

## CHAPTER 10

### ZONING

#### 10.01 TITLE:

(1) This Chapter shall be known, cited, and referred to herein as: The Town of Rome Zoning Ordinance, Ordinance, Chapter or Code.

(2) **PURPOSE:** The Zoning Chapter of the Town of Rome is adopted for the purposes set forth in sec. 62.23(7) Wis. Stats. and as follows:

(a) To provide for the administration and enforcement of this Chapter on a local level and to provide penalties for its violation

(b) To lessen congestion in the streets

(c) To secure safety from fire, panic and other dangers; to promote and protect the public health, safety, comfort, convenience, moral, prosperity, aesthetics and general welfare

(d) To foster a rational pattern of relationship between residential, business, commercial, agricultural and manufacturing uses for the mutual benefit of all

(e) To divide the Town into zones or districts restricting and regulating therein the location, erection, construction, reconstruction, alteration and use of buildings, structures and land for residence, business, manufacturing and other specified uses

(f) Protect the character and stability of residential, business, and other districts within the Town and to promote the orderly and beneficial development thereof

(g) Regulate lot coverage, the intensity of use of lot areas and the size and location of all structures so as to prevent overcrowding and to provide adequate sunlight, air, open space, sanitation and drainage

(h) Regulate population density and distribution so as to avoid sprawl or undue concentration and to facilitate the provision of adequate public services, utilities and other public requirements

(i) Stabilize and protect existing and potential property values and encourage the most appropriate use of land throughout the Town

(j) Preserve and protect the beauty and natural resources of the Town

(k) To prohibit uses, buildings or structures incompatible with the character of development or intended uses within specified zoning districts

(l) Prevent and control erosion, sedimentation and other pollution of the surface and subsurface waters; further the maintenance of safe and healthful water conditions; prevent flood damage to persons and property and minimize expenditures for flood relief and flood control projects

(m) Protect the traffic carrying capacity of existing and proposed arterial roads and highways; implement the municipal, county, watershed and regional comprehensive plans or components of such plans adopted by the Town

(3) **AUTHORITY:** These regulations are adopted under the authority granted by Sections 60.62, 61.35 and 62.23(7) of the Wisconsin Statutes.

(4) **EFFECTIVE DATE:** This Chapter shall be effective after a public hearing, approval by the Adams County Board of Supervisors and adoption by the Town Board.

## **10.02 RULES GENERAL INTERPRETATIONS:**

**(1)** The following rules of construction apply to this Chapter: The particular shall control the general: In case of any difference of meaning or implication between the text of this Chapter and any caption or illustration, the text shall control; the word "shall" is always mandatory whereas the word "may" is permissive; words used in the present tense shall include the future, and words used with singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary; "building" or "structure" includes any part thereof; the phrase "used for" includes "arranged for", the word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity; unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and", "either" or "or" the conjunction shall be interpreted as follows: "and" indicates that all the connected items, conditions, provisions or events shall apply; "or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination; "either/or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination; all measured distances shall be to the nearest integral foot, if a fraction is one-half (1/2) foot or more, the integral foot next above shall be taken; the masculine gender includes the feminine and neuter.

**(a)** The provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes and related administrative codes.

**(b)** The provisions of this Chapter are severable. If any provision of this Chapter is held by a court of competent jurisdiction to be invalid, or if its application any person, property or circumstance is invalid, such invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application.

### **10.03 REGULATIONS:**

**(1) SCOPE OF REGULATIONS:** All buildings erected hereafter, all uses of land or buildings established hereafter, and all structural alteration or relocation of existing building occurring hereafter shall be subject to all regulations of this Chapter which are applicable to the zoning districts in which such buildings, uses, or land shall be located.

#### **(2) USE REGULATIONS:**

**(a)** Except as herein provided, in any District, no building or land shall be used and hereafter no building shall be erected, structurally altered or relocated except for one (1) or more of the uses hereinafter stated for that District.

**(b)** Uses such as real estate sales field office or shelter for material and equipment being used in the construction of a permanent structure may be permitted by the Zoning Administrator.

**(c)** In a District which allows camping, the camping units shall, as applicable, remain mobile (e.g. wheels left on and no skirting), have a current license and self-containment facilities. A permissible camping unit is limited to a camping trailer, conversion van, motor home, park model, pickup truck with camper or a tent.

**(d)** Utility service, including electric and telephone lines, shall be installed underground.

**(e)** The Town of Rome finds that there is a distinction between short-term and long-term rental uses. Long-term (31 Consecutive days or more) renters, like owner-occupants, by definition tend to have a long-term interest in the property at issue and can be expected to engage in conduct and activities consistent with such an interest. Consequently, the Town of Rome finds that owner-occupants and long-term renters are less likely to engage in conduct and activities that are contrary to the interest and purpose of residential districts. Therefore, single family dwellings for long-term use are permitted uses in each residential district. Short-term use of property is similar to a commercial use, as demonstrated by the fact that hotels and motels are only permitted in the business district. In addition, the distinction between long-term and short-term rentals is provided for in the Wisconsin Statutes (Sections 77.52 (2) (a) 1. and 254.64 (1) (a)). The Town of Rome has determined that short-term rental of single family dwellings may only occur upon issuance of a conditional use permit, with conditions imposed as are necessary to protect the residential character of the applicable neighborhood, in all residential districts except the LD District. The Town of Rome has further determined that, given the unique concerns and characteristics of the areas comprising the LD District, it is necessary and appropriate to prohibit short-term rentals in the LD District.

**(f)** No land which is located in a Residential District shall be used for driveway, walkway or access purposes to any land which is located in a Business, or Special Purpose District or used for any purpose not permitted in a Residential District.

**(g)** Cutting of trees on all lots abutting lakes or streams shall be limited to control erosion and reduce flow of effluents or nutrients from the shore land. Thus, in a strip thirty-five (35) feet inland from the ordinary high water mark, no more than a total of thirty (30) percent of any one hundred (100) feet may be cut. From the inland edge of the thirty-five (35) foot strip to the outer limits of the shore land, the cutting of trees and shrubbery shall be allowed pursuant to the Adams County Shoreland Protection Ordinance.

**(h)** Common household pets are limited to five (5) in aggregate per residence in all recorded and unrecorded subdivisions.

**(i)** Domestic animals, other than common household pets, are prohibited outside of Agricultural and Conservancy Districts except as follows:

**1.** R-1 District outside of subdivisions and with a minimum area of two (2) acres: limit = one (1) animal unit

**2.** R-2, R-4, R-5 and B-1 Districts:

**a.** Minimum two (2) acres: limit = one (1) animal unit

**b.** Minimum three (3) acres: limit = one (1) animal unit or two (2) horses

**c.** Minimum five (5) acres: limit = two (2) animal units or three (3) horses

**d.** Minimum nine (9) acres: limit = two (2) animal units or five (5) horses

Note: A conditional use permit (CUP) is required for keeping domestic animals in the B-1 district.

**3.** Roosters are prohibited.

**(j)** Any private driveway leading to a building or structure located two hundred (200) feet or more from the public right-of-way shall be at least eighteen (18) feet in width; shall provide an unobstructed height throughout the entire length and width of the driveway of at least fourteen (14) feet, and shall have a cul-de-sac or turn-around at or near the end of the driveway with a minimum right-of-way radius of fifty (50) feet. Greater dimensions may be required by the Fire Chief if the cul-de-sac or turn-around would not be sufficient to accommodate specialized fire fighting vehicles, apparatus and equipment that might be required to serve the property.

### **(3) ACCESSORY USES AND STRUCTURES:**

**(a)** Accessory buildings, structures and uses shall be compatible with the principal uses and shall not be established prior to the principal use except that sheds of one hundred fifty (150) square feet or less with a maximum height of ten (10) feet and a maximum roof overhang of sixteen (16) inches, and unroofed decks not exceeding four hundred (400) square feet in size, are permitted in any district before the principal structure is present. Permitted sheds erected before the principal structure is present shall not be used as a place of human habitation. Mobile/manufactured homes, campers, truck bodies or trailers, buses and similar items are prohibited for use as accessory buildings.

**(b)** The following items are not permitted in non-agricultural zoning districts prior to construction of a principal structure: Satellite dishes larger than thirty-six (36) inches in size, fuel tanks, except LP tanks not exceeding sixty (60) pounds that are part of the affixed and secured equipment of a camping unit, air conditioners, antennas, towers, exterior heating systems or similar appurtenances or equipment.

**(c)** Outdoor fuel burners, including woodstoves, used as an interior heating system are not allowed in the Lake District or in any residential subdivision in which the average parcel size is two (2) acres or less.

**(d)** Canopies:

**1.** **Definition:** A canopy is a free-standing structure, with a roof but usually unenclosed on the sides, that is not real property. A canopy includes what is commonly referred to as a port.

**2.** **Temporary Use:** In all districts, a canopy may be erected as a temporary (ten (10) days or less) shelter for family gatherings, rummage sales, special events and similar occasions. In such case, a permit is not required and the canopy must be dismantled and removed upon conclusion of the temporary use. Provided, however, that a canopy may not be erected on a property for more than twenty (20) days in a calendar year. While erected, the location of the canopy must comply with all setback requirements for structures in the applicable zoning district.

**3.** **Permanent Use:** Canopies may only be erected on a permanent basis pursuant to the following requirements:

**a.** **Lake District and Recorded Residential Subdivisions:** In the Lake District and any recorded residential subdivision, canopies may only be used atop a boat lift that is located at least partially in a body of water, provided that the canopy roof is made of a non-rigid material. Canopy roofs may not be constructed of wood, fiberglass, metal or any other rigid material.

**b. Use in Other Areas:** In all areas other than those listed in paragraph a. above, canopies that meet the criteria of an accessory use pursuant to this section may be erected upon issuance of a permit. Canopies with roofs constructed of a rigid material require the issuance of a building permit, and the roof must meet the snow load requirements of the Wisconsin Uniform Dwelling Code. Canopies with roofs constructed of a non-rigid material require the issuance of a zoning permit. The location of any canopy permitted under this paragraph must comply with all setback requirements for structures in the applicable zoning district.

**(4) NONCONFORMING STRUCTURES AND USES:**

**(a) Existing use permitted:** The property owner shall have the burden to prove by a preponderance of the evidence that the nonconforming use was in existence at the time the ordinance provision became effective. Likewise, the property owner must prove that the use of the property prior to the effective date of the ordinance provision was so active and actual that it can be said he has acquired a “vested interest” in its continuance. If the specific use was not so active and actual and was but casual and occasional, or if such use was merely accessory or incidental to the principal use, then it cannot be said that the property owner has acquired a “vested interest” in the continuance of such a use and the status of the nonconforming use will be denied. Any building, structure or use which existed lawfully at the time of the adoption of this Ordinance or amendment thereto shall be allowed to continue although such building or use does not conform with the provisions of this Ordinance. The size and shape of a lot shall not be altered so as to increase the degree of nonconformity of a building or use.

**(b) Permit Required:** No alteration of a nonconforming building, structure, premises, fixture or use is allowed unless a permit for the alteration has been issued by the Zoning Administrator.

**1.** Before issuing a permit for the alteration of a nonconforming use or structure, the Zoning Administrator shall review the permit application for compliance with the requirements of this section.

**2.** When nonconformity is found, the Zoning Administrator shall in writing notify all interested parties of the condition.

**3.** No such use of building, premises, structure or fixture or any part thereof shall be expanded or enlarged except in conformity with regulations of the district in which it is located.

**4.** The Plan Commission may authorize the change of one nonconforming use to another of the same classification provided that the Plan Commission shall find that the proposed change of use will be no more harmful to the character of the neighborhood than the existing nonconforming use. Whenever a nonconforming use has been changed to a more restrictive nonconforming use or a conforming use, such use shall not thereafter be changed to a less restrictive use.

**(c) Nonconforming Limitations:**

**1.** If the nonconforming use of a building, premises, structure or fixture is discontinued for twelve (12) consecutive months, any future use of the building, premises, structure or fixture shall conform to the regulations of the district in which it is located.

**2.** Except as provided in sec. 62.23(7), (hb) and (hc) Wis. Stats., the total structural repairs, alterations or improvements to a nonconforming building, premises, structure or fixture shall not during its life exceed 50 percent of the assessed value of the building, premises, structure or fixture unless permanently changed to a conforming use. For the purpose of determining whether the 50 percent value limit has been exceeded, the assessed value, if known, in the tax year the nonconformity began shall be used as the base value. If such assessed value is unknown, the assessed value in the earliest year after the nonconformity began for which assessment records are available shall be used as the base value.

**3.** Except as provided in sec. 62.23(7), (hc), Wis. Stats., no structure shall be restored or replaced except in conformity with the regulations of the district in which it is located.

**4.** These regulations are not to be construed to prevent the necessary and routine maintenance or repairs of buildings, utilities and property.

**(5) LOT AREA REGULATIONS:**

**(a)** After adoption of this Chapter, no lot area shall be so reduced that the dimensional, area and yard requirements of this Chapter cannot be met.

**(b)** In the LD, R-1, R-2, R-3 and R-4 Districts, a parcel in existence on January 1, 2009, shall not be considered non-conforming for the purpose of construction of a building that is permitted in the applicable district, if the sole basis for the non-conforming status is that the parcel does not meet the minimum lot and/or frontage size requirement for the applicable district; provided, however, that the parcel must be able to meet the requirements of Comm 83 of the Wisconsin Administrative Code. This paragraph shall be construed to apply only to lot size and frontage requirements. It shall not be construed to apply to other requirements including, but not limited to, setback requirements.

**(c)** Abutting residential lots under single ownership may be combined only if a certified survey map is recorded in the office of the Adams County Register of Deeds which has the effect of permanently combining the lots into one (1) legal parcel.

**(d) Open space:**

**1.** All setbacks and other open spaces allocated to a building (or group of buildings comprising one (1) principal use) shall be located on the same lot as such building.

**2.** No legally required setbacks, open space or minimum lot area allocated to any building shall be used to satisfy setbacks, other open space, or minimum lot area requirements for any other building.



3. Setbacks are measured from the farthest building projection, which includes the basement, breezeway, deck, porch and garage.

4. Vegetation and equipment used for landscaping, decorating and recreation may be placed in the required front, rear and side yards. Permitted vegetation and structures include, but are not limited to, trees, shrubs, flowers, ornamental light standards, ornamental ponds and fountains, lawn furniture, sundials and bird baths.

(e) Setbacks:

1. Private easement roads: In all non-residential districts, improvements shall be setback at least thirty (30) feet from the described easement or, in the case of an easement that does not have a legal description, thirty (30) feet from the nearest point on the edge of the traveled way.

2. A setback less than the setback required for the appropriate class of highway may be permitted where there are existing principal buildings within two hundred (200) feet of the proposed building site that are built to less than the required setback. In such cases the setback shall be no less than the average of the setbacks of the nearest principal building on each side of the proposed site or, if there is no principal building within two hundred (200) feet on one (1) side, the average of the setback for the principal building on the other side and the setback required in the applicable district. The average is not to include any building now within fifteen (15) feet of the right-of-way.

3. Buildings on through lots, extending from road to road, shall be considered to have two (2) front yards, two (2) side yards and no rear yard.

4. In no case, shall the waterfront setback be less than seventy-five (75) feet from the ordinary high water mark. All buildings shall conform to the procedures, criteria and standards set forth in the Adams County Shoreland Protection Ordinance.

5. Dwelling square footage: Whenever referred to in this Chapter, minimum square foot requirements shall mean area intended and constructed for year round occupancy and habitable living space.

**(6) HEIGHT REGULATIONS AND EXCEPTIONS:**

(a) Maximum Height: In any district, no buildings or structures shall be erected or structurally altered to a height in excess of that specified by the regulations for that district unless otherwise permitted as a Conditional Use.

(b) The following shall be exempted from height regulation in all districts:

1. Chimneys and flues

2. Electric power transmission lines

(c) The following are subject to the approval of the Plan Commission:

1. Churches, schools, hospitals, sanatoriums and other public and quasi-public buildings may be erected to a greater height not exceeding sixty (60) feet, provided the front, side and rear setbacks required in the district in which such building is to be located are each increased at least one (1) foot for each one (1) foot of additional building height above the height limit otherwise established for the district in which such building is to be located.

2. The maximum height of silos and windmills in agricultural districts and water towers and tanks in the public and semi-public district may be increased above the maximum allowed in the district provided all required setbacks for the silos, windmills, and water towers or tanks are increased by one (1) foot for each one (1) foot by which such silo, windmill, or water tower or tank exceeds the height limit.

3. The height of the following structures may be increased subject to the issuance of a conditional use permit; however, in no case shall the height exceed three hundred (300) feet above existing grade: spires, fire towers, water towers, wireless or broadcasting towers, other similar structures and necessary mechanical appurtenances.

4. Upon issuance of a conditional use permit, the maximum height of all other structures in all districts may be increased by not more than ten (10) feet above the maximum allowed in the district provided all required setbacks for the structures are increased by one (1) foot for each one (1) foot by which such structures exceed the height limit.

**(7) MOBILE HOME AND MANUFACTURED HOME LIMITATION:**

(a) Within those districts contained in this Code where mobile homes or manufactured homes are allowed as independent dwelling units, such mobile or manufactured home and the land upon which either is located shall be owned in common. This Section does not apply to licensed manufactured home parks.

(b) If any load, other than that originally constructed or approved by the manufacturer is placed upon a mobile or manufactured home, an affidavit stating the structure will support the load is required from either the manufacturer or a licensed engineer. All additions and alterations must meet the requirements of the Wisconsin Uniform Dwelling Code.

(c) Such units brought into the Town after adoption of this Section shall meet the factory inspection standards of the US Department of Housing and Urban Development which became effective June 15, 1976 and as amended thereafter.

**(8) OUTDOOR STORAGE:** In all districts, temporary portable buildings or trailers used in conjunction with either new construction projects or structural alterations shall be permitted, provided a valid building permit has been issued for the construction and provided such portable building or trailer is removed prior to a final inspection.

