

Town of Rome, WI
Wednesday, March 8, 2023

Chapter 360. Zoning

[HISTORY: Adopted by the Town Board of the Town of Rome as Ch. 10 of the prior Code. Amendments noted where applicable.]

ATTACHMENTS

Attachment 1 Zoning Map 

Article I. General Provisions

§ 360-1. Title.

This chapter shall be known, cited, and referred to herein as "The Town of Rome Zoning Ordinance, Ordinance, Chapter or Code."

§ 360-2. Purpose.

The Zoning Chapter of the Town of Rome is adopted for the purposes set forth in § 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.

§ 360-3. Authority.

These regulations are adopted under the authority granted by §§ 60.62, 61.35 and 62.23(7) of the Wisconsin Statutes.

§ 360-4. 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.

Article II. Terminology; Construal of Provisions

§ 360-5. Rules of construction; definitions.

- A. 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 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 1/2 foot or more, the integral foot next above shall be taken; the masculine gender includes the feminine and neuter.
- B. Definitions. As used in this chapter, the following terms shall have the meaning indicated:

ABUTTING

Have a common property line or district line.

ACCESSORY BUILDING

A detached building located on the same lot with a principal building and generally used for storage, as a private garage or for another use customarily incidental to the use of the principal building.

ACCESSORY USE

A use customarily incidental and accessory to the principal use of a lot or parcel, or building or structure on the same lot or parcel as the principal use.

ADDITION

New construction performed on a building which increases the outside dimensions of the dwelling.

AGRICULTURE

The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

ALLEY

A public right-of-way which normally affords a secondary means of vehicular access to abutting property.

ALTERATION

A substantial change or modification other than an addition or minor repair to a building or to systems involved within a building.

ANIMAL UNIT

One animal unit shall be defined as being equivalent to the following: one steer; one beef cow; one dairy cow; one swine; one horse or pony; two heifers; two llamas; four calves; four sheep; four goats; 25 chickens; 25 rabbits or other fur-bearing animal; 20 ducks; 20 turkeys or other large poultry. For animals not listed, the Zoning Administrator shall determine the animal unit value based on similarity to the above and animal body weight.

APARTMENT

A room or suite of rooms in a multiple-family structure, which is arranged, designed, used or intended to be used as a single housekeeping unit. Complete kitchen facilities, permanently installed, must always be included for each apartment.

ASSEMBLY

When used in describing an industrial operation, the fitting or joining of parts of a mechanism by means of fasteners, nuts and bolts, screws, glue, welding or other similar technique. "Assembly" shall not include the construction, stamping or reshaping of any of the component parts.

BASEMENT

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

BLOCK

An area of land within a subdivision that is entirely bounded by a combination or combinations of streets, exterior boundary lines of the subdivision, streams or water bodies or other recognized lines of demarcation.

BUILDING

Any structure built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind, and which is permanently affixed to the land. When any portion thereof is completely separated from every other portion by masonry or fire wall without any window, which wall extends from the ground to the roof, then such portion shall be deemed to be a separate building.

BUILDING HEIGHT

The vertical distance from the average grade to the highest point of the building.

BUILDING PERMIT

Permit issued by the Building Inspector allowing commencement of project construction.

BUILDING SETBACK LINE

A line parallel with the lot line at a distance perpendicular to it, regulated by the yard requirements set up in this Code.

BUILDING WIDTH

For manufactured or mobile homes, the width shall be determined by the width listed on the title for the building or the invoice provided by the manufacturer. For all other buildings, the width of a building shall be determined by the horizontal distance from the outer edge of the sidewall on one side of the building to the outer edge of the sidewall on the opposite side of the building. The roof overhang shall not be included in the calculation of the building width.

BUILDING, PRINCIPAL

A nonaccessory building in which is conducted the principal use of the lot on which it is located.

BUSINESS

An occupation, employment or enterprise, which occupies time, labor and materials, or wherein merchandise is exhibited or sold, or where services are offered, however, not including hobbies and home occupations.

CAMPGROUND

Any parcel or tract of land owned by a person, the state or a local government, which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by four or more camping units, or by one to three camping units if the parcel or tract of land is represented as a campground.

CHARITABLE ORGANIZATION

Any benevolent, philanthropic, patriotic or eleemosynary person, partnership, association or corporation, or one purporting to be such, including Boy Scouts, Girl Scouts, 4-H Clubs and school organizations; and religious organizations.

CLUB

An association for some common purpose, but not including a group organized for or which is actually engaged in rendering a service, which is customarily carried on as a business. A roadhouse or tavern shall not be construed as a club.

CONDITIONAL USES

Uses of a special nature as to make impractical their predetermination as a principal use in a district.

CUL-DE-SAC

A street having but one end open to traffic and the other end being terminated in a vehicular turnaround.

DAY-CARE OR CHILD-CARE FACILITY

Shall have the same definition as contained in § 48.65(1), Wis. Stats.

DETERIORATION

The condition or appearance of a building or structure, or part thereof, characterized by breaks, holes, rot, crumbling, cracking, peeling, rusting, inadequate paint, or other evidence of decay.

DEVELOPMENT

Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or substantial improvements to buildings, structures or accessory structures; the placement of building or structures; mining, dredging, filling, grading, paving, excavation or drilling

operations; and the storage, deposition or extraction of materials, public or private sewerage disposal systems or water supply facilities.

DISPOSAL

Includes, but is not limited to, unloading, throwing away, discarding, emptying, abandoning, discharging, burning, spreading onto open fields, land spreading or burying waste, garbage, refuse, or sludge on, into, or under any property or lands whether publicly or privately owned within the Town of Rome.

DISTRICT, OVERLAY

Also referred to herein as "regulatory areas"; provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. In the instance of conflicting requirements, the stricter of the conflicting requirements shall apply.

DWELLING

Any building which has the primary purpose of human habitation and which contains one or two dwelling units.

DWELLING UNIT

A structure, or that part of a structure, which is used or intended to be used as a home, residence or sleeping place by one or more persons maintaining a common household, to the exclusion of all others.

DWELLING, MULTIPLE-FAMILY

A residential building designed for or occupied by three or more families, with the number of families in residence not to exceed the number of dwelling units provided.

DWELLING, SINGLE-FAMILY

A detached building designed for or occupied by one family.

ELEVATED STRUCTURE

A structure, or component thereof, which is covered or partially covered and which has at least three walls or sides, and is not entirely located on the ground. Elevated structures may be attached to the ground or located on and supported by a tree, such as a tree house.

[Added 3-18-2021 by Ord. No. 21-06]

EROSION

The detachment and movement of soil, sediment or rock fragments by water, wind, ice or gravity.

EROSION CONTROL

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

FARM

An area of land devoted to the production of field or truck crops, livestock or livestock products, which constitute the major use of such property.

FARMING

The operation of a farm owned or rented by the operator.

FINANCIAL INSTITUTION

A bank, credit union, savings and loan or other business providing conventional financial services that is regulated by the Wisconsin Department of Financial Institutions and the Federal Deposit Insurance Corporation.

FINE

The equivalent of the word "forfeiture," and vice versa.

FRANCHISE ARCHITECTURE

Buildings which follow the prototypical corporate design standards and present an appearance which is repeated without regard to regional, local and site appearance conditions.

FRONTAGE

The smallest dimension of a lot abutting a public street measured along the street right-of-way line. For lots abutting a lake or stream, the smallest dimension measured along the shoreline.

GARAGE

An enclosed or unenclosed structure used for storing motorized vehicles.

GARBAGE

All waste, animal, fish, fowl or vegetable matter incidental to and resulting from the use, preparation and storage of food for human consumption.

GOODS

Personal property of any kind and shall include goods provided incidental to services offered or sold.

GRADE

The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

IMPROVEMENT, PUBLIC

Any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access, sidewalk, pedestrianway, planting strip or other facility for which the Town may ultimately assume the responsibility for maintenance and operation.

IRREVOCABLE LETTER OF CREDIT

An agreement entered into by a bank, credit union, savings and loan or other financial institution which is insured by the FDIC and which is authorized to do business in the State of Wisconsin and which has a financial standing acceptable to the Town of Rome and which is approved, as to form, by the Town Attorney.

JUNK OR SALVAGE YARD

An area consisting of buildings, structures or premises where junk waste and discarded or salvage materials are brought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards, house wrecking and structural steel materials, equipment yards, scrap iron and other metals, paper, rags, rubber tires, and bottles. A "junkyard" includes an auto-wrecking yard, but not including the purpose or storage of used furniture and household equipment or used cars in operable condition.

LIVESTOCK

Domestic farm animals, such as cattle, horses, sheep, poultry and pigs.

