TOWN OF ROCKBRIDGE

ORDINANCE No. 2019-4

The Town Board of Supervisors of the Town of Rockbridge, Richland County, Wisconsin, does hereby ordain that **Town of Rockbridge Zoning Ordinance No. 1** adopted by Ordinance 2006-2 and previously amended by Ordinance No. 2007-1 and Ordinance No. 2008-1 is further amended to provide as follows:

SECTION I. GENERAL PROVISIONS

1.1 TITLE.

This ordinance shall be known, cited and referred to as **TOWN OF ROCKBRIDGE ZONING ORDINANCE No. 1 As Amended** except as referred to herein, where it may alternatively be known as "this Zoning Ordinance" or as “this Ordinance”.

1.2 INTENT AND PURPOSES.

1.2.1 This Zoning Ordinance is adopted for the purpose of promoting health, safety, morals and the general welfare of the community.

1.2.2 The specific purposes of this zoning ordinance include:

(1) Lessening congestion in the streets.

(2) Ensuring safety from fire, panic and other dangers.

(3) Promoting health and the general welfare.

(4) Providing adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems.

(5) Encouraging the protection of groundwater resources.

(6) Preventing the overcrowding of land.

(7) Avoiding undue concentration of population.

(8) Facilitating the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.

(9) Promoting orderly development of residential, business, industrial, recreational and public areas.

(10) Providing convenience of access to property.

(11) Preventing overcrowding of land and undue concentration of structures by regulating the use of land and buildings and the bulk of buildings in relation to the land and buildings surrounding them.

(12) Providing for the compatibility of different land uses and the most appropriate use of land throughout the Town.

(13) Dividing the Town into zones and districts, and restricting and regulating therein the location, construction, reconstruction, alteration, and use of structures and land.

1.3 STATUTORY AUTHORIZATION.

This Zoning Ordinance is adopted as authorized by section 60.62, Wisconsin Statues and by Subchapter V of Chapter 91, Wisconsin Statutes, relating to exclusive agricultural zoning.

1.4 COMPLIANCE MANDATED.

Within the Town of Rockbridge the use of any land or water; the size, shape, and placement of lots; the use, size, type, and location of structures on lots; the regulation of billboards, mobile homes, trailers, quarries, and junk yards; the subdivision of lots and all other matters herein regulated shall be in full compliance with the terms of this Ordinance and all other applicable regulations. Buildings, structures and signs shall require a zoning permit unless otherwise expressly excluded by the requirements of this Ordinance.

1.5 NON-ABROGATION OF OTHER LAWS; EFFECT OF GREATER RESTRICTIONS.

The provisions of Town of Rockbridge Zoning Ordinance No. 1 shall be the minimum requirements adopted to promote the health, morals, comfort, prosperity and general welfare in the Town of Rockbridge, Richland County, Wisconsin. It is not intended by this Zoning Ordinance to repeal, abrogate, annul, impair or interfere with any existing easements, covenants or agreements between parties or with any other ordinances, rules, regulations or permits previously adopted or issued pursuant to law; provided, however, that where this Zoning Ordinance or any amendment hereto imposes a greater restriction than are required by other rules, regulations or permits or by easements, covenants or agreements, the more restrictive provision of this Zoning Ordinance shall govern.

1.6 INTERPRETATION.

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

1.7 SEVERABILITY.

It is hereby declared to be the intention of the Town Board that the several provisions of this Ordinance are severable in accordance with the following:

1.7.1 If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect the validity of any other provisions of this Ordinance not specifically invalidated in said judgment.

1.7.2 If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, such judgment shall not affect applicability to any building or structure not specifically included in said judgment.

SECTION II. CREATION OF ZONING DISTRICTS, ESTABLISHMENT OF ZONING DISTRICT BOUNDARIES AND ZONING MAP

2.1. ZONING DISTRICTS

The lands of The Town of Rockbridge are hereby divided into the following zoning districts:

2.1.1 Agricultural and Forestry District, which may be alternatively referred to by the abbreviation “A-F District”.

2.1.2 Platted Residential District, which may be alternatively referred to by the abbreviation “R-P District”.

2.1.3 Ag-Residential District, which may be alternatively referred to by the abbreviation “Ag-Res District”.

2.1.4 Commercial District, which may be alternatively referred to by the abbreviation “C District”.

2.1.5 Industrial District, which may be alternatively referred to by the abbreviation “I District”.

2.2. ZONING DISTRICT BOUNDARIES AND MAPS

2.2.1 The locations and boundaries of the Town’s districts are shown on a map officially designated "OFFICIAL ZONING MAP, TOWN OF ROCKBRIDGE, RICHLAND COUNTY, WISCONSIN" and on any separate maps officially designated "DETAILED ZONING MAP, TOWN OF ROCKBRIDGE" These maps together with all explanatory material and regulations thereon are hereby incorporated into and deemed to form an integral part of this Ordinance. The revised Town of Rockbridge Official Zoning Map bearing date November 8, 2018, is adopted as the Official Zoning Map.

2.2.2 In the event of a conflict between zoning district boundaries shown on the "OFFICIAL ZONING MAP, TOWN OF ROCKBRIDGE, RICHLAND COUNTY, WISCONSIN" and those shown on a "DETAILED ZONING MAP, TOWN OF ROCKBRIDGE,” the latter shall govern and prevail.

2.2.3 Zoning district boundaries are normally lot lines; section, quarter-section or sixteenth-section lines; center lines of streets, highways, alleys, railroad rights-of-way or such lines extended, unless otherwise noted on the zoning maps. Distances not specifically indicated on the zoning map shall be determined by the scale of the map.

2.2.4 Zoning district boundaries shall be determined by the Town Board. Questions regarding exact location of district boundaries shall be decided by the Town Board or its authorized representative. Decisions may be reviewed on appeal to the Board of Zoning Appeals as provided in Section VIII of this Ordinance.

2.2.5 The official zoning maps shall be certified by the chairman of the Town Board and attested by the Town Clerk. Copies of the official zoning maps together with a copy this Ordinance shall be kept on file in the office of the Town Clerk. Any changes affecting zoning district boundaries shall be recorded on the applicable maps.

2.2.6 Copies of the official zoning maps together with copies of this Ordinance shall be kept at the Town Hall and by the Zoning Administrator, and shall be available for public inspection during office hours or, if regular office hours are not established, at reasonable times upon request. Maps will be made available from the Town for such fee as the Town Board may set.

SECTION III. REGULATION OF USES BY ZONING DISTRICT

3.1 AGRICULTURAL AND FORESTRY DISTRICT (A-F DISTRICT).

This district provides for the continuation of general agriculture and forestry practices. The intent is to preserve areas with adequate soil types, drainage, and topography for farming and forestry and to prevent uneconomical scattering of residential, commercial, and industrial development in such areas. This is done by limiting uses in this district to agricultural uses and uses consistent with agricultural use. All structures and improvements in the Agricultural and Forestry District shall be consistent with agricultural use as defined in sec. 91.01(10) Wis. Stats. 2007-2008 and set forth at 10.2.179 of this ordinance.

3.1.1 Minimum Lot Size in an A-F District: The minimum size of a lot in an A-F District shall be thirty-five (35) acres.

3.1.2 Minimum Setback from Public Roads, Streets or Highways. Minimum requirements for setback from public roads, streets or highways in an A-F District are as set forth in Section IV, Paragraph 4.2.

3.1.3 Minimum Lot Width, Minimum Yard Setbacks and Minimum Size of Dwelling Units. Minimum requirements for lot width, yard setbacks and size of dwelling units in an A-F District are as set forth in Section IV, Paragraph 4.11, Table 4.11.

3.1.4 Permitted Uses in an A-F District. The following uses are permitted in an A-F District,

subject to the restrictions set forth below:

(1) Agricultural uses as defined in sec. 91.01(2) Wis. Stats. as:

(a) Any of the following activities conducted for the purpose of producing an income or livelihood:

1. Crop or forage production.
2. Keeping livestock. A conditional use permit is required under section 3.1.5 (14) for a new or expanded livestock facility used to keep cattle, swine, poultry, sheep or goats, if that facility will have 500 or more animal units.
3. Beekeeping.
4. Nursery, sod, or Christmas tree production.
4m. Floriculture.
5. Aquaculture.
6. Fur farming.
7. Forest management.
8. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.

(b) Any other use that the Department of Agriculture, Trade and Consumer Protection, by rule, identifies as an agricultural use.

(2) Agricultural structures meeting the requirements of sec. 91.01(1)(a) Wis. Stats., subject to the following restrictions:

(a) No new agricultural structure may be placed within 500 feet of an existing non-agricultural structure under separate ownership unless permitted by conditional use permit.

(b) No new non-agricultural structure may be placed within 500 feet of an existing agricultural structure under a separate ownership unless otherwise permitted by conditional use permit.

(c) No new agricultural use or structure may, after October 12, 2006, be constructed, placed or carried on within the shoreland or wetland areas or setback areas which are not in compliance with the Richland County Shoreland/Wetland ordinance and/or chap. NR 115 Wisconsin Administrative Code. Copies of duly issued permits evidencing such compliance shall be furnished to the Town of Rockbridge prior to any construction, placement or use within such areas.

(3) Farm residences as defined in sec. 91.01(19) Wis. Stats. as any of the following structures that is located on a farm:

(a) A single-family or duplex residence that is the only residential structure on the farm or is occupied by any of the following:

1. An owner or operator of the farm.
2. A parent or child of an owner or operator of the farm.
3. An individual who earns more than 50 percent of his or her gross income from the farm.

(b) A migrant labor camp that is certified under s. 103.92.

(c) Per ATCP 49.22(1), Wis. Adm. Code., pre-existing residences **existing on October 12, 2006**, in an A-F District that do not conform to subparagraphs a. through d. above and that were either permitted or continued residential uses under sec. 91.75, Wis. Stats., except mobile homes, may be rented for residential use throughout the properly maintained life of the structure provided such structure and the lot upon which it is located generally complies with the provisions applicable to a lot in an R-NP Residential district. However, no additional residences may be built on the property under subparagraphs a. through d. above where there is such a pre-existing residence on the property which is rented under this subparagraph. **[Amended by Ord 2008-1]**

(3a) Accessory uses set forth in sec. 91.01 Wis. Stats.:

(a) A building, structure or improvement that is an integral part of, or is incidental to, an agricultural use.

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

(c) A farm residence.

(d) A business, activity, or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of a farm, that requires no buildings, structures or improvements other than those described in par. (a) of (c) that employees no more than 4 full-time employees annually, and that does not impair or limit the current or future agrucultural use of the farm or other protected farmland.

(e) Any other use that the Department of Agriculture, Trade and Consumer Protection, by rule, identifies as an accessory use.

(4) Woodlots, tree farms and other soil and water conservation practices.

(5) Riding stable with fewer than 10 horses, which is an incidental part of, or is incidental to, an agricultural use or which, whether or not associated with an agricultural use, is conducted by the owner or operator of a farm, that require no buildings, structures, or improvements other than a building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use and which employs no more than 4 full-time employees annually, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.

(6) A transportation, utility, communication, or other use that is required under state or federal law to be located in a specific place or that is authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use.

3.1.5 Conditional Uses in an A-F District. The following uses that are not agricultural uses but are consistent with agricultural use as defined in sec. 91.01(10) Wis. Stats. 2007-2008 or section 10.2.179 of this ordinance may be conditional uses in an A-F District, which shall require a Conditional Use Permit. In order for a conditional use permit to be issued, the conditional use must be consistent with agricultural use as defined in sec. 91.01(10) Wis. Stats., and the use must be found to be necessary in light of alternative locations available for the use.

(1) Pea vineries, dairy product processing plants, and animal processing plants, grain storage and/or grain drying facilities.

(2) Fruit or vegetable processing plants, providing plans for disposal of sewage and byproducts are approved by the county public health office.

(3) Cheese factories.

(4) Farm implement sales, repair and/or storage.

(5) Transportation, communications, pipeline, electric transmission, utility or drainage uses that are not required under state or federal law to be located in a specific place or that are not authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use. Such uses are required to meet the standards set forth in sec. 91.46(4) Wis. Stats.

(6) [**Number not used]**

(7) Non-metallic mining or quarrying operations, subject to the provisions of Section VI, Paragraph 6.1. Non-metallic mining or quarrying operations are required to meet the standards set forth in sec. 91.46 (6) Wis. Stats.

(8) Public airports. Public airports are required to meet the standards set forth in sec. 91.46 (4) Wis. Stats.

(8a) Private airports or landing strips for aircraft but only if they constitute an agricultural-related use. Private airports or landing strips are required to meet the standards set forth in sec. 91.01 (1) (b) or (d) Wis. Stats.

(9) **[Number not used]**

(10) Municipal and governmental buildings . All municipal and governmental buildings are required to meet the standards set forth in sec. 91.46 (5) Wis. Stats.

(11) Public and private elementary, middle and high schools; churches; public parks and recreation areas; historic sites. All such uses are required to meet the standards set forth in sec. 91.46 (5) Wis. Stats.

(12) Bed and Breakfast establishment, as defined in section 50.50(1) Wisconsin Statutes, but only if it constitutes a farm family business.

(13) Temporary placement of a mobile home or manufactured home less than 24 feet wide placed on a foundation other than a basement while a permanent dwelling which is permitted under paragraph 3.1.4 is being constructed or repaired. The duration of such temporary placement shall not exceed one (1) year from the date it is placed on the lot, after which time it shall be removed. In exceptional circumstances due to conditions beyond the control of the lot owner, application for an extension of the conditional use permit beyond the 1 year may be requested.

(14) Livestock Facilities. Livestock facilities are also required to comply with section 93.90

Wis. Stats. and with the standards, permitting and applications required by ATCP 51 Wis. Administrative Code (Livestock Siting) regulating livestock facility siting and expansion, which are incorporated herein by reference, and to secure approval under sec. 93.90 Wis. Stats. A conditional use permit is required for a new or expanded livestock facility.

(15) **[Number not used]**

(16) A farm family business if limited to existing farm residences or structures or portions of the existing farmstead that are not dedicated to agricultural uses.

(17) Kennels, as long as they are located more than 1,320 feet from a dwelling other than one occupied or rented by the owner of the kennel. Kennels are required to meet the standards set forth in sec. 91.01(1)(d) Wisconsin Statutes.

(18) Any shooting range or facility where firearms are discharged for sporting, competition or commercial purposes, such as rifle ranges, pistol ranges, trapshooting facilities, skeet shooting facilities, sporting clays facilities or firearms testing ranges or facilities, provided they are operated as a farm family business or are government or institutional uses. Shooting ranges operated as governmental or institutional uses are required to meet the requirements of sec. 91.46(5) Wis. Stats.

(19) One parcel not exceeding five (5) acres in size containing farm residences or structures which existed prior to the adoption of this Ordinance may be separated from a larger farm parcel if the separation is for purposes of farm consolidation. Farm consolidation shall mean the acquisition by one owner of more than one parcel of real estate, all of which parcels are thereafter operated by the same owner as one farming operation. Any such separation shall require a conditional use permit.

3.1.6 Accessory uses in an A-F District. The following are permitted accessory uses in an A-F District, subject to the restrictions and limitations set forth below:

(1) Private garages, carports, and boathouses when located on the same lot and not involving the conduct of a business, except a permitted farm family business or a permitted conditional use on the parcel, provided that no such structure shall be erected prior to the erection of the principal building to which it is accessory and further provided that they are uses consistent with agricultural use.

(2) Permitted household occupations and professional offices when incidental to the principal residential use, situated in the same building, and carried on by the residential occupant as a farm family business, subject to the following conditions:

a. Such use shall not occupy more than 20 percent of the classified floor area of the principal building in which it is located.

b. Such use shall not employ more than one person not a resident on the premises.

c. Any off-street parking area provided shall be maintained reasonably dustless, and adequately screened from adjoining residential properties.

d. Such use shall not include the conduct of any retail or wholesale business on the premises, nor the removal of sand, gravel, stone, topsoil or peat moss for commercial purposes.

e. Such use shall not include the operation of any machinery, tools or other appliances other than

office equipment, or the outside storage of materials or other operational activity any of which would create a nuisance or be otherwise incompatible to the surrounding agricultural area.

3.1.7 (REPEALED - zoning certificates are no longer required)

3.1.8 Standards for Rezoning of Lands From an A-F District Into Another Zoning District.

(1) A petition for rezoning areas presently zoned A-F may be approved only after the Town Board has made findings based upon consideration of the following provisions of sec. 91.48(1) Wis. Stats.:

a. The land is better suited for a use not allowed in the A-F farmland preservation zoning district.

b. The rezoning is consistent with any applicable comprehensive plan.

c. The rezoning is substantially consistent with the county certified farmland preservation plan.

d. The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

e. Adequate public facilities to accommodate development either exist or will be provided within a reasonable time.

f. Provision of public facilities to accommodate development will not place an unreasonable burden on the ability of affected local units of government to provide them.

g. The land proposed for rezoning is suitable for development and development will not result in undue water or air pollution, cause unreasonable soil erosion or have an unreasonably adverse effect on rare or irreplaceable natural areas. [Sec. 91.77(1) Wis. Stats.]

(2) As required by sec. 91.48 (2) Wis. Stats. the Town shall by March 1 of each year provide to the Department of Agriculture, Trade and Consumer Protection a report of the number of acres that the political subdivision has rezoned out of a farmland preservation zoning district under sub. (1) during the previous year and a map that clearly shows the location of those acres.

3.2 PLATTED RESIDENTIAL DISTRICT (R-P District)

This district is intended to provide for high quality, single-family, year-round residential development of lots grouped together. This type of development shall be located adjacent to existing platted lands or in new platted subdivisions. If this type of development takes place in a rural setting, the residents of this district shall be deemed to have accepted those environmental conditions associated with farming and its related uses. **[Amended by Ord 2007-1]**

3.2.1 Platting Required: All lots in the R-P District shall be part of a subdivision consisting of no fewer than five (5) contiguous lots and created by a duly approved and recorded plat of the subdivision. Lots created by a certified survey map prepared under sec. 236.34 do not meet this plat requirement. A platted subdivision shall conform to the requirements of the Richland County Land Division Ordinance and any ordinance which the Town of Rockbridge may enact in the future regulating

land division. A subdivision of lots in an R-P District shall provide for a common road by which all lots access a public highway, intended to minimize the number of access points to the public highways in the Town. **[Amended by Ord 2007-1]**

3.2.2 Minimum Lot Sizes in an R-P District: The minimum size of a lot in an R-P District shall be as follows:

(1) Minimum lot size of a lot in a platted subdivision which is not served by municipal sewer:

a. If the plat was recorded prior to the effective date of this zoning ordinance, the minimum lot size shall be the average number of square feet of all lots on the plat.

b. If the plat is recorded on or after the effective date of this zoning ordinance, the minimum lot size shall be three (3) acres.

(2) Minimum lot size of a lot in a platted subdivision which is served by municipal sewer:

a. If the plat was recorded prior to the effective date of this zoning ordinance, the minimum lot size shall be equal to the average number of square feet of all lots on the plat.

b. If the plat is recorded on or after the effective date of this zoning ordinance, the minimum lot size shall be one-half (1/2) acre.

3.2.3 Minimum Setback from Public Roads, Streets or Highways. Minimum requirements for setback from public roads, streets or highways in an R-P District are as set forth in Section IV, Paragraph 4.2.

3.2.4 Minimum Lot Width, Minimum Yard Setbacks and Minimum Size of Dwelling Units. Minimum requirements for lot width, yard setbacks and size of dwelling units in an R-P District are as set forth in Section IV, Paragraph 4.11, Table 4.11.

3.2.5 Permitted Uses in an R-P District. The following uses are permitted in an R-P District:

(1) One single family dwelling per lot placed on a basement or a concrete slab.

(2) Community living arrangements as defined in sec. 46.02(22) Wis. Stats. having capacity for 8 or fewer persons being served by the program if licensed under the authority of the Wis. Dept. of Health & Human Services, subject to the conditions and restrictions set forth in Section VI, Paragraph 6.6.

(3) Foster homes or treatment foster homes that are the primary domicile of a foster parent or treatment foster parent and that is licensed under sec. 48.62 Wis. Stats., subject to the conditions and restrictions set forth in Section VI, Paragraph 6.6. [Sec. 62.23 (7)(i) 2m. Wis. Stats.]

