, or toxic materials.

(F) Animal hospitals, animal clinics or veterinary services provided all kennels are within completely enclosed buildings.

(G) Storage yards.

(H) Sewerage disposal plants.

(I) A temporary mobile office to be used by a business or manufacturing concern located in the Town of Rock during the expansion or remodeling of its existing business or manufacturing premises within the Town of Rock. The temporary mobile office shall be located in conjunction with its existing business or manufacturing premises within the Town of Rock and shall be used for only such period as shall be authorized by the Planning and Zoning Committee of the Town of Rock, which period shall not exceed 24 months.

(4) Requirements for Permitted and Conditional Uses

Within the M-2 District the following standards shall apply:

(A) Minimum Lot Area ----- 2 1/2 acres

(B) Maximum Building Height ----- Two times the setback of the building.

(C) Minimum Front Yard Setback ----- 50 ft.

(D) Minimum Rear Yard Setback ----- 50 ft.

(E) Minimum Side Yard Setback ----- 20 ft.
(50 ft. when abutting a residential area.)

(F) Minimum Lot Width at Building Line ----- 100 ft.

(G) Minimum Lot Frontage on Public Road ----- 50 ft.

(H) Parking and Loading Requirements:

(i) All general industrial establishments shall provide one 200 sq. ft. parking space per every two employees.

(ii) Every structure or building containing at least 5,000 sq. ft. of gross floor space shall provide off street loading space measuring not less than 10 ft. by 40 ft. and having a height, clear of all obstructions, of 14 ft., according to the following schedule:

<u>GROSS FLOOR AREA</u>	<u>NUMBER OF LOADINGS SPACES</u>
5,000 sq. ft. to 24,000 sq. ft.	1
24,000 sq. ft. to 60,000 sq. ft.	2
60,000 sq. ft. to 96,000 sq. ft.	3
96,000 sq. ft. to 144,000 sq. ft.	4
144,000 sq. ft. to 192,000 sq. ft.	5
192,000 sq. ft. to 240,000 sq. ft.	6
240,000 sq. ft. to 294,000 sq. ft.	7
294,000 sq. ft. to 348,000 sq. ft.	8
For each additional 54,000 sq. ft.	1 additional space

The Planning and Zoning Committee may permit the required loading space to remain undeveloped until it decides each space is needed.

(I) Screening: All storage except of motor vehicles in operable condition shall be within completely enclosed buildings or effectively screened from non-industrial uses or districts either:

- (i) By a solid wall or fence not less than six (6) feet nor more than eight (8) feet in height; or
- (ii) By a densely planted hedge or shrubbery at least six (6) feet in height which effectively causes a visual barrier; or
- (iii) By a permanent evergreen planting, the individual trees to be of such a number and kind so arranged that they will effectively cause a visual barrier at least six (6) feet in height.

(J) All front yard setbacks are also subject to Section 10.1 of this Ordinance for setbacks on Arterial, Collector, and Local Roads.

4.16 Institutional District (IN)

(1) Purpose and Intent of Institutional District (IN)

The purpose of this district is to provide a means of obtaining the goals and objectives of the Town's Smart Growth Comprehensive Plan. This district is intended to provide locations for institutional activities that do not impose any special problems or conflicts to the existing land use. All such uses shall be conditional uses and subject to the consideration and approval of the Planning and Zoning Committee.

(2) Conditional Uses

A conditional use in this District is to permit the following uses only after public hearing and approval of the Planning and Zoning Committee in accordance with the provisions of Section 5 of this Ordinance.

(A) Institutions of a charitable or philanthropic nature, hospitals, clinics, sanitariums, and nursing or retirement homes.

(B) Community buildings, libraries, museums, private clubs and fraternities except those whose principal activity is a service customarily carried on as a business.

(C) Universities, Colleges, Technical and Vocational Schools, and other educational facilities which are involved with the offering of specialized education and training.

(D) Uses customarily incident to any of the above uses; provided that the use would not create a public or private nuisance.

(E) Residential facility whose principal activity is providing temporary residence for individuals participating in specialized programs to include: drug and alcohol treatment; schooling or educational services; life skills training; employment training and assistance; and individual, group, or family counseling.

(F) Drug, alcohol, and counseling outpatient treatment programs.

(G) Law enforcement sub-station designed to be used as an extension of a primary department.

(H) A temporary mobile office to be used by a business or manufacturing concern located in the Town of Rock during the expansion or remodeling of its existing business or manufacturing premises within the Town of Rock. The temporary mobile office shall be located in conjunction with its existing business or manufacturing premises within the Town of Rock and shall be used for only such period as shall be authorized by the Planning and Zoning Committee of the Town of Rock, which period shall not exceed 24 months.

(3) Requirements For Conditional Uses

- (A) Minimum Lot Area With Public Sewer -----20,000 sq. ft.
- (B) Minimum Lot Area without Public Sewer -----40,000 sq. ft.
- (C) Maximum Building Height ----- 35 ft.
- (D) Minimum Front Yard Setback ----- 50 ft.
- (E) Minimum Rear Yard Setback ----- 50 ft.
- (F) Minimum Side Yard Setback ----- 15 ft.
- (G) Minimum Lot Width at Building Line ----- 100 ft.
- (H) Minimum Frontage On Public Road ----- 50 ft.
- (I) Parking Requirements ----- one 200 sq. ft.
parking space for each 200 sq. ft. of building

(J) Maximum Lot Coverage Ratio of all Buildings To Lot Size: 5 (Lot) to 1 (Building)

(K) All Front Yard Setbacks are also subject to Section 10.1 of this Ordinance for setbacks on Arterial, Collector and Local Roads.

SECTION 5. CONDITIONAL USE PERMITS

5.1 General Provisions

Any use listed as a conditional use in this Ordinance shall be permitted only upon application in duplicate to the Zoning Officer and issuance of a Conditional Use Permit by the Planning & Zoning Committee or by the Town Board, if required by this Ordinance. A Conditional Use Permit shall be issued only upon satisfaction of the requirements listed herein, in addition to all other requirements of this Ordinance. All such uses are hereby declared to possess such unique and special characteristics that each specific use shall be considered as an individual case.

5.2 Required Information

In order to secure evidence upon which to base its determination, the Planning & Zoning Committee and/or the Town Board may require the submission of plans of buildings, arrangement of operations, plat of grounds showing location of buildings, stockpiles, equipment storage, fences or screens, specification of operations, parking areas, traffic access, open spaces, landscaping and any other pertinent information that may be necessary to determine if the proposed use meets the requirements of the Ordinance.

5.3 Standards Applicable to All Conditional Uses

(1) In passing upon a Conditional Use Permit application, the Planning & Zoning Committee and/or Town Board shall consider the following factors:

- (A) The location, nature, and size of the proposed use.
- (B) The size of the site in relation to it.
- (C) The location of the site with respect to existing or future roads giving access to it.
- (D) Its compatibility with existing uses on land adjacent thereto.
- (E) Its harmony with the future development of the district.
- (F) Existing topography, drainage, soils types, and vegetative cover.
- (G) Its relationship to the public interest, the purpose and intent of this Ordinance and substantial justice to all parties concerned.
- (H) The potential release of offensive, obnoxious, or unhealthful odors and pollutants. When considering what constitutes an offensive, obnoxious, or unhealthful odor and/or pollutant, the Planning and Zoning Committee or the Town Board may consider the duration and intensity of the odor or pollutant and the proximity of residential and/or business dwellings, and may require provisions for monitoring and/or measurement of odors or pollutants by olfactometer or other means. The Committee or the Board may

make reference to Section NR 429.03 of the Wisconsin Administrative Code or any other standards it may deem to be reasonable.

Standards Applicable To Conditional Uses in the A-FP and A-1 Districts

(2) In passing upon a Conditional Use Permit Application in the A-FP District, the Town Board shall also determine that the requested use satisfies all of the conditional use permit criteria contained in the A-FP District relating to the requested use.

(3) In passing upon a Conditional Use Permit Application in the A-FP District and the A-1 District, the Town Board and/or Planning and Zoning Committee shall also consider the following factors:

(A) The potential for conflict with agricultural use.

(B) The need of the proposed use for a location in an agricultural area.

(C) The availability of alternative locations.

(D) Compatibility with existing or permitted uses on adjacent lands.

(E) The productivity of the lands involved.

(F) The location of the proposed use so as to reduce to a minimum the amount of productive agricultural land converted.

(G) The need for public services created by the proposed use.

(H) The availability of adequate public services and the ability of affected local units of government to provide them without an unreasonable burden.

(I) The effect of the proposed use on water or air quality, soil erosion, and rare or irreplaceable natural resources.

(J) The potential release of offensive, obnoxious, or unhealthful odors.

5.4 Conditions Attached to Conditional Use Permit

(1) Upon consideration of the factors listed above, the Town Board or Planning & Zoning Committee may attach such conditions, in addition to those otherwise specifically listed, that it deems necessary in furthering the purposes of this Ordinance. Violation of any of these conditions shall be deemed a violation of this Ordinance.

(2) Conditional Use Permits are revocable by majority vote of the issuing body if the conditional use is not actively utilized for a period of one (1) year, conditions of approval are not being met, or the conditional use is expanded without the issuing body's approval. Subject to the provisions of Section 5.7(11) below, in the event the Conditional Use Permit is not actively utilized for a period of two (2) years after the date of issuance, the

Conditional Use Permit shall automatically be revoked upon the expiration of said two (2) year period.

5.5 Notice and Public Hearing

Before issuing a Conditional Use Permit, the Town Board (following a public hearing before and receipt of a recommendation from the Planning & Zoning Committee) or the Planning & Zoning Committee shall hold a public hearing. Notice of such public hearing specifying the time, place, and matters to come before the Town Board and/or the Planning & Zoning Committee shall be given as a Class 1 notice as referred to in Chapter 985 of the Wisconsin Statutes.

5.6 Conditional Use Permit Fee

The applicant, upon filing of his application, shall pay a fee to the Zoning Officer in accordance with the following schedule:

(1) Conditional Use Fee equal to the greater of (1) \$350 or such other amount as shall hereafter be determined by Town Board resolution, or (2) the cost of public notice and other associated fees.

5.7 Conditional Use Permit Procedure for Livestock Facilities

(1) Approval required

These procedures apply to livestock facilities that may require a Conditional Use Permit under this Ordinance.

(2) Permits for Existing Livestock Facilities

(A) A permit is required for the expansion of a pre-existing or previously approved livestock facility if the number of animal units kept at the expanded livestock facility will exceed all of the following:

(i) The applicable size threshold for a Conditional Use Permit established in the zoning district where the facility is located.

(ii) The maximum number previously approved or, if no maximum number was previously approved, a number that is 20% higher than the number kept on May 1, 2006, or on the effective date of the permit requirement, whichever date is later.

(B) A permit is not required for a livestock facility that existed before May 1, 2006, or before the effective date of the permit requirement in this Ordinance (except as provided in subparagraph (A)).

(C) A permit is not required for a livestock facility that was previously issued a Conditional Use Permit or other local approval (except as provided in subparagraph (A)).