LOT

A parcel of land. A lot may be a parcel designated in a plat or described in a conveyance recorded in the Office of the Register of Deeds, or any part of a large parcel when such part complies with the requirements of this chapter as to width and area for the district in which it is located.

LOT LINE

A property boundary line of any lot held in single or separate ownership, except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the abutting street or alley right-of-way line.

MANUFACTURED HOME PARK

Any park, court, site, lot, parcel or tract of land designed, maintained, intended or used for the purpose of supplying a location or accommodations for two or more mobile homes or manufactured homes and shall include all buildings used or intended for use as part of the equipment thereof, whether or not a charge is made for the use of the mobile home park and its facilities. Mobile home parks shall not include automobile, mobile or manufactured home sales lots on which unoccupied mobile or manufactured homes are parked for purposes of inspection and sale.

MECHANICAL EQUIPMENT

Equipment, devices and accessories, the use of which is used for heating, ventilating, air conditioning, and similar purposes.

MINING

- (1) Operations or activities at a mining site for the extraction from the earth of minerals for sale or use by the operator. Mining includes use of mining equipment or techniques to remove materials from the in-place mineral deposit, including drilling and blasting, as well as associated activities such as excavation, grading and dredging. Mining does not include removal from the earth of products or commodities that contain only minor or incidental amounts of nonmetallic minerals, such as commercial sod, agricultural crops, ornamental or garden plants, forest products, Christmas trees or plant nursery stock.
- (2) Processes carried out at mining sites that are related to the preparation or processing of the mineral(s) obtained from the mining site. These processes include, but are not limited to stockpiling of materials, blending mineral aggregates or minerals with other mineral aggregates or minerals, blasting, grading, crushing, screening, scalping, washing and dewatering.

MUNICIPALITY

Any city, village, town or county.

NATIVE PLANTS

Any plant species with a geographic distribution indigenous to the Town. Plant species indigenous to areas outside the township and introduced by humans are not native vegetation.

NONCONVENTIONAL FINANCING BUSINESS

A business that is not subject to regulation by the Federal Deposit Insurance Corporation and which provides one or more of the following services as its primary function:

- (1) Car title loans.
- (2) Cash advances.
- (3) Check cashing for a fee.
- (4) Payday loans.
- (5) Signature loans.
- (6) Other forms of nonconventional financial services.

NONCONFORMING STRUCTURE

Any structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading, or distance requirements shall be considered a nonconforming structure and not a nonconforming use.

NONCONFORMING USE

Any building or land lawfully occupied by a use at the effective date of a Town ordinance or amendment thereto which does not conform after passage with the requirements of the

ordinance or amendment.

OCCUPANCY

Pertains to and is the purpose for which a building is used or intended to be used.

OCCUPANT

Any person occupying or having use of a building, structure, premises of any part thereof.

OPERATOR

Operator shall mean any person who has charge, care or control of a building, structure or premises or part thereof.

OWNER

Includes the plural as well as the singular and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or combination of these who shall hold title to a building, structure or property, or who shall be in actual possession of, or have charge, or control of building, structure, or property as agent of the title holder, or who shall be trustee or guardian of the estate or person of the title holder.

PARK

All grounds, structures and watercourses which are or may be located within any area dedicated to the public use as a park, parkway, public boat landing, public lake access, recreation facility or conservancy district in the Town.

PARK, AMUSEMENT

An area publicly or privately owned, containing amusement and recreational facilities and devices, whether operated for profit or not.

PARKING LOT

Any public or private land area where motor vehicles are parked or stored temporarily, but not including the wrecking of automobile or other vehicles or storage for the purpose of repair or wrecking.

PARKING SPACE

A graded and surfaced area of not less than 180 square feet in area, either enclosed or open, for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley.

PARTIES IN INTEREST

Includes all abutting property owners, all property owners within 200 feet, and all property owners of opposite frontages.

PERSON

Includes a corporation, firm partnership, association, organization and any other group acting as a unit as well as individuals, including a personal representative, receiver or other representative appointed according to law. Whenever the term "person" is used in any section of this chapter prescribing a penalty or fine, as to partnerships or associations, the work shall include the partners or members thereof, and as to corporations, shall include the officers, agents or members thereof who are responsible for any violation of such section.

PLAT

The map, drawing or chart on which the subdivider's plat of subdivision is presented to the Town for approval.

PLAY STRUCTURE

A detached structure which can be or is intended to be used by minors to engage in commonly accepted play activities.

[Added 3-18-2021 by Ord. No. 21-06]

PROFESSIONAL OFFICE

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

PUBLIC NUISANCE

A thing, act, occupation, condition or use of property, which shall continue for such length of time as to substantially annoy, injure or endanger the comfort, health, repose or safety of the public; in any way render the public insecure in life or in the use of property; greatly offend the public morals or decency; unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.

RECYCLING

A process by which waste products, such as metal cans, scrap metal, paper or glass are reduced to raw materials for transformation into new and different products. For the purpose of this Zoning Code, recycling does not include the reclamation of sewage sludge, food wastes and other organic materials.

REFUSE

Refuse is combustible and noncombustible discarded material including, but not limited to, trash, rubbish, paper, wood, metal, glass, plastic, rubber, cloth, ashes, litter and street rubbish, industrial waste, dead animal tissue, blood or parts, mine tailings, gravel pit and quarry spoils, and material and debris resulting from construction or demolition.

RESORT CABIN

A seasonal or year-round transient dwelling unit.

RETAIL TRADE

Uses primarily engaged in selling merchandise to the general public for personal or household consumption and rendering services incidental to the sale of goods. "Retail trade" shall not include pawnshops or thrift stores.

[Added 4-16-2020 by Ord. No. 20-04]

SATELLITE DISH

An apparatus capable of receiving communications from a transmitter or a transmitter relay located in a planetary orbit. They are also commonly referred to as disks, satellite communications systems or home earth stations.

SCREENING

A structure or planting which conceals from view of public ways and neighboring properties the area behind such structure or planting.

SERVICE AREA

The geographical area where the Town provides a service.

SETBACK

The minimum allowable distance from a given point or line of reference, such as a thoroughfare right-of-way, waterline, or prospective line to the furthest projection element of a building or structure.

SIGN

Any medium, including its structure, words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity or product and which is visible from any public street or highway.

SINGLE- OR TWO-FAMILY DWELLING

A building structure which contains one, two or separate households intended to be used as a home, residence or sleeping place.

SITE PLAN

A plan prepared to scale, showing accurately and with complete dimensioning the boundaries of a site and the location of all buildings, structures, uses, and principal site design features proposed for a specific parcel of land.

SLUDGE

Sewage treatment residue, residue which represents waste material generated from the industrial or commercial slaughtering of farm animals which residue is in any form whatsoever, whether solid or semisolid or liquid.

SQUARE FOOTAGE

The building ground floor area outside the walls. Open or wall-less structures are determined by measuring the dimensions outside of the support poles.

STREET

Any public highway or alley and shall mean the entire width between the boundary lines of any public way where any part thereof is open to the public for purposes of vehicular traffic.

STRUCTURE

Anything constructed or erected, the use of which requires a more or less permanent location in or on the premises, or any other attachment to something having a permanent location on the ground, which includes, but is not limited to, objects such as buildings, mobile homes, gas or liquid storage tanks, bridges, culverts, decks, fences, satellite dishes or swimming pools.

TOWN

The Town of Rome, Adams County, Wisconsin, or any duly appointed designate thereof, including, but not limited to, the Town Board and Town committees.

TOWN BOARD or BOARD

The present governing body of the Town or any successors to the legislative power of said body, or any duly appointed designate thereof.

TOWN STAFF

Zoning Administrator, Police Chief, Fire Chief, Highway Commissioner and any other professional engaged by the Town on a temporary, part-time or full-time basis.

USE

The purpose or activity, for which the land or building thereof is designed, arranged or intended, or for which it is occupied or maintained.

USE, PERMITTED

A use which may be lawfully established in a particular zoning district or districts provided it conforms with all requirements, regulations, and standards of such district.

UTILITIES

Public and private facilities, such as water wells, water and sewage pumping stations, water storage tanks, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays and gas regulation stations, inclusive of associated transmission facilities but not including sewage disposal plants, municipal incinerators, warehouses, shops, storage yards and power plants.

VEHICLE

A motor vehicle, trailer, semitrailer or mobile home, whether or not such vehicle is registered under Wisconsin Law.

VISION TRIANGLE

A triangular space which permits an unobstructed view at the inter section of highways or streets with other highways, streets or roads to or at the intersection of highways or streets with railroads.