**(9) HOME OCCUPATIONS IN RESIDENTIAL DISTRICTS:**

**(a) Standards:**

1. The principal use of the premises shall be for single or two (2) family dwelling purposes only.
2. No activity shall be involved which indicates from the exterior that the building is being used for any purpose other than that of a dwelling.
3. The activity shall be clearly incidental to the residential use of the premises.
4. The activity shall not result in any hazard to the public such as generation of substantial volume of vehicular or pedestrian traffic or parking demand.
5. The occupation shall be carried on solely within either the main or an accessory building, and it shall utilize no more than twenty-five percent (25%) of the gross floor area of any such building.
6. A person must reside on the premises in order to be employed by the business.
7. No goods, materials, parts, tools or other equipment shall be displayed, used or stored outside a building.
8. No equipment shall be used which creates excessive dust, smoke, odor, noise, electrical disturbance or other conditions which are detrimental to the character, condition, value and enjoyment of other residential property in the neighborhood.
9. No other local ordinance, provision or state statute or rule shall be violated.

**(b) Permitted Occupations:**

1. Art Studios
2. Computer Programming
3. Drafting and Graphic Services
4. Dressmaking, Sewing and Tailoring
5. Home Crafts
6. Music Lessons
7. Professional Offices
8. Sales Representatives – Office Only

- 9.** Secretarial Services
- 10.** Watch and Jewelry Repair
- 11.** Other similar occupations with the approval of the Zoning Administrator.

#### **10.04 ADMINISTRATION AND ENFORCEMENT:**

(1) **ORGANIZATION:** The administration of this Chapter is hereby vested in five (5) offices of the Town as follows:

- (a) Zoning Administrator
- (b) Building Inspector
- (c) Plan Commission
- (d) Board of Appeals
- (e) Town Board

(2) **PLAN COMMISSION:** The Plan Commission shall have the duties, powers and authority delegated to such bodies in sec. 62.23 Wis. Stats. and in sec. 2.05 (2) of the Town Code.

(3) **BOARD OF APPEALS:** The Board of Appeals shall have the duties, powers and authority delegated to such bodies in sec. 62.23 Wis. Stats. and in sec. 2.05 (1) of the Town Code.

(4) **HEARING PROCEDURE:**

(a) The Plan Commission will conduct the public hearings for amendment, modification and conditional use requests. The Board of Appeals will conduct the public hearings for appeals and variances.

(b) Notice of Hearings:

1. **Board of Appeals:** Notice of the time and place for hearings of an appeal or other matter referred to the Board of Appeals shall be made by a Class 2 Notice and by posting the same in at least three (3) public places in the Town. The Zoning Administrator shall also mail a copy of the Notice to all parties of interest and to the owners of other properties located within two hundred (200) feet of the land included in the application. Said posting and mailing shall be at least ten (10) days prior to the date of hearing.

2. **Plan Commission:** Notice of the time and place for hearings for zoning amendments or modifications and conditional use requests before the Plan Commission shall be published as a Class 2 Notice, under Ch. 985, Wis. Stats., and at least ten (10) days prior written notice shall be given to the Clerk of any municipality whose boundaries are within one thousand (1,000) feet of any lands included in the hearing application. Failure to give such notice to any such municipal clerk shall not invalidate any action taken by the Plan Commission. The Zoning Administrator shall also mail a copy of the notice to all parties of interest and to the owners of other properties located within two hundred (200) feet of the land in the application.

(c) **Evidence:** The applicant may appear in person or be represented by his agent or attorney. In the absence of an appearance for or against an application; the application may be denied.

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

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

2. When all applications cannot be disposed of on the day set, the hearing may be adjourned from day to day and such adjourned day shall be construed as a continuance of the hearing.

3. No member shall participate in the decision of or vote upon any case in which the member is financially interested, directly or indirectly, but the Chairperson shall direct an alternate member to act instead. Disqualification of a member for interest shall not decrease the number of votes required for acting upon any matter, but such member may be counted in determining whether a quorum is present for the transaction of business.

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

**(5) RECONSIDERATION:**

(a) **Resubmission:** No application which has been dismissed or denied shall be considered again without material alteration or revision within one (1) year of the decision, except on the grounds that substantial new evidence or proof of change to comply with the applicable conditions is included in the resubmitted application.

(b) **Rehearing:** No rehearing shall be held except upon the affirmative vote of four (4) or more members upon finding that substantial new evidence is submitted which could not reasonably have been presented at the previous hearing. Requests for rehearing shall be in writing, shall state the reasons for the request and shall be accompanied by necessary data and diagrams. Re-hearings shall be subject to the same notice requirements as original hearings.

**(6) ZONING PERMITS:**

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

(b) Except as hereinafter provided, no permit pertaining to the use of land or buildings shall be issued unless the application for such permit has been examined and approved by the Zoning Administrator. Any permit issued in conflict with the provisions of this Chapter, shall be null and void.

(c) Application: All applications shall be filed with the Zoning Administrator on the prescribed form(s) together with the fee set by the Town Board. The application shall be accompanied by such plans and/or data required by the Zoning Administrator. In the event that the lot lines for the subject property are not readily identifiable, the Zoning Administrator has the authority to require that the applicant have the lot lines located and marked by a registered land surveyor.

(d) The Zoning Administrator shall, after reviewing an application for a zoning permit, determine whether all requirements of this Chapter have been satisfied. The Zoning Administrator shall issue the permit if that burden is satisfied. If it is not satisfied, the Zoning Administrator shall issue a written denial explaining the reasons that the application was denied.

(e) The Zoning Administrator shall retain continuing jurisdiction over all permitted uses for the purpose of resolving complaints and may order the removal or discontinuance of any unauthorized alterations or violations.

(f) Should a permit applicant, his heirs or assigns, fail to comply with the conditions of the permit issued or should the use or characteristics of the use be changed without prior approval the permit may be revoked.

(g) A permit shall expire twenty-four (24) months from the date of issuance. The permit may be extended for a period of ninety (90) days for justifiable cause, if an application is made to the Zoning Administrator at least thirty (30) days before the expiration of said permit. Where a permitted use does not continue in conformity with the conditions of the original approval, the permit shall be terminated and may be considered as a violation of this Section.

(7) **REVOCAION:** Upon written complaint by any citizen or official, the Zoning Administrator shall determine if the complaint indicates a reasonable probability that a condition of approval or other requirement imposed hereunder is in violation of this Chapter. Upon reaching a positive initial determination, a stop order shall be issued and a hearing shall be held upon notice as provided in this Section. Any person may appear at such hearing and testify in person or be represented by an agent or attorney. In order to bring the subject use into compliance with the standards set forth in this Section or conditions previously imposed, existing conditions may be modified or additional reasonable conditions imposed. In the event that no reasonable modification can be made an order may be given to revoke the subject approval and direct the Zoning Administrator and the Town Attorney, if necessary, to seek elimination of the subject use.

**(8) AMENDMENTS:**

(a) Purpose: For the purpose of promoting the public health, safety, morals, comfort, and general welfare, conserving the value of property throughout the Town, and lessening or

avoiding congestion in the public streets and highways, the Town Board may, from time to time, in the manner hereinafter set forth, amend the regulations imposed in the districts created by this Chapter, provided that in all amendatory ordinances adopted under the authority of this Section, due allowance shall be made for existing conditions, the conservation of property values, the direction of building development to the best advantage of the entire community, and the uses to which property is devoted at the time of such amendatory ordinance.

**(b) Procedure:**

- 1.** An application for a zoning amendment shall be submitted to the Zoning Administrator on the prescribed form(s) together with the fee established by the Town Board.
- 2.** The Zoning Administrator shall forward the application to the Plan Commission, which shall set a public hearing on the application within sixty (60) days of its submission. The Notice for the public hearing shall include a legal description for the property affected and shall include a statement that a map of the property affected may be obtained from the Zoning Administrator.
- 3.** Standards: Within thirty (30) days after the close of the hearing on a proposed amendment, the Plan Commission shall make written findings of fact and shall submit the same together with its recommendations to the Town Board. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the Plan Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:
  - a.** Existing use of property within the general area of the property in question.
  - b.** The zoning classification of property within the general area of the property in question.
  - c.** The suitability of the property in question to the uses permitted under the existing zoning classification.
  - d.** The trend of development, if any, in the general area of the property in question, including changes if any which have taken place since the date the property in question was placed in its present zoning classification.
- 4.** The Plan Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is in the public interest and is not solely for the interest of the applicant
- 5.** The Town Board shall not act upon a proposed amendment to this Chapter until it shall have received a written report and recommendation from the Plan Commission on the proposed amendment.
- 6.** The Town Board may grant, grant with modification, deny or refer the application back to the Plan Commission.



7. If an application for a proposed amendment is not acted upon finally by the Town Board within ninety (90) days of the date upon which such application is received by the Town Board, it shall be deemed granted.

8. In the event of a protest against amendment to the zoning map, duly signed and acknowledged by the owners of twenty percent (20%) or more either of the areas of the land included in such proposed change, or by the owners of twenty percent (20%) or more of the land immediately adjacent extending one hundred (100) feet there from, or by the owners of twenty percent (20%) or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such change or amendments shall not become effective except by the favorable vote of three-fourths (3/4) of the full Town Board membership. In the event of protest against amendment to the text of the regulations of this Chapter, duly signed and acknowledge by twenty percent (20%) of the number of persons casting ballots in the last general election, it shall cause a three-fourths (3/4) vote of the full Town Board membership to adopt such amendment.

**(9) REVIEW BY COURT RECORD:** Any person or persons aggrieved by any decision may present to a court of record a petition, duly verified, setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Zoning Administrator.

**(10) APPEALS:**

**(a) Purpose:** Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, Board or bureau of the Town affected by any decision of the administrative officer.

**(b) Procedure:** An appeal shall be taken within thirty (30) days after the decision or the action complained of, by filing with the Zoning Administrator a notice of appeal specifying the grounds thereof together with the fee set by the Town Board. The Zoning Administrator shall forthwith transmit to the Board of Appeals all of the papers constituting a record upon which the action appealed from was taken.

**(c) Stay:** An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Appeals, after the notice of the appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property, in which case the proceedings shall not be stayed unless otherwise by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice of the Zoning Administrator and on due cause shown.

**(d) Condition and Guarantees:** The Board of Appeals shall thereafter reach its decision within ninety (90) days from the filing of the appeal. The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end, shall have all the powers of the officer from whom the appeal is taken, and may direct the issuance of a permit.

**(11) CONDITIONAL USE:**

**(a) Purpose:** The development and execution of this Chapter is based upon the division of the Town into districts, within which districts the use of land and buildings, and the bulk and location of buildings and structures in relation to the land, are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. Such conditional uses fall into two (2) categories:

1. Uses publicly operated or traditionally affected with a public interest.
2. Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

**(b)** The authority to grant or deny a conditional use permit is vested in the Plan Commission.

**(c) Application:**

1. An application for a conditional use permit shall be submitted to the Zoning Administrator on the prescribed form(s) together with the fee established by the Town Board.

2. The Zoning Administrator shall forward the application to the Plan Commission which shall decide whether to grant the application for the conditional use permit after considering the standards set forth in paragraph (d) below. A public hearing is required for a conditional use permit application.

**(d) Standards:** The Town Plan Commission shall not approve a conditional use unless such Commission shall find:

1. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.

2. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor possess the likelihood to diminish or impair property values within the neighborhood.

3. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district,

4. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided,

5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets, and

**6.** That the conditional use shall, in all other respects, conform to the regulations of the district in which it is located.

**(e)** Conditions and Guarantees: Prior to the granting of any conditional use, the Plan Commission may stipulate, such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the conditional use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in this Section. In all cases in which conditional uses are granted, the Plan Commission shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

**(f)** The term of the conditional use permit shall be set by the Plan Commission at the time it is granted and such permit may be renewed by the Plan Commission.

**(g)** Application for change or extension of Conditional Use Permits: Any change, addition, modification, alteration and/or amendment of any aspect of a Conditional Use permit granted by the Plan Commission, including but not limited to an addition, modification, alteration, and/or amendment to the use, premises, structures, lands or owners, other than as specifically authorized by the Conditional Use permit conditions, shall require a new permit and all procedures in place at the time must be followed. Unless the Conditional Use permit conditions expressly state otherwise, plans that are specifically required by the Conditional Use order may be amended upon the prior approval of the Plan Commission if the Plan Commission finds the plan amendment to be minor and consistent with the Conditional Use permit. Any change in any plan that the Plan Commission finds, in its sole discretion, to be substantial shall require a permit, and all procedures in place must be followed.

**(h)** Termination of Conditional Use status: A Conditional Use Permit may be terminated as follows:

**1.** On request when the applicant or holder of the Conditional Use and the property owner make a request in writing to the Plan Commission that the Conditional Use be terminated and the Plan Commission agrees to terminate said Conditional Use Permit.

**2.** The Town Board may terminate a Conditional Use Permit for the reasons set forth hereinafter at sub. pars. a. and b. Prior to Town Board consideration of termination, the Plan Commission shall conduct a public hearing on the issue. Within 45 days of the public Hearing, the Plan Commission shall forward its recommendation to the Town Board together with findings of fact in support of that recommendation.

**a.** The Conditional Use has not continued in conformity with the conditions of the permit.

**b.** The Conditional Use has been discontinued for a period of twelve (12) consecutive or eighteen (18) cumulative months during a three-year period. A business of seasonal nature shall not be deemed discontinued during periods in which it is normally inactive (i.e., summer camps, ski hills, quarries, marinas, etc.).

**3.** Upon determination by the Town Board that the use must be terminated the owner of the premises shall be required to bring all lands and structures into conformity with the permitted use regulation of the Zoning District in which the property is located within sixty (60) days from such determination, unless such time is extended by mutual agreement of the Town Board and the owner.

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

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

**(b)** The Board of Appeals may authorize, in specific cases, such variance from the terms of this Chapter as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this Chapter will result in unnecessary hardship and so that the spirit of Zoning shall be observed and substantial justice done. A variance granted to a nonconforming use brings that use into conformance with the district and zoning requirements. There are two types of variances:

**1.** Use variance allows property to be used in a manner otherwise prohibited by this zoning ordinance.

**2.** Area variance allows an exception to a dimensional restriction for area, density, height, frontage, or setback for a use that is permitted in the applicable zoning district.

**(c)** A variance may not be granted unless the following four conditions have been proven by the applicant:

**1.** A literal enforcement of the zoning requirement will result in unnecessary hardship.

**a.** Use variance: For the purpose of determining whether to grant a use variance, an unnecessary hardship shall be defined as a condition that, without the granting of the variance, would render the property without any reasonable or feasible use.

**b.** Area variance: For the purpose of determining whether to grant an area variance, the term unnecessary hardship shall be interpreted according to the following standard: whether compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.

**2.** The hardship is based on a physical limitation unique to the property and not shared by other properties, as distinguished from a mere inconvenience.

**3.** The hardship is not self-created.

**4.** The variance is not contrary to the public interest.

**(d)** A property owner is not entitled to a variance simply to increase the value of the property or for economic gain.

**(e)** A variance will not be granted if it would impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets or increase the danger of fire, or endanger the public safety, or possess the likelihood to diminish or impair property values within the neighborhood.

**(f) Conditions and Guarantees:** The Board of Appeals may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards established in this Chapter.

**(g) Authorized Variances:** Variances from the regulations of this Chapter shall be granted by the Board of Appeals only in accordance with the standards established in this Section, and may be granted only in the following instances and in no others:

**1.** To permit any yard or setback less than a yard or a setback required by the applicable regulations;

**2.** To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but in no event shall the respective area and width of the lot or lots be less than eighty percent (80%) of the required area and width;

**3.** To permit the same off-street parking facility to qualify as required facilities for two (2) or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week;

**4.** To reduce the applicable off-street parking or loading facilities required by not more than one (1) parking space or loading space, or twenty percent (20%) of the applicable regulations, whichever number is greater;

**5.** To increase by not more than twenty-five percent (25%) the maximum distance that required parking spaces are permitted to be located from the use served;

**6.** To increase or decrease by not more than ten percent (10%) the required gross floor area of any use so limited by the applicable regulations;

**7.** To permit a reasonable variance in the height restrictions on fences.

**(h)** In determining whether to grant or deny a requested variance, the Board of Appeals shall prepare written finding of fact setting forth the criteria it considered in reaching its decision and what facts it considered in relation to the criteria.

**(13) FEES:** The fee schedule shall remain separate from this document.

**(14) VIOLATIONS:** It shall be unlawful to use or improve any structure or land, or to use water or air in violation of any of the provisions of this Chapter. In case of any violation, the

Town Board, the Zoning Administrator, or any property owner who would be specifically damaged by such violation may cause appropriate action or proceeding to be instituted to enjoin a violation of this Chapter or cause a structure to be vacated or removed. The Police Department, with or without a referral from the Zoning Administrator, may issue a citation for any violation of this Chapter and, upon conviction, the imposition of forfeiture under sec. 1.02 (5) of Town Code.

## **10.05 ZONING DISTRICTS AND MAPS:**

**(1) DISTRICTS:** The lands of the Town are hereby divided into the following districts:

- (a)** R-1 Single-Family Residence District
- (b)** R-1C Single-Family Conservative Residence District
- (c)** R-2 One and Two Family & Manufactured Dwelling District
- (d)** R-3 Multiple-Family Residence District
- (e)** R-4 Rural Residence District
- (f)** R-5 Rural Estate, Residence District
- (g)** LD Lake District
- (h)** A-1 General Agricultural District
- (i)** A-2 Secondary Agricultural District
- (j)** B-1 Business District
- (k)** BP Alpine Village Business Park
- (l)** CV Conservancy District
- (m)** FR Forest and Outdoor Recreation District
- (n)** B-2 Secondary Business District
- (o)** PSP Public/Semi-public District
- (p)** PUD Planned Unit Development District
- (q)** SP Special Purpose District
- (r)** WHP Well Head Protection District
- (s)** GO Gateway Overlay District

(2) **MAPS:** The location and boundaries of the zoning districts established by this Ordinance are set forth on the Zoning Map entitled "Town of Rome Zoning Map" and dated the 12<sup>th</sup> day of June, 2014 which is incorporated herein and hereby made a part of this Ordinance. Said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this Ordinance as though fully set forth and described herein.

(3) **BOUNDARIES OF DISTRICTS:** In unsubdivided property, unless otherwise indicated on the map, the district boundary lines are the centerlines of streets, highways, section lines, quarter-section lines, quarter-quarter lines, or such lines extended or connected. Where not otherwise indicated on the map, it is intended that the district boundary line be measured at right angles to the nearest highway right-of-way line.

revised 9-14-2016



## **10.06 R-1 SINGLE-FAMILY RESIDENCE DISTRICT:**

**(1) PURPOSE:** The R-1 District is designed to encourage a suitable environment for family life by protecting the residential character against non-compatible uses. The district is intended to avoid overcrowding by requiring certain minimum yards, open spaces and site area while making available dwellings designed for and occupied exclusively by one (1) family.