(4) Adult family homes certified under sec. 50.032(1m)(b) Wis. Stats. [Sec. 62.23 (7)(i) 2m. Wis. Stats.], subject to the conditions and restrictions set forth in Section VI, Paragraph 6.6

(5) Historic sites.

(6) Horticulture and gardening for personal or household use but not including commercial greenhouses or other commercial operations.

3.2.6 Permitted Accessory Uses in an R-P District. The following accessory uses are permitted in an R-P District:

(1) Private garages, carports, and boathouses when located on the same lot and not involving the conduct of a business, except a permitted household occupation or conditional use, provided that no such structure shall be erected prior to the erection of the principal building to which it is necessary.

(2) Decorative landscape features including gazebos.

(3) Private swimming pools, tennis courts, putting greens or similar recreational facilities intended for the primary use of occupants of the dwelling on the lot and not for hire nor held open to the public.

(4) Wells providing water for household use of a dwelling permitted on the lot, provided a proper well permit is secured for such well and further provided that no municipal water service is available to the lot.

(5) Septic tanks and related equipment for disposal of household wastes from a dwelling permitted on the lot, provided a proper sanitary permit is secured for such septic system and further provided that no municipal waste disposal service is available to the lot.

(6) Permitted household occupations and professional offices when incidental to the principal residential use, situated in the same building, and carried on by the residential occupant, subject to the following conditions:

a. Such use shall not occupy more than 20 percent of the classified floor area of the principal building in which it is located.

b. Such use shall not employ more than one person not a resident on the premises.

c. Any off-street parking area provided shall be maintained reasonably dustless, and adequately screened from adjoining residential properties.

d. Such use shall not include the conduct of any retail or wholesale business on the premises, nor the removal of sand, gravel, stone, topsoil or peat moss for commercial purposes.

e. Such use shall not include the operation of any machinery, tools or other appliances other than office equipment, or the outside storage of materials or any other operational activity which would create a nuisance or be otherwise incompatible to the surrounding residential area.

3.2.7 Conditional uses in an R-P District. The following uses are conditional uses in an R-P District, and shall require a Conditional Use Permit. Such uses are prohibited unless a conditional use permit has been issued authorizing the use:

(1) Residential structures containing more than one dwelling unit.

(2) Rooming houses, boarding houses and tourist homes.

(3) Nursing homes.

(4) Community based residential facilities with 9 or more residents.

(5) Hospitals.

(6) Medical and dental offices and clinics.

(7) Telephone buildings (provided there is no service garage or storage yard); telephone, telegraph and power transmission towers, poles and lines, including transformers, substations, relay and repeater stations, equipment housings and other necessary appurtenant equipment and structures; radio and television stations and transmission towers; cellular phone towers and microwave radio relay towers.

(8) Municipal and governmental buildings.

(9) Farm buildings on an existing farm, provided that buildings in which farm animals are kept shall be at least 500 feet from the nearest residence on a non-farm lot. Farm buildings housing animals, barn yards or feed lots shall be at least one hundred (100) feet from any continuous flowing water and shall be so located so that manure will not drain into any continuous flowing water.

(10) Mobile home parks, subject to the provisions of Section VI of this Ordinance.

(11) Funeral homes.

(12) Public park and recreation areas, churches, schools, public museums and art galleries.

(13) Bed & Breakfast establishments, as defined in section 50.50(1) Wisconsin Statutes.

(14) Any single family dwelling placed on a foundation other than a basement.

(15) Manufactured homes less than 24 feet wide after placement.

(16) Temporary placement of a mobile home or a manufactured home less than 24 feet wide placed on a foundation other than a basement, only while a permanent dwelling is being constructed on the lot. Such a temporary placement shall be for a such period as the Town Board may set at the time of issuance of the conditional use permit, not to exceed 1 year, although in exceptional circumstances the Town Board may in its discretion grant an extension beyond the 1 year period.

(17) The placement or keeping of any domesticated creature listed in Table 10.2.11. **[Added by Ord 2008-1]**

3.3 AG-RESIDENTIAL DISTRICT (AG-RES DISTRICT).

The purpose of the Ag-Residential district is to provide for residential uses on existing rural parcels between 10 and 34.99 acres in size which are located in areas that are primarily agricultural but

which are not part of a larger farming operation or property. Residents of this district shall recognize that this area is primarily agricultural and shall accept those environmental conditions associated with farming and its related uses.

3.3.1 Minimum and Maximum Lot Size in an AG-RES District: The minimum size of a lot in an AG-RES District shall be ten (10) acres. In computing the minimum acreage, any portion of the lot which is within the right-of-way of a state or county highway or a town road shall be included in computing the total acreage of the lot. The maximum size of a lot in an AG-RES District shall be 34.99 acres. Any lot 35 acres or more in size which is not zoned Commercial or Industrial shall be zoned Agricultural and Forestry.

3.3.2 Minimum Setback from Public Roads, Streets or Highways. Minimum requirements for setback from public roads, streets or highways in an AG-RES District are as set forth in Section IV, Paragraph 4.2.

3.3.3 Minimum Lot Width, Minimum Yard Setbacks and Minimum Size of Dwelling Units. Minimum requirements for lot width, yard setbacks and size of dwelling units in an AG-RES District are as set forth in Section IV, Paragraph 4.11, Table 4.11.

3.3.4 Permitted uses in an AG-RES District. The following uses are permitted in an AG-RES District:

(1) One single family dwelling per lot, provided it is placed on a full basement or on a concrete slab under the entire dwelling.

(2) Community living arrangements as defined in sec. 46.02(22) Wis. Stats. having capacity for 8 or fewer persons being served by the program if licensed under the authority of the Wis. Dept. of Health & Human Services, subject to the conditions and restrictions set forth in Section VI, Paragraph 6.6.

(3) Foster homes or treatment foster homes that are the primary domicile of a foster parent or treatment foster parent and that is licensed under sec. 48.62 Wis. Stats., subject to the conditions and restrictions set forth in Section VI, Paragraph 6.6 [Sec. 62.23 (7)(i) 2m. Wis. Stats.]

(4) Adult family homes certified under sec. 50.032(1m)(b) Wis. Stats. [Sec. 62.23 (7)(i) 2m. Wis. Stats.], subject to the conditions and restrictions set forth in Section VI, Paragraph 6.6.

(5) Historic sites.

(6) Horticulture and gardening for personal or household use but not including commercial greenhouses or other commercial operations.

(7) Limited crop farming including the growing of feed and vegetable crops and other similar enterprises or uses, provided that no agricultural structure shall be placed within five hundred (500) feet of an existing non-agricultural structure owned by a person other than the owner of the agricultural structure. **[Amended by Ord 2007-1]**

(8) Forestry, plant nurseries and non-commercial greenhouses.

(9) One temporary roadside stand per lot, not more than 300 square feet in size, used solely for the sale of products at least 50% of which were produced on the premises.

(10) Signs, subject to the provisions of Section VI.

(11) Placement of animal units of the domesticated creatures listed and described in Table 10.2.11 as defined in the table in Section 10, subparagraph 10.2.9 on a lot zoned AG-RES as follows:

a. Size of lot 3 acres or less: 1 animal unit

b. Size of lot more than 3 acres but less than 10 acres: 2 animal units

c. Size of lot 10 acres: 4 animal units

d. Size of lot more than 10 acres: 4 animal units plus 1 additional animal unit for every additional 3 acres or part of 3 acres by which the lot size exceeds 10 acres. **[Amended by Ord 2008-1]**

3.3.5 Permitted accessory uses in an AG-RES District. The following accessory uses are permitted in an AG-RES District:

(1) Private garages, carports, and boathouses when located on the same lot and not involving the conduct of a business other than a permitted household occupation or conditional use, provided that no such structure shall be erected prior to the erection of the principal building to which it is accessary.

(2) Storage of major recreational equipment, subject to the restrictions and limitations set forth in Section IV, paragraph 4.10.

(3) Decorative landscape features including gazebos.

(4) Private swimming pools, tennis courts, putting greens or similar recreational facilities intended for the primary use of occupants of the dwelling on the lot and not for hire nor held open to the public.

(5) Wells providing water for household use of a dwelling permitted on the lot, provided a proper well permit is secured for such well and further provided that no municipal water service is available to the lot.

(6) Septic tanks and related equipment for disposal of household wastes from a dwelling permitted on the lot, provided a proper sanitary permit is secured for such septic system and further provided that no municipal waste disposal service is available to the lot.

(7) Permitted household occupations and professional offices when incidental to the principal residential use, situated in the same building, and carried on by the residential occupant, subject to the following conditions:

a. Such use shall not occupy more than 20 percent of the classified floor area of the principal building in which it is located.

b. Such use shall not employ more than one person not a resident on the premises.

c. Any off-street parking area provided shall be maintained reasonably dustless, and adequately screened from adjoining residential properties.

d. Such use shall not include the conduct of any retail or wholesale business on the premises, nor the removal of sand, gravel, stone, topsoil or peat moss for commercial purposes.

e. Such use shall not include the operation of any machinery, tools or other appliances other than office equipment, or the outside storage of materials or other operational activity any of which would create a nuisance or be otherwise incompatible to the surrounding residential area.

3.3.6 Conditional Uses in an AG-RES District. The following uses are conditional uses in an AG-RES District, and shall require a Conditional Use Permit. Such uses are prohibited unless a conditional use permit has been issued authorizing the use:

(1) Recreation camps.

(2) Community living arrangements as defined in sec. 46.02(22) Wis. Stats. having capacity for 9 or more persons being served by the program if licensed under the authority of the Wis. Dept. of Health & Human Services subject to the conditions and restrictions set forth in Section VI, Paragraph 6.6.

(3) Public and private schools, churches, public parks and recreational area, historical sites. Landing strips are not allowed.

(4) Kennels, so long as they are located further than 1,320 feet from a dwelling other than that occupied or rented by the owner of the kennel.

(5) Migrant labor camps.

(6) Mobile home parks, subject to Section VI herein.

(7) Shooting ranges operated as a commercial activity or by a group or association of persons such as a gun club, including rifle or pistol ranges, trapshooting ranges, skeet ranges or sporting clays facilities.

(8) Duplex dwellings and multi-family dwellings.

(9) Non-metallic mining, including the removal of rock, gravel, decomposed granite, sand, topsoil or other natural material from the earth by excavating, stripping, leveling or any other process whereby these materials are substantially removed from the site, subject to Section VI herein.

(10) Agriculture related businesses including, but not limited to, veterinary hospitals and clinics or seed sales, but specifically excluding stockyards or farm implement sales or service and fertilizer or chemical sales.

(11) Commercial greenhouses or other commercial horticulture or gardening operations.

(12) Beekeeping.

(13) Fish hatcheries.

(12) Telephone buildings (provided there is no service garage or storage yard), telephone, telegraph and power transmission towers, poles and lines, including transformers, substations, relay and repeater stations, equipment housings and other necessary appurtenant equipment and structures; radio and television stations and transmission towers, cellular phone towers and microwave radio relay towers.

(13) Wind powered generators.

(14) Municipal and governmental buildings and other governmental uses including, but not limited to, township halls and garages

(15) Livestock, poultry and State-1icensed game farms.

(16) Any single family dwelling placed on a foundation other than a basement.

(17) Manufactured homes less than 24 feet wide after placement.

(19) Temporary placement of a mobile home or a manufactured home less than 24 feet wide placed on a foundation other than a basement, only while a permanent dwelling is being constructed on the lot. Such a temporary placement shall be for a such period as the Town Board may set at the time of issuance of the conditional use permit, not to exceed 1 year, although in exceptional circumstances the Town Board may grant an extension beyond the 3 year period.

(20) Community-based residential facility with 9 or more residents, subject to the conditions and restrictions set forth in Section VI, Paragraph 6.6.

(21) Bed and breakfast establishment.

(22) Farm family business.

3.4 COMMERCIAL DISTRICT (C District)

This district is intended to provide for the orderly and attractive grouping, at convenient locations, of retail stores, shops, offices, and establishments serving the daily needs of the area.

3.4.1 Minimum Lot Sizes in a C District: The minimum size of a lot in a C District shall be as follows:

(1) Lots served by a municipal sewer: one (1) acre

(2) Lots not served by a municipal sewer: three (3) acres

3.4.2 Minimum Setback from Public Roads, Streets or Highways. Minimum requirements for setback from public roads, streets or highways in a C District are as set forth in Section IV, Paragraph 4.2.

3.4.3 Minimum Lot Width, Minimum Yard Setbacks and Minimum Size of Dwelling Units. Minimum requirements for lot width, yard setbacks and size of dwelling units in a C District are as set

forth in Section IV, Paragraph 4.11, Table 4.11.

3.4.4 Permitted Uses in a C District. The following uses are permitted in a C District:

(1) Businesses primarily serving the immediate community, including but not limited to the following:

a. Retail stores and shops offering convenience goods and services having not more than 3,600 square feet of floor space.

b. Business and professional offices and studios.

c. Banks, savings and loan and credit union offices.

d. Commercial entertainment facilities.

e. Post offices.

f. Restaurants.

g. Dental, medical, and veterinary clinics.

h. Boarding houses.

i. Public and municipal buildings and semi-public buildings and institutions.

j. Laundromats.

k. Telephone buildings; telephone, cellular phone, telegraph and power transmission towers, poles and lines, including transformers, substations, relay and repeater stations, equipment housings and other necessary appurtenant equipment and structures; Radio and television stations and transmission towers; cellular phone towers; microwave radio rely towers and telephone buildings (providing there is no service garage or storage yard).

3.4.5 Permitted Accessory Uses in a C District. The following accessory uses are permitted in a C District:

(1) Garages for storage of vehicles used in conjunction with the operation of a business.

(2) Off-street parking and loading areas.

(3) One single family dwelling for the owner, proprietor, commercial tenant, employee or caretaker located on the same premises as the business.

3.4.6 Conditional Uses in a C District. The following uses are conditional uses in a C District, and shall require a Conditional Use Permit. Such uses are prohibited unless a conditional use permit has been issued authorizing the use:

(1) Retail establishments having more than 3,600 square feet of floor space.

(2) Nursing homes.

(3) Community Based Residential Facilities.

(4) Hospitals

(5) Funeral homes

(6) Municipal and governmental buildings.

(7) Wholesaling establishments.

(8) Transportation terminals.

(9) Drive-in establishments serving food or beverages to customers other than at a booth or table.

(10) Car or truck sales, new or used.

(11) Farm implement sales.

(12) Outdoor theaters.

(13) Golf courses and golf driving ranges.

(14) Outdoor amusement facilities.

(15) Lumber and building supply yards.

(16) Small industrial establishments having less thn .

(17) Taverns.

(18) Auto service stations and vehicle maintenance facilities.

(19) Self-service storage facilities.

(20) Sale of manufactured homes or mobile homes.

(21) Any single family dwelling placed on a foundation other than a basement.

(22) Temporary placement of a mobile home or a manufactured home less than 24 feet wide placed on a foundation other than a basement, while a permanent dwelling is being constructed. Except in exceptional circumstances, temporary placement shall not exceed 3 years.

(23) Quarrying and other non-metallic mining operations, subject to the provisions of Section VI.

(24) Telephone buildings (provided there is no service garage or storage yard), telephone, telegraph and power transmission towers, poles and lines, including transformers, substations, relay and repeater stations, equipment housings and other necessary appurtenant equipment and structures; radio and television stations and transmission towers, cellular phone towers and microwave radio relay towers.

(25) Wind powered generators.

(26) Farm buildings on an existing farm, provided that buildings in which farm animals are kept shall be at least 500 feet from the nearest residence on a non-farm lot. Farm buildings housing animals, barn yards or feed lots shall be at least one hundred (100) feet from any continuous flowing water and shall be so located so that manure will not drain into any continuous flowing stream.

(27) The placement or keeping of any domesticated creature listed in Table 10.2.11. **[Added by Ord 2008-1]**

3.5 INDUSTRIAL DISTRICT (I District)

This district is intended to provide for manufacturing or industrial operation which, on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the Town as a whole by reason of noise, dust, smoke, odor, traffic, physical appearance or other similar factors, and subject to such regulatory control as will reasonably insure compatibility in this respect.

3.5.1 Minimum Setback from Public Roads, Streets or Highways. Minimum requirements for setback from public roads, streets or highways in an I District are as set forth in Section IV, Paragraph 4.2.

3.5.2 Minimum Lot Width, Minimum Yard Setbacks and Minimum Size of Dwelling Units. Minimum requirements for lot width, yard setbacks and size of dwelling units in an I District are as set forth in Section IV, Paragraph 4.11, Table 4.11.

3.5.3 Permitted Uses in an I District. The following uses are permitted in an I District:

(1) Any use permitted in the Commercial District, except residences or Boarding houses.

(2) The following uses, which are in keeping with the standards stated in the preamble to this Section:

a. Manufacture, assembly, fabrication, and processing plants and similar type industrial operations.

b. General warehousing.

c. Lumber and building supply yards.

d. Wholesaling establishment.

e. Automobile sales.

f. Farm Implement Sales.

3.5.4 Permitted Accessory Uses in an I District. The following accessory uses are permitted in an I District:

(1) Any accessory use permitted in the Commercial District, except residences.

(2) Office, storage, power supply and other such uses normally auxiliary to the principal industrial operations.

3.5.5. Conditional uses in an I District. The following uses are conditional uses in an I District, and shall require a Conditional Use Permit. Such uses are prohibited unless a conditional use permit has been issued authorizing the use:

(1) Any retail establishment having more than 3,600 square feet of floor space.

(2) Junk yards, automobile reduction yards or salvage yards.

(3) Stock yards or slaughter houses.

(4) Storage and mixing of cement, asphalt, or road oils.

(5) Landfills and disposal sites.

(6) Municipal sewer facilities.

(7) Any other use which is not a permitted use.

(8) The placement or keeping of any domesticated creature listed in Table 10.2.11. **[Added by Ord 2008-1]**

SECTION IV. STANDARD REGULATIONS APPLICABLE IN ALL ZONING DISTRICTS.

4.1 SITE REQUIREMENTS.

4.1.1 Only One Principal Structure Permitted Per Lot. Only one principal structure, as defined by this Ordinance, shall be permitted on a lot. However, additional principal structures shall be permitted providing the minimum lot size, lot width, and yard requirements applicable to the zoning district of the lot are met by every principal structure. In determining whether all such requirements are met by every principal structure, the same area may not be counted twice.

4.1.2 Public Highway Access Required. All lots shall abut upon or have irrevocable recorded access to a public road, street or highway. After this ordinance is adopted by the Town, all newly created access easements or other right-of-ways affording access to a lot from a public road, street or highway shall have a width of not less than three (3) rods or 49.5 feet. This paragraph shall not be deemed to

prohibit the Town Board from requiring a greater minimum width of any access easement or right-of-way as a condition of approval of a plat.

4.2 SETBACK REQUIREMENTS FROM PUBLIC HIGHWAYS AND ROADS.

The fo1lowing provisions apply to lands abutting a public road, street, or highway so as to lessen conflicts and congestion and to promote the safety and efficiency of such transportation facilities:

4.2.1 Classification of Highways: The public highways, public roads and public streets in the Town of Rockbridge are hereby divided into five (5) zoning classifications based upon the Richland County Functional and Jurisdictional Highway Plan Update of 1995, prepared by the Southwestern Wisconsin Regional Planning Commission. The highways so classified are shown on the attached

TABLE 4.2.1: CLASSIFICATION OF HIGHWAYS IN THE TOWN OF ROCKBRIDGE which is hereby incorporated into this ordinance.

TABLE 4.2.1: CLASSIFICATION OF HIGHWAYS IN THE TOWN OF ROCKBRIDGE

Class A Highways: Principal Arterial Highways: NONE

Class B Highways: Minor Arterial Highways:
State Trunk Highway 56
State Trunk Highway 80

Class C Highways: Major Collector Highways:
County Trunk Highway D West of State Trunk Highway 80
County Trunk Highway I

Class D Highways: Minor Collector Highways:
County Trunk Highway D East of State Trunk Highway 80
County Trunk Highway DD East of State Trunk Highway 80
County Trunk Highway SR

Class E Highways: Local Highways:
County Trunk Highway DD West of State Trunk Highway 80
County Trunk Highway BR
All Town Roads, Public Roads and Public Streets not otherwise classified in this Table.