WASTE

Garbage, refuse, and all other discarded or salvageable material, including materials resulting from industrial, commercial, and agricultural operations and from domestic use and public service activities.

WOODLANDS CHARACTER

The feeling associated with central Wisconsin based on a unique identity and other memorable qualities in which the image of development provides the observer with strong visual and experiential images and lacks dominant urban and suburban visual characteristics.

YARD

An open space on a lot which is unoccupied and unobstructed by buildings from its lowest level to the sky.

YARD, FRONT

A yard extending along the full length of the front lot line between the side lot lines.

YARD, REAR

A yard extending along the full length of the rear lot line between the side lot lines.

YARD, SIDE

A yard extending along a side lot line from the front yard to the rear yard.

YARD, STREET

A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two such yards.

ZONING PERMIT

A permit issued by the Zoning Administrator that verifies that a specified use is permitted at the location and that the lot size and width requirements and the setback and yard requirements have been complied with. The zoning permit does not verify that structural components of a building comply with the Building Code.^[1] Such verification is typically certified by issuance of a building permit.

[1] *Editor's Note: See Ch. 142, Building Construction.*

§ 360-6. Construal of provisions.

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.

§ 360-7. Severability.

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.

Article III. General Regulations

§ 360-8. Scope.

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.

§ 360-9. 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 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. Camping. In any district which allows camping, the following standards shall apply:
[Amended 6-17-2021 by Ord. No. 21-12]
- (1) 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.
 - (2) 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. The camping season shall be April 14 through November 30.
 - (3) Off-season camping permit. Camping is permitted from December 1 through April 14 only upon issuance of an off-season camping permit by the Zoning Administrator. Such camping is limited to no more than two occurrences for a cumulative total of no more than 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 on-site waste treatment system approved by the State of Wisconsin and Adams County.
 - (4) Guest camping permit. Additional camping units, to be occupied by guests of a lot owner, shall be subject to the following limits: One guest camping unit for parcels five acres in size or less, and one additional guest camping unit for each additional one acre of lot size, not to exceed 10 guest camping units, shall be permitted on a lot in any district which allows camping between April 15 and October 15 of each calendar year for no more than three nonsequential periods of a maximum of 10 days each in duration. At least 15 days must elapse between each such period. A guest camping permit issued by the Town of Rome is required for each additional camping unit. Additional camping units in the LD Lake District shall be subject to § **360-60B**.
 - (5) 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.
 - (6) Water/septic requirements.
 - (a) 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:
 - [1] 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

[2] Is connected to a municipal sanitary sewer system or is directly served by a private on-site 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 Section 3-2.08 of the Adams County Private On-site Waste Treatment Systems Ordinance.

(b) Notwithstanding Subsection **C(6)(a)[2]** herein, portable toilets and vault privies are prohibited in these districts. Composting, chemical and incinerating toilets are permitted only if completely within the camping unit.

- 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 (30 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 [§§ 77.52(2)(a)1. and 97.605]. 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. The Town of Rome has further determined that, given the unique concerns and characteristics of the areas comprising all residential districts, it is necessary and appropriate to prohibit short-term rentals of six consecutive days or less in duration in each residential 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 35 feet inland from the ordinary high-water mark, no more than a total of 30% of any 100 feet may be cut. From the inland edge of the thirty-five-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 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 acres, limit: one animal unit.
 - (2) R-2, R-4, R-5 and B-1 Districts.
 - (a) Minimum two acres, limit: one animal unit.
 - (b) Minimum three acres, limit: one animal unit or two horses.
 - (c) Minimum five acres, limit: two animal units or three horses.
 - (d) Minimum nine acres, limit: two animal units or five 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 200 feet or more from the public right-of-way shall be at least 10 feet in surface width and provide 14 feet of clear-width: shall provide an unobstructed height throughout the entire length and width of the driveway of at least 14 feet, and shall provide a turnaround area located no more than 75 feet from the structure capable of turning around emergency vehicles. Driveway permits under this subsection shall require review and approval from the Fire Chief in order to verify that the installation standards will provide for the safe passage and turnaround of emergency vehicles accessing the structures served by the driveway. Greater dimensions may be required by the Director of Public Works, after consultation with the Fire Chief, if the proposed driveway would not be sufficient to accommodate specialized fire-fighting apparatus or equipment that may be required to service the property.
[Amended 11-18-2021 by Ord. No. 21-20]

§ 360-10. 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 150 square feet or less with a maximum height of 10 feet and a maximum roof overhang of 16 inches, and unroofed decks not exceeding 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 nonagricultural zoning districts prior to construction of a principal structure: satellite dishes larger than 36 inches in size, fuel tanks, except LP tanks not exceeding 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 wood stoves, 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 acres or less.
- D. Canopies.
- (1) Definition. A canopy is a freestanding 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 (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 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 nonrigid 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 Subsection **D(3)(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 nonrigid material require the issuance of a zoning permit. The location of any canopy

permitted under this subsection must comply with all setback requirements for structures in the applicable zoning district.

§ 360-11. Nonconforming structures and uses.

[Amended 2-14-2019 by Ord. No. 19-03]

- A. Existing use permitted. Pursuant to § 62.23(7)(h), Wis. Stats., the lawful nonconforming use of a building, structure or land that was in existence prior to the effective date of this Zoning Ordinance, or amendment thereto, may be continued although it does not conform to the provisions of this chapter. 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 chapter provision became effective. Likewise, the property owner must prove that the use of the property prior to the effective date of the chapter 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 chapter or amendment thereto shall be allowed to continue although such building or use does not conform with the provisions of this chapter. 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 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 § 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% 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% 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 § 62.23(7), (hb) and (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.
- D. Pursuant to § 62.23(7)(hc), Wis. Stats., and notwithstanding any other provision of this chapter, a nonconforming structure damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold or infestation after March 2, 2006, may be restored to, or replaced at, the size, location, and use that it had immediately before the damage or destruction occurred, and no limits may be imposed on the costs of the repair, reconstruction, or improvement of said structure. The size of the structure may be larger than the size it was immediately before the damage or destruction if necessary for the structure to comply with applicable state or federal requirements.
[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

§ 360-12. Lot area regulations.

[Amended 2-14-2019 by Ord. No. 19-03]

- 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 nonconforming for the purpose of construction of a building that is permitted in the applicable district, if the sole basis for the nonconforming 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 SPS 383 of the Wisconsin Administrative Code. This subsection 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 legal parcel.
- D. Open space.
 - (1) All setbacks and other open spaces allocated to a building (or group of buildings comprising one principal use) shall be located on the same lot as such building.
 - (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 nonresidential districts, improvements shall be set back at least 30 feet from the described easement or, in the case of an easement that does not have a legal description, 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 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 200 feet on one 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 15 feet of the right-of-way.

- (3) Buildings on through lots, extending from road to road, shall be considered to have two front yards, two side yards and no rear yard.
 - (4) In no case shall the waterfront setback be less than 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.
- F. Nonconforming lots. A lot of record that, at the effective date of this Zoning Ordinance or amendment thereto, does not conform to the applicable minimum frontage requirement, lot area regulations, or lot width requirements for the zoning district in which it is located, may still be used as a building site, provided that requirements of all other applicable state and county codes as well as Town ordinances, including height, buffer, setback, and other dimensional requirements of the zoning district in which the lot of record is located are complied with, or a variance therefrom is obtained. The property owner shall have the burden to prove by a preponderance of the evidence that the nonconforming lot was in existence at the time the chapter provision became effective.

§ 360-13. 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 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 foot for each one 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 Semipublic 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 foot for each one 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 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 10 feet above the maximum allowed in the district, provided all required setbacks for the structures are increased by one foot for each one foot by which such structures exceed the height limit.

§ 360-14. 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 United States Department of Housing and Urban Development, which became effective June 15, 1976, and as amended thereafter.

§ 360-15. 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.

§ 360-16. Home occupations in residential districts.

- A. Standards.
 - (1) The principal use of the premises shall be for single- or two-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 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) In order to protect the visual aspects of the residential neighborhood and not significantly reduce the availability of parking for residents, home business customers shall not park in the right-of-way or on the street. Any need for parking generated by the home business use shall be met off the street and remain on-premises.
 - (10) Persons conducting a home business or professional office must submit an application and pay any applicable fees for such use as required by § 234-32.
 - (11) No other local ordinance, provision or state statute or rule shall be violated.