### **(2) PERMITTED USES:**

**(a)** Single-family dwelling (seasonal or year round) for owner occupancy, long-term rent or lease that are constructed under the standards of the Wisconsin Uniform Dwelling Code.

**(b)** Accessory apartment

**(c)** Accessory buildings

**(d)** Camping limit: One (1) camping unit in a subdivision. Provided, however, a second camping unit to be occupied by guests of a lot owner shall be permitted on the zoning lot in a subdivision between April 15<sup>th</sup> and October 15<sup>th</sup> of each calendar year for no more than three (3) non-sequential periods of a maximum of ten (10) days each in duration. At least fifteen (15) days must elapse between each such period. A guest camping permit issued by the Town of Rome is required. Two (2) camping units outside of a subdivision.

**(e)** Home occupation

**(f)** Park

**(g)** Playground

**(h)** Tennis court

**(i)** Pond

**(j)** Temporary use of an office or shelter for material and equipment being used in the construction of a permanent structure may be permitted by the Zoning Administrator

### **(3) CONDITIONAL USES:**

**(a)** Bed and Breakfast establishment subject to DHS 197

**(b)** Community center

**(c)** Day Care

**(d)** Utility, provided all principal structures and uses are fifty (50) feet or greater from any lot line

- (e) Cemetery subject to Chapter 157 Wis. Stats.
- (f) Church
- (g) Fire station
- (h) Police station
- (i) Public emergency shelter
- (j) Short-term rental of a dwelling (thirty (30) days or less).

**(4) HEIGHT, SETBACKS, AREA AND OTHER REQUIREMENTS:**

**(a) Lot Requirements:**

- 1. Frontage: Min. 70 ft.
- 2. Area: Min. 1 ac.
- 3. Depth/Width: Max. 4:1

**(b) Roadway Setback:**

- 1. State Highway (whichever is greater)
  - a. From center of roadway: Min. 110 ft.
  - b. From lot line: Min. 50 ft.
- 2. County Road (whichever is greater)
  - a. From center of roadway: Min. 83 ft.
  - b. From lot line: Min. 50 ft.
- 3. Town Road (whichever is greater)
  - a. From center of roadway: Min. 63 ft.
  - b. From lot line: Min. 30 ft.

**(c) Building Setbacks (from the furthest building projection):**

- 1. Side: Min. 10 ft.
- 2. Rear: Min. 10 ft.

3. Waterfront: Min. 75 ft.

(d) Other Requirements:

1. Building height: Max. 35 ft.

2. Building width: Min. 24 ft.

3. Roof pitch: Min. 4/12

4. Overhang: Min. 12 in.

5. Shed: Building used primarily for storage of an area up to and including one hundred fifty (150) net sq ft. and a maximum of a ten (10) foot height from the finished floor and a maximum sixteen (16) inches of roof overhang. Sheds are allowed before the principal structure is present but shall not be used as a place of human habitation. Mobile/manufactured homes, campers, truck bodies or trailers, buses and similar items are prohibited for use as accessory buildings.

(e) Area:

1. Living area per dwelling unit: Min. 760 sq. ft.

## **10.065 R-1C SINGLE FAMILY CONSERVATION RESIDENCE DISTRICT:**

(1) The R-1C District is designed to require the use of nontraditional residential subdivision design known as conservation subdivision, that will cluster the residential parcels and preserve open space and forest land, but so designed to be spacious and protected from encroachment of non-compatible land use, noise and traffic hazard. The district is also intended to avoid overcrowding by requiring certain minimum yards, open spaces and site area while making available dwellings designed for and occupied exclusively by one (1) family and constructed under the Wisconsin Uniform Dwelling Code.

### **(2) PERMITTED USES:**

#### **(a) Development Lots:**

1. Single-family dwelling (seasonal or year round) for owner occupancy, or long-term rent or lease, that are constructed under the standards of the Wisconsin Uniform Dwelling Code.

2. Accessory apartment

3. Accessory buildings

4. Camping (limit: one (1) camping unit)

5. Home occupation

6. Professional home office

7. Essential utility services

(b) Preservation Area (collectively, building structures shall not exceed ten percent (10%) of the undivided permanent open space):

1. Park

2. Playground

3. Sport & recreation court/field

4. Pond

5. Temporary use of an office or shelter for material and equipment being used in the construction of a permanent structure may be permitted by the Zoning Administrator.

### **(3) CONDITIONAL USES:**

(a) Association Lodge

- (b) Public emergency shelter
- (c) Multi-family dwelling
- (d) Marina
- (e) Short term rental of a dwelling (thirty (30) days or less)

**(4) HEIGHT, SETBACKS, AREA AND OTHER REQUIREMENTS:**

**(a) Lot requirements:**

- 1** Frontage: Min. 70 ft.
- 2.** Area: Min. 20,000 sq. ft.
- 3.** Depth/Width Ratio: Max. 4:1

**(b) Roadway Setback:**

- 1.** State Highway (whichever is greater)
  - a.** From center of roadway: Min. 110 ft.
  - b.** From lot line: Min. 50 ft.
- 2.** County Road (whichever is greater)
  - a.** From center of roadway: Min. 83 ft.
  - b.** From lot line: Min. 50 ft.
- 3.** Town Road (whichever is greater)
  - a.** From center of roadway: Min. 63 ft.
  - b.** From lot line: Min. 30 ft.

**(c) Building Setbacks (from the furthest building projection)**

- 1.** Side: Min. 10 ft.
- 2.** Rear: Min. 10 ft.
- 3.** Waterfront: Min. 100 ft.

**(d) Other Requirements:**

1. Building height: Max. 35 ft.
2. Building Width: Min. 24 ft.
3. Roof pitch: Min. 4/12
4. Overhang: Min. 12 inches

5. Shed: Building used primarily for storage of an area up to and including one hundred fifty (150) net sq. ft. and a maximum of a ten (10) foot height from the finished floor and a maximum sixteen (16) inches of roof overhang. Sheds are allowed before the principal structure is present but shall not be used as a place of human habitation. Mobile/manufactured homes, campers, truck bodies or trailers, buses and similar items are prohibited for use as accessory buildings.

(e) Area:

1. Living area per dwelling unit: Min. 760 sq. ft.

**10.07 R-2: ONE & TWO FAMILY & MANUFACTURED DWELLING RESIDENCE DISTRICT:**

(1) **PURPOSE:** The R-2 District is designed to provide a mixed development of housing and to protect residents from traffic hazard and the intrusion of non-compatible land use.

(2) **PERMITTED USES:**

- (a) Any permitted use in the R-1 District
- (b) Manufactured Homes, as that term is defined in sec. 101.91 (2) (am) Wis. Stats.
- (c) Duplex
- (d) Camping Limit: Two (2) camping units.

(3) **CONDITIONAL USES:**

- (a) Any conditional use in the R-1 District

(4) **HEIGHT, SETBACKS, AREA AND OTHER REQUIREMENTS**

(a) Lot Requirements:

- 1. Frontage: Min. 70 ft.
- 2. Area: Min. 1 ac.
- 3. Depth/Width: Max. 4:1

(b) Roadway Setback:

- 1. State Highway (whichever is greater)
  - a. From center of roadway: Min. 110 ft.
  - b. From lot line: Min. 50 ft.
- 2. County Road (whichever is greater)
  - a. From center of roadway: Min. 83 ft.
  - b. From lot line: Min. 50 ft.
- 3. Town Road (whichever is greater)
  - a. From center of roadway: Min. 63 ft.

- b. From lot line: Min. 30 ft.
- (c) Building Setbacks (from the furthest building projection):

- 1. Side: Min. 10 ft.
- 2. Rear: Min. 10 ft.
- 3. Waterfront: Min. 75 ft.

(d) Other Requirements:

- 1. Building height: Max. 35 ft.
- 2. Building width: Min. 16 ft.
- 3. Roof pitch: Min. 3/12
- 4. Overhang:
  - a. Building width 17 ft. or less: Min. 3 in.
  - b. Building width more than 17 ft.: Min. 8 in

5. Sheds: Building used primarily for storage of an area up to and including one hundred fifty (150) net sq ft. and a maximum of a ten (10) foot height and a maximum sixteen (16) inches of roof overhang. Sheds are allowed before the principal structure is present but shall not be used as a place of human habitation. Mobile /manufactured homes, campers, truck bodies or trailers, buses and similar items are prohibited for use as accessory buildings.

(e) Areas:

- 1. Living area per dwelling unit Min. 760 sq ft.

**(5) SPECIAL LAKE ARROWHEAD LOT REQUIREMENTS:**

(a) Perpetual camping lots or conventional homes:

- 1. Penwood 1 through 5, 28 through 32, 57 through 64
- 2. Hawkshead 11 through 23, 31 through 67, 87 through 97
- 3. Sir Winston 1 through 108

(b) Manufactured dwelling lots:

- 1. Penwood 6 through 27, 33 through 56



2. Hawkshead 1 through 10, 24 through 30, 68 through 86

3. Hampton Court 1 through 111

(c) Requirements per dwelling unit:

1. Building height: Max. 35 ft.

2. Building width: Min. 14 ft.

3. Roof pitch: Min. 3/12

4. Overhang:

a. Building width 17 ft. or less: Min. 3 in.

b. Building width more than 17 ft.: Min. 8 in

**10.08 R-3 MULTI-FAMILY RESIDENCE DISTRICT:**

(1) **PURPOSE:** The R-3 District is designed to provide a living area with a greater density than the R-1 and R-2 Districts, but so designed to be spacious and protected from encroachment of non-compatible land use, noise and traffic hazard.

(2) **PERMITTED USES:**

(a) Any permitted use in the R-1 -District

(b) Bed and Breakfast establishments subject to DHS 197

(c) Three (3) -through eight (8) plexes and condominiums with approval and review of Chapter 703 Wis. Stats.

(3) **CONDITIONAL USES:**

(a) Any conditional use in the R-1 District

(b) Nursing Home; Clinic; Institutional Care Facility, provided all principal structures and uses are fifty (50) feet or greater from any lot line.

(c) Multi-family Housing, nine (9) or more units

(4) **HEIGHT, SETBACKS, AREA AND OTHER REQUIREMENTS:**

(a) Lot Requirements:

1. Frontage: Min. 70 ft.

2. Area: Min. 1 ac.

3. Depth/Width: Max. 4:1

(b) Roadway Setbacks:

1. State Highway (whichever is greater)

a. From center of roadway: Min. 110 ft.

b. From lot line: Min. 50 ft.

2. County Road (whichever is greater)

a. From center of roadway: Min. 83 ft.

b. From lot line: Min. 50 ft.

**3. Town Road (whichever is greater)**

**a.** From center of roadway: Min. 63 ft.

**b.** From lot line: Min. 30 ft.

**(c) Building Setbacks (from the furthest building projection):**

**1.** Side: Min. 10 ft.

**2.** Rear: Min. 10 ft.

**3.** Waterfront: Min. 75 ft.

**(d) Other Requirements:**

**1.** Building height: Max. 35 ft.

**2.** Building width: Min. 24 ft.

**3.** Roof pitch: Min. 4/12

**4.** Overhang: Min. 12 in

**5.** Shed: Building used primarily for storage of an area up to and including one hundred fifty (150) net sq. ft. and a maximum of a ten (10) foot height and a maximum sixteen (16) inches of roof overhang. Sheds are allowed before the principal structure is present but shall not be used as a place of human habitation. Mobile/manufactured homes, campers, truck bodies or trailers, buses and similar items are prohibited for use as accessory buildings.

**(e) Areas: Living Area per dwelling unit: Min. 760 sq. ft.**

**10.09 R-4 RURAL RESIDENCE DISTRICT:**

(1) **PURPOSE:** The R-4 District is designed to provide a District in which density can be reduced and at the same time allow the broader use of hobby, and recreational activities that normally would not be compatible in a more densely populated area.

(2) **PERMITTED USES:**

(a) Any use permitted in the R-1 District.

(3) **CONDITIONAL USES:**

(a) Any conditional use enumerated in the R-1 District.

(b) Hobby farming, subject to the following limitations:

1. The parcel must be at least ten (10) acres in size.
2. No more than 65% of the total parcel area may be used for the farming/agricultural purpose.
3. The total animal units maintained on the parcel shall not exceed four (4) per acre.
4. No manure may be stored or allowed to accumulate within ten (10) feet of the parcels boundaries.
5. No manure generated off of the parcel may be spread or stored on the parcel.
6. A single family dwelling must exist on the parcel.

(4) **HEIGHT, SETBACKS, AREA, AND OTHER REQUIREMENTS:**

(a) Lot Requirements:

1. Frontage: Min. 250 ft.
2. Area: Min. 5 ac.
3. Depth/Width: Max. 4:1

(b) Roadway Setbacks:

1. State Highway (whichever is greater)
  - a. From center of roadway: Min. 110 ft.

- b.** From lot line:                      Min. 50 ft.
- 2.** County Road (whichever is greater)
- a.** From center of roadway:       Min. 83 ft.
- b.** From lot line:                      Min. 50 ft.
- 3.** Town Road (whichever is greater)
- a.** From center of roadway:       Min. 63 ft.
- b.** From lot line:                      Min. 30 ft.
- (c)** Building Setbacks (from furthest building projection):
- 1.** Side:                                Min. 10 ft.
- 2.** Rear:                                Min. 10 ft.
- 3.** Waterfront:                      Min. 75 ft.
- (d)** Other Requirements:
- 1.** Building height:                Max. 35 ft.
- 2.** Building width:                 Min. 24 ft.
- 3.** Roof pitch:                        Min. 4/12
- 4.** Overhang:                        Min. 12 in.
- 5.** Shed: Building used primarily for storage of an area up to and including one hundred fifty (150) net sq. ft. and a maximum of a ten (10) foot height and a maximum sixteen (16) inches of roof overhang. Sheds are allowed before the principal structure is present but shall not be used as a place of human habitation. Mobile /manufactured homes, campers, truck bodies or trailers, buses and similar items are prohibited for use as accessory buildings.
- (e)** Areas:
- 1.** Living area per dwelling unit: Min. 760 sq. ft.

## **10.10 R-5 RURAL ESTATE RESIDENCE DISTRICT:**

(1) **PURPOSE:** The R-5 District is designed to provide a district that allows for larger homes, and accessory structures and provide an environment for hobby, and recreational activities which require larger tracts of land so as not to interfere with home owners in the more densely populated areas of the town.

(2) **PERMITTED USES:** Any use permitted in the R-1 District

(3) **CONDITIONAL USES:** Any conditional use enumerated in the R-4 District

(4) **HEIGHT, SETBACKS, AREA AND OTHER REQUIREMENTS:**

(a) Lot Requirements:

1. Frontage: Min. 250 ft.
2. Area: Min. 35 ac.
3. Depth/Width: Max. 4:1

(b) Roadway Setback:

1. State Highway (whichever is greater)
  - a. From center of roadway: Min. 110 ft.
  - b. From lot line: Min. 50 ft.
2. County Road (whichever is greater)
  - a. From center of roadway: Min. 83 ft.
  - b. From Lot Line: Min. 50 ft.
3. Town Road (whichever is greater)
  - a. From center of roadway: Min. 63 ft.
  - b. From Lot Line: Min. 30 ft.

(c) Building Setbacks (from the furthest building projection):

1. Side: Min. 10 ft.
2. Rear: Min. 10 ft.

3. Waterfront Min. 75 ft.

(d) Other Requirements:

1. Building height: Max. 35 ft.

2. Building width: Min. 24 ft.

3. Roof pitch: Min. 4/12

4. Overhang: Min. 12 in

5. Shed: Building used primarily for storage of an area up to and including one hundred fifty (150) net sq. ft. and a maximum of a ten (10) foot height and a maximum sixteen (16) inches of roof overhang. Sheds are allowed before the principal structure is present but shall not be used as a place of human habitation. Mobile/manufactured homes, campers, truck bodies or trailers, buses and similar items are prohibited for use as accessory buildings.

(e) Area:

1. Living area per dwelling unit: Min. 1500 sq. ft.

## **10.11 LD LAKE DISTRICT;**

**(1) PURPOSE:** This district is intended to provide regulations that address the unique concerns of residential developments in waterfront and near waterfront areas. The limited number of permitted uses, and absence of conditional uses, are intended to foster neighborhoods dedicated exclusively to uses associated with one (1) family and that protect the environmentally sensitive nature of lakefront areas.

### **(2) PERMITTED USES**

**(a)** Single family dwellings, constructed to the standards of the Wisconsin Uniform Dwelling Code, and used for owner-occupancy or long-term (31 days or more) rental purposes, and accessory buildings.

**(b)** Camping

**1.** Camping limit: One (1) camping unit in a subdivision; (2) camping units outside a subdivision.

**2.** Season: Camping is allowed from April 14 through November 30.

**3.** Permit Required: An annual permit issued by the Zoning Administrator is required for seasonal camping on any lot on which a single family residence does not exist.

**4.** Guest Camping: A second camping unit to be occupied by guests of a lot owner shall be permitted on the zoning lot in a subdivision between April 15<sup>th</sup> and October 15<sup>th</sup> of each calendar year for no more than three (3) non-sequential periods of a maximum of ten (10) days each in duration. At least fifteen (15) days must elapse between each such period. A guest camping permit issued by the Town of Rome is required.

**5.** Water/Septic requirements: Commencing on January 1, 2012, camping may not occur on a lot on which a single family residence does not exist unless said lot satisfies both of the following requirements:

**a.** Is either connected to water service offered by the Rome Water Utility or is served by a private, code-compliant well providing potable water; and,

**b.** Is connected to a municipal sanitary sewer system or is directly served by a private onsite waste treatment system as defined in 145.01(12) Wis. Stats. or is attached to a transfer container that is installed pursuant to the regulations set forth in sec. 3-2.08 of the Adams County Private Onsite Waste Treatment Systems Ordinance.

**6.** Off-Season Camping Permit: Camping is permitted from December 1 through April 14<sup>th</sup> only upon issuance of an off-season camping permit by the Zoning Administrator. Such camping is limited to no more than two (2) occurrences for a cumulative total of no more than twenty-one (21) days during any off-season period. A separate permit is required for each occurrence and will only be issued upon proof that the camping unit will be connected to either a



municipal sanitary sewer system or has direct access to a private onsite waste treatment system approved by the State of Wisconsin and Adams County.