4.2.2 Minimum Highway Setbacks.

(1) Unless otherwise permitted in this Ordinance, all buildings, structures, and other objects shall be set back from abutting public streets, roads and highways so as to comply with the following minimum requirements unless otherwise permitted or modified by the approva1 of the plat of a legal subdivision or a particular provision of this Ordinance.

(2) Setbacks from public highways shall be not less than the horizontal distances set forth in this subsection and measured from the center-line of the abutting roadway to the nearest point on the building, structure or other improvement. In the case of a divided highway or a highway having more

than two lanes, the measurement shall be from the centerline of the nearest travel lane.

HIGHWAY CLASSIFICATION	MINIMUM SETBACK FROM CENTERLINE
Class A Highways	150 feet
Class B Highways	130 feet
Class C Highways	110 feet
Class D Highways	100 feet
Class E Highways	90 feet

(3) The above listed highway setback requirements are subject to the following conditional modifications. Where such conditions occur, the Zoning Administrator may permit a setback that meets the fo11owing requirements:

a. When all existing principal structures or buildings front on the same side of the abutting highway and within 200 feet of both sides of the proposed structure, the highway setback may be modified to the average of the setbacks existing on the two abutting structures.

b. Where two (2) or more principa1 structures or buildings front on the same side of the abutting highway and within 400 feet in one direction from the site of the either structure, the highway setback may be modified to the average of the setback of the nearest existing structure and the required setback for the appropriate class of highway.

4.3 VISION CORNERS.

4.3.1 In each quadrant of every at-grade intersection of a public road, street, or highway with another public road, street, or highway or with a mainline railroad, there shall be a vision corner consisting of a triangular area within which no structure, building, vegetation or other fixed object shall be permitted if the same would obstruct the highway users' view across such vision corner or otherwise restrict said users' ability to perceive on oncoming vehicle.

4.3.2 All such vision corners shall be bounded by the centerline of the intersecting roads, streets, highways or railroad tracks, on a straight line connecting points on said centerline at the following horizontal distance from the point of intersection of the two centerlines. In case of a multi-lane or divided highway, said centerline shall be construed to be the centerline of the near pair of travel lanes.

HIGHWAY CLASSIFICATION	DISTANCE FROM INTERSECTION
Class A Highways	350 feet
Class B Highways	300 feet
Class C Highways	250 feet
Class D Highways	200 feet
Class E Highways	150 feet

4.4 RESTRICTIONS ON ACCESS TO HIGHWAYS.

4.4.1 No direct public access shall be permitted to the

right-of-way of any public road, street or highway except in compliance with the following provisions set forth below.

4.4.2 Distances from Intersections.

(1) No direct private access shall be permitted to the rights-of-way of either of two intersecting public roads, streets or highways within the following horizontal distances as measured from the point of intersection of the two intersecting right-of-way lines and measured along the right-of-way where it abuts the subject lot. The distance shall be measured for each intersecting highway according to the class of highway as set forth below:

HIGHWAY CLASSIFICATION	RESTRICTED DISTANCE FROM INTERSECTION
Class A Highway	500 feet
Class B Highway	400 feet
Class C Highway	300 feet
Class D Highway	200 feet
Class E Highway	100 feet

(2) Exception for Frontage or Service Roads. Privately owned frontage roads or service roads designed to keep private access from entering directly onto Class A & B Highways may by conditional use permit be located closer to the intersection than would otherwise be required.

4.4.3 Minimum Highway Frontage. Lots and parcels of land requiring direct private access to the right-of-way of any public road street or highway shall have a frontage along such right-of-way of not less than the following minimum distance: (The "frontage side" shall be construed as the side where the driveway enters from the public road.)

HIGHWAY CLASSIFICATION	MINIMUM FRONTAGE
Class A Highway	400 feet
Class B Highway	200 feet
Class C Highway	200 feet
Class D Highway	100 feet
Class E Highway	Required Lot Width

4.4.4 Restrictions on Commercial Driveways. Vehicular entrances and exits serving drive-in establishments which generate traffic volumes in excess of one-hundred (100) vehicles per day shall be not less than one-hundred (100) feet from any pedestrian entrance or exit serving a school, church, hospital, park, playground or other place of public assembly.

4.5 EXCEPTIONS TO HIGHWAY REQUIREMENTS AND RESTRICTIONS. The following land uses are excepted from the above listed highway setback and vision corner regulations:

4.5.1 Signs placed by or under the direction of the governmental unit having jurisdiction over the highway for the guidance, direction, control or warning of traffic, including construction barricades and safety devices.

4.5.2 The planting and harvesting of field crops or flower beds, and the use of open fences, equipment and machinery commonly associated with such planting or harvesting, provided the same shall be subject to such trimming, pruning, cropping or control as may be deemed necessary by the highway authority having jurisdiction over the abutting highway.

4.5.3 Communication and power transmission lines, poles and structures appurtenant such lines, and underground structures provided the same are not capable of being used as a foundation for a prohibited above-grade structure.

4.5.4 Temporary uses within the above restricted areas may be permitted by a conditional use permit, but such permit shall be revocable by the Town Board if it appears that the use creates a more hazardous condition than was foreseen at the time of issuance. Such permit may be subject to particular conditions, and may be limited as to duration, but in no event shall it be valid for more than twelve (12) consecutive months unless renewed by the Town Board.

4.5.5 Minor readily removable structures such as open fences and small signs permitted by this Ordinance may be placed within setback lines provided all requirements of this Ordinance are met.

4.5.6 Structures not conforming to the above setback, vision corner and access requirements may be placed on lots platted and recorded prior to the adoption of this Ordinance only by conditional use permit.

4.6 SUBSTANDARD OR UNDERSIZED LOTS

4.6.1 A zoning permit for the improvement of a lot in existence upon the effective date of this Ordinance which has lesser dimensions than those required for the zoning district applicable to the lot stated may be issued only after the granting of a variance by the Board of Zoning Appeals.

4.6.2 If two or more substandard lots with continuous frontage have the same ownership as of the effective date of this Ordinance, the lots involved shall be considered to be an individual parcel for the purposes of this Ordinance.

4.7 SPACING REQUIRED BETWEEN AGRICULTURAL AND NON-AGRICULTURAL STRUCTURES.

No agricultural structure may be placed within 500 feet of an existing non-agricultural structure under separate ownership unless otherwise permitted by a conditional use permit. No non-agricultural structure may be placed within 500 feet of an existing agricultural structure under separate ownership unless permitted by a conditional use permit.

4.8 OPEN SPACE REQUIREMENTS IN ALL DISTRICTS.

4.8.1 Every part of the area of a yard within the required setback areas shall be open to the sky. Accordingly, the setback and yard requirements shall apply to all structure projections such as sills, cornices, steps, porches, decks, balconies, pilasters, ornamental features and fire escapes.

4.8.2 Structures Which Are Not Buildings. Structures which are not buildings and which are six inches (6") or more in height from the surface of the ground shall be subject to the setback and other dimensional requirements of this ordinance, except that this provision excludes fences of open construction and public utility poles.

4.9 ACCESSORY USES AND STRUCTURES.

4.9.1 Any permanent, roofed structure serving as an accessory use which is attached to the principal building by an enclosed structure such as a breezeway shall be considered a part of the principal building. If such structure is a building and is not attached to the principal building it shall conform to the

setback and other dimensional requirements applicable to the district within which it is located.

4.9.2 Accessory buildings permitted in residential districts shall conform to the following requirements:

(1) No more than one accessory building shall be permitted on a lot, except by a conditional use permit.

(2) No accessory building shall have a floor area greater than seventy (70) percent of the floor area of the principal building on the lot.

(3) No accessory building shall have a floor area in excess of ten (10) percent of the total lot area.

4.10 LIMITATIONS ON OUTSIDE STORAGE.

4.10.1 Unregistered Motor Vehicles or Parts Thereof.

No unlicensed or unregistered motor vehicles or any part or component of a motor vehicle may be stored for more than seven (7) days in any zoning district at a location or in a manner in which said vehicle or vehicles or part or component are wholly or partially visible from any public street or highway or from any neighboring lot or parcel.

4.10.2 Additional Limitations on Outside Storage in Residential Districts.

(1) No item of moveable personal property not part of the landscape of a lot other than a currently registered passenger motor vehicle, a currently registered pickup truck or an item of major recreational equipment may be stored on a lot in an R-P District or in an AG-RES District unless it is enclosed within a garage or similar building or in a location where it will at all times be completely shielded from view from the street and from adjoining properties by landscaping, walls, or fencing.

(2) The storage of major recreational equipment or motor vehicles outside of a garage or similar building on a lot in an R-P or AG-RES District shall only be permitted as an accessory use to a dwelling. Such storage shall never be the sole or the principal use on an individual lot in an R-P or AG-RES District.

(3) No item of major recreational equipment shall be used for living or housekeeping purposes when parked or stored on a lot in an R-P or AG-RES District nor in any other location where such use is not a permitted use.

4.11 MINIMUM LOT WIDTH, MINIMUM YARD SETBACKS AND MINIMUM SIZE OF DWELLING UNITS: The following minimum requirements are hereby imposed for lot widths, side yard setbacks, rear yard setbacks and floor area of dwellings in the several zoning districts. Front yard setbacks from public streets and highways are as set forth in paragraph 4.2 of this Ordinance.

TABLE 4.11
MINIMUM LOT WIDTHS; MINIMUM SIDE AND REAR YARD SETBACKS; MINIMUM SQUARE FEET OF DWELLINGS

DISTRICT	A-F	R-P	AG-RES	C	I
MINIMUM LOT WIDTH AT THE BUILDING LINE:					

Lot not served by public sewer (ft.)	200'	200'	200'	200'	200'
MINIMUM LOT WIDTH AT THE BUILDING LINE:					
Lot served by public sewer (ft.):	200'	200'	200'	200'	200'
MINIMUM SIDE YARD SETBACK OF PRINCIPAL BUILDINGS:					
Lots not served by public sewer (ft.):	20'	20'	20'	20'	20'
Lots served by public sewer (ft.):	20'	20'	20'	20'	20'
MINIMUM SIDE YARD SETBACK OF ACCESSORY BUILDINGS (ft.):	20'	20'	20'	20'	20'
MINIMUM REAR YARD SETBACK OF ALL BUILDINGS (ft.):	50'	50'	50'	20'	20'
MINIMUM FLOOR AREA OF A DWELLING (Sq. Ft.):	600sf	960sf	960sf	960sf	N/A

4.12 REQUIRED OFF-STREET PARKING AND SERVICE AREAS

4.12.1 Spaces Required. Any building hereafter erected or placed on a lot shall be provided with off-street vehicle parking spaces for those using such building in accordance with the following regulations:

(1) Each parking space required shall be at least 200 square feet in area, or approximately 10 feet by 20 feet in size.

(2) Residential uses shall be provided with at least one (1) parking space for each dwelling unit.

(3) Restaurants, taverns, and similar establishments shall provide one (1) space for each one hundred fifty (150) square feet of floor area.

(4) Other commercial and industrial uses as permitted shall be provided, except as noted below, with one parking space for each 200 square feet of floor area.

(5) Drive-in eating stands offering in-car service shall provide five (5) spaces for each person employed to serve customers.

(6) Motel and tourist cabins shall provide one (1) space for each unit.

(7) Industrial uses and warehouses shall provide one (1) space for each two (2) employees on the property at a maximum employment on the main shift.

(8) Service stations shall provide parking for all vehicles used directly in the conduct of the business plus two (2) spaces for each gas pump plus three (3) spaces for each grease rack.

(9) The above parking requirements can be met by a public parking lot when available.

4.12.2 Paving or Dust-Free Surfacing requirement. Any non-residential off-street parking area having a capacity of more than four vehicles and located within 500 feet of a residential district shall be paved or surfaced with other dust-free surfacing.

4.12.3 Setback. No portion of any off-street vehicle parking space shall be parked within 10 feet of the existing street line.

4.12.4 Off-Street Loading and Unloading. Any commercial or industrial building hereafter erected or placed on a lot shall be provided with sufficient off-street loading and unloading space so that no public streets or alleys need be blocked by such activities.

4.12.5 Landscaping. The Town Board may require landscaping of open areas established in connection with off-street parking and service.

4.13 Livestock Facility Siting and Expansion. Livestock facility siting and expansion in the Town of Rockbridge under sec. 93.90 Wis. Stats. shall be regulated by Richland County under County ordinances; the Town of Rockbridge has elected not to enact regulations in this area, but to defer to County enforcement. **[Added by Ord 2008-1]**

SECTION V. NONCONFORMING USES AND STRUCTURES

5.1 GRANDFATHER PROVISION - PRIOR NONCONFORMING USES.

5.1.1 Any structure or use lawfully in existence upon the effective date of this zoning ordinance or any subsize parcel created before the adoption of this ordinance may be continued at the size and in the manner of its use or operation existing upon such effective date as a legal prior non-conforming use except as hereinafter specified or limited. **[Amended by Ord 2008-1]**

5.1.2 Only that portion of the land, improvements or water in actual use at the time of such adoption 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 by order of the zoning administrator or the Town Board, or if such actions bring the use into compliance with the provisions of this Ordinance. **[Amended by Ord 2008-1]**

5.2 EFFECT OF DISCONTINUANCE OF A PRIOR NONCONFORMING USE. When any legal prior non-conforming use of a structure or land in any district is discontinued for a period of six (6) months or is substantially changed or is changed to a conforming use, it shall lose its status as a prior nonconforming use and any future use of said structure or land shall be in conformity with the provisions

of this Zoning Ordinance.

5.3 DAMAGE TO LEGAL NONCONFORMING STRUCTURES.

5.3.1 Whenever a legal prior non-conforming structure shall have been damaged by fire, flood, explosion, earthquake, war, riot or act of God, it may be reconstructed and used as before if it be reconstructed within twelve (12) months after such calamity, unless the damage to the building or structure equals fifty (50) percent or more of its fair market value.

5.3.2 If such damage equals fifty (50) percent or more of its fair market value, the reconstruction shall be for a permitted use in the zoning district in which the structure is located or a use otherwise permitted in accordance with the provisions of this Zoning Ordinance, except that where a structure is damaged more than fifty (50) percent of its fair market value, the owner may within six (6) months apply for a special permit for approval to reconstruct the non-conforming structure for the use which existed prior to the damage. The Town Board may in its discretion grant such a special permit providing the structure complies with other Ordinance requirements.

5.3.3 For purposes of determining whether the damage equals or exceeds 50 per cent of its fair market value, the most recent equalized assessed value of the structure prior to the damage shall be presumed to be the fair market value of the structure.

5.4 NONCONFORMING USES OF MINIMAL VALUE. Notwithstanding any other provision of this Section, any legal nonconforming use of land not involving a structure, and any legal non-conforming use involving a structure with an equalized assessed valuation upon January 1, 2005, of One Thousand Dollars ($1,000.00) or less and advertising signs (billboards) as defined in this Zoning Ordinance regardless of their valuation may be continued for a period of thirty-six (36) months after the effective date of this ordinance, whereupon such non-conforming use shall cease. The above regulation shall apply to signs and billboards which, if not brought into conformity with this ordinance, shall be removed from the site.

5.5 LEGAL NON-CONFORMING STRUCTURES DECLARED UNSAFE BY THE ZONING ADMINISTRATOR. When a structure has been declared unsafe by the Zoning Administrator, and said structure has been actually used as a legal non-conforming use immediately prior to such declaration by the Zoning Administrator, such structure may be placed in safe condition and may continue in the existing legal non-conforming use, except that when an order for demolition of a structure due to unsafe condition has been duly issued, this provision shall not be construed to overrule such order.

5.6 STRUCTURES UNDER CONSTRUCTION ON EFFECTIVE DATE. Any structure which will become non-conforming under this Zoning Ordinance, but for which a building permit has been legally granted prior to the effective date of this Zoning Ordinance which has the effect of making the structure non-conforming, may be completed in accordance with the approved plans, provided that construction of the structure is started within sixty (60) days after the effective date of this Zoning Ordinance and continues to completion within one (1) year after such effective date. Such structure shall thereafter be a deemed a legally existing prior non-conforming structure.

5.7 CHANGING USE OF A LEGAL PRIOR NON-CONFORMING USE.

5.7.1 A legal prior non-conforming use of a structure or parcel of land may be changed to a similar non-conforming use or to a more restrictive non-conforming use. Once a structure or parcel of land has been placed in a more restrictive non-conforming use, it shall not thereafter return to a less

restrictive non-conforming use. The order of restrictive uses, from most to least restrictive, is single family residential; two family residential; three or more family residential; permitted commercial; conditional use commercial; permitted industrial; conditional use industrial; non-district specific conditional use.

5.7.2 Once a nonconforming use or structure had been changed to conform to this ordinance, it shall permanently lose its prior nonconforming use status and shall not be permitted to revert back to a nonconforming use or structure. Once the Board of Adjustment had permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substitute use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Board of Adjustment

5.8 MAINTENANCE PERMITTED. Maintenance of a building or other structure containing or related to a legal non-conforming use is permitted, including necessary non-structural repairs and incidental alterations which do not extend or intensify the non-conforming use.

5.9 ALTERATIONS TO PRIOR NON-CONFORMING STRUCTURES CONTAINING RESIDENTIAL UNITS. Alterations may be made to a building containing legal non-conforming residential units when such alterations will improve the livability of such residential units, provided that such alterations will not increase the number of dwelling units or bulk of the building, except that a private garage may be added if none previously existed and if such garage is in conformity with all other provisions of this Zoning Ordinance.

SECTION VI. REGULATION OF SPECIAL USES

6.1 NON-METALLIC MINING AND QUARRYING

The removal from the earth by non-metallic mining or quarrying or by a combination thereof or by any similar process of 800 cubic yards or more of material in any one (1) calendar year, of 1,200 cubic yards or more of material in any two (2) successive calendar years, or of 1,500 cubic yards or more of material in any three (3) successive calender year period shall constitute a commercial non-metallic mining activity and shall be restricted as follows:

6.1.1 General Provisions. A conditional use permit shall be required for all commercial non-metallic mining activity or quarrying. Applications for such a permit shall be accompanied by:

(1) A description of all phases of the contemplated operation including types of machinery and equipment which will or which might be necessary to carry on the operation. Where the operation is to include sand or gravel washing, the estimated daily quantity of water required, its source and its disposition shall be identified.

(2) A legal description of the proposed site.

(3) A topographic map (at a minimum contour interval of ten (10) feet of the proposed site and the area extending a minimum distance of 300 feet beyond the site on all sides.

(4) A map depicting the location of all public highways and all structures located within 1320 feet of the proposed site.

(5) A list of the names and addresses of all owners of real estate located within 1320 feet of the proposed site.

6.1.2 Considerations of Compatibility. In reviewing an application for a conditional use permit for a commercial non-metallic mining or quarrying activity, the Town Board shall take into consideration:

(1) The effect of the proposed operation on drainage and water supply, particularly in connection with sand and gravel washing.

(2) The possibility of soil erosion as a result of the proposed operation.

(3) The existing land uses of the properties within 1/4 mile of the proposed operation and the most suitable land use for the area.

(4) The compatibility of the proposed use with other uses located within 1,320 feet of the proposed site.

6.1.3 Conditions for Approval and Issuance of a Conditional Use Permit for non-metallic mining or quarrying. The Town Board may impose additional conditions regarding appropriate setback and other dimensional requirements, blocking or screening the view of the mine or quarry site from other properties, or any other aspects of the proposed operation if it deems them necessary to prevent or avoid a nuisance effect on surrounding properties or uses. Suitable fencing and landscaping may be required.

6.1.4 Duration of Conditional Use Permit. An initial conditional use permit to carry on a non-metallic mining or quarrying operation shall be effective for a period not more than five (5) years from the date of issuance of the permit. Additional extensions, each of not more than five (5) years, may be authorized upon application to the Town Board.

6.1.5 Pre-existing Quarries or Non-metallic Mining Operations. An existing quarry or non-metallic mining operation shall be brought into conformity with this Ordinance five (5) years after the effective date of this Ordinance.