B. Permitted businesses.

- (1) Art studios, computer programming, drafting and graphic services, dressmaking, sewing and tailoring, home crafts, music lessons, professional and contractor offices, sales representatives —office only, secretarial services, beauty shops by occupant only, minor repair services, and other similar uses.
- (2) Such uses, when conforming with Subsection **A**, may be issued a home occupation permit by the Zoning Administrator as required under § **234-31**. The Zoning Administrator shall forward all other applications to the Plan Commission for public hearing review and consideration.

Article IV. Administration and Enforcement

§ 360-17. Organization.

The administration of this chapter is hereby vested in five offices of the Town as follows:

- A. Zoning Administrator.
- B. Building Inspector.
- C. Plan Commission.
- D. Board of Appeals.
- E. Town Board.

§ 360-18. Plan Commission.

The Plan Commission shall have the duties, powers and authority delegated to such bodies in § 62.23, Wis. Stats., and in § **20-3** of the Code of the Town of Rome.

§ 360-19. Board of Appeals.

The Board of Appeals shall have the duties, powers and authority delegated to such bodies in § 62.23, Wis. Stats., and in § **20-2** of the Code of the Town of Rome.

§ 360-20. 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 public places in the Town. The Zoning Administrator shall also mail a copy of the notice to all parties of interest and to the owners of other properties located within 200 feet of the land included in the application. Said posting and mailing shall be at least 10 days prior to the date of hearing.
 - (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 10 days' prior written notice shall be given to the clerk of any municipality whose boundaries are within 1,000 feet of any lands

included in the hearing application. The Zoning Administrator shall also mail a copy of the notice to all parties of interest and to the owners of other properties located within 200 feet of the land in the application. Failure to mail said notice or failure to meet the time requirements herein, provided it is unintentional, shall not invalidate proceedings under this section.
[Amended 4-15-2021 by Ord. No. 21-09]

- 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 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.

§ 360-21. Reconsideration.

- A. Resubmission. No application which has been dismissed or denied shall be considered again without material alteration or revision within one 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 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. Rehearings shall be subject to the same notice requirements as original hearings.

§ 360-22. 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 24 months from the date of issuance. The permit may be extended for a period of 90 days for justifiable cause, if an application is made to the Zoning Administrator at least 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.

§ 360-23. Revocation.

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.

§ 360-24. 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 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 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 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 20% or more either of the areas of the land included in such proposed change, or by the owners of 20% or more of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20% or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such change or amendments shall not become effective except by the favorable vote of 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 acknowledged by 20% of the number of persons casting ballots in the last general election, it shall cause a 3/4 vote of the full Town Board membership to adopt such amendment.

§ 360-25. 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 30 days after the filing of the decision in the office of the Zoning Administrator.

§ 360-26. 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 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 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.

§ 360-27. Conditional use.

[Amended 9-19-2019 by Ord. No. 19-11]

- A. Purpose and applicability. 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 mutually compatible and substantially uniform. However, there are certain uses which, because of their unique characteristics or potential impacts on adjacent land uses, cannot be properly classified as unrestricted permitted uses 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 uses, nevertheless, may be necessary or desirable to be allowed in a particular district, provided that due consideration is given to their location, development, and operation to mitigate the impact of the proposed use or development. These uses are classified as conditional uses and require a conditional use permit except as specified under Subsection **O**. The authority to grant or deny a conditional use permit is vested in the Plan Commission.
- B. Initiation of conditional use permit. The owner of a subject property may submit an application to use such land for one or more of the conditional uses in the zoning district in which the land is located.
- C. Application for conditional use permit. An applicant shall provide a complete application and other required materials to the Zoning Administrator along with the application fee. A complete application shall be comprised of all of the following for proper review:
 - (1) A completed conditional use permit application form furnished by the Zoning Administrator, together with the fee established by the Town Board.
 - (2) A written description of the proposed conditional use describing the type, duration and density of activities, buildings, and structures proposed for the subject property and their general locations, plus additional information as may be required for the particular land use under this chapter.
 - (3) A site plan of the subject property, with any alterations as may be proposed to accommodate the conditional use. Said site plan shall conform to any applicable requirements of this chapter. If the conditional use will make use of existing site improvements only, a site plan need only be of sufficient detail to confirm the portion of the site used by the conditional use.
 - (4) Written justification for the proposed conditional use consisting of the reasons why the applicant believes the proposed conditional use is appropriate, particularly as evidenced by compliance with the approval criteria set forth in this section, and all applicable requirements of this chapter.

- (5) Any other plans and information deemed necessary by the Zoning Administrator or the Plan Commission to ensure that the requirements of this Chapter are or will be fulfilled.
- D. Zoning Administrator review and recommendation.
- (1) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this chapter. Only a complete application in the determination of the Zoning Administrator shall be placed on any agenda as an item to be acted upon, or entitle a public hearing under Subsection E. If an application is incomplete, the Zoning Administrator shall notify the applicant in writing of such deficiencies and that the applicant has three months from the date of the notice to remedy the application deficiencies or forfeit the application fee. The Zoning Administrator will take no further steps to process the application until the deficiencies are remedied.
 - (2) Once the Zoning Administrator determines that the application is complete, the Zoning Administrator shall set a public hearing and prepare a written report evaluating the application based on the criteria in Subsection G below. The Zoning Administrator shall forward the application and report to the Plan Commission.
- E. Public hearing. The Zoning Administrator shall schedule a public hearing before the Plan Commission to be held within 60 days after acceptance of a complete application as determined by the Zoning Administrator. Notice of the time, place, and purpose of such hearing shall be given by publication as a Class 2 notice in conformance with the requirements of § 62.23(7)(d) and (de), Wis. Stats. The Zoning Administrator shall also send said notice to the applicant, persons of interest including owners of record of all lands within 200 feet of the boundaries of the subject property, and the Clerk of any municipality whose boundaries are within 1,000 feet of any portion of lands included in the application at least 10 days prior to the date of such public hearing. Failure to mail said notice or failure to meet the time requirements herein, provided it is unintentional, shall not invalidate proceedings under this section.
- F. Review and action by the Plan Commission. Within 60 days after the public hearing, or an extension of said period requested in writing by the applicant and granted by the Commission, the Plan Commission shall take final action on the conditional use permit request. Prior to acting on a conditional use permit application, the Plan Commission may request further information and/or additional reports from the Zoning Administrator, the applicant, outside experts and/or any other source. The Commission may approve the conditional use as originally proposed, may approve the proposed conditional use with conditions or modifications, or may deny approval of the proposed conditional use and include reasons for denial. Any action to approve or amend the proposed conditional use permit requires a majority vote of Commission members in attendance. Based on the action of the Commission, a decision document indicating the findings of fact and outcome shall be prepared and adopted. The property owner must sign the decision document to acknowledge the terms of the approval and return the same to the Zoning Administrator.
- G. Review criteria for conditional use permits. When reviewing conditional uses, the Plan Commission shall consider the following criteria:
- (1) The size of the parcel on which the proposed use will occur;
 - (2) The presence of and compatibility of other uses on the subject property, if any;
 - (3) The location of the proposed use on the subject property (e.g., proximity of the proposed use to other existing or potential land uses);
 - (4) Effects of the proposed use on both on-site and off-site traffic safety and efficiency and pedestrian circulation, including parking;
 - (5) The suitability of the subject property for the proposed use;
 - (6) Effects of the proposed use on the natural environment;

- (7) Effects of the proposed use on surrounding properties, including neighborhood character, operational considerations relating to hours of operation, and creation of potential nuisances;
- (8) Effects of the proposed use on the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district and adjoining districts;
- (9) Potential public benefits of the proposed conditional use and potential adverse impacts of the proposed conditional use, after taking into consideration the applicant's proposal and any requirements recommended by the applicant to help remediate such adverse impacts;
- (10) Location of the proposed use as it relates to adequate service, or potential undue burden on, any improvements, facilities, utilities or services provided by public agencies serving the property;
- (11) Consistency with the Comprehensive Plan, this section, and all other plans, programs, and ordinances adopted by the Town; and
- (12) Any other factor that relates to the purposes of this chapter, or as allowed by state law.