7. All permits required herein must be displayed in a weather-resistant receptacle that is securely attached, below the address sign, to the town-issued address identification post.

8. Notwithstanding par. (2)(b)5.b. herein, portable toilets and vault privies are prohibited in this district. Composting, chemical and incinerating toilets are permitted only if completely within the camping unit.

(c) Home Occupation

(d) One Shed

(3) **CONDITIONAL USES:** None

(4) **HEIGHT, SETBACKS, AREA AND OTHER REQUIREMENTS:**

(a) Lot Requirements:

1. Frontage: Min. 70 ft.

2. Area: one (1) acre

3. Depth/Width: Max. 4:1

(b) Roadway Setback:

1. State Highway (whichever is greater)

a. From center of roadway: Min. 110 ft.

b. From lot line: Min. 50 ft.

2. County Road (whichever is greater)

a. From center of roadway: Min. 83 ft.

b. From lot line: Min. 50 ft.

3. Town Road (whichever is greater)

a. From center of roadway: Min. 63 ft.

b. From lot line: Min. 30 ft.

(c) Building Setbacks (from the furthest building projection):

1. Side: Min. 10 ft.

2. Rear: Min 10 ft.

3. Waterfront: Min. 75 ft.

**(d) Other Requirements:**

1. Building height: Max. 35 ft.

2. Building width: Min. 24 ft.

3. Roof pitch: Min. 4/12

4 Overhang: Min. 12 in.

**5. Accessory Building Appearance:**

**a.** The purpose of this paragraph is to regulate the use of exterior construction materials in an effort to attain a degree of individual uniformity and overall compatibility in exterior appearance, and thus maintain and enhance the attractiveness and property value of LD zoning districts. The LD district is the foundation of the Town tax base. Therefore, it is an overall benefit to the welfare and quality of life of the community to make preservation of the property values a priority. The Town of Rome provides these regulations to landowners who desire to build a new structure, or to remodel or add to an existing dwelling or accessory building.

**b.** An accessory building shall be constructed of similar materials and have an overall appearance consistent with that of the dwelling.

**6.** Shed: Building used primarily for storage of an area up to and including one hundred fifty (150) net sq. ft. and a maximum of a ten (10) foot height and a maximum sixteen (16) inches of roof overhang. A Shed is allowed before the principal structure is present but shall not be used as a place of human habitation. Mobile/manufactured homes, campers, truck bodies or trailers, buses and similar items are prohibited for use as accessory buildings.

**(e) Areas:**

**1.** Lot Coverage by Buildings: Impervious building and ancillary surfaces, excluding driveways, shall not occupy more than twenty (20) percent of a total lot area. An applicant for a zoning permit shall provide a diagram that includes lot dimensions, total area and the location, dimensions and area of all buildings together with computations that demonstrate compliance with this section.

2. Living area per dwelling unit: Minimum 760 sq. ft.

3. Detached accessory structures: Side wall height: Maximum 10 ft.

(f) Outside Storage: Except for the following items, there shall be no outside storage of personal property during the period of December 1 through April 14<sup>th</sup> on any lot in a recorded residential subdivision unless the lot contains a single family dwelling:

1. Two (2) watercraft (must be owned by property owner)
2. One (1) picnic table

(5) **SPECIAL SETBACK REQUIREMENTS:** The following lots must conform to the following waterfront setbacks:

(a) Eighty-seven (87) feet:

1. Appleby 71
2. Chatham 10, 24, 35, and 44
3. Essex 5, 17, 19, and 66
4. Leeds 7
5. Norwich 12 and 17
6. Plymouth 3
7. Somerset 11
8. White Stallion 6, 12, 13, 17, 29, and 33

(b) Eighty-seven feet five inches (87' 5"):

1. Sussex 23 and 33.

(c) One hundred (100) feet:

1. Appleby 72 through 74
2. Chatham 11 through 23 and 36 through 43
3. Dover 31 through 47
4. Essex 1 through 4, 18, 67, and 68
5. Falk 45 through 56
6. Inverness 12 through 23

7. Kent 1 through 29
8. Kings Court 1 through 34
9. Leeds 1 through 6
10. Norwich 13 through 16
11. Palisades 1 through 17
12. Plymouth 1 and 2
13. Ramsgate 12 through 47
14. Somerset 1 through 10
15. Sussex 24 through 32
16. White Stallion 7 through 11, 14, 15, 30, 31 and 32
17. York 1 through 23.

**10.115 LA LAKE AMENITY DISTRICT:**

(1) **PURPOSE:** The LA District is intended to provide an area, surrounded by or near the LD District, in which non-residential uses ancillary to the uses in the LD District are permitted. The uses permitted in this District consist primarily of amenities offered by lake associations to their members and, occasionally, the public.

(2) **PERMITTED USES:**

- (a) Accessory buildings
- (b) Association office
- (c) Athletic field/court
- (d) Boat launch/marina
- (e) Community association gathering facility
- (f) Golf course/Pro-shop
- (g) Park
- (h) Pavilion
- (i) Playground
- (j) Pond/Pool
- (k) Restaurant
- (l) Shower building
- (m) Swimming beach
- (n) Tavern
- (o) Walking trail

(3) **CONDITIONAL USES:**

- (a) Band shell
- (b) Camper storage
- (c) Campground
- (d) Marine fuel station
- (e) Sanitary Dump station

(4) **HEIGHT, SETBACKS AND OTHER REQUIREMENTS:**

(a) Lot requirements:

- 1. Frontage: Min. 70 ft.
- 2. Area: Min. 1 acre
- 3. Depth/Width: Max. 4:1

(b) Roadway Setback:

- 1. State Highway (whichever is greater)

- a.** From center of roadway: Min. 110 ft.
  - b.** From lot line: Min. 50 ft.
- 2.** County Road (whichever is greater)
  - a.** From center of roadway: Min. 83 ft.
  - b.** From lot line: Min. 50 ft.
- 3.** Town Road (whichever is greater)
  - a.** From center of roadway: Min. 63 ft.
  - b.** From lot line: Min. 30 ft.
- (c)** Building Setbacks (from the furthest building projection):
  - 1.** Side: Min. 10 ft.
  - 2.** Rear: Min. 10 ft.
  - 3.** Waterfront: Min. 75 ft.
- (d)** Other Requirements:
  - 1.** Building height: Max. 35 ft.
  - 2.** Building width: Min. 24 ft.
  - 3.** Roof pitch: Min. 4/12
  - 4.** Overhang: Min. 12 in.

## **10.12 A-1 GENERAL AGRICULTURAL DISTRICT:**

**(1) PURPOSE:** The A-1 District is intended to preserve and enhance land for agricultural uses. Confined livestock operations are regulated as conditional uses to ensure compatible land use. The district's uses and regulations are designed to implement Comprehensive Plan goals by encouraging agricultural uses in areas where soil and other conditions are best suited to these agricultural pursuits, and controlling residential development to avoid potential conflict with agricultural uses. The A-1 District is generally compatible with the Exclusive Agricultural and Open Space land use designations of the Comprehensive Plan.

### **(2) PERMITTED USES:**

- (a)** Any permitted use in the R-2 District
- (b)** Apiculture
- (c)** Floriculture
- (d)** Forestry
- (e)** General crop farming
- (f)** Greenhouse
- (g)** Horticulture
- (h)** Dairying and livestock raising not to exceed four (4) animal units per acre and less than five hundred (500) animal units total
- (i)** Nursery
- (j)** Orchard
- (k)** Pond
- (l)** Roadside stand (in season) for the sale of products produced on the premises
- (m)** Truck farming
- (n)** Viticulture

### **(3) CONDITIONAL USES:**

- (a)** Agricultural practices requiring large volumes of water.
- (b)** Airport; airstrip; landing field provided the site area is twenty (20) acres or greater.

- (c) Any conditional use in the R-3 District.
- (d) Commercial keeping of animals such as mink, rabbits, and foxes; butchering of fowl or livestock; commercial production of eggs; commercial raising, hatching, fattening and propagation provided all related structures and uses are five hundred (500) feet or greater from any lot line.
- (e) College; university; hospital; charitable, penal, and religious institution and sanitarium provided all principal structures are fifty (50) feet or greater from any lot line.
- (f) Utility, provided all principal structures are fifty (50) feet or greater from any lot line.
- (g) Communication Towers provided the specific conditional use requirements in sec. 10.21 are satisfied.
- (h) Livestock Facilities of 500 or more animal units, subject to requirements of (4) (f) herein.
- (i) Signs, Subject to the requirements of sec. 10.22.
- (j) Wind energy systems, provided the requirements of sec. 10.27 herein are satisfied.

**(4) HEIGHT, SETBACKS, AREA AND OTHER REQUIREMENTS:**

- (a) Lot Requirements:
  - 1. Frontage: Min. 200 ft.
  - 2. Area: Min.35 ac.
- (b) Roadway Setback:
  - 1. State Highway (whichever is greater)
    - a. From center of roadway: Min. 110 ft.
    - b. From lot line: Min. 75 ft.
  - 2. County Road (whichever is greater)
    - a. From center of roadway: Min. 83 ft.
    - b. From lot line: Min. 75 ft.
  - 3. Town Road (whichever is greater)
    - a. From center of roadway: Min. 63 ft.



- b.** From lot line: Min. 75 ft.
- (c)** Building Setbacks (from the furthest building projection):
  - 1.** Side: Min. 50 ft.
  - 2.** Rear: Min. 50 ft.
  - 3.** Waterfront:
    - a.** Residence: Min. 75 ft.
    - b.** Other buildings: Min. 150 ft.
- (d)** Other Requirements:
  - 1.** Building height:
    - a.** Residence and residential accessory buildings: Max. 35 ft.
    - b.** Other Buildings: Max. 60 ft.
  - 2.** Building width:
    - a.** Residence and residential accessory buildings: Min. 16 ft
    - b.** Other Buildings: No min.
  - 3.** On residences and residential accessory buildings:
    - a.** Roof pitch: Min. 4/12
    - b.** Overhang: Min. 10 in
  - 4.** The application of liquid manure through an above ground irrigation system, including but not limited to a center pivot irrigation system, is prohibited. The above ground application of liquid manure through other means shall not exceed a spray/discharge height of ten (10) feet.
- (e)** Area:
  - 1.** Living area per dwelling unit Min. 760 sq. ft.

**(f)** Conditional Use requirements for Livestock Facilities with five hundred (500) or more animal units: The following requirements shall apply to livestock facilities with five hundred (500) or more animal units. Except as modified herein, the requirements of sub. (4) herein shall apply.

**1.** Livestock Structures:

**a.** Setback from Property Lines: Except as provided for waste storage structures, livestock structures must be located a minimum of one hundred (100) feet from the property line if the livestock facility will have fewer than one thousand (1,000) animal units, and two hundred (200) feet from all property line if the livestock facility will have one thousand (1,000) or more animal units.

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

**b.** Public road right-of-way: Except as provided for waste storage structures, livestock structures must be located a minimum of one hundred (100) feet from the edge of the public road right-of-way if the livestock facility will have fewer than one thousand (1,000) animal units, and one hundred fifty (150) feet from the edge of the road right-of-way if the livestock facility will have one thousand (1,000) or more animal units.

The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of the setback requirement, except that a structure may not be expanded closer to the public road roadway.

**2.** Waste Storage Structures:

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

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

**a.** Located on the same tax parcel as a waste storage structure in existence before May 1, 2006.

**b.** No larger than the existing structure.

**c.** No further than fifty (50) feet from the existing structure.

**d.** No closer to the road or property line than the existing structure.

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

### **10.125 A-2 SECONDARY AGRICULTURAL DISTRICT:**

**(1)** The A-2 District is designed to foster the preservation of agricultural land and provide for agricultural uses and uses compatible with agriculture.

**(2) PERMITTED USES:**

- (a)** Any permitted use in the R-2 District
- (b)** Apiculture
- (c)** Floriculture
- (d)** Forestry
- (e)** General crop farming.
- (f)** Greenhouse
- (g)** Horticulture
- (h)** Dairying and livestock raising is not to exceed four (4) animal units per acre and less than five hundred (500) animal units total
- (i)** Nursery
- (j)** Orchard
- (k)** Pond
- (l)** Roadside stand (in season) for the sale of products produced on the premises
- (m)** Truck farming
- (n)** Viticulture

**(3) CONDITIONAL USES:**

- (a)** Agricultural practices requiring large volumes of water.
- (b)** Airport; airstrip; landing field provided the site area is twenty (20) acres or greater.
- (c)** Any conditional use in the R-3 District.
- (d)** Commercial keeping of animals such as mink, rabbits, and foxes; butchering of fowl or livestock; commercial production of eggs; commercial raising, hatching, fattening and propagation provided all related structures and uses are five hundred (500) feet or greater from any lot line.

(e) College; university; hospital; charitable, penal, and religious institution and sanitarium provided all principal structures are fifty (50) feet or greater from any lot line.

(f) Utility, provided all principal structures are fifty (50) feet or greater from any lot line.

(g) Communication Towers provided the specific conditional use requirements in sec. 10.21 are satisfied.

(h) Signs, subject to the requirements of sec. 10.22.

(i) Wind energy systems, provided the requirements of sec. 10.27 herein are satisfied.

**(4) HEIGHT, SETBACKS, AREA AND OTHER REQUIREMENTS:**

(a) Lot Requirements:

1. Frontage: Min. 200 ft.

2. Area: Min. 10 ac.

(b) Roadway Setback:

1. State Highway (whichever is greater)

a. From center of roadway: Min. 110 ft.

b. From lot line: Min. 75 ft.

2. County Road (whichever is greater)

a. From center of roadway: Min. 83 ft.

b. From lot line: Min. 75 ft.

3. Town Road (whichever is greater)

a. From center of roadway: Min. 63 ft.

b. From lot line: Min. 75 ft.

(c) Building Setbacks (from the furthest building projection):

1. Side: Min. 50 ft.

2. Rear: Min. 50 ft.

3. Waterfront:

- a.** Residence: Min. 75 ft.
- b.** Other buildings: Min. 150 ft.

**(d)** Other Requirements:

**1.** Building height:

- a.** Residence and residential accessory buildings: Max. 35 ft.
- b.** Other buildings: Max. 60 ft.

**2.** Building width:

- a.** Residence and residential accessory buildings: Min. 16ft.
- b.** Other Buildings: No min.

**3.** On residences and residential accessory buildings:

- a.** Roof pitch: Min. 4/12
- b.** Overhang: Min. 10 in

**4.** The application of liquid manure through an above ground irrigation system, including but not limited to a center pivot irrigation system, is prohibited. The above ground application of liquid manure through other means shall not exceed a spray/discharge height of ten (10) feet.

**(e)** Area:

- 1.** Living area per dwelling unit: Min. 760 sq. ft.

### **10.13 B-1 BUSINESS DISTRICT**

**(1) PURPOSE:** The B-1 District is designed to allow for businesses servicing a community-wide need. Convenient business areas are on the main highways making accessibility and visibility a practical consideration.

**(2) PERMITTED USES:**

- (a)** Animal hospital/veterinary clinic
- (b)** Antique dealer
- (c)** Appliance store
- (d)** Arcade
- (e)** Archery range
- (f)** Art gallery
- (g)** Art store
- (h)** Assembly hall
- (i)** Automobile parts and accessories
- (j)** Automobile rental
- (k)** Automobile, truck, motorcycle, camper, snowmobile, boat, ATV and trailer sales and service
- (l)** Baby and children's store
- (m)** Bakery
- (n)** Ballroom
- (o)** Barber shop
- (p)** Bar
- (q)** Baseball and golf driving range
- (r)** Beauty shop
- (s)** Bed and Breakfast establishment subject to DHS 197

- (t)** Bicycle sales and service
- (u)** Boat livery
- (v)** Book binding
- (w)** Clothing store
- (x)** Club
- (y)** Cocktail lounge
- (z)** Community center
- (aa)** Computer sales and service
- (ab)** Concert hall (indoor)
- (ac)** Convention/exhibit hall
- (ad)** Craft store
- (ae)** Crockery store
- (af)** Coffee and espresso bar
- (ag)** Confectionery shop
- (ah)** Curtain and drapery shop
- (ai)** Dance hall
- (aj)** Dairy store
- (ak)** Day care center
- (al)** Delicatessen
- (am)** Department store
- (an)** Drug store/pharmacy
- (ao)** Dry cleaning and dyeing
- (ap)** Dry good store
- (aq)** Electrical supply

- (ar)** Electronic equipment sales, and service
- (as)** Employment agency
- (at)** Fabric store
- (au)** financial institution
- (av)** Fish market
- (aw)** Florist
- (ax)** Food locker
- (ay)** Fruit store
- (az)** Funeral home
- (ba)** Furniture store
- (bb)** Garage or convenience store provided all fuel pumps and tanks are thirty (30) feet or greater from any lot line
- (bc)** Garden shop
- (bd)** Gift store
- (be)** Golf course
- (bf)** Government and cultural uses
- (bg)** Greenhouse
- (bh)** Grocery store
- (bi)** Gymnasium
- (bj)** Hardware store
- (bk)** Health and exercise establishment
- (bl)** Hearing aid store
- (bm)** Heat and air conditioning supply
- (bn)** Hobby shop



- (bo)** Home construction and supply store
- (bp)** Home furnishing store
- (bq)** Hospital
- (br)** Hotel
- (bs)** Ice cream store
- (bt)** Interior decorator
- (bu)** Jewelry store
- (bv)** Labor union office
- (bw)** Laundromat
- (bx)** Lawn mower sales and service
- (by)** Leather goods store
- (bz)** Library
- (ca)** Liquor store
- (cb)** Locksmith and key making shop
- (cc)** Lodge
- (cd)** Luggage shop
- (ce)** Marina
- (cf)** Meat market
- (cg)** Monument sale
- (ch)** Motel
- (ci)** Museum
- (cj)** Music store
- (ck)** Newspaper office
- (cl)** Newsstand