A prior approval for the construction of a livestock facility implies approval for the maximum number of animal units that the approved livestock facility was reasonably designed to house, except as otherwise clearly provided in the approval. Prior approval of a single livestock structure, such as a waste storage structure, does not constitute prior approval of an entire livestock facility.

(3) Application Procedure

A livestock operator must complete the application and worksheets prescribed by ATCP 51, including any authorized local modifications. The application requirements specified in ATCP 51, Wisconsin Administrative Code, are incorporated by reference, without reproducing them in full. The application form and worksheets establish compliance with the standards in ATCP 51 and this Ordinance.

This operator must file 4 duplicate copies of the application form, including worksheets, maps and documents (other than engineering design specifications) included in the application.

(4) Application Fee

A non-refundable application fee of \$1,000 shall accompany an application.

(5) Application Review Procedure

(A) Within 45 days after the Town Board or the Planning & Zoning Committee receives an application, it shall notify the applicant whether the application is complete. If the application is not complete, the notice shall describe the additional information needed. Within 14 days after the applicant provides all of the required information, the Town Board or the Planning & Zoning Committee shall notify the applicant that the application is complete. This notice does not constitute an approval of the proposed livestock facility.

(B) Within 14 days after the Town Board or the Planning & Zoning Committee notifies an applicant that the application is complete, the Town Board or the Planning & Zoning Committee shall notify adjacent landowners of the application. The Town Board or the Planning & Zoning Committee shall use the approved notice form in ATCP 51, and mail a written notice to each adjacent landowner.

(C) The Town Board or the Planning & Zoning Committee shall grant or deny an application within 90 days after the notice of a complete application is provided as required by subparagraph (A) above. The Town Board or the Planning & Zoning Committee may extend this time limit for good cause, including any of the following:

- (i) The Town Board or the Planning & Zoning Committee needs additional information to act on the application.
- (ii) The applicant materially modifies the application or agrees to an extension.

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

(6) Public Hearing

The Town Board (following a public hearing before and receipt of the recommendation of the Planning & Zoning Committee) or the Planning & Zoning Committee shall schedule a public hearing on the application within 90 days after issuing notice of a complete application.

(7) Standards

The standards for issuing a permit are as follows:

(A) The state livestock facility siting standards adopted under ATCP 51, Wisconsin Administrative Code. These standards are incorporated by reference, without reproducing them in full.

(B) Setbacks authorized by this ordinance.

(8) Criteria for Issuance of a Permit

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

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

(i) The application, on its face, fails to meet the standards for approval.

(ii) The Town Board or the Planning & Zoning Committee finds, based on other clear and convincing information in the record, that the proposed livestock facility does not comply with applicable standards in this Ordinance.

(iii) Other grounds authorized by § 93.90, Stats., that warrant disapproving the proposed livestock facility.

(C) No conditions may be imposed on the permit other than the standards provided in this Ordinance.

(9) Record of Decision

(A) The Town Board or the Planning & Zoning Committee shall issue its decision in writing. Its decision shall be based on written findings of fact supported by evidence in the record.

(B) In the event that a permit is approved, the applicant shall receive a duplicate copy of the approved application, marked "approved." The duplicate copy must include worksheets, maps and other documents (other than engineering specifications) included in the application.

(10) Notice to the Department of Agriculture, Trade and Consumer Protection

The town clerk as required by ATCP 51.36, Wisconsin Administrative Code, within 30 days of the Town Board's or Planning & Zoning Committee's decision on the application shall do all of the following:

(A) Give the Department of Agriculture, Trade and Consumer Protection written notice of the decision.

(B) File with the Department a copy of the final application granted or denied, if the Town Board or the Planning & Zoning Committee has granted or denied an application under this Ordinance. (The copy shall include all of the worksheets, maps and other attachments included in the application, except that it is not required to include the engineering design specifications.)

(C) If the Town Board or the Planning & Zoning Committee has withdrawn a local approval under this Ordinance, file with the Department a copy of the final notice or order withdrawing the local approval.

(11) Expiration of Permit

A permit remains in effect regardless of the amount of time that elapses before the livestock operator exercises the authority granted under the permit, and regardless of whether the livestock operator exercises the full authority granted by the approval. However, the Town Board or the Planning & Zoning Committee may treat a permit as lapsed and withdraw the permit if the permit holder fails to do all of the following within 2 years after issuance of the permit:

- Begin populating the new or expanded livestock facility.
- Begin constructing all of the new or expanded livestock housing or waste storage structures proposed in the permit application.

(12) Permit Modifications

The operator may make reasonable changes that maintain compliance with the standards in this Ordinance, and the Town Board or the Planning & Zoning Committee shall not withhold authorization for those changes.

(13) Compliance Monitoring

The Town Board or the Planning & Zoning Committee shall monitor compliance with the Ordinance as follows:

(A) Upon notice to the livestock facility owner request the right of Zoning Officer to personally view the permitted facility at a reasonable time and date to insure that all commitments of the application as approved are being complied with.

(B) If the livestock facility owner refuses Zoning Officer the right to view the permitted facility, the Zoning Officer may request the assistance of the Sheriff or a deputy Sheriff to obtain an inspection warrant from the circuit court to inspect the permitted facility for the purpose of protection of the public health and safety under Sec. 66.0119 of Wis. Statutes.

(C) If a permitted facility is found not to be in compliance with the commitments made in the approved application, the Zoning Officer shall issue a written notice to the livestock facility owner stating the conditions of non-compliance and directing that compliance of the commitments of the approved application be complied with in a reasonable amount of time stated in such written notice.

(D) If non-compliance of the permit conditions as described in the written notice given by the Zoning Officer continue past the stated reasonable time to comply, the Zoning Officer may take further action as provided in this Ordinance, including but not limited to issuance of a citation or seeking of injunctive relief.

(E) If the livestock facility owner disputes that the conditions of the permit have not been complied with, the livestock facility owner may request a hearing in writing within five days of receipt of the notice of non-compliance. The Town Board or the Planning & Zoning Committee shall schedule a hearing within five days to determine if the conditions of the permit have been complied with or whether non-compliance of the commitments of the approved application and local approval exists.

(14) Terms of the Permit

A permit and the privileges granted by a permit issued under this Ordinance is conditioned on the livestock operator's compliance with the standards in this Ordinance, and with commitments made in the application for a permit. The Town Board or the Planning & Zoning Committee is authorized to suspend a permit or seek other redress provided in this Ordinance for non-compliance.

(15) Transferability

A permit and the privileges granted by the permit run with the land, and remain in effect, despite a change in ownership of the livestock facility, as long as the new operator does not violate the terms of the local approval. An applicant may record with the register of deeds, at the applicant's expense, the duplicate copy of the approved application.

Upon change of ownership of the livestock facility, the new owner of the facility shall file information with the town clerk providing pertinent information, including but not limited to such information as the name and address of the new owner and date of transfer of ownership.

SECTION 6. BUILDING PERMITS

6.1 Permits Required To Comply With Zoning Ordinance

No permit pertaining to the use of land, buildings or structures shall be issued unless the application for such permit has been examined in accordance with Section 3.2 of this Ordinance and it has been signed by the Building Inspector, indicating that the proposed use of land, buildings, or structure complies with all the provisions of this Ordinance. Any permit issued in conflict with the provisions of this Ordinance shall be null and void.

6.2 Building Permits

(1) Cases where Building Permit is required.

(A) Where any building or structure or any part thereof is erected, moved or structurally altered.

(B) Where all or any part of a building or other structure is destroyed and it is being repaired or altered.

(C) Whenever required pursuant to the provisions of the Town of Rock Building Code.

(2) Cases where Building Permit is not required.

(A) For any accessory building costing \$250 or less, provided such building conforms to all the setback, yard and open space requirements of this Ordinance.

(B) For any improvements or alterations to an existing building in the amount of \$500 or less which shall not effect a structural change in use or encroach upon any yard or open space.

(C) For any maintenance repairs that do not involve a change to the structure.

6.3 Application for Building Permit

An application for a Building Permit shall be made to the Building Inspector upon forms furnished by the Building Inspector and shall include, for the purpose of proper enforcement of these regulations, the following data:

(1) An accurate map of the property, in duplicate, and properly dimensioned showing:

(A) The location, actual shape and dimensions of the property.

(B) The location of the centerline of any abutting streets or highways.

(C) The exact size and location on the property of any existing buildings and structures, proposed additions or proposed new buildings and structures, including the measured distances between such buildings and structures, and the measured distances

from the property lines and from the centerline of any abutting streets or highways to the nearest portion of such building or structure.

(D) The high water line of any stream or lake on which the property abuts.

(E) The existing and/or intended use of each building or structure or any part thereof.

(2) Where the use involves human occupancy, a plan of the proposed water system and sewage system, which, if not connected to an approved municipal water system or municipal sewage system shall conform to the requirements set forth in Section H 62.20 of the Wisconsin Administrative Code which are hereby made by reference a part of this Ordinance. The plan shall also show the location and distances of the proposed water and sewage systems to the water and sewage systems of the adjoining lots if required by the Building Inspector.

6.4 Expiration of Building Permit

A Building Permit shall remain effective for a period of eighteen (18) months following the date of its issuance. Any work undertaken on a building or other improvement subsequent to that date will require that a new Building Permit be obtained.

6.5 Building Permit Fee

Before receiving a building permit, the applicant shall pay a fee to the Building Inspector in accordance with the schedule set forth in the Town of Rock Building Code.

SECTION 7. ZONING PERMITS

7.1 Issuance

A Zoning Permit is required to be obtained from the Zoning Officer as part of the requirements of this Ordinance. Where the use involves the construction or structural improvement of any buildings or structures, a Building Permit shall also be obtained from the Building Inspector for the Town.

7.2 Requirements

(1) Cases where Zoning Permit is required:

(A) Where any building or other structure is erected, moved or structurally altered so as to change its use or to expand its area in any manner, including, but not limited to, expansion resulting from adding a deck or similar projection on an existing building or structure.

(B) Where any land use is altered.

(C) Where 50 percent or more of the fair market value of a structure is destroyed and it is being repaired or altered.

(2) Cases where Zoning Permit is not required:

(A) For internal improvements or alterations to an existing building which are entirely within the building and involve no change in land use, unless the internal improvement or alteration would create or increase the size of an attached garage.

(B) For external improvements or alterations to an existing building which involve no change in land use or expansion into a previously open area.

(C) For any maintenance repairs that do not involve a change to the structure.

(D) For any tower for which a Tower Permit has been issued under the Town of Rock Small Wind Energy System Ordinance.

(3) The Zoning Permit Card issued as part of the approval shall be displayed at a prominent location which can be on the building site, the public road, or driveway.

7.3 Application for Zoning Permit

An application for a Zoning Permit shall be made to the Zoning Officer upon forms furnished by the Zoning Officer and shall include, for the purpose of proper enforcement of these regulations, an accurate, properly-dimensioned map (plot plan) of the property showing:

(1) The boundaries of the property involved.