H. Imposition of conditions and guarantees.

- (1) Generally. In approving a conditional use, the Plan Commission may impose one or more conditions of approval as may be necessary for the protection of the public interest and to secure compliance with the purpose of this chapter, and the standards and review criteria specified in Subsection G. Such conditions and restrictions may relate to the establishment, location, construction, maintenance, operation of the use, off-site impacts, and any other aspect of the use that impacts the public health, safety or general welfare and must be based on substantial evidence. Examples of such conditions are listed below:

Issue	Potential Condition
1. Hours of operation	Limit hours of operation to hours to be more compatible with surrounding uses.
2. Buffering	Require more buffer than what is otherwise required by this chapter. Buffering may include landscaping, walls, or fences, berms and other features to physically separate adjoining uses.
3. Maximum floor area	Establish a maximum floor area that may be less than what is otherwise allowed.
4. Maximum number of patrons	Limit the size of the use by establishing maximum patron loads, often by seats, tables, beds, etc.
5. Uses within buildings	Limit commercial uses to the first floor of a multistory building.
6. Number and/or location of entrances	Design the site and building so that entrances are located in areas away from adjoining properties.
7. Outdoor activity	Restrict locations and/or times of outdoor activity.
8. Outdoor storage	Establish a maximum area for outdoor storage that may be less than what is otherwise allowed.
9. Takeout food service	Prohibit drive-up service windows and or walk-up service windows in certain areas of the property (e.g., near a residential use). If these are allowed, limitations could be set.
10. Delivery services	Prohibit delivery services that entail frequent trips or establish upper limits on the activity.
11. Signage	Prohibit signage in areas of the property that may cause an impact on surrounding areas.

- (2) A condition of approval shall not lessen a development standard or other requirement contained in this chapter.
 - (3) Conditions and restrictions must be related to the purpose of this section and be reasonable, measurable to the extent practicable and based on substantial evidence. If the applicant meets or agrees to meet all of the applicable requirements specified in this section and conditions imposed by the Plan Commission, the Commission shall, under § 62.23(7)(de)2.a, Wis. Stats., grant the conditional use permit.
 - (4) 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. The Town may require written agreement from the applicant in addition to the decision document, in a form prescribed by the Town Attorney.
- I. Issuance and notice of conditional use permit or denial. Within 30 days following the granting of a conditional use permit, the Zoning Administrator shall issue to the applicant the approved conditional use permit. Said permit shall enumerate the details of the conditional use permit, including an identifiable description of the use and subject property and any specific conditions or requirements of approval. In the case of a denial of a conditional use permit, the Zoning Administrator shall provide written notification to the applicant that the conditional use permit was denied, including the reasons for denial.
 - J. Effect of denial. No conditional use permit application that has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors relative to the review criteria in Subsection **G** that are found valid by the Zoning Administrator.
 - K. Appeal to the Town Board. An appeal of a decision under Subsection **F** may be taken to the Town Board by any person aggrieved by the decision. Such appeal shall be made in writing to the Zoning Administrator within 10 days after the date of the Commission's decision. In the case of an appeal:
 - (1) The Zoning Administrator and Building Inspector shall issue no permits to enable commencement or continuation of building and other activities authorized by the conditional use permit; and shall issue a "stop-work" order for any such activities already commenced.
 - (2) The Zoning Administrator shall immediately notify the property owner of an appeal in writing; and shall schedule the appeal for Town Board consideration.
 - (3) The Town Board shall, by resolution, make a final decision to grant, with or without conditions, or to deny each application for a conditional use permit after receiving and reviewing the Commission's findings and making its own findings as to whether or not the proposed use will satisfy the criteria for approval set forth in Subsection **G**, and shall have all the powers of the Commission under this section. The Town Board's determination shall be final and subject to appeal to the Circuit Court under any procedure authorized by statute.
 - L. Duration and transfer. 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. The Commission may approve a conditional use permit with a limitation on the permit's start date, duration and/or transfer if such limitation(s) relate to the purpose of this section and the conditional use permit review criteria in Subsection **G**. Unless the Commission approves a conditional use permit with a transfer limitation, all requirements of the approved conditional use permit shall be continued regardless of ownership or operation of the subject property or use and shall run with the land.
 - M. Amendments to approved conditional uses. 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, except where its initial approval allowed expansion or amendment by some other process.

- N. Penalties, revocation, or modification of an approved conditional use permit.
- (1) Any violation of an approved conditional use permit shall be subject to § 360-30 of this chapter.
 - (2) A conditional use permit may be revoked and terminated by the Plan Commission if:
 - (a) An 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.
 - (b) Buildings and other improvements authorized by the conditional use permit have not commenced development, or the conditional use has not commenced operation, within two years of the granting of the conditional use permit, unless the Plan Commission has extended this period by request of the applicant, based on reasons beyond the reasonable control of the applicant.
 - (3) A conditional use permit may be revoked and terminated by the Town Board if:
 - (a) The conditional use, its operation, and/or associated improvements have not continued in conformity with the conditions of the permit.
 - (b) The conditional use has been discontinued for a period of 12 consecutive or 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.). The burden of proof shall be with the conditional use permit holder or operator to conclusively demonstrate that the conditional use was operational during this period.
 - (4) Prior to Town Board consideration of revocation and termination, the Plan Commission shall conduct a public hearing on the issue in accordance with Subsection E. 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 recommendation under this subsection may include modification of the conditional use permit where the Plan Commission, after a review of the conditional use permit in accordance with Subsection G, determines it is in the best interest of the Town to do so.
 - (5) 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 60 days from such determination, unless such time is extended by mutual agreement of the Town Board and the owner.
- O. Uses now regulated as conditional uses that were legal land uses prior to the effective date of this chapter or subsequent amendment. A use regulated as a conditional use under this chapter that was a legal land use prior to the effective date of this chapter or any amendment thereto, shall be considered a legal conforming land use so long as the use is not modified, expanded on or discontinued for a period of 12 consecutive months. Any substantial expansion or modification of such use, in the determination of the Zoning Administrator, shall require application and Town consideration of a conditional use permit under this section.

§ 360-28. 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 80% of the required area and width;

- (3) To permit the same off-street parking facility to qualify as required facilities for two 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 parking space or loading space, or 20% of the applicable regulations, whichever number is greater;
 - (5) To increase by not more than 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 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.

§ 360-29. Fees.

[Adopted 10-11-2019 by Ord. No. 19-15]

The fee schedule shall remain separate from this chapter. Fees shall be nonrefundable unless an application is withdrawn prior to consideration by applicable Board, Committee or Commission or where approved by the Town Administrator, after a written request is received by the applicant. No refund shall be given after commencement of work, after 180 days of submission of initial application, or after the end of the calendar year in which an application is submitted. Refund amount shall be calculated as the amount paid, less actual costs incurred by the Town.

§ 360-30. Violations and penalties.

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 § 1-3C of the Code of the Town of Rome.

Article V. Zoning Districts and Maps

§ 360-31. Districts.

[Amended 4-16-2020 by Ord. No. 20-03; 4-16-2020 by Ord. No. 20-04]

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

- R-1 Single-Family Residence District
- R-1C Single-Family Conservation Residence District
- R-2 One- and Two-Family and Manufactured Dwelling District
- R-3 Multiple-Family Residence District
- R-4 Rural Residence District
- R-5 Rural Estate Residence District

LD Lake District
A-1 General Agricultural District
A-2 Secondary Agricultural District
B-1 Business District
RTC Rome Town Center District
CV Conservancy District
FR Forest and Outdoor Recreation District
B-2 Secondary Business District
PSP Public/Semipublic District
PUD Planned Unit Development District
SP Special Purpose District
WHP Wellhead Protection Overlay District
GO Gateway Overlay District

§ 360-32. Maps.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

The location and boundaries of the zoning districts established by this chapter are set forth on the Zoning Map entitled "Town of Rome Zoning Map" and dated March 14, 2019, which is incorporated herein and hereby made a part of this chapter. Said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this chapter as though fully set forth and described herein.^[1]

[1] *Editor's Note: The Zoning Map is included as an attachment to this chapter.*

§ 360-33. Boundaries of districts.

In unsubdivided property, unless otherwise indicated on the map, the district boundary lines are the center lines 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.

Article VI. R-1 Single-Family Residence District

§ 360-34. Purpose.

The R-1 District is designed to encourage a suitable environment for family life by protecting the residential character against noncompatible 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 family.

§ 360-35. 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.
[Amended 6-17-2021 by Ord. No. 21-12]
 - (1) Camping limit: one camping unit in a subdivision; two camping units outside 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.

§ 360-36. Conditional uses.

- A. Bed-and-breakfast establishment subject to ATCP 73, Wis. Adm. Code.
- B. Community center.
- C. Day care.
- D. Utility, provided all principal structures and uses are 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 (30 days or less).

§ 360-37. Height, setbacks, area and other requirements.

- A. Lot requirements.
 - (1) Frontage: minimum 70 feet.
 - (2) Area: minimum one acre.
 - (3) Depth/width: maximum 4:1.
- B. Roadway setback,
 - (1) State highway (whichever is greater).
 - (a) From center of roadway: minimum 110 feet.
 - (b) From lot line: minimum 50 feet.
 - (2) County road (whichever is greater).
 - (a) From center of roadway: minimum 83 feet.
 - (b) From lot line: minimum 50 feet.