- (cm)** Nightclub
- (cn)** Nursery
- (co)** Office supply store
- (cp)** Optical store
- (cq)** Miniature golf
- (cr)** Packaged beverage store
- (cs)** Paint, wallpaper and glass store
- (ct)** Park
- (cu)** Personal and business service establishment
- (cv)** Pet shop
- (cw)** Photography shop
- (cx)** Photo development shop
- (cy)** Plumbing supply shop
- (cz)** Pool hall
- (da)** Post office
- (db)** Print shop
- (dc)** Professional office/studio
- (dd)** Publishing
- (de)** Real estate office
- (df)** Resale store
- (dg)** Resort and resort cabins and cottages (Summer and winter), ski lodges, dude ranches, vacation farms, hunting and fishing camps, children's camps, and similar establishments
- (dh)** Restaurant
- (di)** School (music, dance, aerobic, trade, and business)
- (dj)** Service station

- (dk)** Sewing machine sales and service
- (dl)** Shoe store
- (dm)** Shopping center
- (dn)** Sign shop
- (do)** Signs, subject to the requirements of sec. 10.22.
- (dp)** Single-family residence
- (dq)** Ski hill
- (dr)** Skating rink (indoor)
- (ds)** Small appliance sales and service
- (dt)** Soda fountain
- (du)** Specialty store
- (dv)** Sporting goods store
- (dw)** Stamp and coin store
- (dx)** Supper club
- (dy)** Tailor/dressmaking shop
- (dz)** Tavern
- (ea)** Taxidermy and bait shop
- (eb)** Taxi stand
- (ec)** Television and radio sales and service
- (ed)** Theater (indoor)
- (ee)** Tobacco store
- (ef)** Toy store
- (eg)** Trade and contractor office
- (eh)** Travel agency

- (ei) Trophy and award sale
- (ej) Upholstery shop
- (ek) Utility office and exchange
- (el) Variety store
- (em) Vegetable store
- (en) Videotape sales and rental
- (eo) Watch and clock repair
- (3) CONDITIONAL USES:**
- (a) Agricultural Business
- (b) Amusement park
- (c) Assembly (light)
- (d) Auto body repair
- (e) Campground/recreational vehicle park
- (f) College; university; hospital; charitable, penal, and religious institution; and sanitarium provided all principal structures are fifty (50) feet or greater from any lot line
- (g) Commercial park
- (h) Fairground
- (i) Farm equipment sale and service
- (j) Go kart track
- (k) Kennel
- (l) Lumber yard
- (m) Machine shop
- (n) Metal finishing shop
- (o) Motorcycle course
- (p) Multiple-family residence

- (q) Non-conventional financial business
- (r) Outdoor rifle range
- (s) Outdoor skating rink
- (t) Parking lot
- (u) Public transportation terminal
- (v) Radio station
- (w) Raising of domestic animals, subject to the limitations set forth in sec. 10.03(2)(i)
- (x) Sale of machinery and equipment
- (y) Sale, rental, leasing, manufacture, storage or repair of manufactured homes.
- (z) Storage rental building
- (aa) Temporary sale stand
- (ab) Tennis court
- (ac) Theatre (outdoor)
- (ad) Travel trailer park
- (ae) Utility services, provided all principal structures are fifty (50) feet or more from any lot line.
- (af) Warehousing and utilities; provided all principal structures and uses are fifty (50) feet or greater from any lot line.
- (ag) Communication Towers provided the specific conditional use requirements in sec. 10.21 are satisfied.

**(4) HEIGHT, SETBACKS, AREA AND OTHER REQUIREMENTS:**

**(a) Lot Requirements:**

1. Frontage: Min. 100 ft.
2. Area: Min. 1 ac.
3. Depth/Width: Max. 4:1

**(b) Roadway Setback:**

**1. State Highway (whichever is greater)**

**a.** From center of roadway: Min. 110 ft.

**b.** From lot line: Min. 50 ft.

**2. County Road (whichever is greater)**

**a.** From center of roadway: Min. 83 ft.

**b.** From lot line: Min. 50 ft.

**3. Town Road ((whichever is greater)**

**a.** From center of roadway: Min. 63 ft.

**b.** From lot line: Min. 30 ft.

**(c) Building Setbacks (from the furthest building projection):**

**1.** Side: Min. 15 ft.

**2.** Rear: Min. 15 ft.

**3.** Waterfront: Min. 75 ft.

**4.** Side/Rear Abutting Residential: Min. 50 ft.

**(d) Other Requirements:**

**1.** Building Height; Max. 35 ft.

**2.** Building Width: Min. 24 ft.

**3.** See Section 10.23 Design Standards

**4.** See Section 10.22 Signs and Billboards

**5.** Storage:

**a.** Temporary semi-trailer parking and portable container units are permitted in all yards of a business district except that no parking shall be closer than sixty (60) feet to a property line. Duration of any storage cannot exceed thirty (30) days, extensions may be granted, but not to exceed ninety (90) days.

**b.** Outdoor storage in conjunction with the business must be screened from public right-of-way and residential property.

#### **10.14 BP ALPINE VILLAGE BUSINESS PARK**

(1) **PURPOSE:** The BP District is designed to provide for a broad range of uses in the Alpine Village Business Park to compliment the needs of the community by providing jobs, housing for the elderly, and retail shopping for all residents. This district is intended to control over-crowding, parking, landscaping, and design review standards for any structure or uses within the district.

(2) **PERMITTED USES:** Please refer to the Alpine Village Business Park Development and Design Manual.



## **10.15 CV CONSERVANCY DISTRICT:**

**(1) PURPOSE:** The CV District provides for the protection of the ecology and conservation of natural resources of the Town. Generally this includes swamps, marshlands and areas where the groundwater is at or near the surface of the ground.

### **(2) PERMITTED USES:**

- (a)** Fire detection structure
- (b)** Fishing and boating (no motors permitted)
- (c)** Directional signs
- (d)** Private Recreational camping
- (e)** Harvesting of any wild crops such as ferns, mosses, berries, tree fruits and tree seeds in a manner that is not injurious to the natural reproduction of such crops
- (f)** Soil and water conservation practices

- (g)** Wildlife/nature preserves

### **(3) CONDITIONAL USES:**

- (a)** Flowage area
- (b)** Hydroelectric dam
- (c)** Open type shelter for Public use.
- (d)** Non-residential buildings or structures used by public agencies or groups for the raising of wildlife and fish, the practice of forestry and research in or the rehabilitation of natural resources.
- (e)** Power plant
- (f)** Religious shrine
- (g)** Transmission lines and substation
- (h)** Utility, provided all principle structures and uses are fifty (50) feet or greater from any lot line
- (i)** Communication Towers provided the specific conditional use requirements in sec. 10.21 are satisfied.

(j) Signs, subject to the requirements of sec. 10.22.

**(4) HEIGHT, SETBACKS, AREA AND OTHER REQUIREMENTS:**

**(a) Lot Requirements:**

1. Frontage: Min. 250 ft.
2. Area: Min. 35 ac.
3. Depth/Width: Max. 4:1

**(b) Roadway Setback:**

1. State Highway (whichever is greater)
  - a. From center of roadway: Min. 110 ft.
  - b. From lot line: Min. 50 ft.
2. County Road (whichever is greater)
  - a. From center of roadway: Min. 83 ft.
  - b. From lot line: Min. 50 ft.
3. Town Road (whichever is greater)
  - a. From center of roadway: Min. 63 ft.
  - b. From lot line: Min. 30 ft.

**(c) Building Setbacks (from the furthest building projection):**

1. Side: Min. 50 ft.
2. Rear: Min. 50 ft.
3. Waterfront: Min. 100 ft.

**(d) Other Requirements:**

1. Building Height: Max. 35 ft.

## **10.16 FR FOREST & OUTDOOR RECREATION DISTRICT:**

**(1) PURPOSE:** The FR District is designed to further promote and conserve existing forest areas within this district, together with wildlife, water and mineral resources, and to provide for certain limited recreational activities which do not substantially interfere with or impair these objectives.

### **(2) PERMITTED USES:**

- (a)** Fire detection Structure
- (b)** Fishing and boating
- (c)** Directional signs
- (d)** Private Recreational camping (limit: Two (2) camping units)
- (e)** Harvesting of any wild crops such as ferns, mosses, berries, tree fruits and tree seeds in a manner that is not injurious to the natural reproduction of such crops
- (f)** Soil and water conservation practices
- (g)** Wildlife/nature preserves
- (h)** Open type shelter for public use
- (i)** Non-residential buildings or structures used for the raising of wildlife and fish, the practice of forestry and research in or the rehabilitation of natural resources.

### **(3) CONDITIONAL USES:**

- (a)** Hydroelectric dam; power plant; flowage area; transmission line and substation
- (b)** Utility, provided all principal structures are fifty (50) feet or greater from any lot line
- (c)** Governmental public service signs.
- (d)** Communication Towers - provided the specific conditional use requirements in Sec. 10.21 are satisfied.
- (e)** Signs, subject to the requirements of Sec. 10.22.
- (f)** Campgrounds
- (g)** Outdoor shooting range

**(4) HEIGHT, SETBACKS, AREA AND OTHER REQUIREMENTS:**

**(a) Lot requirements:**

- 1.** Frontage: Min. 250 ft.
- 2.** Area: Min. 35 Acres
- 3.** Depth/Width: Max. 4:1

**(b) Roadway Setback:**

- 1.** State Highway (whichever is greater)
  - a.** From center of roadway: Min. 110 ft.
  - b.** From lot line: Min. 50 ft.
- 2.** County Road (whichever is greater)
  - a.** From center of roadway: Min. 83 ft.
  - b.** From lot line: Min. 50 ft.
- 3.** Town Road (whichever is greater)
  - a.** From center of roadway: Min. 63 ft.
  - b.** From lot line: Min. 50 ft.

**(c) Building Setback (from the furthest building projection):**

- 1.** Side: Min. 50 ft.
- 2.** Rear: Min. 50 ft.
- 3.** Waterfront: Min. 100 ft.

**(d) Other Requirements:**

- 1.** Building Height: Max. 35 ft.

### **10.17 B-2, SECONDARY BUSINESS DISTRICT:**

**(1) PURPOSE:** The B-2 District is intended to provide areas for light manufacturing and related activities that do not require or discharge large volumes of water and do not create substantial smoke, odor, noise, vibration or dust. The District is also intended to locate the enumerated businesses and industries in areas that are buffered from residential areas. With regard to sexually oriented businesses, the Town also relies on the intent and findings set forth in sec. 7.08(1) and (2) of the Town Code.

This district shall not include any area located within the Alpine Village Business Park.

#### **(2) PERMITTED USES:**

- (a)** Dry cleaning and dyeing Establishment
- (b)** Forestry
- (c)** Light assembly
- (d)** Lithographing
- (e)** Pattern shop
- (f)** Printing
- (g)** Sexually oriented business as defined in sec. 7.08(3) (w) of the Town Code.
- (h)** Signs, subject to the requirements of sec. 10.22.

#### **(3) CONDITIONAL USES:**

- (a)** Machine shop
- (b)** Metal finishing shop
- (c)** Pallet factory
- (d)** Manufacture and sale of machinery and equipment
- (e)** Millwork production.
- (f)** Saw mill
- (g)** Communication towers provided the specific conditional use requirements in sec. 10.21 are satisfied.

**(4) HEIGHT, SETBACKS, AREA AND OTHER REQUIREMENTS:**

**(a) Lot Requirements:**

1. Frontage: Min. 150 ft.
2. Area: Min. 2 ac.
3. Depth/Width: Max. 4:1

**(b) Roadway Setback:**

1. State Highway (whichever is greater)
  - a. From center of roadway: Min. 110 ft.
  - b. From lot line: Min. 50 ft.
2. County Road (whichever is greater)
  - a. From center of roadway: Min. 83 ft.
  - b. From lot line: Min. 50 ft.
3. Town Road (whichever is greater)
  - a. From center of roadway: Min. 83 ft.
  - b. From lot line: Min. 50 ft.

**(c) Building Setback (from the furthest building projection):**

1. Side: Min. 40 ft.
2. Rear: Min. 40 ft.
3. Waterfront: Min. 150 ft.

**(d) Other Requirements:**

1. Building Height Max. 35 ft.
2. See Section 10.23 Design Standards
3. See Section 10.22 Signs and Billboards

**4. Storage:**

**a.** Temporary semi-trailer parking and portable container units are permitted in all yards of this district except that no parking shall be closer than sixty (60) feet to a property line. Duration of any storage cannot exceed thirty (30) days, extensions may be granted, but not to exceed ninety (90) days.

**b.** Outdoor storage in conjunction with the business must be screened from public right-of-way and residential property.

**(5) SEXUALLY ORIENTED BUSINESSES LOCATION:**

**(a)** Intent: The intent of this ordinance is the same as the intent set forth in Sec. 7.071) of this Code of Ordinances.

**(b)** A sexually oriented business may not be operated within:

**1.** Five hundred (500) feet of a church, chapel, synagogue, or regular place of religious worship;

**2.** Five hundred (500) feet of a school; public or private preschool, elementary, middle or high school; or youth recreational center, or library;

**3.** Five hundred (500) feet of a licensed day-care center, clinic or hospital;

**4.** Five hundred (500) feet of a public park;

**5.** Five hundred (500) feet of the LD and all Residential Districts;

**6.** Five hundred (500) feet of any licensed bar or tavern;

**7.** Five hundred (500) feet of another Sexually Oriented Business;

**(c)** A Sexually Oriented Business may not be operated in the same building, structure, or portion thereof, containing another Sexually Oriented Business.

**(d)** The public display by window, sign or any other means of explicit materials, pictures, depictions and performances is prohibited.

**(e)** For the purpose of this ordinance, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a Sexually Oriented Business is conducted, to the nearest property line or boundary of a property enumerated above.

**10.18 PSP PUBLIC/SEMI-PUBLIC DISTRICT:**

**(1) PURPOSE:** The PSP District is intended to establish and preserve areas for certain public uses.

**(2) PERMITTED USES:**

- (a)** Arboretum
- (b)** Sustained yield forestry and school forest
- (c)** Wildlife preserve

**(3) CONDITIONAL USES;**

- (a)** Airport
- (b)** Archery range
- (c)** Baseball and golf driving range
- (d)** Beach and Bathhouse
- (e)** Campground
- (f)** Cemetery
- (g)** College
- (h)** Conservatory
- (i)** Golf course
- (j)** Governmental Structures
- (k)** Gymnasium
- (l)** Hospital
- (m)** Marina
- (n)** Museum
- (o)** Music hall and band shell
- (p)** Park, Playground and Sport Field



- (q) Pool
- (r) Public emergency shelter
- (s) Public, parochial, and private elementary and secondary school and church, provided the lot area is not less than two (2) acres and all principal structures and uses are not less than fifty (50) feet from any lot line
- (t) Religious, charitable, penal and correctional institution; and utility, provided all principal structures and uses are fifty (50) feet or greater from any lot line.
- (u) Signs, subject to the requirements of sec. 10.22.
- (v) Soil and Water Conservation
- (w) Solid waste transfer site
- (x) Water control facility and water measurement
- (y) Zoological and botanical garden provided the lot area is three (3) acres or greater and all structures are fifty (50) feet or greater from any residential district boundary

**(4) HEIGHT, SETBACKS, AREA AND OTHER REQUIREMENTS:**

**(a) Lot Requirements:**

- 1. Area: Min. 1 ac.
- (b) Roadway Setback:
  - 1. State Highway (whichever is greater)
    - a. From center of roadway: Min. 110 ft.
    - b. From lot line: Min. 50 ft.
  - 2. County Road (whichever is greater)
    - a. From center of roadway: Min. 83 ft.
    - b. From lot line: Min. 50 ft.
  - 3. Town Road (whichever is greater)
    - a. From center of roadway: Min. 63 ft.
    - b. From lot line: Min. 30 ft.

**(c) Building Setbacks (from the furthest building projection):**

- 1. Side: Min. 10 ft.**
- 2. Rear: Min. 10 ft.**
- 3. Waterfront: Min. 75 ft.**

**(d) Other Requirements:**

- 1. Building Height: Max.35ft.**

## **10.19 PUD PLANNED UNIT DEVELOPMENT (PUD) DISTRICT:**

**(1) PURPOSE:** The PUD District is intended to provide for large-scale combined use development. It is especially applicable to a development in which a number of different land uses (residential, commercial, public, and semi-public, etc.) are combined in a design which provides for desirable and convenient conditions which minimize conflicts between the various land uses involved.

The PUD District is intended to permit developments that will, over a period of time, be enhanced by coordinated area-site planning, diversified location of structures, and/or mixing of compatible uses. Such developments are intended to provide a safe and efficient system for pedestrian and vehicle traffic; to provide attractive recreation and open spaces as integral parts of the developments; to enable economic design in the location of public and private utilities and community facilities; and to ensure adequate standards of construction and planning.

The PUD District will allow for flexibility of overall development design with benefits from such design flexibility intended to be derived by both the developer and the community, while at the same time maintaining insofar as possible the land use density and other standards or use requirements as set forth in the basic zoning districts.

The PUD District shall be in conformity with the adopted comprehensive land use plan or any adopted component thereof; and shall not be contrary to the general welfare and economic prosperity of the community.

**(2) PERMITTED USES:** Any use identified as a permitted use in the Project Plan approved by the Town Board for the PUD.

**(3) CONDITIONAL USES:** None

### **(4) PROCEDURE**

**(a)** Pre-petition conference. Prior to official submittal of a petition for a PUD District, the petitioner shall meet with the Zoning Administrator for a preliminary discussion as to the scope and proposed nature of the contemplated development, especially as relates to the petitioner's intentions to submit a general or detailed application.

**(b)** Petition. Following the pre-petition conference, petition may be made to rezone the property(s) proposed for such development to the PUD district. Such petition shall be accompanied by a fee established by the Town Board. The following information shall be included:

**1.** A statement describing the general character of the intended development and why a PUD is appropriate. This statement should include the following, unless, upon request of the applicant, the Plan Commission and the Town Board in their discretion determines that inclusion of one or more of the following is not necessary based on the size, scope and nature of the proposed project.

**a.** Statistical data on total size of the project area, area of open space, residential density computation and proposed number of dwelling units, population analysis, market analysis, economic analysis, impact upon municipal services and any other similar data pertinent to a comprehensive evaluation of the proposed development.

**b.** A financial factors general summary, including the value of structures, estimated improvement costs, amount proposed for landscaping and special features, estimated sale or rental price, and total anticipated development cost of the project.

**c.** Organizational and service structure general outline related to, if applicable intended property owners' association, deed restrictions, and provision of private services.