6.1.6 Conformity with County Ordinance Required. No conditional use permit for a non-metallic mining operation shall be issued until the applicant has furnished to the Town evidence that the operation or proposed operation has filed all documents and received all permits required by the Richland County Non-Metallic Mining Reclamation Ordinance as the same may be amended from time to time, or has filed with the Town a statement in writing from the appropriate Richland County authorities certifying that the operation is exempt from the permit requirement of said Richland County ordinance. Any reclamation plan required under the County Ordinance shall provide for restoration of the lands to agricultural use as defined in sec. 91.01(1) Wis. Stats.

6.2 JUNK YARDS, AUTOMOBILE REDUCTION YARDS AND SALVAGE YARDS.

6.2.1 Conditional Use Permit Required. No junk yard, automobile reduction yard or salvage yard shall be permitted in any zoning district in the Town of Rockbridge except by a conditional use permit.

6.2.2 General Provisions.

(1) No junk, vehicle parts or salvage materials shall be located, stored, placed or kept within 300 feet of any public road, street, or highway, unless such items are completely enclosed within a building.

(2) No junk, vehicle parts or salvage materials shall be located in any Shoreland or Floodplain Protection District.

(3) All junk, vehicle parts or salvage materials not completely enclosed within a building shall be enclosed by a suitable fence or planting screen so that the materials are not visible from any other property in the vicinity, nor from any public right-of-way including streets, highways, or navigable waterways. The fence or planting screen shall be a minimum of eight (8) feet in height and shall be kept in good repair.

(4) No junk, vehicle parts or salvage materials not enclosed within a building shall be piled higher than the height of the fence or planting screen.

(5) All junk yards, automobile reduction yards or salvage yards shall have minimum side yard of 100 feet each from the lot line and a minimum rear yard of 100 feet from the lot line.

(6) For fire protection purposes, there shall be established and maintained a fire break not less than one (1) rod in width and completely surrounding the junk yard, automobile reduction yard or salvage yard. Such fire break shall be kept unobstructed by any man-made object and shall be kept free of any vegetation other than lawn grass.

6.3 CAMPGROUNDS, TRAILER CAMPS AND CAMPING RESORTS.

No person shall establish or operate a trailer camp, campground or camping resort without a conditional use permit. The Town Board may approve or disapprove all plans for trailer camps and campgrounds and upon approval may issue a conditional use permit therefor. In order to receive a conditional use permit, such facilities shall meet the following conditions:

(1) Each travel trailer, motorhome or camper parking space or campsite shall be plainly marked.

(2) The minimum size of a travel trailer camp or campground or combination of the two shall be three (3) acres.

(3) The minimum dimensions of a travel trailer, motorhome or camper parking space or campsite shall be twenty-five (25) feet wide by forty (40) feet long.

(4) In addition to the highway setback requirements and setback requirements from the high water mark, there shall be minimum setback of forty (40) feet from all other exterior lot lines.

(5) Campgrounds shall comply with the requirements of Chapter HFS 178, Wisconsin Administrative Code, to the extent said Chapter is applicable.

(6) No travel trailer, motorhome, camper or tent shall be located in any campground on one space for a period of more than thirty (30) days or an extension thereof not to exceed an additional thirty (30) days.

(7) No trailer, motorhome or camper shall be stored in a trailer park, camp ground or camping resort.

6.4 MOBILE HOME PARKS

6.4.1 General Licensing Requirement. Except for single mobile homes as specifically permitted in the Agricultural and Forestry Zoning District, no mobile home shall be located on any lot or parcel of real estate which is situated outside of an approved mobile home park, except in a licensed mobile home park where permitted as a conditional use and for which a conditional use permit has been issued. No mobile home park shall be licensed until the plans for the park have been approved by the Town Board and a conditional use permit has been granted for the park. Mobile Home Parks shall meet the minimum requirements for licensing set forth below.

6.4.2 Prior Nonconforming Uses.

(1) Any person with two or more existing mobile homes on his or her property on the effective date of this Ordinance shall submit a plan of his or her property to the Town within three months of the effective date of this Ordinance, showing the location of all such mobile homes in relation to the lot lines of the property and to all other structures on the property. Any such property which meets the minimum requirements set forth below for a mobile home park license shall be designated as an "Approved Mobile Home Park" and may be licensed as a mobile home park for the number of homes existing on the effective date of this Ordinance. No additional mobile homes in excess of the number existing on the effective date of this Ordinance may be located on the property unless the property continues to meet the minimum requirements for a mobile home park license set forth below.

(2) Those mobile home developments not able to meet the minimum requirements for licensing as a mobile home park shall be permitted to continue as prior nonconforming uses, but shall be subject to the following conditions:

a. No additional mobile homes shall be located on the lot or property without a conditional use permit and a mobile home park license and conformity with the minimum requirements for such license.

b. The replacement of an existing nonconforming mobile home with a different mobile home shall only be permitted with a conditional use permit authorizing such replacement.

6.4.3 Minimum Requirements for a Mobile Home Park License. No mobile home park license shall be issued unless all of the following requirements are been met for the park:

(1) The minimum size of a mobile home park shall be five (5) acres.

(2) The maximum number of mobile home spaces shall be six (6) per acre.

(3) The minimum dimensions of a mobile home space shall be fifty (50) feet wide by one hundred twenty-five (125) feet long.

(4) The minimum distance between mobile homes shall be fifteen (15) feet.

(5) The minimum distance between any mobile home and any drive or service road shall be ten (10) feet.

(6) In addition to the highway setback requirements and setback requirement from the high water mark, all mobile homes shall be set back a minimum of twenty (20) feet from all exterior lot lines. The area of the required setback shall be a greenbelt or buffer strip. Such buffer strip shall be covered by lawn grass or another vegetative ground cover and it is permissible to plant shrubs, bushes, trees or other

vegetation on the buffer strip.

(7) There shall be off-street parking spaces for two automobile-size vehicles for each mobile home.

(8) All spaces shall be accessed from a private service road. No space shall be accessed directly off a public highway. All service roads, parking areas, and walkways shall be surfaced with dust free material.

(9) No mobile home sales office or other business or commercial use shall be located on the mobile home park space. However, laundries, washrooms, recreation rooms, maintenance equipment storage and one office are permitted.

(10) Mobile home parks shall comply with the sanitation regulations of the Richland County Sanitary Ordinance and the appropriate sanitary requirements of the Wisconsin Administrative Code. No mobile home space shall have an individual onsite soil absorption sewage disposal system.

(11) No mobile home space shall be rented for a period of less than thirty (30) days.

(13) **Landscaping and Ground Cover Requirements.** Every space shall have at least one (1) tree planted upon it, of a species which normally exceeds thirty (30) feet in height at maturity. All yards and other exposed ground surfaces (other than streets, sidewalks or parking areas or as otherwise required by this Chapter) in all parts of every mobile home park shall be paved or covered with lawn grass, stone screenings or other solid material or another vegetative ground cover that is capable of preventing soil erosion and eliminating objectionable dust.

(14) **Lighting Requirements.** All parks shall be furnished with lighting so spaced and equipped with luminaires placed at such heights as will provide the following average maintained levels of illumination for the safe movement of pedestrians and vehicles at night:

a. All parts of the park street systems: 0.6 foot-candles, with a minimum of 0.1 foot-candles.

b. Potentially hazardous locations, such as major park street intersections and steps or stepped ramps, individually illuminated with a minimum of 0.3 foot-candles.

(15) **Interior Street Access and Paving Requirements.** All mobile home spaces shall abut upon an interior street. Minimum widths of interior streets within a mobile home park shall be as follows:

If no parking is allowed either side of the street: 18 feet
If parking is allowed on one side of the street: 27 feet
If parking is allowed on both sides of the street: 36 feet

All interior streets shall be paved with a smooth, hard, and dense surface such as hot mix asphalt, portland cement or double sealcoat over gravel, which shall be well drained under normal use and weather conditions for the area. Grades of streets shall be sufficient to insure adequate surface drainage but not more than 8%, provided a maximum grade of 12% may be used if approved by Town Board.

(16) **Recreation Area Requirements.** In all mobile home parks there shall be one or more recreation areas easily accessible to all park residents. Such areas shall include a total minimum area of 4,000 square feet for each 12 lots or fraction of 12 lots in the park. No single recreation area shall contain less than 4,000 square feet, and shall be not less than 30 feet wide at the narrowest dimension. Recreation areas shall be so located as to be free of traffic hazards and convenient to mobile home spaces which they serve.

6.5 SIGNS AND BILLBOARDS

6.5.1 Except as otherwise specifically authorized, no sign that is visible from any state, county or town road, from the water, or from any adjacent property shall be located, erected, moved, reconstructed, extended, enlarged, or structurally altered until a conditional use permit has been issued by the Town Board or its authorized representative. No permit shall be issued for a sign not in conformity with the size, type, number, location and use regulations affecting each zoning district. Permits shall be obtained within 12 months after adoption of this Ordinance for all signs which were erected before the date of enactment of this Ordinance. Signs shall display the sign permit number, in legible form in the lower left-hand front corner. One permit for the "life" of each sign is required. Such permit shall authorize the use of each sign as long as such sign is kept in good repair and complies with the requirements of this Ordinance.

6.5.2 Exceptions to the Requirement of a Conditional Use Permit. A conditional use permit shall not be required for the following types of signs:

(1) Official traffic control signs and informational or directional notices erected by federal, state, or local units of government.

(2) Temporary signs advertising the sale, rent, or lease of the property on which the sign is placed. Such signs shall not exceed four (4) square feet in gross area and may be placed at the right-of-way line of a highway, provided the placement is not within a vision triangle.

(3) "No Hunting" or "No Trespassing" signs, provided that no such sign shall exceed one and one-half (1 1/2) square feet in gross area.

(4) On-premise nameplates for residences, provided that no such nameplate shall exceed three (3) square feet in gross area. Such nameplates may not be affixed to trees.

(5) Signs for test plots for various farm crops.

(6) Temporary signs advertising or giving directions to a business or to a non-recurring event, provided no such sign shall be in place for no more than thirty (30) days.

(7) Political signs, provided such signs may not be put out more than sixty (60) days prior to the election to which the signs relate and shall be removed within seven (7) days after such election.

6.5.3 Signs Prohibited in All Zoning Districts.

(1) No sign shall resemble, imitate, or approximate the shape, size, form or color of railroad signs or signals or of official traffic signs, signals, or devices.

(2) No sign shall be so located as to interfere with the visibility or effectiveness of any official traffic sign or signal, or with driver vision at the access point or intersection.

(3) No sign shall be erected, relocated, or maintained so as to prevent free ingress or egress from any door, window, or fire escape, and no sign shall be attached to a standpipe or fire escape.

(4) No sign shall contain, include, or be illuminated by flashing light or by any light directed toward a neighboring residence or toward any body of navigable water or navigable river or stream.

(5) No sign shall be placed within the right-of-way of any public highway, road or street except official traffic signs, signals, or devices placed by or at the direction of the governmental body having

jurisdiction over such highway.

(6) No sign shall be permitted in a vision corner. On-premises signs on a structure which is a legal prior non-conforming use in a vision corner may be placed or maintained if allowed by a conditional use permit.

(7) No sign shall contain, include, or be composed of any conspicuous animated part.

(8) No sign shall be painted on rocks nor affixed to trees.

6.5.4 Signs Permitted in a Platted Residential District or in a Non-Platted Residential District.

(1) Signs advertising a permitted home occupation or professional office shall be permitted. Such signs shall not exceed six (6) square feet, in gross area, shall be attached to the building, and if illuminated shall be indirectly lighted. No more than one such sign for each use located on the property shall be permitted.

(2) Directory signs indicating the direction to a cottage, resort or residence shall be permitted providing such signs do not exceed four (4) square feet m gross area. Where a common posting standard is provided, all such signs shall be attached to the standard. A conditional use permit from the Town Board shall be required for any common posting standard. The Committee may attach any conditions felt necessary to insure that the over-all size and design of the standard will be compatible with the residential character of the district.

(3) Political signs, provided such signs may not be put out more than sixty (60) days prior to the election to which the signs relate and shall be removed within seven (7) days after such election.

6.5.5 Signs Permitted in an Agricultural and Forestry District.

(1) Signs permitted in a Platted Residential District or in a Non-Platted Residential District are permitted in an Agricultural and Forestry District.

(2) Signs attached to commercial and industrial buildings advertising a business conducted or a service available on the premises shall be permitted. Such attached signs shall not cover more than 30% of the wall space fronting the adjacent highway, and roof signs and/or roof extensions shall not exceed ten (10) feet above the peak roof line. All roof signs shall be securely anchored to the frame of the building over which they are constructed.

(3) On-premises signs advertising a public or semi-public use shall be permitted. Such signs shall not exceed thirty-two (32) square feet in gross area per side. All such signs shall be located on the same property as the business or site advertised on the sign. Such sign may be placed just outside the right-of-way of the highway, unless this ordinance requires for a more restrictive setback.

(4) Off-premises signs shall require a conditional use permit. Such signs shall be located no closer than three hundred (300) feet from the business or site advertised. One sign may be allowed from any direction to the business or site advertised. Additional signs may be permitted by conditional use permit. Such off-premise sign shall not exceed 150 square feet in gross area.

(5) All other off-premises signs and billboards (other than as described above) shall be prohibited.

6.5.6 Signs Permitted in Commercial and Industrial Districts.

All signs, except those signs prohibited in all zoning districts, are permitted in Commercial and Industrial Districts subject to the following restrictions:

(1) Wall signs placed flat against the exterior walls of a building shall not extend beyond the corners of the building, shall not exceed 100 square feet in area for anyone premise and shall not extend above the roof line of the building.

(2) Projecting signs fastened to, suspended, from, or supported by structures shall not exceed 32 square feet in area for anyone premise, shall not extend above the roof line of any building, shall not extend into any public right-of-way, shall be at least ten feet from all side lot lines, shall not exceed a height of 20 feet above the established street grade, and shall be not less than 10 feet above the sidewalk nor less than 15 feet above a driveway or alley.

(3) Ground signs shall not exceed 40 square feet on one side or 80 square feet on all sides for anyone premise and shall not exceed 20 feet in height above the mean centerline grade.

(4) Window signs shall be placed only on the inside of commercial and industrial buildings and shall not exceed twenty-five percent (25%) of the glass area upon which the sign is displayed.

(5) No sign or sign structure shall be erected in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit, or standpipe, no signs shall obstruct any window to such an extent that any light or ventilation is reduced to a point below that required by any law or ordinance. Signs shall be so located as to maintain all required clearances from overhead power and service lines.

6.5.7 Prior Nonconforming Signs.

Signs lawfully existing before the date of enactment of this Ordinance may be continued although the use, size or location does not conform with the provisions of the Ordinance.

6.6 COMMUNITY AND OTHER LIVING ARRANGEMENTS.

The location of a community living arrangement, as defined in sec. 46.03 (22) Wis. Stats., a foster home, as defined in sec. 48.02 (6) Wis. Stats., a treatment foster home, as defined in sec. 48.02 (17q) Wis. Stats., or an adult family home, as defined in sec. 50.01 (1) Wis. Stats., in the Town shall be subject to the following criteria:

6.6.1 No community living arrangement may be established within 2,500 feet of any other such facility. Agents of a facility may apply for an exception to this requirement, and such exceptions may be granted at the discretion of the Town Board. Two community living arrangements may be adjacent if the Town Board authorizes that arrangement and if both facilities comprise essential components of a single program.

6.6.2 Community living arrangements shall be permitted the Town without restriction as to the number of facilities, so long as the total capacity of such community living arrangements does not exceed 25 or one percent of the Town's population, whichever is greater. When the capacity of the community living arrangements in the Town reaches that total, the Town hereby prohibits additional community living arrangements from locating in the Town. Agents of a facility may apply for an exception to the

requirements of this subdivision, and such exceptions may be granted at the discretion of the Town Board.

6.6.3 A foster home or treatment foster home that is the primary domicile of a foster parent or treatment foster parent and that is licensed under sec. 48.62 Wis. Stats. or an adult family home certified under sec. 50.032 (1m) (b) Wis. Stats. shall be a permitted use in all residential areas and is not subject to subparagraphs 6.6.1 and 6.6.2, except that foster homes and treatment foster homes operated by corporations, child welfare agencies, churches, associations or public agencies shall be subject to subparagraphs 6.6.1 and 6.6.2.

6.6.4 No adult family home described in sec. 50.01 (1) (b) may be established within 2,500 feet of any other adult family home described in sec. 50.01 (1) (b) Wis. Stats. or any community living arrangement. An agent of an adult family home described in sec. 50.01 (1) (b) Wis. Stats. may apply for an exception to this requirement in the form of a conditional use permit, and the permit may be granted at the discretion of the Town Board.

6.6.5 An adult family home described in sec. 50.01 (1) (b) that meets the criteria specified in 6.6.4 and that is licensed under sec. 50.033 (1m) (b) Wis. Stats. is permitted in the Town without restriction as to the number of adult family homes and may locate in any R-P or AG-RES zone, without being required to obtain a conditional use permit or special zoning permit except as provided in sec. 62.23 (7) (i) 9 Wis. Stats.

6.6.6 In all cases where the community living arrangement has capacity for 8 or fewer persons being served by the program, meets the criteria listed in subparagraphs 6.6.1 and 6.6.2, and is licensed, operated or permitted under the authority of the Wisconsin Department of Health and Family Services, that facility is entitled to locate in any R-P or AG-RES zone, without being required to obtain a conditional use permit or special zoning permit except as provided in sec. 62.23 (7) (i) 9 Wis. Stats.

6.6.7 In all cases where the community living arrangement has capacity for 9 to 15 persons being served by the program, meets the criteria listed in subparagraphs 6.6.1 and 6.6.2, and is licensed, operated or permitted under the authority of the Wisconsin Department of Health and Family Services, that facility is entitled to locate in any R-P zone area except areas zoned exclusively for single-family or 2-family residences except as provided in sec. 62.23 (7) (i) 9 Wis. Stats., but is entitled to apply for a conditional use permit to locate in those areas. The Town may grant such a conditional use permit at its discretion and shall make a procedure available to enable such facilities to request such permission.

6.6.8 In all cases where the community living arrangement has capacity for serving 16 or more persons, meets the criteria listed in subparagraphs 6.6.1 and 6.6.2, and is licensed, operated or permitted under the authority of the Wisconsin Department of Health and Family Services, that facility is entitled to apply for a conditional use permit to locate in areas zoned for residential use. The city may grant such special zoning permission at its discretion and shall make a procedure available to enable such facilities to request such permission.

6.6.9 The provisions of sec 62.23(7)(i)9. Wis. Stats. shall apply to adult family homes and community living arrangements in the Town of Rockbridge.

SECTION VII. ADMINISTRATION, ENFORCEMENT, PENALTIES AND FEES

7.1 ZONING ADMINISTRATOR - POWERS AND DUTIES.

7.1.1 The Zoning Administrator appointed by the Town Board shall administer this Zoning Ordinance and shall have such powers and authority as are reasonably necessary to administer and enforce this Ordinance. Unless the Town Board creates a separate position of building inspector, the zoning administrator shall also have all statutory powers granted to a building inspector. However, this provision shall not be deemed to assign any of the powers of a building inspector which are optional powers under the Wisconsin Statutes which must be adopted by action of the Town Board to be applicable to the Town.

7.1.2 The Zoning Administrator shall have the following specific duties, as well as any additional duties assigned to him/her by the Town Board:

(1) Determine that all zoning permits and applications for zoning permits comply with the terms of this Zoning Ordinance.

(2) At any reasonable time, and for any proper purpose, to enter upon any public or private premises and make inspection of buildings and use of land to determine compliance with this Ordinance. Where appropriate, he or she may apply for a special inspection warrant under sec. 66.0119 Wis. Stats. to assist in carrying out this authority.

(3) Maintain permanent and current records of all matters pertaining to the provisions and administration of this Zoning Ordinance including, but not limited to, all maps, amendments, and conditional uses, variances, appeals and applications therefore.

(4) Receive and forward all applications for rezonings, appeals, variances, conditional use permits or other matters arising under this Zoning Ordinance to the designated official bodies.

(5) Assist the Planning Commission and the Town Board in regard to matters arising under this Zoning Ordinance, by making such investigation of matters pertaining to this Zoning Ordinance as they may request and reporting the findings thereof and recommendations thereupon to the requesting body.