- (2) The location of the centerlines or right-of-way lines of any abutting roads, streets or highways.
- (3) The location on the lot of any existing buildings, proposed new buildings, or proposed additions to existing buildings, including the measured distances between such buildings, and from the lot lines, and from the centerline or road right-of-way lines of any abutting streets or highways to the nearest portion of each existing building, proposed new building or proposed addition.
- (4) The floodway, flood-fringe or high-water line of any stream or lake on, or adjoining, the property.
- (5) The dimensions and the maximum height of all proposed buildings or additions.
- (6) If the proposed construction involves an attached garage, the area of the garage and the area of the residence's finished living space.
- (7) The location of any roof overhangs exceeding 36 inches.
- (8) For sites involving an on-site sewage disposal system, the Map shall include the location of the water system and sewage systems and their distances from the proposed construction.

7.4 Expiration of Zoning Permit

A Zoning Permit shall remain effective for a period of eighteen (18) months following the date of its issuance. Any work undertaken on a building or other improvement or any alteration in land use subsequent to that date will require that a new Zoning Permit be obtained.

7.5 Zoning Permit Fee

The applicant, upon filing of an application for a Zoning Permit with the Zoning Officer, shall pay a fee to the Zoning Officer in accordance with the following schedule:

- (1) A Zoning Permit Fee in the amount of \$50 or such other amount as shall hereafter be determined by Town Board resolution.

In addition to the Zoning Permit Fee, the applicant shall also pay any town building permit fees and any state inspection fees which are necessary in order to obtain any required Building Permit.

SECTION 8. STANDARDS FOR EVALUATING CONDITIONAL USES, CHANGING ZONING DISTRICTS AND GRANTING VARIANCES

The following information may be used by the Planning and Zoning Committee, Town Board or Board of Adjustment prior to or during proceedings where conditional use permits, zoning district changes or variances are being considered. Conditions of approval can be attached by the Planning and Zoning Committee, Town Board or Board of Adjustment to address problems which are not direct conflicts of the interest of this Ordinance. The following guidelines are not all inclusive.

8.1 Site Design and Physical Characteristics

- (1) Existing topography, drainage patterns and vegetative cover and the suitability of the proposed use in this regard.
- (2) Availability of water, sewer, rail and other services and the utility requirements of the proposed site.
- (3) Where public sewers are not available, the percolation characteristics of the soil.
- (4) Adequacy of the proposed internal circulation system, including safety consideration.
- (5) Access to sites from the internal circulation system.
- (6) The costs of providing various public services.
- (7) Appearance--how the area will look?

8.2 Site Location Relative to the Public Road Network

- (1) Convenient access to a public road network--safety of access points.
- (2) Visibility from the proposed road and the need for visibility.
- (3) Location to provide access primarily by right-hand turning movements.

8.3 Land Use

- (1) Compatibility with existing or proposed uses in the area.
- (2) Relation to any existing land use plan.
- (3) Relation to existing or proposed development at nearby interchanges.

8.4 Traffic Generation

- (1) Amount of daily and peak-hour traffic to be generated, related to site size; traffic to be subclassified as to arterial, collector and local streets.

- (2) Amount of traffic generated relative to existing land anticipated ultimate generated traffic in the area.
- (3) Expected composition of site-generated traffic by vehicle types.
- (4) Effect of site-generated traffic on the operation of the area.
- (5) Safety and convenience to future users.

8.5 Community Effects

- (1) Immediate and long-range tax base.
- (2) Access to market or service area.
- (3) Relation to scenic or recreation values.
- (4) Relation to the public interest, the purpose and intent of this Ordinance, and substantial justice to all parties concerned.
- (5) Compliance with the Town's Smart Growth Comprehensive Plan's Goals and Objectives.

8.6 Other Relevant Factors

- (1) See Performance Standards in Section 13 of this Ordinance.
- (2) Any other information which may be relevant to the specific request for conditional use permit, zoning district change or variance.

SECTION 9. BOARD OF ADJUSTMENT

9.1 Establishment

There is hereby established a Board of Adjustment for the Town for the purpose of hearing appeals and applications, and granting variances and exceptions to the provisions of this Zoning Ordinance.

9.2 Membership

The Board of Adjustment shall consist of three (3) members appointed by the Town Chairperson and confirmed by the Town Board.

(1) Terms shall be staggered three-year periods.

(2) Chairperson shall be designated by the Board of Adjustment.

(3) Conflict of Interest. Any member who has any interest in a matter before the Board shall not vote thereon and shall remove himself from any meeting or hearing at which said matter is under consideration.

(4) An Alternate Member may be appointed by the Town Chairperson for a term of three (3) years and shall act only when a regular member is absent or refuses to vote because of conflict of interest.

(5) No member shall be a Town Board member, Planning and Zoning Committee member, the Building Inspector or the Zoning Officer.

(6) Secretary shall be designated by the Board of Adjustment.

(7) Building Inspector and Zoning Officer shall attend all meetings for the purpose of providing technical assistance when requested by the Board of Adjustment.

(8) Official Oaths shall be taken by all members in accordance with Section 19.01 of the Wisconsin Statutes within ten (10) days of receiving notice of their appointment.

(9) Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.

(10) Compensation shall be as determined by the Town Board.

9.3 Organization

The Board of Adjustment shall organize and adopt rules of procedure for its own government in accordance with the provisions of this Ordinance.

(1) Meetings shall be held at the call of the Chairperson and at such other times as the Board may determine. All meetings shall be open to the public.

(2) Minutes of the proceedings and a record of all actions shall be kept by the Secretary, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, the reasons for the Board's determination, and its findings of fact. The Secretary shall keep records of the Board's examinations and other official actions, all of which shall be immediately filed with the Town Clerk and shall be a public record.

(3) The Concurring vote of two (2) members of the Board shall be necessary to exercise the powers enumerated in 9.4(1), (2), (3), and (4).

9.4 Powers

The Board of Adjustment shall have the following powers:

(1) Errors. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Building Inspector, the Zoning Officer or by the Planning & Zoning Committee or its delegates in the enforcement of codes, regulations or ordinances under their jurisdiction.

(2) Variances. To hear and grant applications for variances as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of the Ordinance shall be observed and the public safety, welfare, and justice secured. Use variances shall not be granted, nor shall a variance be granted where the conditions exist as a result of a self-imposed hardship.

(3) Interpretations. To hear and decide applications for interpretations of the codes, regulations, ordinances and the boundaries of the zoning districts after the Planning & Zoning Committee has made a review and recommendations.

(4) Permits. The Board may reverse, affirm wholly or partly, modify the requirements appealed from, and may direct the issuance of a permit.

(5) Assistance. The Board may request assistance from other town and county officials, departments, commissions, and boards.

(6) Oaths. The Chairperson, or in his or her absence the Acting Chairperson, shall administer oaths and may compel the attendance of witnesses.

9.5 Appeals and Applications

Appeals from the decision of the Building Inspector, the Zoning Officer or the Planning & Zoning Committee concerning the literal enforcement of this Ordinance may be made by any person aggrieved or by an officer, department, committee, board, or bureau of the Town. Such appeals shall be filed with the Secretary within thirty (30) days after the date of written notice of the decision or order of the Building Inspector, the Zoning Officer or the Planning & Zoning Committee. Applications for variance and for interpretations of the codes, regulations, ordinances and the boundaries of the zoning districts may be made by

the owner of or lessee of the structure, land, or water to be affected at any time and shall be filed with the Secretary. Such appeals and applications shall include the following:

- (1) Name and Address of the appellant or applicant and all abutting and opposite property owners of record, and owners within two hundred (200) feet.
- (2) Plat of Survey prepared by a registered land surveyor showing all of the information required under Section 6.3 for a Building Permit and Section 7.3 for a Zoning Permit.
- (3) Additional Information required by the Town Planning & Zoning Committee, Board of Adjustment, Building Inspector or Zoning Officer.
- (4) Fee Receipt from the Town Treasurer in an amount equal to the greater of (a) \$250 or such amount as may be determined from time to time by Town Board resolution, or (b) the cost of legal notice publication and all other expenses related to the hearing.

9.6 Hearings

The Board of Adjustment shall hold a public hearing within thirty (30) days of receiving written application for the hearing, give public notice thereof at least ten (10) days prior to the hearing by publication of a Class 1 notice under Chapter 985 of the Wisconsin Statutes, and shall give due notice to the parties in interest, the Building Inspector, the Zoning Officer, and the Town Planning and Zoning Committee. At the hearing the appellant or applicant shall appear in person, by agent, or by attorney.

9.7 Findings

The decision of the Board shall be accompanied by findings of fact. In this regard, no variance to the provisions of this Ordinance shall be granted by the Board unless it finds that all the following facts and conditions exist and so indicates in the minutes of its proceedings.

- (1) Exceptional Circumstances. There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Ordinance should be changed.
- (2) Absence of Detriment. The variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.

9.8 Decision

The Board of Adjustment shall decide all appeals and applications within thirty (30) days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, Building Inspector, Zoning Officer and Town Planning & Zoning Committee.

(1) Conditions may be placed upon any Building Permit and/or Zoning Permit ordered or authorized by the Board.

(2) Variances granted or Building and/or Zoning Permits directed for issuance by the Board shall expire within six (6) months unless substantial work has commenced pursuant to such grant.

9.9 Review by Court of Record

Any person or persons aggrieved by any decision of the Board of Adjustment may present to the Court of Record a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the Court within thirty (30) days after the filing of the decision in the office of the Town Clerk.

9.10 Livestock Facility Siting

The Board of Adjustment is not authorized to grant a variance from the state requirements related to livestock facility siting, except as provided in § 93.90 of the Wisconsin Statutes and in Chapter ATCP 51 of the Wisconsin Administrative Code.

SECTION 10. HIGHWAY SETBACK LINES & ROADSIDE REGULATIONS

10.1 Classification and Setbacks

For the purpose of determining the distance buildings and other structures are set back, the roads and highways of the township are hereby divided into the following classifications according to the Wisconsin Department of Transportation 1980 Functional Classification System or a locally adopted Transportation Plan.

(1) Arterial Highways

(A) The setback line for Arterial highways shall be 150 feet from the centerline of the highway or 100 feet from the right-of-way line whichever is greater.

(B) Frontage roads to Arterial highways shall be considered as local roads for the purpose of determining the setback along said service roads.

(C) Minimum Road right-of-way shall be 100 feet.

(2) Collector Roads

The setback for collector roads shall be 90 feet from the centerline or 50 feet from the right-of-way line, whichever is greater. Minimum road right-of-way shall be 80 feet.

(3) Local Roads

The setback for local roads shall be 85 feet from the centerline or 50 feet from the right-of-way line, whichever is greater, except that in the R-1 District the setback shall be 25 feet from the right-of-way line and in the B-1 District the setback shall be 30 feet from the right-of-way line on a sewered lot. Minimum road right-of-way shall be 70 feet.