**2.** A Project Plan and related maps, including descriptive statements of objectives, principles and standards used on its formulation of the project. The following information shall also be included unless the Plan Commission and Town Board elect to waive its inclusion:

**a.** An accurate map of the project area, including its relationship to surrounding properties.

**b.** The pattern of public and private roads, driveways and parking facilities and intended design standards.

**c.** The use, size, arrangement and location of lots or of proposed building groups.

**d.** The location of recreational and natural open space areas and areas reserved or dedicated for public uses such as school, park, nature preserve, etc.

**e.** The use, size, location and general appearance of all structures.

**f.** General landscape treatment.

**g.** Architectural drawings and sketches or photos of similar developments illustrating the design and character of proposed structures.

**h.** The location of present and proposed sanitary system and other utility facilities.

**i.** Existing topography and storm drainage pattern and proposed storm drainage system, showing basic topography changes.

**j.** An anticipated schedule for the construction/ development of the project, which may include stages of development.

**(c)** Referral to Plan Commission. Such petition shall be referred to the Plan Commission. Upon completion of the necessary study and investigation, the Plan Commission shall make its recommendation to the Town Board as to the appropriateness and desirability of the PUD District as it relates to the factors set forth herein.

(d) **Public Hearing.** The Plan Commission, before making a recommendation on such petition, shall hold a public hearing pursuant to statutory provisions for zoning amendments. Notice for such hearing shall include reference to the consideration of the proposed project development plans coincident with the requested zoning change to PUD.

(e) **Standards:** The Plan Commission in making its recommendation, and the Board<sub>z</sub> in making its determination, shall give consideration, as applicable, to the following:

1. Consistency of the project with the Town's comprehensive plan.
2. Appropriateness of the construction/development schedule.
3. Adequacy of open space and recreational areas.
4. Effects of project on traffic safety and flow of traffic.
5. Adequacy of parking.
6. Effects of project on the natural environment.
7. Effects of the project on neighboring properties.
8. Overall appearance of the project.
9. Attractiveness of proposed buildings and landscaping and that they complement the environment of the project area.
10. Effect of project on available or proposed extension of municipal services.
11. Compatibility of operational character, physical layout and architectural design of project.
12. That the petitioners have adequately demonstrated the economic viability of the project.

(5) **DETERMINATION:**

(a) The Town Board, after receipt and review of the recommendation of the Plan Commission, may approve, approve with changes or deny the petition, including the Project Plan.

(b) If the petition is approved, the rezoning of the property to the PUD District shall be conditioned on the timely compliance by the petitioner with the terms of the Project Plan. To that end, the approval shall include a timeframe for completion of the project. The timeframe may include stages of development.

(c) General approval. The Project Plan submitted for such an approval need not be completely detailed at the time of rezoning, provided it is of sufficient detail to satisfy the Plan Commission and the Town Board as to the general character, scope and appearance of the proposed development. The approved Project Plan shall at a minimum designate the pattern of proposed streets, the size, use, and arrangement of lots, the basic pattern of land use, with an illustration of a typical example of the development proposed. The approval of such Project Plan shall be conditioned upon the subsequent submittal and approval of more specific and detailed plans as the development progresses, so that all detailed approvals are complete before work on the project commences.

(d) Approval may be conditional upon the posting of a performance bond or other form of security acceptable to the Town Board which insures payment by the developer of the costs of any public improvements necessary for the project.

(e) The Project Plan may be amended by the Town Board pursuant to the same standards applicable to initial approval.

## **10.20 SP SPECIAL PURPOSE DISTRICT:**

(1) **PURPOSE:** The SP District is designed to provide for a use which presents a special problem or hazard. Included are those land uses which require extremely large expanses of land, those which tend to create serious hazards to the health, safety, and general welfare of the Town residents, and those for which it is inappropriate or undesirable to have more than one (1) instance of a given land use within a community.

(2) **PERMITTED USES:** Forestry

(3) **CONDITIONAL USES:**

(a) Facilities for the production, mining, processing, or storage of concrete, blacktop, asphalt, or other paving or road surfacing materials.

(b) Sand or gravel quarries, or other mineral extraction operations, or facilities for the manufacture or processing of such products as sand, gravel, stone, or crushed stone.

(c) Sanitary landfill operations provided that standards set forth in Section NR 151 of the Wisconsin Administrative Code are complied with.

(d) Communication towers provided the specific conditional use requirements in sec. 10.21 are satisfied.

(e) Signs, subject to the requirements of sec. 10.22.

(f) Wind energy systems, provided the requirements of sec. 10.27 herein are satisfied.

(4) **HEIGHT, SETBACKS, AREA AND OTHER REQUIREMENTS:**

(a) Lot Requirements:

1. Frontage: Min. 500 ft.
2. Area: Min. 30 acres
3. Depth/Width: Max. 4:1

(b) Roadway Setback:

1. State Highway (whichever is greater)
  - a. From center of roadway: Min. 133 ft.
  - b. From lot line: Min. 100 ft.
2. County Road (whichever is greater)

**a.** From center of roadway: Min. 133 ft.

**b.** From lot line: Min. 100 ft.

**3.** Town Road (whichever is greater)

**a.** From center of roadway: Min. 133 ft.

**b.** From lot line: Min. 100 ft.

**(c)** Building Setbacks: (from the furthest building projection)

**1.** Side: Min. 100 ft.

**2.** Rear: Min. 100 ft.

**3.** Waterfront: Min. 200 ft.

**(d)** Other Requirements:

**1.** Building Height Max. 45 ft.

**2.** See Section 10.23 Design Standards

**3.** See Section 10.22 Signs and Billboards

**4.** Storage:

**a.** Temporary semi-trailer parking and portable container units are permitted in all yards of a Special Purpose district except that no parking shall be closer than sixty (60) feet to a property line. Duration of any storage cannot exceed thirty (30) days, extensions may be granted, but not to exceed ninety (90) days.

**b.** Outdoor storage in conjunction with the Special Purpose must be screened from public right-of-way and residential property.



## **10.21 MOBILE TOWER SITING**

**(1) PURPOSE:** The purpose of this section is to regulate by zoning permit: (1) The siting and construction of any new mobile service support structure and facilities; (2) With regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities; and, (3) With regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities.

**(2) AUTHORITY:** The town board has the specific authority under ss. 62.23 and 66.0404, Wis. Stats., to adopt and enforce this section.

**(3) DEFINITIONS:** All definitions contained in s. 66.0404(1) are hereby incorporated by reference.

**(4) PERMIT ISSUANCE:** The plan commission is hereby authorized to issue all permits provided for in this section.

**(5) PERMITTED USE:** Class 2 collocation is a permitted use, subject to issuance of a zoning permit pursuant to sub. (7) herein.

**(6) CONDITIONAL USES:**

**(a)** Class 1 Collocation and mobile support structures and facilities are conditional uses in every zoning district and require the issuance of a conditional use permit pursuant to sub. (8) herein. In addition, the specific requirements set forth in paragraph (b) that follows must be satisfied.

**(b) Specific Requirements:**

**1. Height:** Except as provided for in sec. 66.0404(4)(L) Wis. Stats., and pursuant to the discretion authorized in sub. (4)(u) therein, the height of a mobile service support structure shall not exceed 300 feet.

**2. Surety:** A surety bond or other form of security may be required in an amount not to exceed \$20,000. The surety shall be for the sole purpose of ensuring repair or removal of structures or facilities that fall into disuse.

**3. Setback:** The setbacks set forth in sec. 10.13 (Business District) shall apply to mobile service support structures.

**4. Structural Capacity:** A collocation may not result in the structural capacity of a structure being exceeded.

**5. Collocation:** Collocation on existing structures is encouraged to the extent doing so if reasonably possible.

6. Signs/Advertising: No signs or advertising messages shall be attached to a mobile service support structure or facility.

7. Compliance with Other Laws: All mobile service support structures and facilities shall be erected and maintained in compliance with federal law, including but not limited to Federal Communication Commission and Federal Aviation Administration rules and regulations, and applicable building codes.

8. Conditions: The town may place additional conditions on the issuance of a conditional use permit granted pursuant to this section, provided that such conditions are consistent with the limitations set forth in sec. 66.0404(4) Wis. Stats.

(c) Exclusive Process: Notwithstanding regulations in any other section of this chapter regarding the issuance of conditional use permits generally, the issuance of conditional use permits for mobile service support structures and facilities and class 1 collocations shall be governed exclusively by this section.

**(7) CLASS 2 COLLOCATION APPLICATION PROCESS:**

(a) A town zoning permit is required for a class 2 collocation. A class 2 collocation is a permitted use in the town but still requires the issuance of the town permit.

(b) A written permit application must be completed by any applicant and submitted to the town. The application must contain the following information:

1. The name and business address of, and the contact individual for, the applicant.
2. The location of the proposed or affected support structure.
3. The location of the proposed mobile service facility.

(c) A class 2 collocation is subject to the same requirements for the issuance of a building permit as any other type of commercial development or land use development. Provided, however, a class 2 collocation is not subject to sec. 10.23 Design Standards.

(d) If an applicant submits to the town an application for a permit to engage in an activity described herein, which contains all of the information required under this section, the town shall consider the application complete. If any of the required information is not in the application, the town shall notify the applicant in writing, within five (5) days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

(e) Within 45 days of its receipt of a complete application, the town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the town may agree in writing to an extension of the 45 day period:

1. Make a final decision whether to approve or disapprove the application.
  2. Notify the applicant, in writing, of its final decision.
  3. If the application is approved, issue the applicant the relevant permit.
  4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
- (f) The fee for the permit shall be set in the town's fee schedule.

**(8) SITING AND CONSTRUCTION OF ANY NEW MOBILE SERVICE SUPPORT STRUCTURE AND FACILITIES AND CLASS 1 COLLOCATION APPLICATION PROCESS**

(a) A conditional use permit is required for the siting and construction of any new mobile service support structure and facilities and for class 1 collocation.

(b) A written permit application must be completed by any applicant and submitted to the town. The application must contain the following information:

1. The name and business address of, and the contact individual for, the applicant.
2. The location of the proposed or affected support structure.
3. The location of the proposed mobile service facility or class 1 collocation.
4. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
5. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
6. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

(c) If an applicant submits to the town an application for a permit to engage in an activity described herein, which contains all of the information required under this section, the town shall consider the application complete. If the town does not believe that the application is complete, the town shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

(d) Within 90 days of its receipt of a complete application, the town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the town may agree in writing to an extension of the 90 day period:

1. Review the application to determine whether it complies with all applicable aspects of the town's building code and, subject to the limitations in sec. 66.0404 Wis. Stats., this chapter.
2. Make a final decision whether to approve or disapprove the application.
3. Notify the applicant, in writing, of its final decision.
4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

(e) The town may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described earlier herein.

(f) If an applicant provides the town with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the setback or fall zone area required in this section, that setback does not apply to such a structure unless the town provides the applicant with substantial evidence that the engineering certification is flawed.

(g) The fee for the permit shall be set in the town's fee schedule.

(9) **PENALTY PROVISIONS:** Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this section shall, upon conviction, pay a forfeiture of not less than \$200 nor more than \$2,000, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this section. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.

(10) **CONFLICT OF LAWS:** If any provision of this section and/or if any condition imposed pursuant to sub. (6) herein is in conflict with sec. 66.0404 Wis. Stats., it is hereby intended that the town-imposed provision or condition be automatically withdrawn and not enforced.

**(11) SEVERABILITY:** If any provision of this section or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

## **10.22 SIGNS AND BILLBOARDS:**

**(1) PURPOSE:** This Section regulates all signs within the Town of Rome that are visible from the public right-of-way, visible from navigable waterways, or visible from another parcel. The purposes of this section are to:

- (a)** Safeguard a major natural economic asset of the Town of Rome, which is the natural beauty of the land and the scenic country roads, woodlands, and waters.
- (b)** Protect property values, and public and private investments in property.
- (c)** Provide area businesses effective and efficient opportunities for identification by reducing competing demands for visual attention.
- (d)** Improve traffic safety by reducing competing and distracting demands for visual attention.
- (e)** Provide uniform information and direction to travelers passing through the Town.
- (f)** Promote quality signage through the use of design review, to emphasize that attractive signage of appropriate scale and numbers is a business asset.
- (g)** Enable the fair and consistent enforcement of these sign regulations.

**(2) DESIGN:** The intent of this section is to encourage creative, distinct and effective signs which are appropriate for the individual premises, yet meet the community design standards. Sign design review is limited to the aesthetic and appropriateness of sign appearance. The following concepts and standards will be used to review signs for design approval:

- (a)** Identification of businesses from moving cars must be balanced with the visual impact of signs on the rural landscape. Restraint in sign design can aid in identification, since small simple signs identify businesses with less confusion, limit counterproductive sign competition and protect the quality of the landscape.
- (b)** Every sign shall be designed so as to complement the design elements of the building and site to which it principally relates, and where appropriate to the woodlands character, and shall be compatible with signs on adjoining premises.
- (c)** Simplicity is the key factor to good design and readability. An effectively designed sign utilizing bold, easily-recognized symbols and clear crisp lettering will identify a business or activity efficiently and attractively, enhance the area in which it is located, and complement the general appearance of the Town. Pictures, symbols and logos can add individuality and character to signs, in addition to making them easier to read. The most common problems in commercial areas are an overabundance of signs that are often excessively large, all of which contributes to sign overload. This creates a visually chaotic situation in which no one sign gains the advantage, since the competing signs tend to cancel each other out, in an unsuccessful bid to catch the buyer's eye.

(d) Signs shall be constructed of weather resistant materials.

(e) Signs may not depict nudity, sexual activity, illegal activity or anything of an obscene nature.

(f) Area requirements: The table below shall be used to determine maximum square footage allowed per sign in a Business District.

Maximum square footage allowed with road frontage of two hundred (200) feet or less:

Highway 13	72 square feet
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Alpine Drive	50 square feet
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County Roads	50 square feet
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All other roads	32 square feet
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Maximum square footage allowed with road frontage greater than two hundred (200) feet:

Highway 13	100 square feet
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Alpine Drive	72 square feet
--------------	----------------

County Roads	72 square feet
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All others roads	50 square feet
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(g) Density requirements:

1. Off-premises: Signs may not be placed closer than three hundred (300) feet apart. Signs may not be erected higher than sixteen (16) feet above surface grade.

2. On-premises: Signs may not be placed closer than one hundred (100) feet apart. Signs may not be erected higher than sixteen (16) feet above surface grade.

(h) Sign Setbacks: Signs may not be placed in the right-of-way of any public road. Signs shall be a minimum of twenty-five (25) feet from any district lot line.

(3) **PORTABLE SIGNS:** Portable advertising signs within the Town shall require a sign permit issued by the Zoning Administrator and shall be approved pursuant to Chapter 4. A portable sign shall be defined as any sign designed to be moved intact on its own trailer or carriage, including vehicle mounted signs, and any other sign not permanently attached to the ground and designed to be moved from one (1) location to another. Attached banners are prohibited. Portable sign use is limited to not more than thirty (30) days at a time; nor more frequently than three (3) times per year; nor more than once every ninety (90) days at a given

location. A new permit shall be required for each use. Portable signs shall not be used as permanent signs.

**(4) PROHIBITED SIGNS:**

**(a)** Signs projecting across property lines, except for official traffic control, parking, and directional signs, or as otherwise specified in this Chapter.

**(b)** Signs that resemble any official marker erected by a governmental agency.

**(c)** Inflatable or tethered type balloon signs.

**(d)** Roof signs and roof mounted signs.

**(e)** Signs affixed to utility poles, trees or other natural features.

**(f)** Signs that obstruct any window, door, fire escape, stairway, or opening intended to provide light, air, ingress, or egress for any building or structure.

**(g)** Signs above buildings.

**(h)** Signs containing, or composed of any animated part.

**(i)** All signs that contain or are composed of pennants, ribbons, streamers, or spinners, attached or located within thirty (30) feet of such sign.

**(j)** Signs that obscure or otherwise interfere with the effectiveness of an official traffic signal or device or obstruct or interfere with the driver's view of approaching, merging, or intersecting traffic or otherwise obstruct traffic visibility.

**(k)** Signs that are illuminated with radiating, revolving, intermittent or flashing lights, or are illuminated in such a manner as to shine or reflect into any residence or onto any highway. This does not include illuminated scrolling message boards.

**(5) SIGN PERMIT:** No person shall erect, relocate, reconstruct, alter or cause the aforementioned within the Town any signs, unless otherwise exempt, without first having obtained a sign permit issued by the Zoning Administrator.

**(a)** Application for a sign permit shall be made in writing upon a form furnished by the Town.

**(b)** The applicant shall submit to the Zoning Administrator all information deemed necessary including a drawing to scale showing the size, height, and location on the property where the sign is to be erected. Said drawing shall also contain a brief description of the type of materials that are to be used for the sign, color scheme, lettering or graphic style and lighting.

**(c)** The Zoning Administrator may issue a sign permit after examining the application for conformance with the requirements, including design standards, of this section.



(d) A fee as set by the Town Board shall be paid to the Zoning Administrator by the applicant prior to the issuance of a sign permit.

(e) Each sign shall require a separate permit and is valid for the life of the sign.

(f) If the sign is damaged, the owner shall have ninety (90) days in which to repair or remove the sign.

(g) The permit shall automatically become void if actual work on erecting the approved sign(s) is not commenced within one hundred twenty (120) days from the date the permit is issued. Periods of delay that are not a result of willful acts or neglect of the contractor, owner or person obtaining the permit shall be excluded from this time limit.

(h) A sign permit issued in error or under a misrepresentation of fact by the applicant shall be null and void, and any signs erected there under shall be considered illegal signs.

**(6) MULTI-TENANT SIGNS:** One (1) multi-tenant sign per building shall be used to identify multiple tenants in a Business or Industrial complex. There shall be no other freestanding signs permitted on the premises. The maximum sign copy area of the multi-tenant sign shall be ten (10) square feet per tenant. In addition, each tenant shall be allowed one (1) wall sign, a maximum of six (6) square feet in area, located above or adjacent to the entrance to the tenant's space, which shall be excluded from total sign copy area calculations.

**(7) SUBDIVISION SIGNS:** Permanent subdivision signs are permitted one (1) per subdivision entrance. The individual sign copy area is limited to sixteen (16) square feet.

**(8) EXISTING LEGAL NONCONFORMING SIGNS:**

(a) Signs lawfully existing at the time of the adoption or amendment of this section may be continued although the use, size, or location does not conform to the provisions of this Chapter. However, it shall be deemed a nonconforming use or structure and no changes may be made in size, color scheme, copy or subject matter.