(6) Request institution in the name of the Town of Rockbridge of any appropriate actions or proceedings against violators of this Zoning Ordinance as provided by the terms of this Ordinance or as otherwise provided by law.

7.2 ZONING PERMITS.

7.2.1 ZONING PERMIT REQUIRED.

(1) No person shall erect, alter, remodel, demolish, wreck or move any building, structure, sign or part thereof without first securing a zoning permit therefore, which may alternatively be referred to as a building permit or demolition permit as appropriate to the nature of the permitted activity.

(2) No person shall substantially alter the use of any land or structure without first securing a zoning permit therefor.

7.2.2 ZONING PERMIT APPLICATION. Application for a zoning permit shall be made in the following manner:

The applicant or agent of the applicant shall fill out completely and file with the Town Zoning Administrator an Application for Zoning Permit form which shall be furnished by the Town. The Application for Zoning Permit shall set forth either on the application form or attached thereto all of the following:

(1) The name and address of the property owner.

(2) The legal description of the property.

(3) The address of the property if an address has been assigned, otherwise the location of the property, which may be a copy of a plat book with the property highlighted.

(4) A description of the activity to which the permit applies is sought.

(5) A legible map or sketch of the property drawn to a legible scale showing the location and dimensions of the outside boundaries of the parcel; the location of all existing structures on the parcel; the location of all abutting public streets or roads and of any abutting navigable streams or rivers and the location of any proposed new construction.

(6) A plan or diagram showing the dimensions of each floor of any new structure or addition to an existing structure.

(7) Proof that an access or driveway permit has been obtained for any driveway which will serve the improvements on the property.

(8) Proof that applicant is the record owner of a permanent easement for ingress and egress to the property if the access proposed crosses lands of another.

(9) The applicant or agent of the applicant shall in addition file with the Zoning Administrator any relevant data required by the Town which the Town Board or the Zoning Administrator deems reasonably necessary to an evaluation of the merits of the application. A request by regular mail to the applicant or his agent at the address shown on the application shall constitute a demand for any such data.

(10) The applicant or agent of the applicant shall pay over to the Zoning Administrator the prescribed fee for the requested zoning permit.

(11) An Application for a Zoning permit shall not be deemed a completed application until the application form has been filed, the fee paid and any additional requested data have been filed, and neither the Zoning Administrator nor the Town Board are required to take any action on any application not deemed completed.

7.2.3 PROCEDURE UPON RECEIPT OF A ZONING PERMIT APPLICATION.

(1) A completed Application for a Zoning permit shall be referred to the Zoning Administrator for examination and recommendation. Thereafter, the matter shall be referred by the Zoning Administrator to the Town Board for action.

(2) The Town Board shall have the following options in considering an Application for a Zoning permit:

a. Approval of the application.

b. Approval of the application, conditional upon satisfactory fulfillment of specified a additional requirements such as plan approval by the Wisconsin Dept. of Commerce or similar required actions.

c. Denial of the application

7.2.4 TIME PERIODS AND LIMITATIONS RELATING TO ZONING PERMITS; EXPIRATION OF PERMITS. The following time periods shall apply to all zoning permits:

(1) TIME LIMIT FOR PAYING FEE. An applicant for a zoning permit which has been unconditionally approved by the Town Board shall, within thirty (30) days after such approval, pay to the Town the full fee for the zoning permit. Upon such approval and payment, the Zoning Administrator shall issue the zoning permit. In the event of failure by the applicant to pay all fees within said 30 days, the zoning permit shall be deemed denied, notwithstanding the prior approval, and any permit fee previously paid is non-refundable. Thereafter, a new application and payment of a new fee shall be required.

(**2) TIME LIMIT FOR SATISFYING CONDITIONS.** An applicant for a zoning permit which has been conditionally approved by the Town Board shall, within one hundred and twenty (120) days after such approval, submit satisfactory evidence to the Zoning Administrator that all conditions of the approval have been fulfilled and shall pay to the Town the full fee for the zoning permit. In the event of failure by the applicant to satisfy all conditions of the approval and/or to pay all fees within said 120 days, the zoning permit shall be deemed denied, notwithstanding the prior approval, and any permit fee previously paid is non-refundable.

(3) EXPIRATION OF PERMIT IF CONSTRUCTION NOT STARTED. An applicant for a zoning permit which has been issued shall, within four (4) months after the date of issuance, make a substantial commencement of the permitted construction or other permitted activity. In the event of failure to commence the construction or other permitted activity within said time, the zoning permit shall expire absolutely, and application for a new zoning permit shall be required prior to any commencement of the construction or other permitted activity.

(4) EXPIRATION OF PERMIT IF CONSTRUCTION NOT COMPLETED. An applicant for a zoning permit which has been issued shall, within twelve (12) months from the date of issuance of the permit, complete the permitted construction or other permitted activity, except that where the cost of the construction of other activity as set forth in the Application for the Zoning permit equals or exceeds $400,000.00, the Town Board may extend such time for completion.

7.3 CONDITIONAL USE PERMITS; SPECIAL USE PERMITS. No person shall conduct any activity for which a conditional use permit or for which a special use permit is required by this Ordinance without first securing a conditional use permit. The procedure for issuance of a conditional use permit or a special use permit is as set forth below. In interpreting this ordinance, the term "special use permit" shall be deemed synonymous with "conditional use permit" and shall be substituted therefor as appropriate to the type of permit sought.

7.3.1 Persons applying for a conditional use permit shall fill out completely and file with the Zoning Administrator an Application for Conditional Use Permit form, which form shall be furnished by the Town. Such Property Owner shall pay over to the Zoning Administrator the prescribed fee for the requested permit.

7.3.2 The Zoning Administrator shall refer the application to the Planning Commission. The Plan ing Commission shall consider the petition at its next regular meeting. The Planning Commission may

request from the applicant any additional data which it deems necessary to an evaluation of the merits of the application. A request by regular mail to the applicant at the address shown on the application shall constitute a valid demand for any such data. Alternatively, the Planning Commission may make such request verbally to the applicant at any meeting where the applicant is present, which also constitutes a valid request. The Zoning Administrator may request that the matter be put over to the next meeting to allow further investigation if the application was filed within ten (10) days prior to the next regular meeting of the Planning Commission, and such a request shall be granted by the Planning Commission.

7.3.3 The report and recommendation of the Planning Commission shall be placed on the agenda of the Town Board at its next regular meeting following referral from the Planning Commission, or at a later Town Board meeting, but no more than ninety (90) days after the application has been submitted by the applicant or ten (10) days after receipt of the report and recommendation of the Planning Commission, whichever is later. **[Amended by Ord 2008-1]**

7.3.4 The Town Board must take action on the application within sixty (60) days after receiving the report of the Planning Commission. The Town Board may deny or defer indefinitely consideration of any application when the applicant has been duly requested by the Planning Commission or by the Town Board to furnish additional data and has failed to do so. The Town Board may, in its discretion, hold a public hearing on any application for a conditional use permit. If the Town Board determines to hold such a public hearing, it shall give notice thereof by publishing a Class 1 notice under chap. 985 Wis. Stats. in the official Town newspaper. The determination whether or not to hold a public hearing on an application for a conditional use permit iw wholly discretionary with the Town Board; a public hearing is not required on an application for a conditional use permit.

7.3.5 Conditions on Conditional Use Permits. In granting a conditional use permit, the Town Board may impose such conditions or limitations as it considers necessary to protect the public health, safety and welfare, and any such conditions or limitations may include a time limit for the conditional use to exist or for the operation or activity permitted by the permit to be carried on.

7.3.6 Time Limit for Commencing Conditional Use. A conditional use permit shall become void one (1) year after it was granted unless within the year the permitted use is actually commenced, or within such extension of the period as the Town Board within the year may provide.

7.3.7 Records of Conditional Use Pemits to be Kept. When a conditional use is approved, an appropriate record shall be made by the Town of the location and nature of the permitted conditional use, and such permit shall be applicable solely to the structures, use and property so described.

7.3.8 Termination of Conditional Use Upon Non-conformity with Permit. Where a permitted conditional use does not continue in conformity with the conditions of the original permit, the conditional use permit shall be terminated by action of the Town Board.

7.3.9 Non-transferability of Conditional Use Permits. A conditional use permit, when issued, is personal to the permittee, and the permit shall not be deemed to run with the land. Any transfer of ownership of a lot for which a conditional use permit has been issued, whether legal or equitable, shall automatically terminate and void any previously issued conditional use permit affecting the lot.

7.4 ENFORCEMENT AND PENALTIES.

7.4.1 Enforcement. This Zoning Ordinance shall be administered by the Zoning Administrator and Planning Commission, and shall be enforced by the Town Board acting through the Town Attorney.

7.4.2 Forfeiture. Any person, partnership, corporation, voluntary association or other legal entity who shall violate or fail or refuse to comply with any Section or provision of this Zoning Ordinance shall forfeit to the Town of Rockbridge not less than $100.00 nor more than $400.00, together with the costs of prosecution and any applicable costs and assessments, and in the event such forfeiture, costs and assessments are not paid, such person, any partner of such partnership, or any officer or director of any corporation or any officer of such voluntary association may, upon order of the Circuit Court, be imprisoned in the Richland County jail until such forfeiture, costs and assessment are paid, but not to exceed ninety (90) days. Each day that a violation is maintained or permitted to exist shall constitute a separate violation.

7.4.3 Other Remedies. In addition to the imposition of a forfeiture, the Town may in appropriate circumstances proceed against any violation of this ordinance by means of injunction or other remedy available to it. Such proceeding shall not be deemed waived by the imposition of a forfeiture for the same violation, nor shall the pursuit of injunctive or other relief be deemed a waiver of imposition of a forfeiture for the same violation.

7.4.4 Conditions in Violation of Prior Zoning Ordinances Not Validated by Change in Ordinance. Any condition, use or other act or omission which constituted a violation of any prior zoning ordinance of the Town of Rockbridge, and which condition, use, act or omission which was never validated or made permissible by any intervening zoning ordinance and which also constitutes a violation of this Zoning Ordinance or any amendment hereto, shall be deemed a violation of this zoning ordinance, and may be prosecuted as such. It is the intention of the Town Board that the enactment of this zoning ordinance shall not be deemed to grandfather a violation unless some intervening ordinance has specifically permitted the activity.

7.5 FEES

7.5.1 Exceptions to Permit and Fee Requirement for Items of Maintenance. No permit is required and no fee is due for items of maintenance. Maintenance is defined as changes to a building which are not structural alterations and which are generally limited to repairs or replacement of existing components of the building, including reroofing, residing, door replacement, window replacement, replastering, paneling, painting, wallpapering, replacing or adding a furnace, replacing or adding air conditioning, updating or adding plumbing or updating or adding electrical service or electrical wiring.

7.5.2 Imposition of Fees. There are hereby imposed fees for the various permits and actions under this ordinance set forth below. The amounts of such fees shall be as established from time to time by resolution of the Town Board.

7.5.3 Activities for which Fees will be Charged.

(1) Zoning [Building] permits for new residential structures

(2) Zoning [Building] permits for new commercial or industrial structures :

(3) Zoning [Building] permits for an addition costing more than $2,000.00:

(4) Zoning [Building] permits for new agricultural structures:

(5) Late Zoning [Building] permits sought after construction has commenced:

(6) Zoning [Building] permits for new structures of 120 square feet or less with no foundation: NO PERMIT REQUIRED- NO FEE

(7) Permits for signs

(8) Application for a conditional use permit or special use permit:

(9) Application to rezone a single contiguous parcel

(10) Application to rezone more than one non-contiguous parcel: Fee for each parcel

(11) Application for a variance or a special exception permit from Board of Zoning Appeals

(12) Appeal to the Board of Appeals

7.5.4 Payment of Fees. Fees established by the Town Board shall be payable at the time applications are filed with the Town and are not refundable unless the application is withdrawn prior to referral to the Planning Commission. An application not accompanied by the appropriate fee shall not be deemed filed, and need not be considered until the fee has been paid. There shall be no fee in the case of any application filed by the Town Board or by the Planning Commission. The Town Board may modify the amount of any fee from time to time by resolution, and fees set by any such resolution shall have the effect of superseding the amount of any fee set forth herein.

7.5.5 Fees for Copies of this Ordinance or Zoning Maps. The Town Board may establish by resolution the price to be charged to the public for copies of the zoning ordinance or of any zoning map.

SECTION VIII. BOARD OF ZONING APPEALS; PROCEDURE FOR APPEALS AND VARIANCES

8.1 CREATION OF BOARD OF ZONING APPEALS. There is hereby created, pursuant to sec. 62.23(7)(e) Wis. Stats., a Board of Zoning Appeals for the Town of Rockbridge.

8.1.1 Members, Appointment and Terms. The Board of Zoning Appeals shall consist of five (5) members appointed by the Town Chairperson, subject to confirmation by majority vote of the Town Board, for terms of three years expiring on April 30, except that the members initially appointed to the Board of Zoning Appeals shall be appointed for staggered terms as follows:

(1) One (1) person for a term that expires one (1) year from the previous April 30;

(2) Two (2) persons for a term that expires two (2) years from the previous April 30.

(3) Two (2) persons for a term that expires three (3) years from the previous Apri1 30.

8.1.2 Replacement of Departed Member. In the event of the resignation, removal from office or death of a member of the Board of Zoning Appeals, a replacement member shall be appointed by the Town Chairperson, subject to confirmation by majority vote of the Town Board, to serve out the remainder of the departed member's term.

8.1.3 Chairperson. The Town Board Chairperson shall designate one of the members as chairperson.

8.1.4 Alternates. In addition, the Town Board Chairperson may appoint one (1) or two (2) persons as alternate members of the Board of Zoning Appeals for terms of three (3) years. If there is more than one alternate, the Town Chairperson shall annually in April designate one member as 1st alternate and the other as 2nd alternate. The 1st alternate shall act, with full power, only when a member of the Board refuses to vote because of interest or is absent. The 2nd alternate shall so act only when the 1st alternate refuses or is absent or when more than one member of the Board so refuses or is absent.

8.1.5 Removal of Members. The Town Chairperson may remove any member from the Board of Zoning Appeals for cause upon written charges and after a public hearing. A pattern of repeated failures to attend meetings or repeated failures to vote on matters before the Board may constitute cause for removal, as may other improper acts or omissions by a Board member.

8.2 POWERS OF BOARD OF ZONING APPEALS. The Board of Zoning Appeals shall have the following powers and any other powers granted to it by sec. 62.23(7)(e) Wis. Stats.:

8.2.1 Appeals. To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the Zoning Administrator or another administrative body or official in the enforcement of this Zoning Ordinance.

8.2.2 Variances. To authorize upon appeal or upon direct application in specific cases such variance from or special exceptions to the terms of this Zoning Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the Zoning Ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of the Zoning Ordinance shall be observed, public safety and welfare observed, and substantial justice done.

8.2.3 Public Utility Uses. In appropriate cases, and subject to appropriate safeguards in harmony with the general purpose and intent of this Zoning Ordinance, the Board of Zoning Appeals may permit a building or premises to be erected or used for such public utility purposes in any location which is reasonably necessary for the public convenience and welfare.

8.2.4 Powers. In exercising its powers, the Board of Zoning Appeals may reverse or affirm, in whole or in part, or may modify, the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have the powers of the official from whom the appeal is taken, and may issue or direct the issuance of a permit.

8.3 MEETINGS OF THE BOARD OF ZONING APPEALS.

8.3.1 The Board of Zoning Appeals shall meet at such times as called by its chairman, and at such other times as the Board itself may determine.

8.3.2 The chairperson or, in the chairperson's absence, the acting chairperson, may administer oaths and compel the attendance of witnesses.

8.3.3 All meetings of the Board of Zoning Appeals shall be open to the public, including all hearings of appeals and all requests for a variance.

8.4 PROCEDURE ON APPEALS TO THE BOARD OF ZONING APPEALS.

8.4.1 Any person aggrieved or any officer, department, board or bureau of the Town of Rockbridge affected by any decision of the Zoning Administrator or any other officer or body charged with the administration of any part of this Zoning Ordinance may take an appeal to the Board of Zoning Appeals where it is alleged that there is error in any order, requirement, decision or determination made by an administrative official or administrative body in the enforcement of this Zoning Ordinance or of sec. 62.23(7) Wis. Stats.

8.4.2 Such appeal shall be taken within thirty (30) days after the filing of the decision appealed from, by filing with the Zoning Administrator and with the Town Clerk as agent for the Board of Zoning Appeals a written notice of appeal specifying the grounds upon which the appeal is based and by tendering therewith to the Town Clerk any fee imposed by this Zoning Ordinance or by resolution of the Town Board for an appeal or for a direct application to the Board of Zoning Appeals. A notice of appeal or application filed without tender of the fee shall not constitute a completed filing, and shall not toll any applicable time for appeal. Where the Town Board or any officer, board or commission of the Town is the appellant or applicant, no such fee shall be required. A decision of a body charged with the administration of any provision of this Zoning Ordinance made at an open meeting of such body shall be deemed filed for purposes of computing the time for appeal upon delivery of the minutes of said meeting to the Zoning Administrator for filing.

8.4.3 No appeal of an adverse decision shall be referred to or considered by the Board of Zoning Appeals unless the aforesaid written notice of appeal has been timely filed with the Town Zoning Administrator and with the Town Clerk as agent for the Board of Zoning Appeals.

8.4.4 Upon a completed filing of a notice of appeal, the officer or body from whom the appeal is taken shall forthwith transmit to the Board of Zoning Appeals all of the papers constituting the record upon which the action appealed from was taken.

8.4.5 NOTICE OF HEARING OF APPEALS. The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and shall give public notice thereof, as well as due notice to the parties in interest. Notice to the appellant shall be given by first class mail to the address set forth on the notice of appeal. The Board of Zoning Appeals shall hear and decide the matter within a reasonable time. In addition to giving said required public notice of any meeting of the Board of Zoning Appeals, the Chairman of the Board of Zoning Appeals shall transmit or cause to be transmitted to the each Town Board member a notice of every all meeting of the Board of Zoning Appeals which sets forth all agenda items, not less than 72 hours prior to such meeting, either by personal delivery, by FAX or by first class mail.

8.4.6 Upon the hearing any party may appear in person or by agent or attorney.

8.4.7 The Board shall keep minutes of all meeting and hearings, showing the vote of each member upon each question or, if a member is absent or fails to vote, indicating such fact. All such minutes shall be immediately filed with the Zoning Administrator, and shall be a public record.

8.4.8 The concurring vote of four (4) members of the Board of Zoning Appeals shall be necessary for any of the following:

(1) To reverse any order, requirement, decision or determination of the Zoning Administrator or any other Town administrative official.

(2) To decide in favor of the applicant on any matter upon which the Board is required to pass under this Zoning Ordinance.

(3) To grant any variance under this Zoning Ordinance.

8.4.9 The grounds of every determination of the Board of Zoning Appeals shall be stated on the record, and entered in the Board's minutes.

8.4.10 Decisions of the Board of Zoning Appeals may be reviewed by means of certiorari in the circumstances permitted by sec. 62.23(7)(e)10 Wis. Stats.

8.5 VARIANCES.

8.5.1 In specific cases the Board of Zoning Appeals may grant a variance (which is the same as a special exception) from the terms of this Zoning Ordinance which is not contrary to the public interest where, owing to special conditions a literal enforcement of the provisions of this Zoning Ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of the Zoning Ordinance shall be observed, public safety and welfare secured and substantial justice done.

8.5.2 The hardship or difficulty must have to do with the characteristics of the land and not of the property owner. No variance may be granted where the hardship is self-imposed by an act or omission of the landowner.

8.5.3 A variance may be granted as part of a determination of an appeal of an adverse decision of the Zoning Administrator, or upon direct application therefor. A direct application for a variance shall be deemed substantially equivalent to an appeal of an adverse decision.

8.5.4 A person desiring to apply directly for a variance shall fill out a form provided by the Zoning Administrator, and submit the completed form to the Zoning Administrator together with the fee for the application established by the Town Board. An application not accompanied by the fee shall not constitute an completed application, and need not be referred to the Board of Zoning Appeals.