(4) Lesser Setbacks

Lesser Setbacks may be permitted by the Planning and Zoning Committee in cases of unusual topography, or existing patterns of lesser setbacks of buildings on nearby properties or varying alignment of highway right-of-way lines. A setback less than the setback required by this Ordinance may be permitted where there are at least five (5) existing main buildings existing at the date of enactment of this Ordinance within five hundred (500) feet of the proposed site that are built to less than the required setback. In such case, the setback shall be the average of the nearest main building on the one side and the required setback. Such setback shall be granted by a permit from the Planning & Zoning Committee and shall not require a special exception or variance.

(5) Special Width Road Right-of-Ways

Road right-of-ways which are indicated as a Special Width Road in adopted transportation plans shall be used to establish minimum setback requirements and in the division of land.

10.2 Vision Clearance at Intersections

In each quadrant of every public street, road or railroad intersection, there shall be designated a clear vision triangle, bounded by the street or road centerlines and a line connecting points on said centerlines at a specified distance from their point of intersection, in the manner illustrated hereinafter and titled Basic Illustration Of Clear Vision Triangles.

The use of the term "triangle" in this section shall not be construed to preclude reasonable modifications of a triangular shaped area, including modifications occasioned by the existence of curving streets or roads.

The term "centerline" in this section shall be interpreted as follows:

(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.

(2) Where there is a divided pavement within a right-of-way, the centerline shall be the centerline of the median strip between the pavements, except as specified in subsection 3 below.

(3) Where there is a divided pavement within a right-of-way, and the distance between the centerline of the pavements, measured along the centerline of the intersecting street or road, is 60 feet or greater, the centerlines of the pavements shall be used separately, in the manner illustrated hereinafter and entitled Illustration Of Designation Of Centerline For Clear Vision Triangles, to designate the clear vision triangles.

The distance specified from the point of intersection of the centerlines to the aforesaid points on the centerlines shall be as specified in the table as follows:

<u>Classification</u>	<u>Triangle Side Distance</u>
Arterial	300 ft.
Collector	200 ft.
Local	150 ft.

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

In situations where trees of large diameter, large numbers of trees, or some combination of these are 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 another, the intent being to provide for the public safety. However, it shall not necessarily be construed to mean that every tree in the clear vision triangle must be removed. In a like manner, this restriction shall not apply to posts and wire fences, provided that they do not obstruct visibility across the clear vision triangle.

10.3 Objects Permitted Within Setback Lines and Vision Triangles

The following objects shall be permitted within setback lines and vision triangles:

(1) Open fences.

(2) Telephone, telegraph, and power transmission poles, lines and portable equipment that is readily removable in its entirety.

(3) The planting and harvesting of field crops, shrubbery and trees, except that no trees or shrubbery shall be planted within a vision clearance triangle so as to obstruct the view.

10.4 Access Control

The Planning & Zoning Committee may require that common access be provided to any lots created by a division of land. Access points on an arterial highway or collector road shall not be within four hundred seventy (470) feet of each other (measured from center to center of each access point).

BASIC ILLUSTRATION OF CLEAR VISION TRIANGLES

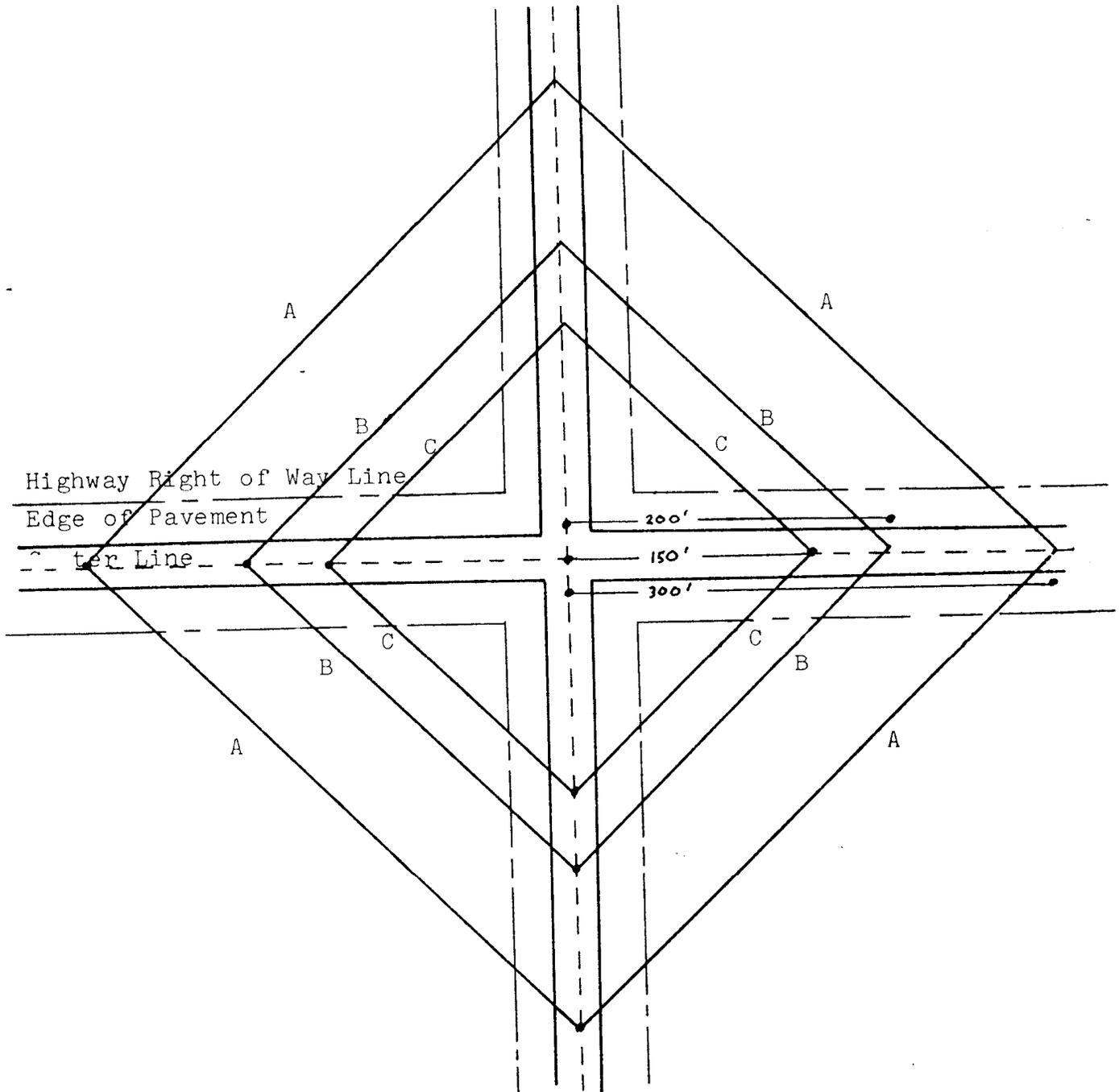
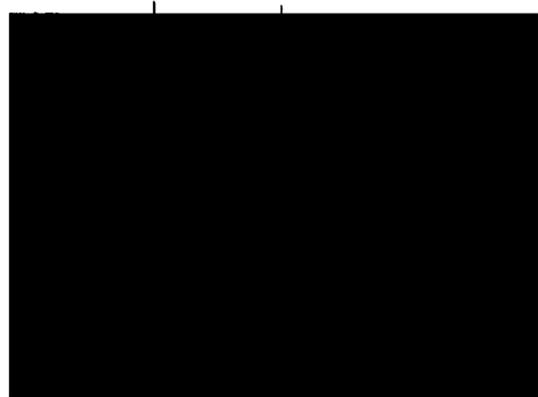


ILLUSTRATION OF
DESIGNATION OF CENTERLINE
FOR CLEAR VISION TRIANGLES

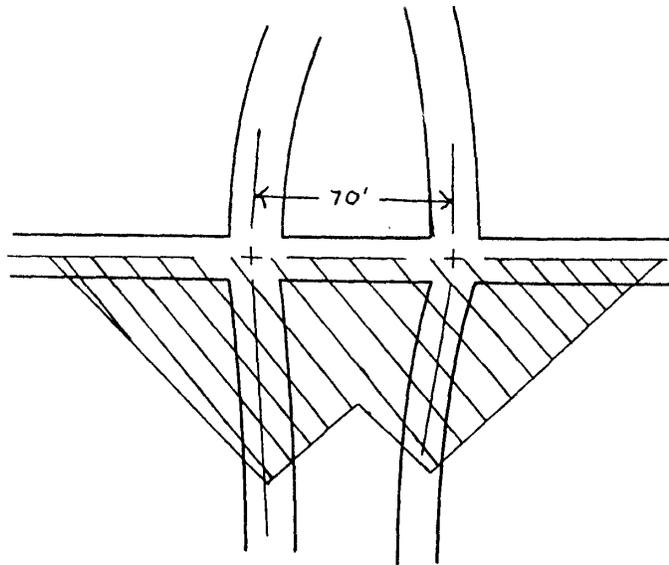
a. Undivided Pavement



b. Divided Pavement
Not Widely Separated



c. Divided Pavement Widely Separated



SECTION 11. NONCONFORMING USES, STRUCTURES, AND LOTS

11.1 Existing Nonconforming Uses

The lawful nonconforming use of a structure, land, or water existing at the time of the adoption or amendment of this Ordinance may be continued although the use does not conform with the provisions of this Ordinance, however, only that portion of the structure, land or water in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Ordinance.

11.2 Existing Nonconforming Structures

The lawful nonconforming structure existing at the time of the adoption or amendment of this Ordinance may be continued although its size or location does not conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this Ordinance; however, it shall not be extended, enlarged, reconstructed, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Ordinance.

11.3 Structural Repairs and New Equipment

Total lifetime structural repairs or alterations shall not exceed fifty (50) percent of the local assessed value of the structure at the time of its becoming a nonconforming use unless it is permanently changed to conform to the use provisions of this Ordinance. Substitution of new equipment may be permitted by the Board of Adjustment if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

11.4 Licenses

This Ordinance is not intended to negate licenses (or their respective uses) which are issued by governmental agencies and are current as of the effective date of this Ordinance.

11.5 Abolishment or Replacement

If a nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure, land, or water shall conform to the provisions of this Ordinance. When a structure containing a nonconforming use or a nonconforming structure is damaged by fire, explosion, flood, the public enemy, or other calamity, to the extent of more than fifty (50) percent of its current local assessed value, it shall not be restored except in conformity with the provisions of this Ordinance regulating the district in which it is located.

11.6 Changes and Substitutions

Once a nonconforming use or structure has been changed to conform to the provisions of this Ordinance, it shall not revert back to a nonconforming use or structure. Substitution of more restrictive nonconforming uses for existing nonconforming uses shall require application to and approval of the Town Planning & Zoning Committee. Once the Planning and Zoning Committee has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the use may not thereafter be changed without the approval of the Committee and the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Planning and Zoning Committee.