(b) A sign loses its nonconforming status if one (1) or more of the following occurs:

1. The sign is structurally altered in any way, except for normal maintenance or repair, which tends to or makes the sign less in compliance with requirements of this Section than it was before alteration.

2. Cessation or change of the business or activity to which the sign pertains;

3. Damage or destruction, failure to maintain, or ordinary wear or obsolescence, if the estimated cost of the reconstruction or renovation exceeds fifty percent (50%) of the replacement cost. (To replace the sign, a permit must be obtained.)

4. The sign is relocated.

**5.** The sign fails to conform to this section regarding maintenance and repair, abandonment, or dangerous or defective signs.

(c) Upon the occurrence of any of the above, the sign shall be brought into compliance with this section within thirty (30) days and a new permit shall be secured.

(d) Nothing in this Section shall relieve the owner or user of a legal nonconforming sign or the owner of the property on which the sign is located from the provisions of this section regarding safety, maintenance, and repair of signs.

(9) **EXEMPT SIGNS:** The Following signs are exempt from the issuance of a permit, provided they are placed in an area outside the right of way for a public road.

(a) “No Hunting,” “No Trespassing,” “No Dumping” and other similar signs indicating private property protections, provided such a sign is not greater than two (2) square feet in surface area.

(b) A nameplate sign, professional nameplate sign or home occupation sign identifying the owner or occupant of a building or dwelling unit, provided the surface area does not exceed four (4) square feet.

(c) Temporary sign pertaining to the lease or sale of a building or property on which the sign is located, provided such sign shall not exceed twelve (12) square feet in surface area, and shall not be illuminated.

(d) Temporary sign advertising a new subdivision development. Each subdivision or development shall be allowed two (2) signs; each sign shall not exceed thirty two (32) square feet in surface area and no more than ten (10) feet in height. Such signage shall be reviewed every six (6) months.

(e) Temporary non-illuminated sign identifying an engineer, architect, contractor or product engaged in or used in the construction of a building, provided such signs shall not exceed twelve (12) square feet each in surface area and are no more than ten (10) feet in height and provided such signs are removed prior to occupancy of the building.

(f) Temporary signs on private property advertising yard sales, garage sales and open houses, Such signs may be placed not more than fourteen (14) days before the event and shall be removed within twenty-four (24) hours after said event.

(g) Campaign signs placed in relation to an upcoming election in the Town.

(h) Temporary decorations, buntings or pennants exhibited to commemorate national, state or local holidays.

(i) Temporary signs advertising civic events require the written approval of the Zoning Administrator; no permit nor fee are required.

**(j)** One (1) identification sign, not to exceed thirty-two (32) square feet in area, for the following uses: Church, school, hospital, sanitarium, club, library, or similar uses. Such signs shall be solely for the purpose of displaying the name of the institution and its activities or services. It may be illuminated but not flashing.

**(k)** One (1) nameplate sign for a dwelling group of five (5) or more units not exceeding five (5) square feet in surface area. Such signs may indicate the names and addresses of the building or it may be a directory of occupants.

**(l)** Directional signs in any parking area necessary for the orderly movement of traffic, provided that such sign shall not be used as advertising space.

**(m)** On-premises directional signs, such as “enter,” “exit,” “one-way,” etc., limited to four (4) square feet in individual sign copy area. The number of directional signs permitted per business shall be the minimum necessary to provide adequate information for safe pedestrian and vehicular movement.

**(n)** Auxiliary signs that provide only supplemental information such as prices, credit card acceptance, hours of operation, directions, warnings, etc., provided they are located in windows or on doors only.

**(o)** Official government traffic control signs, such as “Stop“, “Yield“, “Merge” or similar signs that meet Department of Transportation standards, or other official government signs;

**(p)** Public notices or warnings required by a valid and applicable federal, state or local law, regulation or ordinance, or court order, or other warning signs indicating possible health hazards, such as “High Voltage,” “Pesticide Application” or similar warnings;

**(q)** Signs or letters carved into a building, or that are part of materials that are an integral part of the building;

**(r)** Community or church message boards for the display of information of temporary interest to the general community regarding upcoming events or activities,

**(s)** Memorial signs and tablets displayed on public property or in cemeteries;

**(t)** Plaques and markers identifying buildings or properties on federal, state or local historic registers;

**(u)** Removable peel-off magnetic signs displayed on vehicles.

**(v)** Temporary individual product specific on premise advertising located within ten (10) feet of the principal business structure.

**(w)** Special Exceptions: Subject to review and approval of the Town Board upon recommendation from the Plan Commission, the following sign types may be granted a Special Exception Permit allowing specific and documented deviation from this section provided such sign does not possess any of the characteristics of a prohibited sign.

1. Organizations of civic interest including both non-profit and profit.
2. Entities of Federal, State, County and Town government.

**(10) SIGN MAINTENANCE:** All signs within the jurisdiction of this section shall remain in a state of proper maintenance.

**(a)** Proper maintenance shall include cleaning; the removal of loose materials such as peeling paint, plastic, paper or other material; the replacement of missing, damaged or defective parts; the prevention of excessive rust, the prevention of excessive vibration or shaking; and the maintenance of the original structural integrity of the sign, frame and other supports, its mounting and all components thereof.

**(b)** Advertising signs, business signs, and nameplate signs which may be or may hereafter become unsafe or unsightly shall be repaired or removed by the owner or leasee of the property upon which the sign stands upon notice of the Zoning Administrator.

**(c)** The entire area located within a minimum of ten (10) feet of any part of any on-premise and off-premise sign shall be maintained and/or mowed as appropriate and kept free of weeds and debris.

**(11) DANGEROUS AND ABANDONED SIGNS; VIOLATIONS:**

**(a)** All signs shall be removed by the owner or lessee of the premises upon which the sign is located when a business which it advertises has not been conducted for a period of six (6) months or when, in the judgment of the Zoning Administrator, such sign is so old, dilapidated or has become so out of repair as to be dangerous or unsafe, whichever occurs first. If the owner or lessee fails to remove it, the Zoning Administrator may remove the sign at cost to the owner, following adequate written notice.

**(12) VARIANCE:** Variance to sign regulations shall be considered by the Board of Appeals using the procedure and standards for the consideration of variances set forth in this Chapter.

**(13) ENFORCEMENT/PENALTIES:** All signs constructed or maintained in violation of any of the provisions of this Section are hereby declared public nuisances within the meaning of this Code of Ordinances. The Zoning Administrator may bring an action to abate the nuisance in the manner set forth in the Wisconsin State Statutes.

**10.23 DESIGN STANDARDS:** The following shall set the Design Standards for Business and Industrial development in the Town of Rome which are located outside of the Alpine Village Business Park. Locating and designing a new development which respects sensitive natural resources and places the development within, or visually related to, a forested setting and visually complements the overall naturalness is desired. Existing development can serve as a justification for new development only to the extent that the existing development meets the Design Standards. This section does not require changes to existing development which does not meet the Design Standards; however, it encourages changes towards the approved standards.

**(1) STANDARDS:**

**(a) Parking:** Parking must be provided in an amount that is reasonably necessary given the nature of the development and must be carefully designed to fit the site, with sensitivity to location, size and perimeter screening.

**1.** Where quality forestland exists, existing trees are to be preserved as much as possible between the parking area and the highway right-of-way.

**2.** Parking areas with ten (10) or more spaces may require perimeter landscaping to visually reduce the adverse impacts.

**3.** Large parking space requirements must demonstrate that they will not provide an urban parking lot appearance. Parking should be located in an area with the least visual impact, include extensive perimeter landscaping, interior plant islands, maintain existing vegetation where appropriate and, if necessary, incorporate several smaller parking areas to meet parking space requirements. The Plan Commission will determine when these additional performance standards are needed.

**(b) Building:**

**1.** Building architecture must complement, rather than dominate the forested character setting of Rome.

**2.** Earth tone colors are strongly preferred and color accents must be visually compatible.

**3.** Roofs with darker earth tone colors are expected.

**4.** All sides of a structure shall receive full design consideration.

**5.** All projections and mechanical details such as louvers, exposed flashing, flues, vents, gutters, and downspouts are to be recognized as architectural features and should match the color of the adjacent surface or an approved complementary color.

**6.** If the Plan Commission finds the project to be a large structure, or structures, the design must avoid a monolithic big box appearance of frontages and rooflines. The structure must be diminished by breaking up building sections, or by the use of such elements as variable planes, projections, bays, dormers, setbacks or changes in roofline.

**7.** If the Plan Commission finds the project to be unusually large, or if it is likely to become a Town landmark, or if it is in a visually prominent area (i.e. lakeshore or highway intersection), or if it is located so as to become part of the Town's gateway, the design must acknowledge the special impact the project would have on the entire community, by addressing the design solution in an exemplary manner.

**8.** The clustering of smaller, visually compatible, commercial structures is desired over singular large structures.

**9.** New development should fit into the existing woodlands character through building design, and the use of materials, colors, landscaping and signage which compliment naturalness, open space, a clean appearance and maintain visual order.

**10.** The size, shape, scale and location of the structure(s) must be architecturally compatible with the existing site features.

**11.** In very limited situations, smaller isolated retail buildings may contrast in color or style, or theme with the dominant woodlands character expectation. The applicant must explain why these design expressions are essential to their business and demonstrate that the new development will:

**a.** Include a forested backdrop, or become part of a forest setting.

**b.** Include appropriate and well maintained landscaping.

**c.** Be visually separated from other areas (i.e. not part of visually continuous highway development pattern).

**d.** Avoid:

**1)** The look of franchise architecture;

**2)** Buildings which advertise by appearance (i.e. storage buildings).

**3)** Buildings with the appearance of large metal buildings which lack design details or are otherwise without the positive attributes of woodlands character.

**12.** One of the intents of this Section is to achieve design appearance compatibility among separate individually owned parcels, which visually appear as one (1) continuous development. Design solutions must consider proposing a building which is similar, or compatible, in design style, materials, color and landscaping with the adjacent development which meets the intent of positive woodlands character. In situations in which the architectural expressions are different, the developer should strive for a strong landscape transition between properties using trees and shrubs, or existing natural vegetation which reduces the visual dominance of the buildings.

**(c)** Landscaping: The intent is to provide a landscape design which preserves existing natural vegetation such as quality forested areas, streams and steep topography and incorporates

additional locally native plants which complement the plant communities and ecosystem of the area. The site plan shall integrate natural resources, buildings, parking and landscaping into a functional and aesthetic solution which respects the desired woodlands character. The design review plan shall indicate:

1. Adequate open space and natural resources incorporated into design solutions to provide an overall appearance of woodlands character. Roadside trees/vegetation are very important to the woodlands character and their removal must be minimized.
2. The size, species and location of plant materials to be retained, and/or placed on the site.
3. That adequate levels of green space are provided. The green space must be located to provide resource protection, transitions between adjacent sites, setback distance between the public road property line and the building and/or parking lot. The majority of the green space allotment shall be on the side facing the street or highway.
4. Planting concepts which screen storage or service areas and parking lots from public view. Vegetative buffers separating incompatible land uses, as determined by the Plan Commission, shall provide effective screening within three (3) years of planting.
5. The planted size of shade trees, which shall be not less than one and one-half (1 1/2) inch caliber (diameter measured six (6) inches above ground) and eight (8) ft. in height; conifers (evergreen) trees should be at least four (4) ft. in height; shrubs should be of good nursery stock and provide effective landscape development within three (3) years of planting.
6. Plants should be native to the area and provide woodlands appearance.
7. Where open space, natural resources or topographic patterns contribute to the beauty and utility of the area, they shall be to the extent practical, incorporated into the design. However, when grading or contouring the site, the finished grades should appear natural to the site and surrounding area, protect the natural resources and adjacent properties.
8. Waterfront development should demonstrate the maximum protection of the natural shoreline along with transition areas, forest preservation, a minimum amount of impervious development, and a minimum amount of lawn area.

**(d) Perimeter Buffer:**

1. **Purpose:** The intent of buffer requirements is to create a screen between zoning districts and between properties to minimize the potential for noise, dust, odor, litter, glare of lights and to reduce the visual impact of development and to provide for the separation of spaces.

**2.** Definition: A buffer is a naturally planted screen that visually blocks the use and development of one property from another so as to shield and block noise, lights, accessory buildings and any outdoor storage including waste dispensers. All setback areas are considered 'tree preservation zones' where the existing trees remain to sustain the woodland character of Rome and where the development of sites is visually and acoustically minimized.

**3.** Specifications: A natural vegetative buffer with a minimum maturity height of twenty-five (25) feet and consisting of at least two (2) rows of trees with a minimum of one (1) tree per each ten (10) linear feet per row shall be established on the perimeter of all uses in the Business, Planned Unit Development and Special Purpose Districts and for all conditional uses in the Public/Semi-Public District. The perimeter buffer width shall be as follows:

**a.** Perimeter adjacent to a parcel in a residential district = 100 feet

**b.** Perimeter adjacent to a non-residential parcel that is zoned differently than the subject parcel = 50 feet

**c.** Perimeter adjacent to roadway = 25 feet

**d.** The buffer requirements may be relaxed by the Plan Commission upon its finding that intended use of the parcel is not reasonably likely to have an adverse impact on neighboring properties. The relaxing of the buffer requirements shall be set forth in an order issued by the Plan Commission and the order shall specify that the relaxed requirements only apply to the use of the property specified in the order.

**4.** Permitted Species: Trees must be a minimum of four (4) feet tall at the time of planting. Buffer trees include all spruce species including Norway, Black Hills, Blue Colorado, Green Colorado and Serbian; and the following fir species: Balsam and White Frasier.

**5.** Equipment buffering: Buffering of mechanical equipment, trash dumpsters, loading/service areas and open storage areas must be accomplished in a manner which visually screens them from roads and surrounding parcels. Suitable screening types include opaque wood fences and a mixture of dense evergreen/deciduous landscaping.

**6.** Enforcement: If the trees do not live, are removed or do not sufficiently block as required in this Chapter, the Town's Zoning Administrator shall be responsible for the enforcement of this Chapter.

**(e)** Exterior Lighting:

**1.** Lighting design should provide the necessary lighting which reflects woodlands character by intensity, location, placement, color and overall design integration with the total development.

**2.** All exterior lighting shall balance on-site needs for safety, security and aesthetic effects, with off-site impacts from public view.



3. All exterior lighting shall be part of the architectural and landscape design concept in color, location and type of lighting.

4. In general, the height of exterior lighting fixtures shall not exceed the height of the building to which it relates.

5. The height, location and direction of lighting must be designed and located in such a manner as to be shielded from the direct view of the highway user, and shielded above to reduce night sky illumination.

6. Exterior lighting shall be designed in a manner which does not permit an adverse effect upon neighborhood properties, especially residential property.

**(f) Outdoor Storage/Display:**

1. No items may be stored or displayed outside unless authorized in the permit required in subsection (2) herein. The outside storage or display of items may only be permitted if such items are incidental to the primary use of the property and the storage/display is maintained in a neat and orderly manner. The site plan must detail the area of storage/display and the items to be stored/displayed therein.

**(2) PERMIT PROCEDURE:**

**(a) Permit Required:** No development of a new business and no expansion or substantial modification of an existing business may be commenced unless a permit pursuant to this Section has been granted.

**(b) Pre-application conference:** The applicant shall obtain a copy of Sec. 10.23 Design Standards. Prior to the official submission of an application for the approval, the owner or agent shall meet with the Zoning Administrator to discuss the scope and size of the proposed development.

**(c) Application:** Following the pre-application conference, the owner or agent shall submit a completed application and seven (7) copies of a site plan(s) and plan of operation setting forth the applicant's proposal for complying with the requirements in this section to the Zoning Administrator. At the time the application is submitted, the application fee established by the Town Board shall be paid.

**(d) Review Process:**

1. The Zoning Administrator shall distribute one (1) complete set of documents to each Commission member, the Fire Chief, Police Chief and Director of Public Works at least seven (7) days before the Commission's public hearing.

2. The Commission shall have thirty (30) days to schedule the design review meeting from the time a completed application is received. A completed application must respond to all of the appropriate requirements of this Section. The Commission may in its discretion, elect to defer official action for more than thirty (30) days, if more information is needed or if additional consideration is deemed necessary.

3. The applicant or agent shall be present at the design review meeting to present and explain how the project meets the standards of this section and the district in which the property is located. The Plan Commission shall review the materials and approve, approve with conditions, or deny the applicant's project proposal. An approval shall be conditioned upon an assurance of performance as required in sub. (3) herein.

4. The Zoning Administrator shall issue a permit consistent with the approval, if any, of the Plan Commission.

**(3) PERFORMANCE ASSURANCE:**

(a) At the time the permit is issued, the applicant shall, at the discretion of the Plan Commission, file a bond, certificate of deposit, irrevocable letter of credit, or certified check, with the Town Clerk in an amount equal to the estimated cost of the required improvements as determined by the Plan Commission.

(b) The security posted shall be in such form as is acceptable to the Plan Commission and approved by the Town Attorney. When a certificate of deposit or certified check is posted as security, the instrument must be negotiable by the Town. When a letter of credit is posted as security, the Town must be the beneficiary.

(c) The security posted shall guarantee that all required improvements will be completed according to Town specifications by the applicant or its contractors not later than eighteen (18) months from the date that the plan is approved.

## **10.24 FENCES, WALLS, AND HEDGES:**

### **(1) PERMIT REQUIRED:**

(a) No person shall erect or construct any perimeter fence or wall or hedge on any property within a recorded or unrecorded subdivision without having first obtained a permit for such fence from the Zoning Administrator and having paid the fee prescribed by the Town Board.

(b) Upon the destruction of any perimeter fence, wall or hedge no perimeter fence, wall or hedge may be constructed or reconstructed in place of such destroyed or deteriorated fence without having first obtained a permit and complying with the terms and requirements of this section.

### **(2) REQUIREMENTS:**

(a) Fences on all lots of record in all Residential subdivisions, which enclose property may be located at the property line and shall not extend toward the front of the lot nearer than the front of the house or the required minimum front yard, whichever distance is greater. Such fences may be located on a side or rear lot line.

(b) Fences on lots in recorded or unrecorded subdivisions shall not contain barbed wire, electric current or charge of electricity.

(c) No fence, wall or hedge shall be constructed that would constitute a nuisance, pursuant to Chapter 844.10, of the Wisconsin Statutes.