8.5.5 A completed application shall be referred by the Zoning Administrator to the Board of Zoning Appeals.

8.5.6 NOTICE OF HEARING ON VARIANCES. The Board of Zoning Appeals shall fix a reasonable time for hearing the application for variance and shall give public notice thereof. It shall also give written notice by mail or by personal service to the appellant or applicant, to the Zoning Administrator and to any other interested person, and shall decide the same within a reasonable time. In addition to giving said required public notice of any meeting of the Board of Zoning Appeals, the Chairman of the Board of Zoning Appeals shall transmit or cause to be transmitted to the Town Chairman and to each member of the Town Board a notice of every meeting of the Board of Zoning Appeals which sets forth all agenda items, not less than 72 hours prior to such meeting, either by personal delivery or by first class mail.

8.5.7 All hearings on applications for variance by the Board of Zoning Appeals shall be open to the public. Upon the hearing any party may appear in person or by agent or attorney. The Board shall keep minutes of all meeting and hearings, showing the vote of each member upon each question or, if a member is absent or fails to vote, indicating such fact. All such minutes shall be immediately filed with the Zoning Administrator, and shall be a public record.

8.5.8 The concurring vote of four (4) members of the Board of Zoning Appeals shall be necessary to grant any variance under this Zoning Ordinance.

8.5.9 All procedural requirements and provisions of sub. 8.4 which are not specifically inconsistent with the terms of this subsection shall apply to the procedure for hearing a direct application for a variance.

8.5.10 A variance, when granted, creates a vested right which runs with the land and is transferable to successors in title of the landowner to whom the variance is granted.

SECTION IX. AMENDMENTS TO THE TEXT OF THE ZONING ORDINANCE OR TO THE ZONING MAP; REZONINGS

9.1 AMENDMENTS TO THE TEXT OF THE ZONING ORDINANCE.

9.1.1 In accordance with the applicable provisions of Wisconsin Statutes, the Town Board may, from time to time, adopt amendments to the text of this Zoning Ordinance. All proposed amendments to this Zoning Ordinance shall be referred to the Planning Commission prior to adoption for its recommendation and report. If the proposed amendment originates with the Planning Commission, the Commission may proceed to make its recommendation and report to the Town Board.

Comprehensive ordinance revisions relating to the **AGRICULTURAL AND FORESTRY DISTRICT (A-F DISTRICT)** must be certified by the State of Wisconsin in order to qualify for tax credits. **[Amended by Ord 2008-1]**

9.1.2 After the Planning Commission has prepared its recommendation, a public hearing on the amendment(s) shall be held. The public hearing may be held either before the Planning Commission or the Town Board.

9.1.3 Notice of the public hearing shall be given as follows:

(1) Written notice of the public hearing shall be given to the clerk of any municipality whose boundaries are within 1,000 feet of any lands affected by the proposed amendments at least ten (10) days prior to the public hearing.

(2) A class 2 notice under chap. 985 Wis. Stats. shall be published in the official Town newspaper during the three (3) weeks prior to such public hearing, with the last insertion to be at least seven (7) days prior to the date of the public hearing.

9.1.4 If the Planning Commission has held a public hearing, the Commission's report shall contain or have appended thereto a list of the persons who appeared at the public hearing and a brief synopsis of each person's testimony or statement made at the public hearing.

9.1.5 After the public hearing has been held, the Town Board may proceed to adopt the

amendment(s). After adoption by the Town Board, such amendment(s) shall be submitted to the Richland County Board of Supervisors for approval. Upon approval by the Richland County Board, the amendment(s) shall be published as required by law and shall thereafter be in full force and effect. An amendment adopted by the Town Board shall not be in force until approved by the Richland County Board.

9.2 AMENDMENTS TO THE ZONING MAP [REZONING]. The procedure for amending the zoning map by changing zoning district boundaries, which is alternatively referred to herein as rezoning, shall be as follows:

9.2.1 The Planning Commission, the Town Board or the holder of legal title (alternately referred to herein as the property owner) to a property sought to be rezoned may initiate a rezoning.

9.2.2 Property Owners wishing to initiate a rezoning of property shall fill out completely and file with the Zoning Administrator an Application for Rezoning form, which form shall be furnished by the Town. Such Property Owner shall pay over to the Zoning Administrator the prescribed fee for the requested rezoning. All Applications for Rezoning changing zoning district boundaries which are initiated by the petition of an owner or owners of property shall be accompanied by a legible scale map or plat showing the lands proposed to be changed and all lands within two hundred (200) feet of the boundaries of the property proposed for rezoning, together with the names and addresses of the owners of such neighboring lands as the same appear on the tax records of the Treasurer of the Town of Rockbridge and/or the Treasurer of Richland County.

9.2.3 An application for rezoning initiated by a property owner shall, upon filing, be forthwith transmitted by the Zoning Administrator to the Planning Commission, for investigation and recommendation. The Zoning Administrator or the Planning Commission may at any time after filing of the application request any additional relevant data which he, she or they deem necessary to an evaluation of the merits of the application. A request by regular mail to the applicant at the address shown on the application shall constitute a proper demand for any such data.

9.2.4 Within sixty (60) days after the date of receipt of the petition from the Zoning Administra tor, the Planning Commission shall make a written report to the Town Board stating its findings and recommendation in regard to the application. In the event that additional data has been requested pursuant to paragraph 9.2.3 and the applicant has failed to submit such data, the Planning Commission may simply recommend denial of the application upon grounds of failure to submit the requested data.

9.2.5 The Town Board shall hold a public hearing within thirty (30) days after the receipt of the report and recommendations from the Planning Commission. If the Planning Commission fails to make a report within sixty (60) days after receipt of the application, then the Town Board shall hold a public hearing within (30) days after the expiration of the said sixty (60) day period. Failure to receive a report from the Plan Commission as herein provided shall not invalidate the proceedings or actions of the Town Board. Notice of the public hearing shall be given as set forth in paragraph 9.1.3, and such notice shall contain a description of the land and the proposed change in zoning.

9.2.6 At least ten (10) days before the public hearing the Town Board shall order the Town Clerk to mail an identical notice to the applicant and to each of the property owners within two hundred (200) feet of the outside boundaries of the land proposed to be rezoned. Failure to mail the notice, provided it is unintentional, or failure of the property owners to receive the notice shall not invalidate the proceedings. The applicant shall be given the right to be heard at the public hearing, and to be represented by attorney at his/her expense of he/she so desires. At the time of the public hearing the Town Board may take final action upon the application or it may continue the public hearing from time-

to-time for further investigation and hearing. The Town Board may also request further information and report from the Planning Commission, the Zoning Administrator or the applicant.

9.2.7 The Town Board shall not rezone any land or area in any zoning district or make any other proposed amendment to this Zoning Ordinance without having first referred it to the Planning Commission for their consideration and recommendation. If no recommendation is received from the Planning Commission within sixty (60) days after such referral, the Town Board may proceed to hold a public hearing and either grant or deny the application for such rezoning.

9.2.8 Where the proposed rezoning originates with the Planning Commission, the Planning Commission may initiate the procedure by transmitting its report and recommendation directly to the Town Board for a public hearing pursuant to subparagraphs 9.2.5 and 9.2.6, without the need for referral back to the Planning Commission by the Town Board.

9.2.9 The Town Board may propose a rezoning on its own motion, in which case the matter shall be transmitted to the Planning Commission for a report and recommendation, which shall then be transmitted back to the Town Board for public hearing pursuant to subparagraphs 9.2.5 and 9.2.6.

9.2.10 After adoption by the Town Board, such amendment(s) shall be submitted to the Richland County Board of Supervisors for approval. Upon approval by the Richland County Board, the amendment(s) shall be published as required by law and shall thereafter be in full force and effect. An amendment adopted by the Town Board shall not be in force until it has also been approved by the Richland County Board.

9.2.11 Rezoning applications may be denied by motion of the Town Board and such motion shall constitute a finding and determination that the proposed rezoning is not in the best interest of the physical development of the Town of Rockbridge. No application which has been denied wholly or in part shall be resubmitted for a period of six (6) months from the date of said order of denial, except on grounds of new evidence or proof of change of conditions found to be valid by the Planning Commission.

SECTION X. DEFINITIONS

For the purpose of this Zoning Ordinance, certain words and terms are defined as follows:

10.1 WORDS AND PHRASES IN GENERAL.

10.1.1 Words used in the present tense include the future; the singular number includes the plural number and the plural number includes the singular number, and the masculine gender includes the feminine and neuter genders.

10.1.2 The word "shall" is mandatory and not discretionary.

10.1.3 The words “street”, “highway” and “road” are interchangeable and shall mean any public right-of-way whether a platted street, a town road or town highway, a county trunk highway or a state highway unless the context where the word is used sets forth a specific limitation as to its applicability, as further defined herein under “Street”.

10.1.4 The word "Town" or "town" shall mean the Town of Rockbridge.

10.1.5 The words "Town Board" and shall refer to the Town Board of the Town of Rockbridge.

10.1.6 The words "Planning Commission" and "Plan Commission" shall refer to the Town Planning Commission of the Town of Rockbridge, which is the same as the Town Plan Commission for said Town created pursuant to secs. 62.23(1)(a) and 60.62(4) Wis. Stats.

10.1.7 The words "Zoning Administrator" shall mean the person duly hired or appointed by the Town of Rockbridge to perform the duties of the zoning administrator for said Town under this Zoning Ordinance.

10.1.8 The words "Building Inspector" shall mean the person duly hired or appointed by the Town of Rockbridge to perform the duties of building inspector for said Town under this Zoning Ordinance and under any other provision of the Wis. Statutes, Wis Adm. Code or Town ordinances.

10.1.9 Whenever a word or term defined hereinafter appears in the text of this Zoning Ordinance, its meaning shall be construed as set forth in the definition thereof as set forth herein.

10.1.10 Any words not herein specifically defined shall be construed as defined in the building codes of the Town of Rockbridge, if any, or in the Wisconsin Statutes or the Wisconsin Administrative Code. Any words not defined in any of the aforesaid places shall be given their customary meanings.

10.1.11 The abbreviation "Wis. Stats." shall mean the Wisconsin Statutes, as the same are from time to time amended.

10.1.12 The abbreviation "Wis. Adm. Code" shall mean the Wisconsin Administrative Code, as the same may be from time to time amended.

10.2 DEFINITIONS OF SPECIFIC WORDS AND PHRASES.

10.2.1 Abutting: Making contact with or separated only by a public highway, street, road or alley; by a railroad right-of-way; by a public utility right-of-way or by a body of navigable water.

10.2.2 Accessory Use, Building or Structure: A detached non-residential use, building or structure, subordinate to and serving the principal use, building or structure on the same lot and customarily incidental thereto. Examples are private garages, gazebos, garden green houses and utility sheds. **[Amended by Ord 2007-1]**

10.2.3 Addition: New construction performed on a building which increases the outside dimensions of the building [Comm 20.07(2)].

10.2.4 Adult Family Home: One of the following:

(1) A private residence to which all of the following apply:

a. Care and maintenance above the level of room and board but not including nursing care are provided in the private residence by the care provider whose primary domicile is this residence for 3 or 4 adults, or more adults if all of the adults are siblings, each of whom has a developmental disability, as defined in section 51.05(5),

Wisconsin Statutes of, if the residence is licensed as a foster home, care and maintenance are provided to children, the combined total of adults and children so served being no more than 4, or more adults or children if all of the adults or all of the children are siblings, or, if the residence is licensed as a treatment foster home, care and maintenance are provided to children, the combined total of adults and children so served being no more than 4. [Reference sec. 50.01(1) Wis. Stats.]

b. The private residence was licensed under sec. 48.62 as a foster home or treatment foster home for the care of adults specified in 1. at least 12 months before any of the adults attained 18 years of age.

(2) A place where 3 or 4 adults who are not related to the operator reside and receive care, treatment or services that are above the level of room and board and that may include up to 7 hours per week of nursing care per resident. "Adult Family Home" does not include a place specified in sec. 50.01 (1g)(a) to (d),(f) or (g).

10.2.5 Agricultural Structure: Any structure which is devoted primarily to agricultural use.

10.2.6 "Agricultural use" means any of the following:

(a) 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.

4m. Floriculture.

5. Aquaculture.
6. Fur farming.
7. Forest management.
8. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.

(b) Any other use that the Department of Agriculture, Trade and Consumer Protection, by rule, identifies as an agricultural use.

10.2.7 [Number not used]

10.2.8 Airport or Heliport: Any land, water, or structure which is used or intended for use for the landing and take-off of aircraft and any appurtenant land or structure used or intended for use for port buildings or other port structures or right-of-ways.

10.2.9 Alley: A public right-of-way which affords a secondary means of access to abutting property.

10.2.10 Alteration: An enhancement, upgrading or substantial change or modification other than an addition or repair to a building or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a building. [Comm 20.07(4)] **[Amended by Ord 2007-1]**

10.2.11 Animal Unit: A means of quantifying animals, poultry and other domesticated or

owned animals or birds on a comparative basis. The number of animal units per animal is as set forth in the following table:

Table 10.2.11 Number of Animal Units Per Animal For Specified Domesticated Creatures

Type of Creature	Animal Units Per Creature	Number of Creatures Needed to Equal 1,000 Animal Units
DAIRY CATTLE:		
Milking and Dry Cows	1.4	714
Heifers (400 to 1200 lbs)	1.1	909
Heifers (400 to 800 lbs)	0.6	1,667
Calves (under 400 lbs)	0.2	5,000
BEEF CATTLE:		
Steers or Cows (1000 lbs to Mkt)	1.0	1,000
Steers or Cows (600 to 1000 lbs)	0.8	1,250
Calves (under 600 lbs)	0.5	2,000
Bulls	1.4	714
Cow with 1 or more calves at her side	1.5	667
SWINE:		
Pigs (55 lbs to Mkt)	0.4	2,500
Pigs (up to 55 lbs)	0.1	10,000
Sows	0.4	2,500
Boars	0.5	2,000
SHEEP & GOATS:		
Per Animal	0.2	5,000
HORSES:		
Stallion over 1 year old	4.0	250
Mare or Gelding over 1 yr	2.0	500
Foals/colts under 1 yr old	1.0	1,000
LLAMAS OR ALPACAS:		
Adult Animal	1.0	1,000
Juvenile animal	0.4	2,500
DONKEYS OR BURROS:		
Adult Animal	1.0	1,000
Juvenile animal	0.4	2,500
MULES:		

Adult Animal	2.0	500
Foals/colts under 1 yr old	1.0	1,000
DOMESTIC DUCKS:		
Per Bird (Liquid manure handling)	0.2	5,000
Per Bird (Non-liquid manure handling)	0.1	50,000
CHICKENS:		
Layers	0.01	100,000
Broilers or pullets	0.005	200,000
TURKEYS:		
Per Bird	0.02	50,000
DUCKS OR GEESE:	0.01	50,000

[Amended by Ord 2008-12]

10.2.12 Attic: A space under the roof and above the ceiling of the topmost floor of a dwelling.

10.2.13 Automobile Reduction Yard: A lot or yard where two (2) or more unregistered motor vehicles, or the remains thereof, are kept for the purpose of dismantling, wrecking, crushing, repairing, rebuilding, sale of parts, sale as scrap, storage or abandonment.

10.2.14 Automobile Repair-Major: General repair, rebuilding or reconditioning of engines, motor vehicles or trailers, including body work, frame work, welding and major painting service.

10.2.15 Automobile Repair-Minor: The replacement of any part or repair of any part which does not require the removal of the engines, head or pan, engine, transmission or differential; incidental body and fender work, minor painting and upholstering service when said service above stated is applied to passenger automobiles and trucks not in excess of three-quarter (3/4) ton rating.

10.2.16 Balcony: A landing or porch projecting from the wall of a building, typically located above the ground floor level of the building.

10.2.17 Basement: That portion of a building below the first floor or ground floor of a building with its entire floor below the grade of the surrounding ground.

10.2.18 Bed and Breakfast Establishment: Any place of lodging that:

(1) Provides 8 or fewer rooms for rent to no more than a total of 20 tourists or transients;

(2) Provides no meals other than breakfast and provides the breakfast only to renters of the place;

(3) Is the owner's personal residence;

(4) Is occupied by the owner at the time of rental;

(5) Was originally built and occupied as a single-family residence, or, prior to use as a place of lodging, was converted to use and occupied as a single-family residence; and

(6) Has had completed, before May 11, 1990, any structural additions to the dimensions of the original structure, including by renovation, except that a structural addition, including a renovation, to the structure may, after May 11, 1990, be made within the dimensions of the original structure. [Reference:

50.50(1) Wis. Stats] **NOTE:** The Uniform Dwelling Code applies to the third floor of any bed and breakfast establishment if such 3rd floor is used for anything other than storage [101.05(2) Wis. Stats.]

10.2.19 Boarding House: A building other than a hotel or motel where, for compensation and by prearrangement for definite periods, lodgings and meals are furnished for three (3) or more persons but not to exceed twelve (12) persons who reside on the premises on a permanent or long-term basis.

10.2.20 Boathouse: Any structure located on or near navigable water and which is used for protecting or storing of boats used for noncommercial purposes in conjunction with a residence.

10.2.21 Building: Any structure having a permanent roof and four permanent walls which is used or is usable to provide shelter or enclosure of persons, animals or items of personal property. When said structure is divided by party walls without openings, each portion of such building so separated shall be deemed a separate building, except that a building containing self-service storage units under a common roof shall be considered one building. A structure consisting of soft, foldable material such as canvas, nylon or plastic laid over a frame of hard material such as aluminum tubing is a structure but shall not be deemed to be a building.

10.2.22 Building Height: The vertical distance from: (a) the average elevation of the ground level of the lot on which the building is erected measured at the outside lot lines of such lot, or (b) the established street grade of the lot, whichever is lower, to the top of the cornice of a flat roof, to the deck line of a mansard roof, to a point of the roof directly above the highest wall of a shed roof, to the uppermost point on a round or other arch type roof, to the mean distance of the highest gable on a pitched or hip roof.

10.2.23 Building Line: A line on the frontage side of a lot which parallels a street or highway and which is the distance of the required setback from such street or highway.

10.2.24 Campground or Camping Resort: Any privately or municipally owned tract or parcel of land, with or without buildings or other equipment, on which one (1) or more camp cabins or tents are located, or where temporary accommodations are provided for two (2) or more tents, motorhomes, campers, automobile trailers or other vehicles having sleeping accommodations, which is open to the public either without charge or for a fee.

10.2.25 Camper: A sleeping unit including a recreational vehicle or part thereof, which is used to house person(s) on a temporary basis, which is not considered a structure and which is not permanently hooked to a private septic system.

10.2.26 Carport: A structure used for storing motorized vehicles that is attached to a building and that has at least 2 sides completely unenclosed. [COMM 20.07(10t)] A carport shall be deemed a structure in applying the restrictions and requirements of the minimum open space and setback requirements of this Zoning Ordinance. **[Amended by Ord 2007-1]**

10.2.27 Ceiling Height: The clear vertical distance from the finished floor to the finished ceiling. [COMM 20.07(11)]

10.2.28 Certified Survey Map: A duly prepared and recorded certified survey map meeting all of the requirements of Sec. 236.34 Wis. Stats.

10.2.29 Chimney: One or more vertical or nearly vertical passageways or flues for the purpose of conveying flue gases to the atmosphere.

10.2.30 Commercial: An activity carried on as a business for profit on a recurring or ongoing basis whereby for remuneration goods are created, manufactured, fabricated, processed, packaged, sold or delivered to members of the public or services are performed for members of the public or facilities are furnished to members of the public.

An auction sale held on one day for the primary purpose of liquidation of personal property previously used in a farming operation within the Town of Rockbridge or for the primary purpose of liquidation of household personal property previously used in a residence within the Town of Rockbridge shall not be deemed to be a commercial activity. **[Amended by Ord 2007-1]**

10.2.31 Commission: The Town of Rockbridge Planning Commission.

10.2.32 Community Living Arrangement: Any of the following facilities licensed, operated, or permitted under the authority of the Wisconsin Department of Health & Human Services:

(1) Residential care facilities for children and youth under sec. 48.02(15d) Wis. Stats. operated by child welfare agencies.

(2) Group homes for children under sec. 48.02(7) Wis. Stats.