11.7 Substandard Lots

In any residential or agricultural district other than the A-FP District, a one-family detached dwelling and its accessory structures may be erected on any legal lot or parcel of record in the County Register of Deeds office before the effective date or amendment of this Ordinance. All the district requirements shall be complied with insofar as practical but shall not be less than the following:

(1) Lot	Width	Minimum 50 ft.
	Area	Minimum 7,500 sq. ft. (except in shoreland areas)
(2) Yards	Street	Minimum 35 ft.; the second street yard on corner lots shall be not less than 10 ft.
	Rear	Minimum 20 ft.
	Side	Minimum 10 percent of the frontage, but not less than 5 ft.

Compliance with the standards of the Rock County Sanitary Code shall be a condition for the granting of a building permit.

In the A-FP District and the A-1 District, all substandard lots that are less than 3 acres in size shall conform with all regulations set forth in the R-1 District and all substandard lots that are 3 or more acres in size and 10 or less acres in size shall conform with all regulations set forth in the A-3 District, provided, however, that only a *farm residence* may be erected upon a substandard lot in the A-FP District.

SECTION 12. CHANGES AND AMENDMENTS

12.1 Authority

Whenever the public necessity, convenience, general welfare or good zoning practice require, the Town Board may, by ordinance, after first submitting the proposal to the Planning and Zoning Committee for review and recommendation, change the district boundaries or amend, change or supplement the regulations established by this Ordinance. Any change or amendment that is not consistent with the Town of Rock Smart Growth Comprehensive Plan shall be construed to have amended the Smart Growth Comprehensive Plan so as to comply with the zoning as amended.

12.2 Initiation

A change or amendment may be initiated by the Town Board, Planning and Zoning Committee, or by a petition of one or more of the owners or an agent of property within the area proposed to be changed.

12.3 Petitions

Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Zoning Officer and the Town Clerk, and shall contain the exact legal description of the premises to be rezoned or of the regulations to be amended, a list of the reasons justifying the petition, and shall specify the proposed use and have attached the following:

(1) Plot Plan drawn to a scale of 1 inch equals Two Hundred (200) feet showing the area proposed to be rezoned, its location and classification of adjacent zoning districts, and the location and existing use of all properties within Two Hundred (200) feet of the area proposed to be rezoned.

(2) Owners' Names and Addresses of all properties lying within two hundred (200) feet of the area proposed to be rezoned.

(3) Additional Information required by the Planning and Zoning Committee or Town Board.

(4) Fee Receipt from the Town Treasurer in an amount equal to the greater of (a) \$250 or such amount as shall be determined from time to time by Town Board resolution, or (b) the cost of legal notice publication and other expenses related to the hearing.

12.4 Recommendations

The Planning and Zoning Committee shall review all proposed changes and amendments within the limits of the Town and shall recommend that the petition be granted as requested, modified, or denied. If the Town Board does not receive a written recommendation from the Planning and Zoning Committee within sixty (60) days of submitting the proposed

changes or amendments to the Committee, the Town Board may hold hearings without first receiving the recommendation.

12.5 Hearings

The Town Board shall hold a public hearing in connection with any proposed changes to the district boundaries or any proposed amendments, changes or supplements to the regulations established by this Ordinance. A Class 2 Notice under Chapter 985 of the Wisconsin Statutes, listing the time, place, and the changes or amendments proposed, shall first be published in the town prior to the hearing. In addition, if the hearing is in connection with a proposed change to district boundaries or a proposed rezoning of a specific parcel of land, the Town Clerk shall notify in writing all property owners within two hundred (200) feet of the land in question of the hearing at least five (5) days prior thereto. The Town Clerk shall also give at least ten (10) days prior written notice to the Clerk of any municipality within one thousand (1000) feet of any land to be affected by a proposed change or amendment.

12.6 Town Board's Action

Following such hearing and after careful consideration of the Town Planning and Zoning Committee recommendations, the Town Board shall vote on the passage of the proposed change or amendment.

12.7 Protest to Proposed Change

In the event of protest against a proposed district change or amendment to the ordinance, duly signed and acknowledged by the owners of 20 percent or more of the frontage proposed to be altered, or by the owners of at least 20 percent of the frontage immediately in the rear thereof, or by the owners of 20 percent of the frontage directly opposite the frontage proposed to be altered, such amendment shall not be passed by the Town Board unless recommended by a majority vote of the Planning and Zoning Committee.

SECTION 13. PERFORMANCE STANDARDS

13.1 Compliance

This Ordinance permits specific uses in specific districts and the following performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or district. No structure, land, or water shall hereafter be used except in compliance with their district regulations and with the following performance standards.

13.2 Air Pollution

No activity shall emit any fly ash, dust, fumes, vapors, mists, or gases in such quantities as to cause soiling or danger to the health of persons, animals, vegetation, or other forms of property. No activity shall emit any liquid or solid particles in concentrations exceeding 0.3 grains per cubic foot of the conveying gas nor any color visible smoke equal to or darker than No. 2 on the Ringelmann Chart described in the United States Bureau of Mine's Information Circular 7718.

13.3 Fire and Explosive Hazards

All activities involving the manufacturing, utilization, processing, or storage of inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate firefighting and fire-suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed, and stored only in completely enclosed buildings which have incombustible exterior walls and an automatic fire extinguishing system. The above-ground storage capacity of materials that produce flammable or explosive vapors shall not exceed the following:

<u>Closed Cup Flash Point</u>	<u>Gallons</u>
Over 187° F.	400,000
105° F. to 187° F.	200,000
Below 105° F.	100,000

13.4 Glare and Heat

No activity shall emit glare or heat that is visible or measurable outside its premises except activities in the M-2 Heavy Industrial District which may emit direct or sky reflected glare which shall not be visible outside their district. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.

13.5 Liquid or Solid Wastes

No activity shall discharge at any point onto any land or into any water or public sewer any materials of such nature, quantity, noxiousness, toxicity, or temperature which can contaminate, pollute, or harm the quantity or quality of any water supply, can cause the emission of dangerous or offensive elements, can overload the existing municipal utilities, or can injure or damage persons or property.

13.6 Noise

No activity shall produce a sound level outside the M-1 Light Industrial District, the M-2 Heavy Industrial District and the SP Special Purpose District boundaries that exceeds the following sound level measured by a sound level meter and associated octave band filter:

Octave Band Frequency (Cycles Per Second)			Sound Level (Decibels)
0	to	75	79
75	to	150	74
150	to	300	66
300	to	600	59
600	to	1200	53
1200	to	2400	47
2400	to	4800	41
Above		4800	39

No other activity in any other district shall produce a sound level outside its premises that exceeds the following:

Octave Band Frequency (Cycles Per Second)			Sound Level (Decibels)
0	to	75	72
75	to	150	67
150	to	300	59
300	to	600	52
600	to	1200	46
1200	to	2400	40
2400	to	4800	34
Above		4800	32

All noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittence, duration, beat frequency, impulse character, periodic character or shrillness.

13.7 Odors

No activity shall emit any odorous matter or pollutant of such nature or quantity as to be offensive, obnoxious, or unhealthful outside its premises. When providing for odor

measurement and control, the Town may use as a guide Section NR 429.03 of the Wisconsin Administrative Code. The Town may also provide for use of scent monitoring and measurement devices that from time to time may be developed and/or recommended under or by government regulation or scientific studies. Agriculture odors associated with normal agricultural activities are exempted from this section, except those odors created by the use of Center Pivot Waste Distribution Systems and Traveling Gun Waste Distribution Systems, the use of which is prohibited in all zoning districts except for Agricultural Farmland Preservation District (A-FP) and Agricultural District One (A-1), in which said systems require the issuance of a Conditional Use Permit by the Town Board after recommendation by the Planning and Zoning Committee.

13.8 Radioactivity and Electrical Disturbances

No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises.

13.9 Vibration

No activity in any district except the M-2 Heavy Industrial District and the SP Special Purpose District shall emit vibrations which are discernible without instruments outside its premises. No activity in the M-2 and SP District shall emit vibrations which exceed the following displacement measured with a three-component measuring system:

Frequency (Cycles Per Second)	Outside the Premises	Outside The District
0 to 10	.0020	.0004
10 to 20	.0010	.0002
20 to 30	.0006	.0001
30 to 40	.0004	.0001
40 to 50	.0003	.0001
50 and over	.0002	.0001

13.10 Water Quality Protection

No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity or temperature that would be likely to run off, seep, percolate or wash into surface or subsurface waters so as to contaminate, pollute, or harm such waters or cause nuisances such as objectionable shores deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life. In addition, no activity shall discharge any liquid, gaseous, or solid materials so as to exceed or contribute toward the exceeding of the minimum standards and those other standards and the application of those standards set forth in Chapter NR-102 of the Wisconsin Administrative Code for all navigable waters.

SECTION 14. SIGNS

14.1 Permit Required

No sign shall hereafter be located, erected, moved, extended or enlarged, without a building permit, except those signs permitted under Section 14.2, and without being in conformity with the provisions of this Ordinance and Section 84.30 of the Wisconsin Statutes. The sign shall also meet all the structural requirements of local and state building codes. Normal maintenance and routine repair of signs, including changes in sign copy or message, shall be allowed without a building permit.

14.2 Signs Permitted In All Districts Without A Building Permit

The following signs are permitted in all zoning districts without a permit subject to the following regulations.

(1) Signs Over Show Windows or Doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor, not to exceed two (2) feet in height and ten (10) feet in length.

(2) Agricultural Signs pertaining to the sale of agricultural products on a farm or to membership in agricultural or agricultural-related organizations, not to exceed thirty-two (32) square feet in display area on one side for any one farm.

(3) Real Estate Signs not to exceed thirty-two (32) square feet in display area on one side which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located.

(4) Name, Occupation, and Warning Signs not to exceed two (2) square feet in display area located on the premises, and not closer than fifty (50) feet between signs.

(5) Bulletin Boards of public, charitable, or religious institutions not to exceed thirty-two (32) square feet in display area on one side located on the premises.

(6) Memorial Signs, tablets, name of buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.

(7) Official Signs, such as traffic control, parking restrictions, information, and notices.

(8) Temporary Signs or banners when authorized by the Planning and Zoning Committee.

14.3 Signs Permitted In All Business and Industrial Districts

The following signs are permitted in the Business and Industrial Districts with a permit and are subject to the following regulations:

(1) Wall Signs placed against the exterior walls of buildings shall not extend more than eighteen (18) inches beyond a building's wall surface, shall not exceed two hundred (200)

square feet in display area, or 10% of the wall surface, whichever is the greatest, for any one premises, and shall not extend beyond any building wall upon which it is erected.

(2) Projecting Signs fastened to, suspended from, or supported by building structures shall not exceed two hundred (200) square feet in display area on all sides for any one premises; shall not extend more than ten (10) feet from the building wall; shall not exceed a height of six (6) feet above the roof line; and shall not be less than ten (10) feet above a sidewalk or other pedestrian way nor fifteen (15) feet above a driveway or alley.

(3) On-Premise Ground Signs shall be limited to one sign for each individual business premises which advertises the business names, services offered, or products sold on the premises, shall not extend into the public right-of-way, and shall not exceed three hundred (300) square feet in display area on any one side nor six hundred (600) square feet in display area on all sides for any one premises.