(d) No fence, wall or hedge shall exceed a height of six (6) feet, measured from the established grade, except as provided:

1. There shall be no height limitation for fences that protect playgrounds, baseball backstops, tennis courts and like activities.

2. There shall be a minimum eight (8) foot height limit to act as a screen between residential districts and any land use that would require a Conditional Use Permit.

3. Where the lot is bound by intersecting roads or streets, the vision triangle requirements of Chapter 4 shall be satisfied.

(e) Barbed wire fences are prohibited, except as provided in Subsection 7 below.

(f) No fence shall be erected in the waterfront setback.

(g) It shall be unlawful for any person to place a fence, wall or hedge beyond the property lot stakes.

**(3) CONSTRUCTION STANDARDS:** Fences shall be constructed in such a manner that the "finished" side shall face the neighboring property. Fence posts shall be on the side of the fence facing the permit applicant's property. A detailed plan shall be submitted with each fence permit application showing the location of the fence with relationship to the property line. If a joint fence is to be constructed on the property line, a joint permit application shall be filed by all parties having a property interest in the fence.

**(4) ORNAMENTAL FENCES:** Ornamental fences may be permitted in the street yard in any district, but shall not be erected in the road right-of-way and shall not exceed a height of four (4) feet. Ornamental fences shall not be constructed as to impede traffic visibility. If less than twenty (20) feet in total length, free standing, and not connected to a structure, then the permit fee is waived.

**(5) SECURITY FENCES:** Security fences or screening fences may be permitted up to the property lines in all districts except residential districts, but shall not exceed ten (10) feet in height and shall be "open fences" similar to woven wire or wrought iron fencing when located in the street yard. Security fences may include up to four (4) strands of barbed wire on the top of the fence provided that the barbed wire is at least eight (8) feet above grade.

**(6) MAINTENANCE:** Fences shall be kept and maintained in good, sound, and presentable condition at all times. Fences not so maintained that become an eyesore or otherwise adversely affect property values in the neighborhood shall be removed upon order of the Zoning Administrator. The order shall provide thirty (30) days minimum for such removal. Such orders shall be appealable to the Town Board of Appeals.

**(7) VARIANCE:**

**(a)** Any fence proposal at variance with the standards set forth in this section may, upon application, be examined by the Board of Appeals. A variance from the terms of this section may be granted following a public hearing before the Board of Appeals. In making its decision on such variance, the Board of Appeals shall take into consideration the character or shape of the lot or parcel of land, the placement of the principal structure thereon, the elevation and functional plan, the architectural appearance, including compatibility with adjoining structures and landscaping, and the matter of a hardship caused by the proximity of commercial areas to residential areas and of heavy traffic to such premises, together with any other factors which may, in the judgment of the Board of Appeals, require a variance from the terms of this section. After such hearing the Board of Appeals may grant or reject such variance from the terms of the section. Notice of such hearing shall be given to all adjoining property owners within a radius of two hundred (200) feet of the premises upon which such fence is proposed to be constructed.

**(b)** No barbed wire or solid board fence shall be used except to fence livestock, protect crops, industrial junk yards, utility or municipal property. Open fences that do not obstruct vision and are used to fence livestock, protect crops, industrial, utility or municipal activities may be in the highway setback areas and may exceed the height restrictions. Farm related fencing is permitted along the property lines or in the yards of agricultural districts provided that a substantial impediment to visibility is not thereby created.

## **10.25 SATELLITE EARTH STATIONS:**

(1) **PERMIT REQUIRED:** No owner shall build, construct, use or place any type of satellite earth station (dish) until a permit shall have first been obtained from the Zoning Administrator.

(2) **EXCEPTIONS:** Satellite Earth Stations that are less than thirty-six (36) inches diameter or smaller than six hundred (600) sq. inches may be installed without a permit, but all other requirements of this Section and the manufacturers requirements must be followed.

(3) **APPLICATION:** Application for a Zoning Permit shall be accompanied by scale maps or drawings prepared to the best of the applicant's ability, showing legibly and accurately the location, size, and shape of lot(s) involved; and of any proposed and existing structures, including the relation of abutting roads, lakes or streams, the existing and proposed use of each structure and lot, existing and proposed driveways and parking areas, proposed filling and grading, open space, landscaping and arrangement of operation use.

(4) **INSTALLATION RESTRICTIONS:** Satellite earth stations installed in any zoning district within the Town shall comply with the following provisions:

(a) **Number of Units:** Not more than one (1) satellite earth station may be allowed per individual recorded lot except additional stations may be permitted upon application for a variance in non-residential zones.

(b) **Placement:** The placement of any satellite earth station shall comply with accessory building placement regulations of this Chapter, except that the base may be located within one (1) foot of drain fields.

(c) **Mounting Location:**

1. Satellite earth stations located in agricultural or residential districts shall be ground mounted if over thirty-six (36) inches in diameter or greater than six hundred (600) sq. inches:

2. Satellite earth stations located in business or industrial districts have unrestricted mounting locations on all allowed sizes. Satellite earth stations attached to the wall or roof of any principal or accessory structure shall be subject to the structure being constructed to carry all imposed loading. The Zoning Administrator may require engineering calculations.

(d) **Diameter:** The diameter of the satellite earth station shall not exceed twelve (12) feet for the ground-mounted dish and six (6) feet for the roof-mounted dish, except for stations used to provide community antenna television services.

(e) **Height:**

1. A ground-mounted satellite earth station may not exceed sixteen (16) feet in height, as measured from the ground to the highest point of the dish.

**2.** A roof-mounted satellite earth station may not exceed eight (8) feet in height above the surrounding roof line as measured from the lowest point of the existing roof line.

**(f)** Wind Pressure: All satellite earth stations shall be permanently mounted in accordance with the manufacturer's specifications for installation. All such installations shall meet a minimum wind load design velocity of eighty (80) mph.

**(g)** Electrical Installations: Electrical installation connection with earth satellite receiving stations, including grounding of the system, shall be in accordance with the National Electrical Safety Code, Wisconsin State Electrical Code and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern. All cable used to conduct current or signals from the satellite earth station to the receivers shall be installed underground unless site conditions preclude underground. If a satellite earth station is to be used by two (2) or more residential property owners, all interconnecting electrical connections, cables and conduits must also be buried. The location of all such under-ground lines, cables and conduits shall be shown on the application for a permit. All satellite earth stations shall be grounded against direct lightning strikes.

**(h)** Temporary Placement: No portable or trailer-mounted satellite earth station shall be allowed, except for temporary installation for on-site testing and demonstration purposes for periods not exceeding five (5) days. However, such trial placement shall be in accordance with all provisions of this Section. Failure to comply shall result in a citation being issued for violation of this Section. Any person making such temporary placement shall give written notice to the Zoning Administrator of the date when such placement shall begin and end.

**(i)** Advertising: No form of advertising or identification, sign or mural is allowed on the dish or framework other than the customary manufacturer's identification plates, not to exceed one (1) square foot.

**(j)** Interference with Broadcasting: Satellite earth stations shall be filtered and/or shielded so as to prevent the emission or reflection of an electromagnetic radiation that would cause any harmful interference with the radio and/or television broadcasting or reception on adjacent properties. In the event that harmful interference is caused subsequent to its installation, the owner of the satellite earth station shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.

**(k)** Compliance with Federal Regulations: The installation and use of every satellite earth station shall be in conformity with the current Federal Cable Communications Policy and regulations adopted there under.

## **10.26 SWIMMING POOLS:**

**(1) PERMIT REQUIRED:** A Zoning Permit is required before work is commenced on the construction or erection of a private or residential in-ground swimming pool, permanent above-ground swimming pool made of a rigid, non-inflatable material and with a diameter in excess of fifteen (15) feet, or on any alteration, addition, remodeling or other improvements thereof.

**(2) APPLICATIONS:** Application for a Zoning Permit shall be accompanied by scale maps or dimensional drawings prepared to the best of the applicant's ability, showing legibly and accurately the location, size, and shape of lot(s) involved; and of any proposed and existing structures, including the relation of abutting roads, lakes or streams, the existing and proposed use of each structure and lot, existing and proposed driveways and parking areas, proposed grading, open space, landscaping and arrangement of operation use.

### **(3) REQUIREMENTS:**

**(a)** Private swimming pools subject to the issuance of a permit pursuant to this Section shall be erected or constructed on rear or side lots only, and only on a lot occupied by a principal building.

**(b)** No swimming pool shall be located, constructed or maintained closer to any side or rear lot line than is permitted in the Zoning Code for an accessory building.

**(c)** Pools within the scope of this Section which are not enclosed with a permanent building shall be completely enclosed by a fence of sufficient strength to prevent access to the pool. Such fence or wall shall be a minimum of forty-eight (48) inches in height and so constructed as not to have voids, holes, or openings larger than four (4) inches in one dimension. All gates or doors opening through such enclosure shall be kept securely closed at all times while unattended and shall be equipped with a self-closing and self-latching device capable of keeping such door or gate securely closed. Latches shall be located at least thirty six (36) inches above the adjacent surface.

**(d)** The pool enclosure may be omitted where pools are installed above ground and have a raised deck around the entire pool perimeter with an attached enclosed railing, a minimum of thirty-six (36) inches high, on the top, but in no case less than forty-eight (48) inches in height above the adjacent ground surface.

**10.27 WIND ENERGY SYSTEMS:**

**ENTIRE SECTION REPEALED BY  
ORDINANCE 14-01; ENACTED 01/21/2014**



## **10.28 WELLHEAD PROTECTION DISTRICT:**

(1) **PURPOSE:** This District is intended to protect from contamination the groundwater recharge zone of the Town's existing and planned groundwater wells, which wells supply the potable water to many residential, businesses, institutional and other customers. This district is necessary because the wells by geological necessity must draw water from the ground levels lying closest to the surface, which grounds contain soil types that rapidly transmit pollutants, thereby threatening the entire ground water supply being drawn upon by the wellhead.

(2) **SUPREMACY OF THIS DISTRICT:** The choice of regulation employed via this Overlay District is to entirely prohibit certain uses that otherwise may be permitted by basic and other overlay districts falling within the confines of this overlay district. The regulations of this district shall supersede the regulations of all other such districts occupying the same geographic area.

(3) **USES PROHIBITED:** The uses prohibited by this district have been identified in geologic surveys as risks for groundwater contamination. This method of regulation by complete prohibition is employed to provide the greatest assurance that inadvertent discharge of pollutants into the groundwater supply will not occur, since groundwater cleanup is often prohibitively expensive, and liability for such cleanup is often difficult or impossible to establish.

(4) **USE LIST NOT EXHAUSTIVE:** The uses prohibited by this District represent the state of present knowledge and most common description of such uses. As other polluting uses are discovered, or other terms of description become necessary, it is the intention to add them to the list of uses prohibited by this District. To screen for such other uses or terms for uses, no use shall be permitted in this District without first submitting its building, site and operational plans for Plan Commission review and approval.

(5) **CHANGING TECHNOLOGY:** The uses prohibited by this District are prohibited based upon the combined pollution experience of many individual uses, and the technology generally employed by that class of uses, which technology causes the uses as a class to be groundwater pollution risks. As the technology of identified use class changes to nonrisk materials or methods, upon petition from such a use, and after conferring with expert geological and other opinion, it is the intention to delete from the prohibited list, or allow conditionally, uses that demonstrate convincingly that they no longer pose a pollution hazard.

(6) **SUBSTITUTION OF HAZARDS PROHIBITED:** In dealing with uses or classes of uses that attempt to become permissible, under the terms of this District, by continuing to utilize pollutant materials but altering their methods of storage or handling, for example transferring materials storage from leak prone but explosion-resistant underground tanks, to leak-resistant but explosion-vulnerable aboveground vessels, it is not the intention to accept such alternate hazards as the basis for making a use permissible. It is the intention to continue the ban on such uses until the technology of the class of uses removes reliance upon the pollutant materials or processes.

**(7) PERMITTED USES BY RIGHT:**

**(a)** All uses permitted by underlying basic or other overlay zones are permitted, subject to review and approval of the building, site and operational plans of such uses by the Plan Commission, whether required or not by the underlying and other overlay districts. Residential accessory structures shall be exempt from Plan Commission review and approval.

**(b)** Setback requirements: The following uses, if permitted by the underlying zoning district, are allowed conditioned upon satisfaction of the applicable setback standard:

Uses Setback

Storm sewer main 50 ft.

Sanitary sewer main, Sanitary sewer manhole or lift station 200 ft.

Septic tank or soil absorption Unit receiving less than 8,000 gallons per day 400 ft.

**(8) PROHIBITED USES:** The following uses are not permitted in this District:

**(a)** Animal waste storage areas and facilities.

**(b)** Asphalt ingredients storage or processing plants.

**(c)** Car/truck washing facilities

**(d)** Cheese factory, dairies and milk processing plants

**(e)** Cemeteries.

**(f)** Chemical storage, sales, processing or manufacturing plants.

**(g)** Dry cleaning establishments.

**(h)** Electronic circuit manufacture or assembly plants.

**(i)** Electroplating operations.

**(j)** Exterminating supply, storage or application shops.

**(k)** Fertilizer manufacturing or storage operations.

**(l)** Foundries and other forge plants.

**(m)** Fuel storage or sales.

**(n)** Garages for repair and servicing of motor vehicles, including body repair, painting or engine rebuilding if not on municipal sewer and water systems.

**(o)** Industrial liquid waste storage areas.

- (p) Junk/recycling yards, motor vehicle salvage yards.
- (q) Landfills, areas for dumping or disposal of garbage, refuse, trash, construction or demolition material.
- (r) Metal reduction and refinement plants.
- (s) Mining operations, including sand and gravel.
- (t) Motor and machinery service and assembly shops if not on municipal water and sewer systems.
- (u) Motor freight terminal
- (v) Paint products manufacturing.
- (w) Petroleum products storage or processing.
- (x) Photography studios, involving the developing of film or pictures.
- (y) Plastics manufacturing.
- (z) Printing and publishing establishments.
- (aa) Salt storage
- (ab) Pulp and paper manufacturing.
- (ac) Septage and sewage sludge storage and disposal sites.
- (ad) Storage, manufacturing or disposal of toxic or hazardous materials as defined in sec. 100.37 Wis. Stats.
- (ae) Underground petroleum products storage tanks for industrial, commercial, residential or other uses.
- (af) Woodworking, wood products manufacturing and wood finishing.

**(9) USES PERMITTED BY CONDITIONAL GRANT:**

- (a) Any use prohibited by this District may be allowed upon issuance of a permit for such use by the Town Board.
- (b) Prior to consideration of the requested permit, the Board shall forward the permit to the Plan Commission and Rome Water Utility for review and recommendation as to approval or disapproval together with reasons for such recommendation. The Plan Commission and Rome Water Utility shall have sixty (60) days in which to make such recommendation.
- (c) Within forty (40) days of the receipt of the recommendations of the Plan Commission and Rome Water Utility, the Town Board shall hold a public hearing on the request.

**(d)** Within thirty (30) days of the public hearing, the Town Board shall approve, approve with amendments or disapprove the application. The Town Board shall not approve the application unless it determines, by clear and convincing evidence, that the proposed use will not be contrary to the interests of public health and safety and that all applicable state and local standards (including setback requirements set forth in NR 811.16(4)) have been satisfied.

## 10.29 GATEWAY OVERLAY DISTRICT

**(1) PURPOSE:** Main corridors into the Town of Rome provide a first impression of the Town for many visitors. It is imperative that they present a positive and welcoming impression. As such, the appearance is second only to the importance of safety. The purpose of the Town of Rome's Gateway Overlay District is to advance both the aesthetic and economic objectives of the Town of Rome as a recreational community by controlling site design and appearance of development within the Town's major entrance points from the North/South and East/West. The Gateway Overlay District was created to advance this purpose in a manner that is consistent with sound economic, land use, and design principles.

The specific objectives of the Gateway Overlay District are to:

- (a)** Create a vibrant environment that emphasizes the area as a gateway to the Town of Rome;
- (b)** Promote a positive visual impression of our gateway corridor.

**(2) BOUNDARIES:** The location and boundaries of the Gateway Overlay District are set forth on the Map entitled "Town of Rome Zoning Map," which is incorporated herein and hereby made a part of these guidelines. Said map, together with everything shown therein and all amendments thereto, shall be as much a part of this document as though fully set forth and described herein.

Unless otherwise indicated on the map, the district boundary lines are measured at two-hundred (200) feet from the centerlines of roads, highways, or such lines extended or connected. Where not otherwise indicated on the map, it is intended that the district boundary line be measured at right angles to the nearest highway right-of-way line.

### **(3) STANDARDS:**

**(a)** Although all of the property included in the Gateway Overlay Corridor is not part of the Alpine Village Business Park, the standards found in the Alpine Village Business Park Development and Design Manual shall apply in the Gateway Overlay Corridor as follows:

- 1. Permitted Land Uses, General Characteristics, Development Standards and Architectural Standards** shall be as set forth in subsection 2.1 (Commercial "A") of the Alpine Village Business Park Development and Design Manual, where applicable.
- 2. Landscaping, Lighting, Parking, Maintenance, Signage and Procedure for Abatement of Violations** shall be per the standards set forth in subsection 4 (Special Provisions) of the Alpine Village Business Park Development and Design Manual.

**3. Project Review and Approval** shall be per the standards set forth in subsection 3 (Project Review & Approval Process) of the Alpine Village Business Park Development and Design Manual.

**(b)** Applicable standards in all other underlying Town of Rome Ordinance sections shall be the minimum allowable standards in the Gateway Overlay District.

**(4) NONCONFORMING STRUCTURES AND USES:** Shall be per Town of Rome zoning ordinance section 10.03(4) and shall be applicable to all areas of the Gateway Overlay District.

**(5) AMENDMENTS:**

**(a)** For the purpose of promoting the purpose of these guidelines, the general welfare and conserving the value of property throughout the Town, the Town Board may, from time to time, in the manner hereinafter set forth, amend the regulations imposed by this document, provided that all amendments adopted under the authority of this Section, due allowance shall be made for existing conditions, the conservation of property values, the direction of building development to the best advantage of the entire community, the uses to which property is devoted at the time of such amendments, and the purpose and intent of the Gateway Overlay Corridor.

**(b)** The procedure for amendments to the development standards and design guidelines within the Gateway Overlay District shall be per Town of Rome Zoning Ordinance section 10.04(8).