(3) Community based residential facilities under sec. 50.01 Wis. Stats. "Community Living Arrangement" does not include adult family homes under sec. 50.01(1), day care centers, nursing homes, general hospitals, special hospitals, prisons or jails. [Reference sec. 46.03(22) Wis. Stats.] **NOTE:** Subject to Uniform Dwelling Code. [COMM 20 thru 25, Wis. Adm. Code.]

10.2.33 Community Based Residential Facility: A facility defined in sec. 50.01(1g) Wis. Stats.

10.2.34 Complete Bath and Toilet Facilities: A flush toilet attached to the public sewer system; a lavatory; a bath or shower and a kitchen sink, all of which are fully functional and supplied from outside with a continuous supply of water.

10.2.35 Conditional Uses: Those occupations, vocations, skills, arts, businesses, professions, or uses specifically designated in each zoning District, which for their respective conduct, exercise or use in such designated use districts may require reasonable but special, peculiar, unusual or extraordinary limitations, facilities, plans, structures, thoroughfares, conditions, modifications or regulations in such use district for the promotion or preservation of the general public welfare, health, convenience or safety therein and may be permitted in such use district only by a Conditional Use Permit.

10.2.36 Conditional Use Permit: A discretionary permit allowing a specified use of a lot or parcel of land, which may be specially and individually granted to the owner of a specific property by the Town Board after completion of all studies, reviews and public hearings on the application therefore which are required by this Zoning Ordinance. A conditional use permit, when issued, is personal to the permittee, and the permit shall not be deemed to run with the land. Any transfer of ownership of a lot for which a conditional use permit has been issued, whether legal or equitable, shall automatically terminate and void any previously issued conditional use permit affecting the lot.

10.2.37 Condominium: Property subject to a condominium declaration established under Chapter 703 Wisconsin Statutes, as regulated by said Chapter 703.

10.2.38 Curb Grade: The established elevation of the curb in front of a building measured at the center of such front. Where no curb grade has been established the Town may establish such curb level or its equivalent for the purpose of this Zoning Ordinance.

10.2.39 Curb Level: Synonymous with "Curb Grade".

10.2.40 Day Care Center: A use where for compensation care and supervision are provided for four (4) or more children under the age of seven (7) years for less than 24 hours a day, and which is required by sec. 48.65 Wis. Stats. to be licensed by the Wisconsin Department of Health & Social Services.

10.2.41 Day Care Home, Family: A dwelling which is licensed as a day care center, where care and supervision are provided for not more than eight (8) children. (Reference: sec. 66.304 Wis. Stats.)

10.2.42 Deck: An unenclosed exterior structure, attached or adjacent to the exterior wall of a building, which has a floor but no roof.

10.2.43 District: Areas of land for which regulations concerning the use and buildings are uniform.

10.2.44 Dwelling: A building or one or more portions thereof occupied or intended to be occupied for residence purposes; but not including rooms in motels, hotels, nursing homes, boarding houses, trailers, tents, cabins or trailer coaches.

10.2.45 Dwelling - Attached: A dwelling which is joined to another dwelling at one or more sides by a party wall or walls.

10.2.46 Dwelling - Detached: A single dwelling unit not attached to another dwelling or structure.

10.2.47 Dwelling - Duplex: A structure which contains two (2) dwelling units. A 'Duplex Dwelling' includes a manufactured home which contains two (2) dwelling units.

10.2.48 Dwelling, Multi-family: A dwelling containing separate dwelling units for two or more families and which is a minimum of 24 feet in width, has a roof with a minimum pitch of 3 to 12, is placed on a basement and has a minimum of an 8 inch eave attached to at least 50% of the perimeter of the structure. This definition includes manufactured homes but excludes mobile homes. The structure and the land that it is placed on must be owned in common.

10.2.49 Dwelling, Single-family: A residential structure which is designed to house a single family in a single dwelling unit and which is a minimum of 24 feet in width, has a roof with a minimum pitch of 4 to 12, is placed on a basement and has a minimum of an 8 inch eave attached to at least 50% of the perimeter of the structure. This definition includes manufactured homes but excludes mobile homes. The structure and the land that it is placed on must be owned in common.

10.2.50 Dwelling - Townhouse: A building housing multiple single family dwelling units having only one or more than one wall in common with another single family dwelling unit, oriented so that all exits open directly to the outside. It also means a dwelling unit in such a building where the context so requires.

10.2.51 Dwelling Unit: A structure, or that part of a structure, which is intended to be used as a home, residence or sleeping place by one family.

10.2.52 Efficiency Unit: A dwelling unit wherein the cooking area, living area and sleeping area are all located in one room, whether or not such room is divided by partial dividers such as counters or screens.

10.2.53 Erosion Control Plan: A plan for the implementation of erosion control procedures to a specific lot or development.

10.2.54 Erosion Control Procedure: A practice or a combination of practices implemented to prevent or reduce erosion and the resulting deposition of soil, sediment or rock fragments into waters of the state, public sewers or off the owner's land. These procedures include, but are not limited to, silt or filter fences, straw or hay bales, tarps or riprap, berms, sediment basins or vegetative strips.

10.2.55 Essential Services: Underground or overhead gas, electrical, steam or water transmission or distribution systems; collection, communication, supply or disposal systems including poles, wires, mains, drains, sanitary sewers, storm sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants or other similar equipment and accessories in conjunction therewith; but not including buildings.

10.2.56 Essential Service Structure: A building, structure or enclosure which is a part of a system for the providing of essential services, such as a substation, pump station, pumphouse or similar use, and including towers utilized in providing such services.

10.2.57 Factory Outlet Store: A store which is owned and operated by an entity whose primary operation on the premises is the manufacturing, production, or assembly of goods or products and which sells to the public products of the type actually manufactured, produced, processed or assembled on the premises.

10.2.58 Family: An individual, or two or more persons each related by blood, marriage or adoption, living together as a single housekeeping unit; or a group of not more than four (4) persons not so related, maintaining a common household and using common cooking and kitchen facilities.

10.2.59 Farm: All contiguous land **under common ownership** which is primarily devoted to agricultural use.

10.2.60 Farm Family Business: Any lawful commercial activity operated on a farm by a resident farm owner and/or members of his/her immediate family as a business secondary to farming operations on the farm, and which is conducted primarily for any of the following:

(1) The purchase, sale, lease or rental of personal or real property;

(2) The manufacturing, processing or marketing of products, commodities or any other personal property.

(3) The sale of services.

A farm family business is limited to existing farm residences or structures or portions of the existing farmstead that are not dedicated to agricultural uses. No more than 2 persons who are not members of the resident farm family may be employed in a farm family business. **[Amended by Ord 2007-1]**

10.2.61 Farmstead: The area wherein the majority of those buildings which are which are used

in farming operations on the farm or as a residence for the farm operator or farm laborers are clustered. The farmstead does not include cultivated fields, pastureland or woodland, nor does it include areas remote from the remainder of the farm buildings where only an isolated building is located. **[Amended by Ord 2007-1]**

10.2.62 Fence: A fence is defined for the purpose of this Zoning Ordinance as any partition, structure, wall or gate erected as a dividing marker, barrier or enclosure and located along a lot boundary or within a lot or parcel.

10.2.63 First Floor: The first floor level above any ground floor or basement or, in the absence of a ground floor or basement, means the lowest floor level in the building. [COMM 20.07 (34k)]

10.2.64 Floor Area - Gross: The sum of the gross horizontal areas of the several floors of a building including interior balconies, mezzanines, closets, basements and attached accessory buildings, excepting that area primarily devoted to unenclosed porches, detached accessory buildings utilized as dead storage, heating and utility rooms, inside off-street parking of vehicles, loading docks or loading space.

10.2.65 Floor Area: The area of a room that has a ceiling height of at least seven feet (7'). Rooms with ceilings less than seven feet (7') in height for more than 50% of the room are not considered to be floor areas [COMM 20.07(34m)]. **[Amended by Ord 2007-1]**

10.2.66 Floor Area Ratio: The numerical value obtained through dividing the gross floor area of all buildings on a lot by the area of the lot on which such building or buildings are located.

10.2.67 Frontage: That portion of a lot abutting on the right-of-way line of a street or highway.

10.2.68 Garage - Private: A detached or attached structure which is used primarily for the non-commercial parking or storing of motor vehicles licensed as automobiles, trucks not exceeding one (1) ton carrying capacity, motorcycles, boat trailers, trailer campers and similar personal property of the owner or occupant.

10.2.69 Garage - Public: Any building or premises, other than a private garage or storage garage, where for consideration motor-driven vehicles are equipped, repaired, serviced, hired, sold, parked or stored.

10.2.70 Garage - Storage: Any building or premises used for the storage of motor vehicles, trailers, recreational equipment or similar items owned by a person or persons not residing on the premises; where no equipment, repair parts, fuel, grease or oil are sold and where no repairs, servicing, hiring or sale is carried on. No commercial motor vehicle exceeding one (1) ton carrying capacity shall be stored in any storage garage in any residential district.

10.2.71 Garage Sale: A display of used goods and the sale of said goods on a property ordinarily used as a residence. The person conducting the sale shall be resident on the property.

10.2.72 General Floor Plans: A graphic representation of the anticipated utilization of the floor area within a building or structure, but not necessarily as detailed as construction plans.

10.2.73 Grade, Established Street: The elevation of the finished street at the centerline or curb as fixed by such authority as shall be designated by law to determine such an elevation.

10.2.74 Greenhouse: A structure for the production and/or sale of plants.

10.2.75 Ground Floor: That level of a building, below the first floor, located on a site with a sloping or multilevel grade and which has a portion of its floor line at grade.

10.2.76 Group Home: A Community Living Arrangement

10.2.77 High Density Farming Operation: Any farm operation (including the leasing of pasture or operation of a feedlot) involving or utilizing an animal unit density in excess of one (1) animal unit per acre of contiguous tillable or open pasture land.

10.2.78 Historical Site: A building which is:

(1) Listed on or nominated by the State Historical Society for listing on the National Register for Historical Places in Wisconsin; or

(2) Included in a district which is listed on the National Register for Historic Places in Wisconsin, and which has been determined by the State Historical Society to contribute to the historic significance of the district; or

(3) Listed on a certified municipal register of historic property; or

(4) Included in a district which is listed on a certified municipal register of historic property and which has been determined by the municipality to contribute to the historic significance of the district.

10.2.79 Home Occupation: Synonymous with Household Occupation

10.2.80 Horticulture: The production and storage of fruits, vegetables, grains, ornamental trees or other crops but not including the keeping, raising or production of livestock.

10.2.81 Hotel: A building containing five (5) or more guest rooms in which lodging is provided with or without meals for compensation and which is open to transient or permanent guests or both, and where no provision is made for cooking in any guest room, and in which principal access to and from all rooms is made through an inside lobby or office supervised by a person in charge.

10.2.82 Hotel-Apartment: A hotel providing one or more dwellings where cooking facilities are present.

10.2.83 Household Occupation: A gainful occupation conducted by a member of the family within his or her place or residence, where the space used is incidental to residential use, where the floor area does not exceed twenty (20) percent of the total floor area, and where no article is sold or offered for sale except such as is produced by such home occupation. A permitted household occupation includes such things as baby sitting, millinery, dressmaking, canning, laundering and crafts, but does not include the display of any goods nor such occupations as barbering, beauty shops, dance schools, real estate brokerage, or photographic studios.

10.2.84 Improvement: Means and includes all construction necessary or pertinent to the preparation or conditioning of a building lot, site or parcel for occupancy by a permitted use under the provisions of this Zoning Ordinance or by a conditional use if a conditional use permit therefor has been issued and shall include but not be limited to buildings, parking areas, loading areas, trackage, fences, lawns and landscaping.

10.2.84A Intensive Farming Operation: Synonymous with **High Density Farming Operation.**

[Added by Ord 2007-1]

10.2.85 Junk Yard: An area where used, waste, discarded or salvaged materials are brought, sold, exchanged, stored, baled, cleaned, abandoned, packed, disassembled, recycled or handled, including but not limited to: scrap iron and other metals, paper, plastics, rags, rubber products, bottles and lumber. Storage of such materials generated by or in the course of a permitted manufacturing process and incidental thereto, when stored within an enclosed area or building or as otherwise permitted by this Zoning Ordinance, shall not be included in this definition.

10.2.86 Kennel: A premises where dogs, cats or other household pets are maintained, boarded, bred or furnished care for remuneration or are kept for the purpose of sale.

10.2.87 Laboratory: A place devoted to experimental study such as testing and analyzing and that is incidental to the manufacturing of the product or products of a permitted use. The actual manufacturing of a product or products is not permitted within a laboratory as herein defined.

10.2.88 Land Reclamation: Depositing six hundred (600) cubic yards or more of material so as to elevate the grade.

10.2.89 Large-Volume Animal Breeding or Feeding Operation: A livestock facility which became operational, or which came to be such a facility, after April 16, 1997, and where 1,000 or more animal units will be fed, confined, maintained or stabled for a total of 45 consecutive days or more in any 12-month period. Two or such facilities common ownership are deemed to be a single animal feeding operation if they are adjacent to each other or if they utilize a common area or system for the disposal of wastes.

10.2.90 Limited Access Highway: A public highway or street designed for through traffic and to, from or over which the owners of abutting property or persons having an interest in abutting property or other persons have no right or easement, or only a limited right of easement, of access, crossing, light, air, or view by reason of the fact that their property abuts upon such highway or street, or for any other reason.

10.2.91 Livestock: Bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish. **[sec. 91.01 (20m) Wis. Stats.]**

10.2.91a Livestock Facility: A feedlot or facility, other than a pasture, where animals used in the production of food, fiber or other animal products are or will be fed, confined, maintained or stabled for a total of 45 days or more in any 12-month period. “Livestock facility” does not include an acquiculture facility. **[Sec. 93.90(1m)(e) Wis. Stats.]**

10.2.91b 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. **[Added by Ord 2008-1]**

10.2.92 Loading Berth: An unobstructed area provided and maintained for the temporary parking of trucks and other motor vehicles for the purpose of loading and unloading goods, wares,

materials, and merchandise.

10.2.93 Lot: Any parcel of land or contiguous parcels of land owned by or titled in the name of the same person(s) or entity, regardless of whether the land is used or intended for occupancy or for any other use and regardless of whether the legal description of such land is by platted lot and block, by certified survey map lot or is described by metes and bounds.

Any contiguous lands acquired at the same time or from the same grantor ad different times owned by spouses and titled in any combination of the following forms of ownership or beneficial interests shall for purposes of this ordinance be deemed to constitute one lot:

a. Lands titled in the sole name of either spouse;

b. Lands titled in the names of both spouses in any form of co-ownership;

c. Lands titled in the name of any trust or trusts for the benefit of either or both spouses;

d. Lands titled in the name of any corporation or corporations the majority of whose shares are owned by one spouse or both spouses;

e. Lands titled in the name of any limited liability company or companies the majority of whose beneficial interests are owned by one spouse or both spouses;

f. Lands titled in the name of any partnership or limited partnership, the majority of whose ownership is in one spouse or both spouses.

10.2.94 Lot Area: The area of a lot in horizontal plane bounded by the lot lines, but excluding any area lying below the normal high water mark of a navigable body of water and excluding any area which lies within the right-of-way of any public street, highway, road or alley.

10.2.95 Lot Area Per Unit: The number of square feet of lot area required per dwelling unit.

10.2.96 Lot-Corner: A lot situated at the junction of, and abutting on two (2) or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed one hundred and thirty-two (132) degrees.

10.2.97 Lot Depth: The mean horizontal distance between the front lot line and the rear line of a lot.

10.2.98 Lot Line: A lot line is a property line bounding a lot except that where any portion of a lot extends into a public right-of-way or a proposed public right-of-way, the nearest line of such public right-of-way shall be deemed the lot line for purposes of applying this Zoning Ordinance.

10.2.99 Lot Line-Front: That boundary of a lot which abuts an existing or dedicated public street, and in the case of a corner lot, it shall be presumed to be the shortest dimension on a public street. If the dimensions of a vacant corner lot are within 25% of being equal, the lot owner may select and designate in writing which street line shall be the front lot line, which designation shall be filed in the Office of the Building Inspector and shall thereafter permanently designate the front lot line of the lot.

10.2.100 Lot Line-Rear: That lot line opposite the front lot line. If the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten (10) feet in length within the lot, connecting the side lot lines and parallel to the front lot line.

10.2.101 Lot Line-Side: Any boundary of a lot other than the front lot line or the rear lot line.

10.2.102 Lot of Record: A lot of record is any of the following:

(1) A numbered lot created by and as depicted on a duly approved plat recorded in the office of the Register of Deeds;

(2) A numbered lot created by and as depicted on a certified survey map recorded in the office of the Richland County Register of Deeds;

(3) A parcel of land conveyed as a separate parcel by a conveyance recorded in the office of the Register of Deeds prior to the effective date of this ordinance.

10.2.103 Lot-Through: A lot which has a pair of opposite lot lines abutting two (2) substantially parallel streets, and which is not a corner lot.

10.2.104 Lot Width: The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.

10.2.105 Maintenance: Changes to a building which are not structural alterations and which are generally limited to repairs or replacement of existing components of the building, including reroofing, residing, door replacement, window replacement, replastering, paneling, painting, wallpapering, replacing or adding a furnace, replacing or adding air conditioning, updating or adding plumbing or updating or adding electrical service or electrical wiring.

10.2.106 Major Recreational Equipment: Large items normally used for recreational purposes, including but not limited to travel trailers, pop-up campers, motor homes, all-terrain vehicles, snowmobiles, motor boats, canoes, Kayaks and other non-motorized boats, personal watercraft, buses converted for sleeping purposes, utility trailers and trailers designed or typically used to transport any of the foregoing items.

10.2.107 Manufactured Dwelling: A structure which is a manufactured building as defined in sec. 101.71(6) Wis. Stats. containing one or more dwelling units, but not including a manufactured home.

10.2.108 Manufactured Home: A structure certified and labeled as a manufactured home under 42 US Code secs. 5401 to 5406 which, when placed on a site:

(1) Is set on an enclosed foundation in accordance with sec. 70.043(1) Wis. Stats., which meets the standards set forth in subchapters III, IV and V of chap. COMM 21, Wis. Adm. Code, or is set on a comparable enclosed foundation system approved by the Building Inspector. The Building Inspector may require a plan certified by a registered architect or registered professional engineer to be submitted in order to ascertain that a proposed comparable enclosed foundation system provides proper support for the structure.

(2) Is installed in accordance with the manufacturer's instructions.

(3) Is properly connected to utilities.

10.2.109 Migrant Labor Camp: The site and all structures maintained as living quarters by, for or under the control and supervision of any person for: (1) A migrant worker, or (2) Any other person who is not related by blood or marriage to his or her employer and who occasionally or habitually leaves an established place of residence to travel to another locality to accept seasonal employment in the planting, cultivating, raising, harvesting, handling, drying, packing, packaging, processing, freezing, grading or storing of any or horticultural commodity in its unmanufactured state.

10.2.110 Mining: Synonymous with Non-Metallic Mining.

10.2.111 Mobile Home: A vehicle manufactured or assembled before June 15, 1976, designed

to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, which has an overall length in excess of 45 feet. 'Mobile Home' includes the structure, its plumbing, heating, air conditioning and electrical systems, and all appliances and all other equipment carrying a manufacturer's warranty. The removal of the wheels, axles or other components of the running gear and/or the mounting of such a structure or vehicle on a foundation or over a basement shall not be deemed to change its status from that of a mobile home.

A structure manufactured after June 15, 1976, which is certified and labeled as a manufactured home under 42 US Code secs. 5401 to 5406 but which is not set on an enclosed foundation in the manner described in subpar. 10.2.103 shall also be deemed to be a mobile home under this Zoning Ordinance.

10.2.112 Mobile Home Park: Any plot or plots of land designed, maintained, intended or used for the purpose of supplying a location or accommodations for more than two mobile homes on a year-round basis and shall include 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 and its facilities.

10.2.113 Motel, Motor Hotel or Motor Court: A building or group of buildings other than a hotel used primarily as a temporary residence for motorists, tourists or travelers, where no meals are furnished to lodgers and typified by each unit being accessible directly to the outside via its own exterior door. This definition includes tourist cabins.

10.2.114 Motor Freight Terminal: A building or area in which freight brought by motor truck, or rail, is assembled and/or stored for routing in intrastate or interstate shipment by motor truck.