(4) Off-Premise Ground Signs shall require a permit from the Building Inspector and shall be located within private lot lines and not extend into the existing or proposed right-of-way of any state or county trunk highway or any town road measured horizontally along a line normal or perpendicular to the center of the highway; shall not be located within five hundred (500) feet of any other off-premise ground sign, located on the same side of the road; shall not exceed forty (40) feet in height; and shall not exceed six hundred (600) square feet in display area on any one side nor twelve hundred (1200) square feet in display area on all sides.

(5) Window Signs shall be placed only on the inside of commercial buildings and shall not exceed fifty (50) percent of the glass area of the pane upon which the sign is displayed.

(6) Combinations of any of the above signs shall meet all the requirements for the individual signs.

14.4 Facing

No sign except those permitted in Section 14.2 shall be permitted to face a Residential District within one hundred (100) feet of such district boundary.

14.5 Traffic

Signs shall not resemble, imitate, or approximate the shape, size, form or color of railroad or traffic signs, signals or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices. No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape; and no sign shall be attached to a standpipe or interfere with traffic visibility nor be lighted in such a way as to cause glare or impair driver visibility upon public ways.

14.6 Existing Signs

Signs lawfully existing at the time of the adoption or amendment of this Ordinance may be continued although the use, size, or location does not conform with the provisions of this Ordinance. However, it shall be deemed a non-conforming use or structure and the provisions of Section 11.0 shall apply.

14.7 Insurance

Every person, firm or corporation, to whom a sign building permit is issued, shall carry public liability and property damage insurance with a company licensed to do business in the State of Wisconsin with limits of at least \$500,000 per person and \$1,000,000 per event. A certificate of such insurance coverage shall be filed with the Town Clerk on an annual basis.

14.8 Movable or Temporary Signs

No movable or temporary signs shall be permitted. This prohibition shall include signs mounted on trucks, trailers, or other objects permanently affixed to the real estate. Any motor vehicle used on a regular basis for a bona fide business other than advertising is excepted from the above prohibition.

14.9 Roof-Mounted Signs

Signs erected on the roof of the building shall be prohibited by this Ordinance.

14.10 Lighting and Movement Restrictions

All signs shall be subject to the following restrictions upon illumination and flashing:

(1) No blinking or flashing light, or group of lights shall be allowed as part of a sign, unless such device conforms to the following requirements:

(A) The device is, or was, constructed as an integral part of a sign, and is not merely attached thereto.

(B) No flashing impulse shall exceed 30 flashes per minute for single flashing segments of any signs, and the brightness of bulbs used therein shall not exceed 60 watts. No more than 250 flashes per minute shall be allowed within chasing and scintillating actions, and in such signs no bulb shall be brighter than 15 watts. Neon signs may flash up to 250 flashes per minute, and enclosed fluorescent and incandescent signs within a translucent enclosure may flash up to 60 flashes per minute. All other flashing signs not specifically allowed in this title are prohibited.

(C) No flashing or blinking lights shall be located within a distance of 70 feet from a traffic signal.

(2) Rotating signs shall be limited to a maximum of eight revolutions per minute, and shall not flash or have traveling bulb effects.

14.11 Areas of Special Control

Areas of special control may be designated by the Town Board. In such areas, the Town Board may establish special regulations for signs which may be more or less restrictive than this section. The areas of special control shall be as follows:

(1) Integrated centers of intensive business areas over 5 acres whose character indicates that signs should be permitted under regulations which are different from those which would otherwise be applicable under this Ordinance.

14.12 Permit Fees

Signs less than 200 square feet in area	\$10.00
Signs 200 square feet or larger in area	\$20.00

SECTION 15. DEFINITIONS

15.1 Usage

(1) For the purpose of these regulations, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this section.

(2) Unless the context clearly indicates to the contrary, the present tense include the future tense; the plural number include the singular; the means "in these regulations"; the word means "these regulations."

(3) A "person" includes a corporation, a partnership, and an incorporated association of persons such as a club; "shall" is always mandatory; a "building" includes a "structure"; a "building" or "structure" includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

15.2 Words and Terms Defined

Accessory Building. Any building except the principal building on a lot. In the case of a house and unattached garage, the garage shall be deemed part of the principal building and shall not be counted as an accessory building.

Accessory Use. Any of the following uses on a *farm*:

(1) A building, structure, or improvement that is an integral part of, or is incidental to, an *agricultural use*. This may include, for example:

(A) A facility used to store or process raw agricultural commodities, all of which are produced on the *farm*.

(B) A facility used to keep *livestock* on a *farm*.

(C) A facility used to store or process inputs primarily for *agricultural uses* on the *farm*.

(D) A facility used to keep or service vehicles or equipment primarily employed in *agricultural uses* on the *farm*.

(E) A wind turbine or solar energy facility that collects wind or solar energy on the *farm*, and uses or transforms it to provide energy primarily for use on the *farm*.

(F) A manure digester, bio-fuel facility, or other facility that produces energy primarily from materials grown or produced on the *farm* primarily for use on the *farm*.

(G) A waste storage or processing facility used to store or process animal waste produced solely from *livestock* kept on the *farm*.

(2) An activity or business operation that is an integral part of, or incidental to, an *agricultural use*.

(3) A *farm residence*, including normal residential appurtenances.

(4) A *farm owner/operator business*.

Accessory Structure. A structure constructed on a mobile home lot apart from the basic mobile home unit, including awnings, cabanas, storage cabinets (or sheds), carports, windbreaks, attached porches and garages.

Adjacent. Located on land parcels that touch each other, or on land parcels that are separated only by a river, stream or transportation or utility right-of-way.

Agricultural Use. Any of the following activities conducted for the purpose of producing an income or livelihood:

(1) Crop or forage production.

(2) Keeping *livestock*.

(3) Beekeeping.

(4) Nursery, sod, or Christmas tree production.

(5) Floriculture.

(6) Aquaculture.

(7) Fur farming.

(8) Forest management.

(9) Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.

Agriculturally Related Residence. A residence which is occupied by (1) a person who, or a family at least one member of which, earns a substantial part of his or her livelihood from farm operations on the land, or (2) a parent or child of the owner of the farm.

Agricultural Processing and Packaging. An establishment primarily engaged in refining, processing or otherwise adding value to raw agricultural goods, including but not limited to washing, sorting, cutting, bagging, freezing, canning, packing, bottling, or butchering.

Agricultural Research and Development. The use of land or buildings for agriculture research and the cultivation of new agricultural products.

Agricultural Sales and Service. An establishment primarily engaged in (1) the sale or rental of farm tools and implements, feed and grain, tack, animal care products, farm

supplies and the like, or (2) performing agricultural or horticultural services on a fee or contract basis, including but not limited to crop dusting and spraying services, harvesting and plowing services, agricultural land grading services, farm equipment service and repair, and large animal veterinary services.

Agricultural Storage. Grain elevators and other facilities for the warehousing and storage of agricultural products.

Agriculture-related use. A facility, whether or not located on a *farm*, that has at least one of the following as a primary and not merely incidental purpose:

(1) Providing agricultural supplies, agricultural equipment, agricultural inputs or agricultural services directly to *farms*, including *farms* in the farmland preservation zoning district.

(2) Storing, processing or handling raw agricultural commodities obtained directly from *farms*, including *farms* in the farmland preservation zoning district.

(3) Slaughtering *livestock*, including *livestock* from *farms* in the farmland preservation zoning district.

(4) Marketing *livestock* to or from *farms*, including *farms* in the farmland preservation zoning district.

(5) Processing agricultural by-products or wastes received directly from *farms*, including *farms* in the farmland preservation zoning district.

Airport Not Open to the Public. Any airport on privately owned land used solely by the property owner.

Alley. A street or thoroughfare less than 21 feet wide and affording only secondary access to abutting properties.

Animal Unit. Has the meaning that was given in s. NR 243.03(3) as of April 27, 2004. A horse or pony shall constitute one animal unit. For any animal unit not named in the above-cited Chapter of the Wisconsin Administrative Code, the equivalent of an animal unit shall be determined by the Town Board (after review and recommendation by the Planning & Zoning Committee) in a manner so as to be generally consistent with the above-specified standards, depending upon the size and use of the animal.

Applicant. The owner of the land or his representative. If the owner's representative is the applicant, consent shall be required in writing from the legal owner of the premises.

Arterial Roads and Highways. A street serving or designated to serve the rapid movement of concentrated volumes of vehicular traffic over relatively long distances. It provides primarily for movement between rather than within activity areas.

Automotive Vehicle. A vehicle that is self-propelled except a snowmobile unless specifically referred to as a motor vehicle herein.

Basement. A story partly underground.

Boarding House. A building other than a hotel where meals or lodging and meals are provided for compensation for three or more persons not members of the owner's family.

Building. Any structure used, designed or intended for the protection, shelter, enclosure or support of persons, animals, or property.

Building Area. Total ground coverage in square feet of all buildings and structures including garages, carports, and other attached or accessory structures.

Building Height. The vertical distance from the top of the building roof to the top of the basement or to the finished grade at the building line, whichever is greater.

Building Permit. A written building permit or certification issued by the Building Inspector or the Planning and Zoning Committee permitting the construction, alteration and/or extension of a building under the provisions of this Ordinance.

Center Pivot Waste Distribution Systems. A system for spreading lagoon wastewater or other liquid by-products of animal waste which involves spraying liquid form through nozzles attached to a pivoting arm located in a farm field.

Collector Roads and Highways. A street serving or designated to serve in the capacity of carrying moderate amounts of traffic between local streets and arterial streets and also providing access to individual lots. It provides for movement within, rather than between, activity areas such as neighborhoods.

Commercial. The offering or purchase of goods and services with the intention of making a profit.

Committee. The Planning and Zoning Committee for the Town of Rock.

Common Area. An area or space designed for joint use of tenants or owners residing in a Planned Unit Development.

Common Ownership. Ownership by the same *person* or *persons*, or by *persons* that are all wholly owned by the same *person* or *persons*. "Common Ownership" includes joint tenancy and tenancy in common. Solely for purposes of this definition, a parcel owned by one member of a married couple is deemed to be owned by the married couple.

Common Sewerage. A legal sewage system that serves two or more dwelling units.

Community. A legal entity organized under appropriate statutory authority as a body corporate which represents a town, village, city, or county such as the case may be.

Complete Application for Local Approval. An application that contains everything required under ss. ATCP 51.30(1) to (4).

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.

Confinement Operation. An animal confinement facility used or designed for the feeding or holding of 500 animal units, for 30 days or more.

Contiguous. Adjacent to or sharing a common boundary. “Contiguous” land includes land that is separated only by a river, stream, section line, public road, private road, railroad, pipeline, transmission line, or transportation or transmission right-of-way. Parcels are not “contiguous” if they meet only at a single point.

Department. The Department of Agriculture, Trade, and Consumer Protection.

Dependent Mobile Home. A mobile home which does not have complete bathroom facilities.

Density. The number of living units per acre allowable under a schedule of district regulations.