- (3) Town road (whichever is greater).
 - (a) From center of roadway: minimum 63 feet.
 - (b) From lot line: minimum 30 feet.
- C. Building setbacks (from the furthest building projection).
 - (1) Side: minimum 10 feet.
 - (2) Rear: minimum 10 feet.
 - (3) Waterfront: minimum 75 feet.
- D. Other requirements.
 - (1) Building height: maximum 35 feet.
 - (2) Building width: minimum 24 feet.
 - (3) Roof pitch: minimum 4/12.
 - (4) Overhang: minimum 12 inches.
 - (5) Shed. Building used primarily for storage of an area up to and including 150 square feet and a maximum of a ten-foot height from the finished floor and a maximum 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.
[Amended 12-12-2019 by Ord. No. 19-17]
- E. Area.
 - (1) Living area per dwelling unit: minimum 760 square feet

Article VII. R-1C Single-Family Conservation Residence District

§ 360-38. Purpose.

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 noncompatible 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 family and constructed under the Wisconsin Uniform Dwelling Code.

§ 360-39. 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.

[Amended 6-17-2021 by Ord. No. 21-12]

- (a) Camping limit: one camping unit.
 - (5) Home occupation.
 - (6) Professional home office.
 - (7) Essential utility services.
- B. Preservation area (collectively, building structures shall not exceed 10% of the undivided permanent open space):
- (1) Park.
 - (2) Playground.
 - (3) Sport and 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.

§ 360-40. Conditional uses.

- A. Association lodge.
- B. Public emergency shelter.
- C. Multifamily dwelling.
- D. Marina.
- E. Short-term rental of a dwelling (30 days or less).

§ 360-41. Height, setbacks, area and other requirements.

- A. Lot requirements.
 - (1) Frontage: minimum 70 feet.
 - (2) Area: minimum 20,000 square feet
 - (3) Depth/width ratio: maximum 4:1.
- B. Roadway setback.
 - (1) State highway (whichever is greater).
 - (a) From center of roadway: minimum 110 feet.
 - (b) From lot line: minimum 50 feet.
 - (2) County road (whichever is greater).
 - (a) From center of roadway: minimum 83 feet.
 - (b) From lot line: minimum 50 feet.
 - (3) Town road (whichever is greater).
 - (a) From center of roadway: minimum 63 feet.

(b) From lot line: minimum 30 feet.

C. Building setbacks (from the furthest building projection).

- (1) Side: minimum 10 feet.
- (2) Rear: minimum 10 feet.
- (3) Waterfront: minimum 100 feet.

D. Other requirements.

- (1) Building height: maximum 35 feet.
- (2) Building width: minimum 24 feet.
- (3) Roof pitch: minimum 4/12.
- (4) Overhang: minimum 12 inches.
- (5) Shed. Building used primarily for storage of an area up to and including 150 square feet and a maximum of a ten-foot height from the finished floor and a maximum 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.
[Amended 12-12-2019 by Ord. No. 19-17]

E. Area.

- (1) Living area per dwelling unit: minimum 760 square feet.

Article VIII. R-2 One- and Two-Family and Manufactured Dwelling Residence District

§ 360-42. 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 noncompatible land use.

§ 360-43. Permitted uses.

- A. Any permitted use in the R-1 District.
 - B. Manufactured homes, as that term is defined in § 101.91(2)(am), Wis. Stats.
 - C. Duplex.
 - D. Camping.
[Amended 6-17-2021 by Ord. No. 21-12]
- (1) Camping limit: two camping units.

§ 360-44. Conditional uses.

Any conditional use in the R-1 District.

§ 360-45. Height, setbacks, area and other requirements.

- A. Lot requirements.
 - (1) Frontage: minimum 70 feet.
 - (2) Area: minimum one acre.
 - (3) Depth/width: maximum 4:1.
- B. Roadway setback.
 - (1) State highway (whichever is greater).
 - (a) From center of roadway: minimum 110 feet.
 - (b) From lot line: minimum 50 feet.
 - (2) County road (whichever is greater).
 - (a) From center of roadway: minimum 83 feet.
 - (b) From lot line: minimum 50 feet.
 - (3) Town road (whichever is greater).
 - (a) From center of roadway: minimum 63 feet.
 - (b) From lot line: minimum 30 feet.
- C. Building setbacks (from the furthest building projection).
 - (1) Side: minimum 10 feet.
 - (2) Rear: minimum 10 feet.
 - (3) Waterfront: minimum 75 feet.
- D. Other requirements.
 - (1) Building height: maximum 35 feet.
 - (2) Building width: minimum 16 feet.
 - (3) Roof pitch: minimum 3/12.
 - (4) Overhang:
 - (a) Building width 17 feet or less: minimum three inches.
 - (b) Building width more than 17 feet: minimum eight inches.
 - (5) Sheds. Building used primarily for storage of an area up to and including 150 square feet and a maximum of a ten-foot height and a maximum 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.
[Amended 12-12-2019 by Ord. No. 19-17]
- E. Areas.
 - (1) Living area per dwelling unit: minimum 760 square feet.

§ 360-46. 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: maximum 35 feet.
 - (2) Building width: minimum 14 feet.
 - (3) Roof pitch: minimum 3/12.
 - (4) Overhang:
 - (a) Building width 17 feet or less: minimum three inches.
 - (b) Building width more than 17 feet: minimum eight inches.

Article IX. R-3 Multifamily Residence District

§ 360-47. 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 noncompatible land use, noise and traffic hazard.

§ 360-48. Permitted uses.

- A. Any permitted use in the R-1 District.
- B. Bed-and-breakfast establishments subject to ATCP 73.
- C. Three through eight plexes and condominiums with approval and review of Chapter 703, Wis. Stats.

§ 360-49. 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 50 feet or greater from any lot line.
- C. Multifamily housing, nine or more units.

§ 360-50. Height, setbacks, area and other requirements.

- A. Lot requirements.

- (1) Frontage: minimum 70 feet.
- (2) Area: minimum one acre.
- (3) Depth/width: maximum 4:1.

B. Roadway setbacks.

- (1) State highway (whichever is greater).
 - (a) From center of roadway: minimum 110 feet.
 - (b) From lot line: minimum 50 feet.
- (2) County road (whichever is greater).
 - (a) From center of roadway: minimum 83 feet.
 - (b) From lot line: minimum 50 feet.
- (3) Town road (whichever is greater).
 - (a) From center of roadway: minimum 63 feet.
 - (b) From lot line: minimum 30 feet.

C. Building setbacks (from the furthest building projection).

- (1) Side: minimum 10 feet.
- (2) Rear: minimum 10 feet.
- (3) Waterfront: minimum 75 feet.

D. Other requirements.

- (1) Building height: maximum 35 feet.
- (2) Building width: minimum 24 feet.
- (3) Roof pitch: minimum 4/12.
- (4) Overhang: minimum 12 inches.
- (5) Shed. Building used primarily for storage of an area up to and including 150 square feet and a maximum of a ten-foot height and a maximum 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.
[Amended 12-12-2019 by Ord. No. 19-17]

E. Areas.

- (1) Living area per dwelling unit: minimum 760 square feet.

Article X. R-4 Rural Residence District

§ 360-51. 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.

§ 360-52. Permitted uses.

- A. Any use permitted in the R-1 District.

§ 360-53. 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 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 per acre.
 - (4) No manure may be stored or allowed to accumulate within 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.

§ 360-54. Height, setbacks, area, and other requirements.

- A. Lot requirements.
 - (1) Frontage: minimum 250 feet.
 - (2) Area: minimum five acre.
 - (3) Depth/width: maximum 4:1.
- B. Roadway setbacks.
 - (1) State highway (whichever is greater).
 - (a) From center of roadway: minimum 110 feet.
 - (b) From lot line: minimum 50 feet.
 - (2) County road (whichever is greater).
 - (a) From center of roadway: minimum 83 feet.
 - (b) From lot line: minimum 50 feet.
 - (3) Town road (whichever is greater).
 - (a) From center of roadway: minimum 63 feet.
 - (b) From lot line: minimum 30 feet.
- C. Building setbacks (from furthest building projection).
 - (1) Side: minimum 10 feet.
 - (2) Rear: minimum 10 feet.
 - (3) Waterfront: minimum 75 feet.
- D. Other requirements.

- (1) Building height: maximum 35 feet.
- (2) Building width: minimum 24 feet.
- (3) Roof pitch: minimum 4/12.
- (4) Overhang: minimum 12 inches.
- (5) Shed. Building used primarily for storage of an area up to and including 150 square feet and a maximum of a ten-foot height and a maximum 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.
[Amended 12-12-2019 by Ord. No. 19-17]

E. Areas.

- (1) Living area per dwelling unit: minimum 760 square feet.