10.2.115 Motor Fuel Station: A place where gasoline, kerosene or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries of fuel are made directly into motor vehicles.

10.2.116 Motor Fuel Station Convenience Store: Any store operated in conjunction with a motor fuel station or truck stop for the purpose of offering for sale goods not essential to the motoring public.

10.2.117 Motorhome: A self-propelled vehicle which can be readily adapted to or which does provide facilities for a person or persons to eat or sleep or both therein, and which is mounted on wheels or has provision for wheels.

10.2.118 Multi-Family Dwelling. A structure which contains more than two dwelling units.

10.2.119 Non-Conforming Structure: Any structure which is lawfully existing upon the effective date of this Zoning Ordinance, but which would not conform to all applicable regulations of this Zoning Ordinance or any amendments hereto if the structure were to be erected under the provisions of this Zoning Ordinance after its effective date.

10.2.120 Non-Conforming Use: Use of land, buildings or structures lawfully existing on the effective date of this Zoning Ordinance, but which does not comply with all the regulations of this Zoning Ordinance or any amendments hereto governing the zoning district in which such use is located.

10.2.121 Non-Metallic Mineral: A product, commodity or material consisting principally of naturally occurring organic or inorganic, nonmetallic, nonrenewable material. Nonmetallic minerals include, but are not limited to, stone, sand, gravel, asbestos, beryl, diamond, clay, coal, feldspar, peat, talc

and topsoil.

10.2.122 Non-metallic Mining: or "mining" means any of the following:

(1) Operations or activities at a nonmetallic mining site for the extraction from the earth of mineral aggregates or nonmetallic minerals for sale or use by the operator. Nonmetallic mining includes use of mining equipment or techniques to remove materials from the in-place nonmetallic mineral deposit, including drilling and blasting, as well as associated activities such as excavation, grading and dredging. Nonmetallic mining does not include removal from the earth of products or commodities that contain only minor or incidental amounts of nonmetallic minerals, such as commercial sod, crops, ornamental or garden plants, forest products, Christmas trees or plant nursery stock.

(2) Processes carried out at a nonmetallic mining site that are related to the preparation or processing of the mineral aggregates or nonmetallic minerals obtained from the nonmetallic mining site. These processes include, but are not limited to stockpiling of materials, blending mineral aggregates or nonmetallic minerals with other mineral aggregates or nonmetallic minerals, blasting, grading, crushing, screening, scalping and dewatering.

10.2.123 Normal High Water Mark: A line of reference commonly identified as being where the land is coterminous to the normal high water elevation. For the purposes of this Ordinance, the normal high water mark is defined as the line where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

10.2.124 Noxious Matter or Materials: Material capable of causing injury to living organisms by chemical reaction, or is capable of causing detrimental effects on the physical or economic well-being of humans or other living organisms by chemical, physiological or similar processes. **[Amended by Ord 2007-1]**

10.2.125 Nursing Home: A facility defined in sec. 50.01(3) Wis. Stats.

10.2.126 Parcel: A synonym for Lot.

10.2.127 Open Sales Lot: Land devoted to the display of goods for sale, rent, lease, advertising, or trade where such goods are not enclosed within a building.

10.2.128 Outdoor Amusement Facility: A privately owned use at which members of the public are invited to participate in amusement activities or to utilize amusement facilities which are entirely or substantially carried on outside as contrasted with activities carried on within a building. Examples of such outdoor amusement facilities are amusement parks, miniature golf courses, go-kart tracks and water slides. A public park or playground owned by a city, township, county or state government or an athletic facility owned or operated by a school district shall not be deemed to be an outdoor amusement facility under this definition. An activity which would otherwise constitute an outdoor amusement facility but which is temporary only and is established for not more than five (5) days per calender year shall not be deemed an outdoor amusement facility under this definition.

10.2.129 Parking Space: A suitably surfaced or permanently maintained area on privately owned property either within or outside of a building of sufficient size to store one mid-size automobile.

10.2.130 Party Wall: A wall which divides two independent structures.

10.2.131 Performance Standard: Criterion established to control noises, odors, toxic or noxious matter, vibration, fire and explosive hazards, or glare or heat generated by or inherent in uses of land or buildings.

10.2.132 Person: Male or female natural persons, and also bodies politic, for profit corporations, non-profit corporations, limited liability companies, partnerships of all types, cooperatives, trusts and all other forms of legal entity recognized by Wisconsin law.

10.2.133 Pilaster: A projection of masonry or a filled cell area of masonry for the purpose of bearing concentrated loads or to stiffen the wall against lateral forces.

10.2.134 Planned Unit Development: The development and use of an area or parcel of land, typically larger than the minimum lot size applicable to the zoning district in which it lies, upon which parcel of land there exists or will exist more than one principal use structure, and which development and use is pursuant to and in strict conformity with a master site plan for the area, submitted and approved prior to the commencement of any construction or use of lands in the development. A planned unit development is distinguished from a plat under chap. 236 Wis. Stats. by the fact that a plat is required to show basically lot, block and plat boundary lines, shorelines, streets and highways and other areas dedicated to the public, while the site plan for a planned unit development shows in addition the location and use of principal structures, accessory uses and structures, utility services, and other matters required by this Zoning Ordinance.

10.2.135 Planning Commission: Within this Zoning Ordinance the term Planning Commission shall refer to the Planning Commission of the Town of Rockbridge.

10.2.136 Plat: A plat is a map of a subdivision which meets all of the requirements of secs. 236.01 through 236.295 of the Wisconsin Statutes and has been duly approved and recorded. **[Amended by Ord 2007-1]**

10.2.137 Porch: An unenclosed exterior structure or appendage to a building, at or near grade, which is attached to or adjacent to one or more exterior walls of a building and which has a floor and a roof. [COMM 20.08(59m)]

10.2.138 Principal Use: The primary use of a lot or parcel of land or of a building or structure, to which any other uses are accessory or subordinate. A principal use may be either permitted or conditional.

10.2.139 Processing: (1) Crushing, sorting, sifting, separation by type, grade or size, washing or similar treatment of material removed from the land. Also (2) the preparation of animal or vegetable products to prepare them for human consumption or use.

10.2.140 Professional Office: The office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician or practitioner of any other recognized profession.

10.2.141 Professional Home Office: The office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician or practitioner of any other recognized profession which is located in a building which also contains the living quarters of the

practitioner.

10.2.142 Property Line Grade: The elevation of the front lot line in measured at the center of the front lot line. Where no property line grade has been established, the mean elevation of the finished lot grade at the property lines shall be considered the "existing" property line grade.

10.2.143 Public Airport: Any airport which complies with the definition contained in Section 114.002(18m) Wis. Statutes, or any airport which serves or offers to serve common carriers engaged in air transport.

10.2.144 Public Hearing: Whenever the term "Public Hearing" is used in this Zoning Ordinance, unless otherwise specifically redefined, it shall mean a hearing before a governmental official, board or entity which is open to members of the public and the news media and which is held pursuant to a prior public notice given as required by law for the specific type of hearing.

10.2.145 Public Utility Services: The providing of electric power, gas, telephone, sanitary sewer, water and storm water drainage.

10.2.146 Publication: Notice placed in the official Town newspaper stating time, location and date of a meeting and a description of the topic, or other information required by law to be disseminated to the public.

10.2.147 Pump Setback: The distance from the street right-of-way line to the center line of the motor fuel station pump island measured as a perpendicular distance from the right-of-way.

10.2.148 Quarrying: A form of non-metallic mining.

10.2.149 Recreation Camp: An area containing one or more permanent buildings used periodically for the accommodation of members of associations or groups for recreational purposes. Examples are boy scout camps, girl scout camps, YMCA camps, YWCA camps and church camps.

10.2.150 Repair: The act or process of restoring to original soundness, including but not limited to redecorating, refinishing, non-structural repairs or maintenance, or the replacement of existing fixtures, systems or equipment with the equivalent fixture, system or equipment. [Comm 20.07(61)] **[Amended by Ord 2007-1]**

10.2.151 Residential Care Apartment Complex: A facility defined in sec. 50.01(1d) Wis. Stats.

10.2.152 Resort: A recreational development consisting of at least five (5) rental units providing lodging, with or without meals, for transient guests, providing that no unit shall have an individual on-site soil sewage disposal system unless it meets the minimum lot size specifications set forth this Ordinance. A resort does not include a tavern or a gift shop

10.2.153 Roadside Stand: A portable or temporary structure which is not permanently fixed to the ground and which is readily removable in its entirety, which may be covered or uncovered but not wholly enclosed and which is used solely bu the owner or tenant of a farm for the sale of farm products raised on the premises. No building for any such roadside stand shall be more than 400 square feet in area

and there shall be not more than one roadside stand on any one lot, parcel of land or premises.

10.2.154 Self-Service Storage Facility: Real property containing leased spaces for storage of personal property as defined and regulated by sec. 704.90 Wisconsin Statutes. It does not include a warehouse or other facility if the operator of the warehouse or facility issues a warehouse receipt, bill of lading or other document of title for personal property stored in the leased space.

10.2.155 Setback: The area of a lot upon which a building, structure or improvement is not allowed by provisions of this ordinance. On a lot's frontage, the front setback is the distance between that point of a building, structure or other improvement which is nearest any public street or highway centerline or right-of-way and the nearest point on such centerline or right-of-way or centerline to any part of the building, structure or other improvement measures at right angles to the centerline or right-of-way line, regardless of whether the street or highway is paved, curbed or otherwise improved all the way to the edge of the right-of-way. On a lot's side or rear, the side or rear setback is the area within the lot from the side or rear lot line to a parallel line within the lot which is the distance of any required side or rear yard from the lot line.

10.2.156 Shed: A structure used for storage or shelter of animals or chattels, but not for human habitation.

10.2.157 Sign: Any structure or natural object or part thereof or any device attached thereto or painted or represented thereon which is designed to or which in fact does inform or attract attention of persons not on the premises on which the sign is located to any object, product, place, activity, person, institution, organization, or business, or which shall display or include any letter word, model, banner, flag, pennant, insignia, device, or representation used as or which is in the nature of an announcement, direction, or advertisement.

For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

The surface area of a sign shall be considered as including the entire area within a regular geometric form or combination of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of the surface area. Isolated letters comprising a sign on the outside of a building or structure shall include each separate letter only as a part of the total area of the sign.

An **on-premises sign** is a sign which advertises an object, product, place, activity, person, institution, organization, business or service which is located on the same lot as the sign.

An **off-premises sign** is a sign which advertises an object, product, place, activity, person, institution, organization, business or service which is not located on the same lot as the sign.

10.2.158 Single Family Dwelling: A structure which is used or intended to be used as a home, residence or sleeping place by one person or by two or more persons maintaining one common household, to the exclusion of all other persons. 'Single Family Dwelling' includes a manufactured home which contains one dwelling unit but excludes mobile homes. The structure and the land upon which it sits must be owned by the same person.

10.2.159 Space, Mobilehome: An area within a mobile home park which is designed or intended for the accommodation of one mobile home.

10.2.160 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. Any portion of a story exceeding 14 feet in height shall be considered an additional story for each 14 feet or fraction thereof. A basement or cellar having one-half (½) or more of its height above grade shall be deemed a story.

10.2.161 Street: A public right-of-way not less than sixty (60) feet in width (unless a plat establishing a lesser width had been duly approved and recorded prior to the effective date of this zoning ordinance or a court has adjudged a lesser width of the right-of-way), which affords a primary means of access to abutting properties, and this definition shall also include a public avenue, highway or road. A street includes the full width of the right-of way regardless of whether the street is paved, curbed or otherwise improved to the such nearest point on the right of way.

10.2.162 Street Line: The boundary line between a lot, tract, or parcel of land and the nearest right-of-way line of a contiguous public street, highway or road.

10.2.163 Structure: Anything constructed or erected on or connected to the ground, including but not limited to buildings, fences, utility buildings on skids, antennas and signal receiving dishes.

10.2.164 Structural Alterations: Any change in the supporting members of a building such as bearing walls, columns, beams, girders, joists or foundation, any substantial change in the roof structure, any substantial change in the exterior walls, or any addition to the building outside the pre-existing walls which changes the gross floor area of the building.

10.2.165 Structure, Existing: A structure which has been completed, or for which a Zoning Permit has been obtained or on which construction has actually begun.

10.2.166 Structure, Permanent: A structure placed on or in the ground or attached to another structure in a fixed position, and intended to remain in place for a period of more than 9 months.

10.2.167 Structure, Principal: The building or structure containing the primary use of a property.

10.2.167a Subdivision: Division of a lot, parcel or tract of land by the owner thereof where the act of division creates five (5) or more parcels or building sites or the creation of five (5) or more parcels or building sites by successive divisions within a period of five (5) years.

Also, a grouping of not fewer than five (5) adjacent building sites or lots created by division of a lot, parcel or tract of land by the owner thereof where the act of division creates five (5) or more parcels or building sites or the creation of five (5) or more parcels or building sites by successive divisions within a period of five (5) years. Such a division shall be made by a duly approved and recorded plat meeting the requirements of secs. 236.01 through 236.295 Wisconsin Statutes. **[Added by Ord 2007-1]**

10.2.168 Sustained Yield Forestry: Management of forested lands to provide annual or periodic crops of forest products.

10.2.169 Temporary Structure: A movable structure not designed for human occupancy nor for the protection of goods or chattels and not forming an enclosure.

10.2.170 Thoroughfare: Any street designated as a Town Road, County Highway, County State Aid Highway, or any State Trunk or Interstate Highway, as determined by the records of the Wisconsin Department of Transportation.

10.2.171 Trailer Camp or Tourist Camp: Synonymous with "Campground".

10.2.172 Townhouse: Synonymous with "Dwelling - Townhouse".

10.2.173 Trailer or Trailer Camper: A vehicle designed to be towed as a single unit upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation for travel, recreation or vacation use, which has an overall length of 45 feet or less, which is not equipped with complete year round living facilities and which is dependent upon sources to which it is not permanently connected for disposal of sewage, supply of fresh water and electricity.

10.2.174 Truck Stop: A motor fuel station devoted principally to the needs of over-the-road tractor/trailer units and trucks and which provides eating and/or sleeping facilities and is located within five hundred (500) feet of the right-of-way of a designated state trunk highway, a federally aided interstate highway or on a major Town thoroughfare, Town collector street, highway service road or highway.

10.2.175 Use: The purpose or activity for which a lot or parcel of land or any building thereon is designated, arranged, or intended, or for which it is occupied, utilized, or maintained, and shall include the performance of such activity as defined by the performance standards of this Zoning Ordinance.

10.2.176 Use-Accessory: See **Accessory Use, Building or Structure**

10.2.177 Use, Agricultural: See **Agricultural Use**

10.2.178 Use-Conditional: Those occupants, vocations, skills, arts, businesses, professions or uses specifically so designated in each zoning district, which for their respective conduct, exercise or performance in such zoning district may require reasonable but special, peculiar, unusual or extraordinary limitations, facilities, plans, structures, thoroughfares, conditions, modification, or regulations in such District for the promotion or preservation of the general public health, welfare, convenience, or safety therein and which, therefore, may be carried on in such zoning district only by a Conditional Use Permit.

10.2.179 Use Consistent with Agricultural Use: Any activity that meets all of the following conditions:

(a) The activity will not convert land that has been devoted primarily to agricultural use.

(b) The activity will not limit the surrounding land's potential for agricultural use.

(c) The activity will not conflict with agricultural operations on the land subject to a farmland preservation agreement.

(d) The activity will not conflict with agricultural operations on other properties.

[Source: 91.01(10) Wis. Stats. 2007-2008]

10.2.180 Use-Permitted: A use which may be lawfully established in a particular zoning District or Districts, provided it conforms with all requirements, regulations, and performance standards (if any) applicable to such Districts.

10.2.181 Use-Principal: The primary use of a lot or parcel of land or of a building or structure, to which any other uses are accessory or subordinate. A principal use may be either permitted or conditional.

10.2.182 Variance: A variance is an authorization for the construction of or maintenance of a building or structure or for the establishment of a use of a lot in a manner which is otherwise prohibited by the terms of this Zoning Ordinance. A variance creates a vested right to a use which runs with the land and is transferable with the lot. A variance can be granted only upon a showing of unnecessary hardship (but not a hardship which is self-inflicted by the applicant) or practical difficulties of such magnitude that without the variance the landowner will be deprived of the beneficial use of the lot and a virtual confiscation of the property will result.

10.2.183 Vending Machine: Any coin operated device which dispenses a product or service without an attendant.

10.2.183a 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, Wis. Adm. Code, "waste storage structure" does not include any of the following:

(a) A structure used to collect and store waste under a livestock housing facility.

(b) A manure digester consisting of a sealed structure in which manure is subjected to managed biological decomposition. **[Added by Ord 2008-1]**

10.2.184 Water's Edge: The line where the normal high water mark of a navigable river, stream or lake meets an abutting lot or parcel of land.

10.2.185 Yard: A required open space on a lot which is unoccupied and unobstructed by any portion of a building from its lowest ground level to the sky except as expressly permitted in this Zoning Ordinance. A yard shall extend along a lot line and at right angles to such lot line to a depth or width specified in the yard regulations for the zoning District in which such lot is located.

10.2.186 Yard-Front: That yard extending along the full width of the front lot line between the side lot lines and extending from the abutting front street right-of-way line to a line parallel to such street right-of-way line, which parallel line is established where said parallel line touches that point of any building on the lot which is nearest to the street right-of-way line.

10.2.187 Yard-Rear: A yard extending along the full width of the rear lot line between the side lot lines and extending from said rear lot line to a line parallel to such rear lot line, which parallel line is established where said parallel line touches that point of any building on the lot which is nearest to such rear lot line.

10.2.188 Yard-Side: A yard extending along the side lot line between the front and rear yards

as established above and extending from said side lot line to a line parallel to such nearest side lot line, which parallel line is established where said parallel line touches that point of any building on the lot which is nearest to such nearest side lot line.

10.2.189 Zoning Administrator: The person appointed by the Town Board to act in such capacity as described in this Zoning Ordinance. The Zoning Administrator shall also serve as the Building Inspector, unless the Town Board appoints a separate person to act in each capacity.

10.2.190 Zoning District: An area or areas subject to this Zoning Ordinance and determined pursuant hereto, for which the regulations and requirements governing use, lot size and size and characteristics of buildings and premises are uniformly consistent with other areas classified in the same District, notwithstanding that any lot or parcel in such District may have been granted a conditional use permit or a variance.

10.2.191 Zoning Permit: A permit required under the terms of this Zoning Ordinance.

SECTION XI. EFFECTIVE DATE

This Ordinance shall be in full force and effect upon its passage by the Town Board, posting or publication as required by law and approval by the Richland County Board.

The foregoing ordinance was adopted at a meeting of the Town Board of the Town of Rockbridge on November 21, 2019.

Date of Public Hearing: November 21, 2019.

Board Members Voting in Favor of Adoption: Banker, Clark and Duhr
Board Members Voting Against Adoption: None

Attest:

_____
Scott Banker, Town Board Chairman

_____
Sharon Miller, Clerk

_____
Donald Clark, Supervisor

_____
Doug Duhr, Supervisor

Ordinance 2006-2
Date of Public Hearing: October 19, 2006
Date Adopted by the Town Board: October 19, 2006
Board Members Voting in Favor of Adoption: Banker, Clark and Kepler
Board Members Voting Against Adoption: None
Date approved by the Richland County Board: December 12, 2006

Ordinance 2007-1
Date of Public Hearing: September 27, 2007
Date Adopted by the Town Board: September 27, 2007
Board Members Voting in Favor of Adoption: Banker, Clark
Board Members Voting Against Adoption: None
Date approved by the Richland County Board: _____, 2007

Ordinance 2008-1
Date of Public Hearing: August 21, 2008
Date Adopted by the Town Board: August 21, 2008
Board Members Voting in Favor of Adoption: Banker, Clark
Board Members Voting Against Adoption: None
Date approved by the Richland County Board: _____, 2008

Ordinance 2019-4
Date of Public Hearing: November 21, 2019
Date Adopted by the Town Board: November 21, 2019
Board Members Voting in Favor of Adoption: Banker, Clark, Duhr
Board Members Voting Against Adoption: None
Date approved by the Richland County Board: _____