Developer. The owner of land proposed for subdivision or his representative. If the owner's representative is the developer, consent shall be required from the legal owner of the premises.

Development Guide. The Town's Smart Growth Comprehensive Plan (segment of the County Comprehensive Plan) (Section 59.97) or the incorporated municipality's Master Plan (Section 62.23).

Drive-in Establishment. A place of business in which patrons can be served while remaining in their automobiles.

Driveway. A minor private way used by vehicles and pedestrians for common access to a lot, small group of lots, or facilities.

Dwelling, Single-Family. A building designed for, or occupied exclusively by, one family or household.

Dwelling, Two-Family. A building designed for, or occupied exclusively by, two families or households.

Dwelling, Multiple-Family. A building or portion thereof designed for, or occupied by, three or more families or households.

Earthwork. The moving of more than 2 cubic yards of any type of soils.

Easement. Authorization by a property owner for the use by another and for a specified purpose, of any designated part of his property.

Emergency Shelter. Public or private enclosures designed to protect people from flood, windstorm, fire, riots, or invasions; and from aerial, radiological, biological, or chemical warfare.

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, electricity, steam, water, sanitary sewerage, storm water, drainage, and communication systems and accessories thereto, such as poles, towers, wires, 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 does not include buildings.

Expanded Livestock Facility. The entire livestock facility that is created by the expansion, after May 1, 2006. "Expanded livestock facility" includes all livestock structures in the expanded facility, regardless of whether those structures are new, existing or altered.

NOTE: This ordinance applies to local approvals of *new or expanded* livestock facilities that will have 500 or more animal units (or will exceed a lower permit threshold incorporated in a local *zoning* ordinance prior to July 19, 2003). See s. ATCP 51.02. Although this ordinance covers all livestock structures in an "expanded livestock facility," existing structures are subject to less rigorous standards than new or expanded structures, and are completely exempt from certain requirements.

Expansion. An increase in the largest number of animal units kept at a livestock facility on at least 90 days in any 12-month period. The acquisition of an existing livestock facility, by the operator of an adjacent livestock facility, does not constitute an "expansion" unless that operator increases the largest number of animal units kept at the combined livestock facilities on at least 90 days in any 12-month period.

Expressway. A divided arterial street or highway, either with full or partial control of access, and with or without grade separated intersections.

Family. A group of persons related by blood or marriage and living together as a single housekeeping entity.

Farm. All land under *common ownership* that is primarily devoted to *agricultural use*. For purposes of this definition, land is deemed to be primarily devoted to *agricultural use* if any of the following apply:

(1) The land produces at least \$6,000 in annual *gross farm revenues* to its owner or renter, regardless of whether a majority of the land area is in *agricultural use*.

(2) A majority of the land area is in *agricultural use*.

Farm residence. Any of the following structures located on a *farm*:

- (1) A single-family or duplex residence that is the only residential structure on the *farm*.
- (2) A single-family or duplex residence that is occupied by any of the following:
 - (A) An owner or operator of the *farm*.
 - (B) A parent or child of an owner or operator of the *farm*.
 - (C) An individual who earns more than 50 percent of his or her gross income from the *farm*.

Farm Owner/Operator Business. A business, activity, or enterprise, whether or not associated with an *agricultural use*, which meets all of the following requirements:

- (1) It is conducted on a *farm* by an owner or operator of that *farm*.
- (2) It requires no buildings, structures, or improvements other than (A) a building, structure or improvement that is an integral part of, or is incidental to, an *agricultural use* or (B) a *farm residence*, including normal residential appurtenances.
- (3) It employs no more than 4 full-time employees annually.
- (4) It does not impair or limit the current or future *agricultural use* of the *farm* or other *protected farmland*.

Flood Plain. The land adjacent to a body of water which is subject to periodic overflow therefrom as designated on the official maps of the Rock County Shoreland Zoning Ordinance.

Floodway. The channel of a stream and such adjacent portions of the floodplain as are required to accommodate flood flows as designated on the official maps of the Rock County Shoreland Zoning Ordinance.

Floor Area. The area within the exterior walls of a building which is usable as living quarters.

Freeway. An expressway with full control of access and with fully graded separated intersections.

Frontage. The side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

Garage, Private. Any building or space incidental to a residential unit for the storage only of motor vehicles.

Garage, Public. Any building or premises, other than a private or storage garage, where motor vehicles are equipped, repaired, serviced, hired, sold or stored.

Garage, Storage. Any building or premises used for storage only of motor vehicles.

Grade School. A facility used for the education of students, kindergarten through the twelfth grade.

Gross Farm Revenue. Gross receipts from *agricultural uses*, less the cost or other basis of *livestock* or other agricultural items purchased for resale which are sold or otherwise disposed of during the taxable year. "Gross farm revenue" includes receipts accruing to a renter, but does not include rent paid to the land owner.

High Density. Those residential zoning districts in which the density is greater than one dwelling unit per 8,500 square feet.

Home Occupation. A gainful occupation conducted by members of a family only, within their place of residence, provided that no article is offered for sale on the premises except such as is produced by such occupation, that no stock in trade is kept or sold, that no mechanical equipment is used other than such as is permissible for purely domestic purposes. (A home occupation includes, for example, such activities as babysitting, millinery, dressmaking, canning, laundering, and crafts, but does not include, for example, such occupations as barbering, beauty shops and hairdressing, dancing schools, or photographic studios.)

Hotel. A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five (5) sleeping rooms with no cooking facilities in any individual room or apartment.

Household Pet. Tame animals which have been traditionally kept in the home to include dogs, cats, rabbits, birds, hamsters and other animals which in their adult life do not exceed 250 pounds, or 4 feet in height at normal posture.

Household Unit. The body of persons who live together in one dwelling unit as a single housekeeping unit.

Intensive Soils Survey. The testing of soil at a particular geographic location as to its individual assets and limitations.

Interchange. A grade-separated highway intersection with one or more turning lanes for travel between intersecting roads or highways.

Large Farm Animal. Any bovine animal, equine animal, sheep, goat, swine, bison, farm raised deer, ratite, or camelid.

License. A written license issued by the municipality allowing a person to operate and maintain a mobile home park under the provisions of this Ordinance and regulations issued hereunder.

Livestock. Domestic animals traditionally used in this state in the production of food, fiber or other animal products. "Livestock" includes bovine animals, equine animals, goats,

poultry, sheep, swine, bison, farm-raised deer, farm-raised fish, captive game birds, ratites, camelids and mink.

Livestock Facility. A feedlot, dairy farm or other operation where livestock are or will be fed, confined, maintained or stabled for a total of 45 days or more in any 12-month period. A “livestock facility” includes all of the tax parcels of land on which the facility is located, but does not include a pasture or winter grazing area. Related livestock facilities are collectively treated as a single “livestock facility” for purposes of this chapter, except that an operator may elect to treat a separate species facility as a separate “livestock facility.”

Livestock Structure. A building or other structure used to house or feed livestock, to confine livestock for milking, to confine livestock for feeding other than grazing, to store livestock feed, or to collect or store waste generated at a livestock facility. “Livestock structure” includes a barn, milking parlor, feed storage facility, feeding facility, animal lot or waste storage facility. “Livestock structure” does not include a pasture or winter grazing area, a fence surrounding a pasture or winter grazing area, a livestock watering or feeding facility in a pasture or winter grazing area, or a machine shed or like facility that is not used for livestock.

Loading Area. A completely off-street space or berth on a lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

Local Roads and Highways. A street providing or designated to provide direct access to adjacent land, short distance travel within the area, and access to the Collector and Arterial systems.

Lodging House. A building other than a hotel where lodging only is provided for compensation for not more than twelve (12) persons not members of the owner's family.

Lot. A parcel of land described in a recorded plat or deed.

Lot Area. The total area reserved for exclusive use of the owners of a particular piece of real property.

Lot, Corner. A lot abutting on two or more streets at their intersection.

Lot Lines and Area. The peripheral boundaries of a parcel of land and the total area lying within such boundaries.

Lot Depth. The mean horizontal distance between the front and rear lot lines.

Lot Width. The width of a parcel of land measured at the rear of the specified street yard.

Low Density. Those residential zoning districts in which the density is between 12,000 and 40,000 square feet per dwelling unit.

Master Plan. A comprehensive plan for development of the local government, prepared and adopted by the local government, pursuant to state law, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof.

Medium Density. Those residential zoning districts in which the density is between 8,500 and 12,000 square feet per dwelling unit.

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 (4) feet in height.

Mobile Home. A structure which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and is designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; and includes any additions, attachments, annexes, foundations and appurtenances. A mobile home shall not include a recreational vehicle.

Mobile Home Lot. A parcel of land designed for the placement of a single mobile home and for the exclusive use of its occupants.

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 part of the equipment thereof, whether or not a charge is made for the use of the mobile home park or its facilities.

Mobile Home Stand. That part of an individual lot which has been reserved for the placement of one mobile home unit.

Mobile Home Subdivision. A parcel of land subdivided into lots, each lot individually owned and utilized as the site for placement of a single mobile home and its facilities.

Mobile Office. A structure which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and is designed, equipped, and used for an office work area and not for sleeping, eating, or living quarters.

Motel. A series of attached, semi-attached, or detached sleeping units for the accommodation of transient guests.

Navigable Waters. Has the meaning given in s. 30.01(4m), Wis. Stats.

New Livestock Facility. A livestock facility that will be used as a livestock facility for the first time, or for the first time in at least 5 years. "New livestock facility" does not include an expanded livestock facility if any portion of that facility has been used as a livestock facility in the preceding 5 years.

Non-conforming Structure. A building or premises lawfully used, occupied, or erected at the time of the passage of this Ordinance or amendment thereto, which does not conform

to the regulations of this Ordinance, or any amendments thereto, with respect to frontage, width, height, area, yard, parking, loading, or distance requirements.

Non-conforming Use. The use or occupancy of a building or premises, which is lawful at the time of the passage of this Ordinance or amendments thereto, but which use or occupancy does not conform to the provisions of this Ordinance or any amendments thereto.

Non-dependent Mobile Home A mobile home which has complete bathroom facilities.

Open Space Parcel. A parcel on which no buildings, other than hunting blinds or small sheds, have been constructed or approved for construction.

Operator. A person who applies for or holds a local approval for a livestock facility.

Ordinance. Any legislative action, however denominated, of a local government which has the force of law, including any amendment or repeal of any ordinance.

Owner. Any person, group of persons, firm, corporation, or any other legal entity having legal title to or sufficient proprietary interest in the land or water which is subject to the terms of this Ordinance, or in any building or structure located thereon.

Park Management. The person who owns or has charge, care or control of mobile home park or travel trailer park.

Park Street. A private way which affords principal means of access to individual mobile home lots, travel trailer spaces, or auxiliary buildings.

Permitted Use. Uses listed under this heading are permitted as of right. This means that an applicant for a Zoning Permit must be given a permit if he meets the other requirements of the ordinance, e.g., yards, setbacks, and so forth.

Person. An individual, corporation, partnership, cooperative, limited liability company, trust or other legal entity.