Article XI. R-5 Rural Estate Residence District

§ 360-55. 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.

§ 360-56. Permitted uses.

Any use permitted in the R-1 District.

§ 360-57. Conditional uses.

Any conditional use enumerated in the R-4 District.

§ 360-58. Height, setbacks, area and other requirements.

A. Lot requirements.

- (1) Frontage: minimum 250 feet.
- (2) Area: minimum 35 acre.
- (3) Depth/width: maximum 4:1.

B. Roadway setback.

- (1) State highway (whichever is greater).
 - (a) From center of roadway: minimum 110 feet.
 - (b) From lot line: minimum 50 feet.
- (2) County road (whichever is greater).
 - (a) From center of roadway: minimum 83 feet.

- (b) From lot line: minimum 50 feet.
- (3) Town road (whichever is greater).
 - (a) From center of roadway: minimum 63 feet.
 - (b) From lot line: minimum 30 feet.
- C. Building setbacks (from the furthest building projection).
 - (1) Side: minimum 10 feet.
 - (2) Rear: minimum 10 feet.
 - (3) Waterfront: minimum 75 feet.
- D. Other requirements.
 - (1) Building height: maximum 35 feet.
 - (2) Building width: minimum 24 feet.
 - (3) Roof pitch: minimum 4/12.
 - (4) Overhang: minimum 12 inches.
 - (5) Shed. Building used primarily for storage of an area up to and including 150 square feet and a maximum of a ten-foot height and a maximum 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.
[Amended 12-12-2019 by Ord. No. 19-17]
- E. Area.
 - (1) Living area per dwelling unit: minimum 1,500 square feet.

Article XII. LD Lake District

§ 360-59. 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 and conditional uses are intended to foster neighborhoods that protect the environmentally sensitive nature of lakefront areas.

§ 360-60. Permitted uses.

- A. Single-family dwellings, constructed to the standards of the Wisconsin Uniform Dwelling Code and accessory buildings.
- B. Camping.
[Amended 6-17-2021 by Ord. No. 21-12]
 - (1) Camping limit: one camping unit in a subdivision; two camping units outside a subdivision.
 - (2) 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 and October 15 of each calendar year for no more than three nonsequential periods of a maximum of 10 days each in duration.

At least 15 days must elapse between each such period. A guest camping permit issued by the Town of Rome is required.

- C. Home occupation.
- D. One shed.

§ 360-61. Conditional uses.

Short-term rental of a dwelling (30 days or less).

§ 360-62. Height, setbacks, area and other requirements.

- A. Lot requirements.
 - (1) Frontage: minimum 70 feet.
 - (2) Area: one acre.
 - (3) Depth/width: maximum 4:1.
- B. Roadway setback.
 - (1) State highway (whichever is greater).
 - (a) From center of roadway: minimum 110 feet.
 - (b) From lot line: minimum 50 feet.
 - (2) County road (whichever is greater).
 - (a) From center of roadway: minimum 83 feet.
 - (b) From lot line: minimum 50 feet.
 - (3) Town road (whichever is greater).
 - (a) From center of roadway: minimum 63 feet.
 - (b) From lot line: minimum 30 feet.
- C. Building setbacks (from the furthest building projection).
 - (1) Side: minimum 10 feet.
 - (2) Rear: minimum 10 feet.
 - (3) Waterfront: minimum 75 feet.
- D. Other requirements.
 - (1) Building height: maximum 35 feet.
 - (2) Building width: minimum 24 feet.
 - (3) Roof pitch: minimum 4/12.
 - (4) Overhang: minimum 12 inches.
 - (5) Accessory building appearance.
 - (a) The purpose of this subsection 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 150 square feet and a maximum of a ten-foot height and a maximum 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.
[Amended 12-12-2019 by Ord. No. 19-17]
- (7) Elevated structures. Except for the following, there shall be no elevated structures permitted in the LD Zoning District:
[Added 3-18-2021 by Ord. No. 21-06]
 - (a) Play structure, provided said structure shall not have a footprint area exceeding 100 square feet or a height at any point taller than 15 feet. Play structures shall not be located on any lot unless the lot contains a single-family dwelling, and shall not be located in the street-facing front or side yard area.
 - (b) Any play structure taller than 10 feet in height at any point shall be subject to a zoning permit application and Plan Commission review and approval. Where a play structure greater than 10 feet in height is referred to the Plan Commission, its decision shall be preceded by a public hearing. Each abutting property owner shall be notified of the time, date, and place of the public hearing and may offer reasons for approval or disapproval of the application as submitted. Reasons may be communicated in writing or given as testimony at the public hearing. The Plan Commission may deny, approve, or conditionally approve the proposed play structure or elevated structure. In making its determination, the Plan Commission shall consider potential screening, layout modifications, impact on neighboring properties, and potentially impose removal timelines.
 - (c) Any play structure taller than 10 feet in height at any point shall be constructed of similar materials and have an overall appearance consistent with that of the dwelling.
 - (d) All play structures shall be properly maintained or otherwise protected to prevent deterioration or a negative impact upon neighboring properties.

E. Areas.

- (1) Lot coverage by buildings. Impervious building and ancillary surfaces, excluding driveways, shall not occupy more than 20% 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 square feet.^[1]
[1] *Editor's Note: Original Subsection 10.11(4)(e)3, regarding detached accessory structures, which immediately followed this subsection, was repealed 10-18-2018 by Ord. No. 18-14.*

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 on any lot in a recorded residential subdivision unless the lot contains a single-family dwelling:

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

§ 360-63. Special setback requirements.

The following lots must conform to the following waterfront setbacks:

- A. Eighty-seven 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:
 - (1) Sussex 23 and 33.
- C. One hundred 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.

Article XIII. LA Lake Amenity District

§ 360-64. Purpose.

The LA District is intended to provide an area, surrounded by or near the LD District, in which nonresidential 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.

§ 360-65. Permitted uses.

Accessory buildings
Association office
Athletic field/court
Boat launch/marina
Community association gathering facility
Golf course/pro shop
Park
Pavilion
Playground
Pond/pool
Restaurant
Shower building
Swimming beach
Tavern
Walking trail

§ 360-66. Conditional uses.

- A. Band shell.
- B. Camper storage.
- C. Campground.
- D. Marine fuel station.
- E. Sanitary dump station.

§ 360-67. Height, setbacks and other requirements.

- A. Lot requirements.
 - (1) Frontage: minimum 70 feet.
 - (2) Area: minimum one acre.
 - (3) Depth/width: maximum 4:1.
- B. Roadway setback.
 - (1) State highway (whichever is greater).

- (a) From center of roadway: minimum 110 feet.
- (b) From lot line: minimum 50 feet.
- (2) County road (whichever is greater).
 - (a) From center of roadway: minimum 83 feet.
 - (b) From lot line: minimum 50 feet.
- (3) Town road (whichever is greater).
 - (a) From center of roadway: minimum 63 feet.
 - (b) From lot line: minimum 30 feet.
- C. Building setbacks (from the furthest building projection).
 - (1) Side: minimum 10 feet.
 - (2) Rear: minimum 10 feet.
 - (3) Waterfront: minimum 75 feet.
- D. Other requirements.
 - (1) Building height: maximum 35 feet.
 - (2) Building width: minimum 24 feet.
 - (3) Roof pitch: minimum 4/12.
 - (4) Overhang: minimum 12 inches.

Article XIV. A-1 General Agricultural District

§ 360-68. 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.

§ 360-69. Permitted uses.

Any permitted use in the R-2 District

Apiculture

Floriculture

Forestry

General crop farming

Greenhouse

Horticulture

Dairying and livestock raising not to exceed four animal units per acre and less than 500 animal units

total
Nursery
Orchard
Pond
Roadside stand (in season) for the sale of products produced on the premises
Truck farming
Viticulture

§ 360-70. Conditional uses.

- A. Agricultural practices requiring large volumes of water.
- B. Airport; airstrip; landing field provided the site area is 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 500 feet or greater from any lot line.
- E. College; university; hospital; charitable, penal, and religious institution and sanitarium, provided all principal structures are 50 feet or greater from any lot line.
- F. Utility, provided all principal structures are 50 feet or greater from any lot line.
- G. Communication towers provided the specific conditional use requirements in Article **XXIV** are satisfied.
- H. Livestock facilities of 500 or more animal units, subject to requirements of § **360-71F** herein.
- I. Signs, Subject to the requirements of Article **XXV**.
- J. Wind energy systems.
[Amended 9-19-2019 by Ord. No. 19-12]

§ 360-71. Height, setbacks, area and other requirements.