Populate. To add animal units for which a permit or other local approval is required.

Prime Farmland. All of the following:

- (1) An area with a class I or class II land capability classification as identified by the Natural Resources Conservation Service of the United States Department of Agriculture.
- (2) Land, other than land described in subsection (1) above, which is identified as prime farmland in Rock County's certified farmland preservation plan.

Principal Building. The building of primary importance or permitted use on a parcel of land, in contrast to those which are accessory or of secondary importance.

Prior Nonconforming Use. A land use that does not comply with this farmland preservation zoning ordinance, but which lawfully existed prior to the application of this ordinance.

Property Line. A line that separates parcels of land owned by different persons.

Protected Farmland. Land that is any of the following:

- (1) Located in a farmland preservation zoning district certified under Chapter 91, Wis. Stats.
- (2) Covered by a farmland preservation agreement under Chapter 91, Wis. Stats.
- (3) Covered by an agricultural conservation easement under Section 93.73 Wis. Stats.
- (4) Otherwise legally protected from nonagricultural development.

Qualified Nutrient Management Planner. A person qualified under s. ATCP 50.48 of the Wisconsin Administrative Code.

Recreational Vehicle (RV). A vehicular type unit primarily designed as temporary living quarters for recreation, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle, consisting of, but not limited to, a motor home, truck camper, camping trailer, travel trailer and fifth wheel travel trailer.

(1) Motor Home. A vehicular unit designed to provide temporary living quarters for recreation, camping or travel use built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the completed vehicle. Motor homes are of three basic types as described below:

(A) Type A: A raw chassis upon which is built a driver's compartment and an entire body which provides temporary living quarters for use as defined above; and

(B) Type B: A completed van type vehicle which has been altered to provide temporary living quarters for use as defined above; and

(C) Type C: An incomplete vehicle upon which is permanently attached a body designed to provide temporary living quarters for use as defined above.

(2) Truck Camper. A portable unit constructed to provide temporary living quarters for recreation, travel, or camping use, consisting of a roof, floor, and sides, designed to be loaded onto and unloaded from the bed of a pick-up truck. In the travel mode, the unit is not more than eight feet in width.

(3) Camping Trailer. A vehicular unit mounted on wheels with an overall vehicle width of not more than eight feet in the travel mode and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreation, camping or travel use.

(4) Travel Trailer. A vehicular unit, mounted on wheels, with an overall vehicle width of not more than eight feet in the travel mode, which is built to be attached to and drawn by another vehicle and designed to provide temporary living quarters for recreation, camping and travel.

(5) Fifth Wheel Travel Trailer. A vehicular unit, mounted on wheels with an overall vehicle width in the travel mode of not more than eight feet, primarily designed and constructed to provide temporary living quarters for recreation, camping, travel, and towed by a motor vehicle using a connecting device known as a fifth wheel.

Recreational Vehicle (RV) Park. A parcel of land under single ownership designed, maintained, intended or used for the purpose of providing a location and temporary accommodations for two or more recreational vehicles, including all buildings used or intended for use as part of the equipment thereof, whether or not a charge is made for the use of a recreational vehicle park or its facilities.

Recreational Vehicle Lot. A parcel of land in a recreational vehicle park designed for the placement of a single recreational vehicle and for the exclusive use of its occupants.

Related Livestock Facilities. Livestock facilities that are owned or managed by the same person, and related to each other in at least one of the following ways:

(1) They are located on the same tax parcel or adjacent tax parcels of land.

NOTE: A mere acquisition of a neighboring livestock facility does not constitute an “expansion” unless more animal units are added to the combined facilities.

(2) They use one or more of the same livestock structures to collect or store manure.

(3) At least a portion of their manure is applied to the same landspreading acreage.

NOTE: Compare definition of “animal feeding operation” under s. NR 243.03(2) of the Wisconsin Administrative Code. “Related livestock facilities” are treated as a single livestock facility for purposes of local approval, except that a “separate species facility” may be treated as a separate livestock facility.

Roadside Stand. A building or part of a building no more than 500 square feet used for the retail sale of agricultural and related incidental products, excluding livestock, produced on the farm where the stand is located.

Rooming House. A building other than a hotel where lodging only is provided for compensation to three or more persons not members of the owner's family.

Separate Species Facility. A livestock facility that meets all of the following criteria:

(1) It has only one of the following types of livestock, and that type of livestock is not kept on any other livestock facility to which the separate species facility is related (see definition of a “related livestock facility”):

- (A) Cattle;
- (B) Swine;
- (C) Poultry;
- (D) Sheep;
- (E) Goats.

(2) It has no more than 500 animal units.

(3) Its livestock housing and manure storage structures, if any, are separate from the livestock housing and manure storage structures used by livestock facilities to which it is related.

(4) It meets one of the following criteria;

(A) Its livestock housing and manure storage structures, if any, are located at least 750 feet from the nearest livestock housing or manure storage structure used by a livestock facility to which it is related.

(B) It and the other livestock facilities to which it is related have a combined total of fewer than 1,000 animal units.

Service Building. A structure housing toilet, washing, and bathing facilities and such other facilities as may be required by this Ordinance.

Setback. The minimum horizontal distance between the lot line and the nearest point of a building or any projection thereof, excluding uncovered steps.

Sign. A structure or devise on which advertising is displayed, or by which attention is directed to advertising on the same or any other structure, by any means visible to the eye.

Single Family Residence. The principal use of a lot only for one dwelling unit.

Stable, Commercial. A building or land where horses are kept for remuneration, hire, sale, boarding, riding, or show.

Standards. The setbacks, vision corners, sideline requirements, height limitations, square footage requirements and other specifications as required by this Ordinance.

Standard Soils Survey. A soils survey of Rock County by the Soil Conservation Service, U.S. Department of Agriculture.

Story. That portion of a building included between the surface of a floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it. A basement or cellar having one-half or more of its height above grade is a story for purposes of height regulation.

Story, Half. The space under any roof except a flat roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story.

Street. All property dedicated or intended for public or private street purposes or subject to public easements therefore and 21 feet or more in width.

Street Right-Of-Way Line. The dividing line between a lot, tract or parcel of land and an abutting street.

Structure. Anything constructed or erected having location on the ground.

Structural Alteration. Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders, or any substantial change in the roof structure or in the exterior or interior walls.

Subdivision. Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, or interests for the purpose of offer, sale, lease, or development, either on the installment plan or upon any and all other plans, terms and conditions, including resubdivision. Subdivision includes the division or development of residential or nonresidential zoned land, whether by deed, metes and bounds, devise, intestacy, lease, map, plat, or other recorded instrument.

Subdivision, Major. All subdivisions not classified as minor subdivisions, including but not limited to subdivision of five (5) or more lots, or any subdivision requiring any new street or extension of local governmental facilities, or the creation of any public improvements.

Subdivision, Minor. Any subdivision containing not more than four (4) lots fronting on an existing street, not involving any new street or road, or the extension of municipal facilities, or the creation of any public improvement, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the master plan, development plan, official map, zoning ordinance, or these regulations.

Taper. Point at which the access road to or from a highway interchange meets another intersecting road.

Temporary Structure. A removable structure not designed for human occupancy nor for the protection of goods or chattels and not forming an enclosure.

Tenant Storage Area. An enclosed space designed to provide auxiliary general storage space for the occupants of an individual mobile home.

Traveling Gun Waste Distribution Systems. A system for spreading lagoon wastewater or other liquid by-products of animal waste which involves spraying liquid form through a hose and nozzle attached to a traveling device that traverses a farm field.

Turning Lanes. An existing or proposed connecting roadway between an arterial street and any other street. Turning lanes include grade-separated interchange ramps.

Use. (Land Use) That which is customarily or habitually done, may include seasonal uses, and need not have extended to the entire tract of land at the time of the adoption of the ordinance.

Value Added Agriculture. A small commercial, manufacturing or service operation, which is accessory to an agricultural use. Examples of value added agriculture include small scale food processing, handcrafting, product packaging and marketing, and agricultural tourism. These farm-based activities cannot exceed a certain size and scale, but may involve new structures. Additional permits and licenses may be required to carry on these activities.

Variance. Is authority granted to the owner to depart from the terms of the zoning ordinance where it is shown that unique physical circumstances applying to a land parcel causes a hardship to the owner, and that the condition permitted by the departure still will be in fundamental harmony with surrounding uses. (a) Area Variance: Is one which does not involve a use which is prohibited by the zoning ordinance. Area variances involve matters such as setback lines, frontage requirements, height, limitations, lot size restrictions, density, density regulations, and yard requirements. (b) Use Variance: Is one which permits a use of land other than that which is prescribed by the zoning ordinance. It is primarily a grant to erect, alter or use a structure for a permitted use in a manner other than that prescribed by the ordinance. A Use Variance shall not be granted under this Ordinance.

Vision Clearance Triangle. An unoccupied triangular space at the corner lot which is bounded by the street lines and a setback line connecting points determined by measurement from the corner of each street line.

Waste. Manure, milking center waste and other organic waste generated by a livestock facility.

Waste Storage Facility. One or more waste storage structures. “Waste storage facility” includes stationary equipment and piping used to load or unload a waste storage structure if the equipment is specifically designed for that purpose and is an integral part of the facility. “Waste storage facility” does not include equipment used to apply waste to land.

Waste Storage Structure. A waste storage impoundment made by constructing embankments, excavating a pit or dugout, or fabricating a structure. “Waste storage structure” does not include equipment used to apply waste to land. For purposes of ss. ATCP 51.12(2) and 51.14, “waste storage structure” does not include any of the following:

- (1) A structure used to collect and store waste under a livestock housing facility.
- (2) A manure digester consisting of a sealed structure in which manure is subjected to managed biological decomposition.

Waterline. The shortest straight line at the waterfront end of a stream lot that lies wholly within the lot, provided that not less than 75 percent of the length of such water line shall be on, or on the landward side of, the normal high water mark of such stream.

Winter Grazing Area. Cropland or pasture where livestock feed on dormant vegetation or crop residue, with or without supplementary feed, during the period October 1 to April 30. “Winter grazing area” does not include any of the following:

(1) An area, other than a pasture, where livestock are kept during the period from May 1 to September 30.

(A) An area which at any time has an average of more than 4 livestock animal units per acre.

(2) An area from which livestock have unrestricted access to navigable waters of the state, such that the livestock access prevents adequate vegetative cover on banks adjoining the water.

(3) An area in which manure deposited by livestock causes nutrient levels to exceed standards in ATCP 51.16.

WPDES Permit. A Wisconsin pollutant discharge elimination system permit issued by DNR under ch. NR 243.

Yard. An open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

Yard, Front. A yard extending the full width of the lot between the front line and the nearest part of the principal building, excluding uncovered steps.

Yard, Rear. A yard extending the full width of the lot between the rear lot line and the nearest part of the principal building excluding only such projections as are permitted herein.

Yard, Side. A yard extending from the front yard, or from lot line, where no front yard is required, to the rear yard between side lot line and the nearest part of the principal building.

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