- A. Lot requirements.
 - (1) Frontage: minimum 200 feet.
 - (2) Area: minimum 35 acres.
- B. Roadway setback.
 - (1) State highway (whichever is greater).
 - (a) From center of roadway: minimum 110 feet.
 - (b) From lot line: minimum 75 feet.
 - (2) County road (whichever is greater).
 - (a) From center of roadway: minimum 83 feet.
 - (b) From lot line: minimum 75 feet.
 - (3) Town road (whichever is greater).

- (a) From center of roadway: minimum 63 feet.
 - (b) From lot line: minimum 75 feet.
- C. Building setbacks (from the furthest building projection).
- (1) Side: minimum 50 feet.
 - (2) Rear: minimum 50 feet.
 - (3) Waterfront:
 - (a) Residence: minimum 75 feet.
 - (b) Other buildings: minimum 150 feet.
- D. Other requirements.
- (1) Building height.
 - (a) Residence and residential accessory buildings: maximum 35 feet.
 - (b) Other buildings: maximum 60 feet.
 - (2) Building width.
 - (a) Residence and residential accessory buildings: minimum 16 feet.
 - (b) Other buildings: no minimum.
 - (3) On residences and residential accessory buildings.
 - (a) Roof pitch: minimum 4/12.
 - (b) Overhang: minimum 10 inches.
 - (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 10 feet.
- E. Area.
- (1) Living area per dwelling unit: minimum 760 square feet
- F. Conditional use requirements for livestock facilities with 500 or more animal units. The following requirements shall apply to livestock facilities with 500 or more animal units. Except as modified herein, the requirements of § 360-71 herein shall apply.
- (1) Livestock structures.
 - (a) Setback from property lines.
 - [1] Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from the property line if the livestock facility will have fewer than 1,000 animal units, and 200 feet from all property line if the livestock facility will have 1,000 or more animal units.
 - [2] 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.

- [1] Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from the edge of the public road right-of-way if the livestock facility will have fewer than 1,000 animal units, and 150 feet from the edge of the road right-of-way if the livestock facility will have 1,000 or more animal units.
 - [2] 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) A new waste storage structure may not be located within 350 feet of a property line, or within 350 feet of the nearest point of any public road right-of-way.
 - (b) A single new waste storage structure may be constructed closer to the property line or public road if the new structure is:
 - [1] Located on the same tax parcel as a waste storage structure in existence before May 1, 2006.
 - [2] No larger than the existing structure.
 - [3] No further than 50 feet from the existing structure.
 - [4] No closer to the road or property line than the existing structure.
 - (c) This setback requirement does not apply to existing waste storage structures, except that an existing structure within 350 feet of a property line or road may not expand toward that property line or road.

Article XV. A-2 Secondary Agricultural District

§ 360-72. Purpose.

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

§ 360-73. Permitted uses.

Any permitted use in the R-2 District

Apiculture

Floriculture

Forestry

General crop farming

Greenhouse

Horticulture

Dairying and livestock raising is not to exceed four animal units per acre and less than 500 animal units total

Nursery

Orchard

Pond

Roadside stand (in season) for the sale of products produced on the premises

Truck farming
Viticulture

§ 360-74. Conditional uses.

- A. Agricultural practices requiring large volumes of water.
- B. Airport; airstrip; landing field provided the site area is 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 500 feet or greater from any lot line.
- E. College; university; hospital; charitable, penal, and religious institution and sanitarium provided all principal structures are 50 feet or greater from any lot line.
- F. Utility, provided all principal structures are 50 feet or greater from any lot line.
- G. Communication towers, provided the specific conditional use requirements in Article **XXIV** are satisfied.
- H. Signs, subject to the requirements of Article **XXV**.
- I. Wind energy systems.
[Amended 9-19-2019 by Ord. No. 19-12]

§ 360-75. Height, setbacks, area and other requirements.

- A. Lot requirements.
 - (1) Frontage: minimum 200 feet.
 - (2) Area: minimum 10 acres.
- B. Roadway setback.
 - (1) State highway (whichever is greater).
 - (a) From center of roadway: minimum 110 feet.
 - (b) From lot line: minimum 75 feet.
 - (2) County road (whichever is greater).
 - (a) From center of roadway: minimum 83 feet.
 - (b) From lot line: minimum 75 feet.
 - (3) Town road (whichever is greater).
 - (a) From center of roadway: minimum 63 feet.
 - (b) From lot line: minimum 75 feet.
- C. Building setbacks (from the furthest building projection).
 - (1) Side: minimum 50 feet.
 - (2) Rear: minimum 50 feet.

- (3) Waterfront:
 - (a) Residence: minimum 75 feet.
 - (b) Other buildings: minimum 150 feet.

D. Other requirements.

- (1) Building height:
 - (a) Residence and residential accessory buildings: maximum 35 feet.
 - (b) Other buildings: maximum 60 feet.
- (2) Building width:
 - (a) Residence and residential accessory buildings: minimum 16 feet.
 - (b) Other buildings: no minimum.
- (3) On residences and residential accessory buildings:
 - (a) Roof pitch: minimum 4/12.
 - (b) Overhang: minimum 10 inches.
- (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 10 feet.

E. Area.

- (1) Living area per dwelling unit: minimum 760 square feet.

Article XVI. B-1 Business District

§ 360-76. 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.

§ 360-77. Permitted uses.

Animal hospital/veterinary clinic
 Antique dealer
 Appliance store
 Arcade
 Archery range
 Art gallery
 Art store
 Assembly hall
 Automobile parts and accessories
 Automobile rental
 Automobile, truck, motorcycle, camper, snowmobile, boat, ATV and trailer sales and service
 Baby and children's store

Bakery
Ballroom
Barber shop
Bar
Baseball and golf driving range
Beauty shop
Bed-and-breakfast establishment subject to ATCP 73
Bicycle sales and service
Boat livery
Book binding
Clothing store
Club
Cocktail lounge
Community center
Computer sales and service
Concert hall (indoor)
Convention/exhibit hall
Craft store
Crockery store
Coffee and espresso bar
Confectionery shop
Curtain and drapery shop
Dance hall
Dairy store
Day-care center
Delicatessen
Department store
Drugstore/pharmacy
Dry cleaning and dyeing
Dry good store
Electrical supply
Electronic equipment sales, and service
Employment agency
Fabric store
Financial institution
Fish market
Florist
Food locker
Fruit store
Funeral home
Furniture store
Garage or convenience store provided all fuel pumps and tanks are 30 feet or greater from any lot line
Garden shop
Gift store

Golf course
Government and cultural uses
Greenhouse
Grocery store
Gymnasium
Hardware store
Health and exercise establishment
Hearing aid store
Heat and air conditioning supply
Hobby shop
Home construction and supply store
Home furnishing store
Hospital
Hotel
Ice cream store
Interior decorator
Jewelry store
Labor union office
Laundromat
Lawn mower sales and service
Leather goods store
Library
Liquor store
Locksmith and key making shop
Lodge
Luggage shop
Marina
Meat market
Monument sale
Motel
Museum
Music store
Newspaper office
Newsstand
Nightclub
Nursery
Office supply store
Optical store
Miniature golf
Packaged beverage store
Paint, wallpaper and glass store
Park
Personal and business service establishment
Pet shop

Photography shop
Photo development shop
Plumbing supply shop
Pool hall
Post office
Print shop
Professional office/studio
Publishing
Real estate office
Resale store
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
Restaurant
School (music, dance, aerobic, trade, and business)
Service station
Sewing machine sales and service
Shoe store
Shopping center
Sign shop
Signs, subject to the requirements of Article **XXV**
Single-family residence
Ski hill
Skating rink (indoor)
Small appliance sales and service
Soda fountain
Specialty store
Sporting goods store
Stamp and coin store
Supper club
Tailor/dressmaking shop
Tavern
Taxidermy and bait shop
Taxi stand
Television and radio sales and service
Theater (indoor)
Tobacco store
Toy store
Trade and contractor office
Travel agency
Trophy and award sale
Upholstery shop
Utility office and exchange
Variety store
Vegetable store

Videotape sales and rental

Watch and clock repair

§ 360-78. Conditional uses.

Agricultural business

Amusement park

Assembly (light)

Auto body repair

Campground/recreational vehicle park

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

Commercial park

Fairground

Farm equipment sale and service

Go-cart track

Kennel

Lumber yard

Machine shop

Metal finishing shop

Motorcycle course

Multiple-family residence

Nonconventional financial business

Outdoor rifle range

Outdoor skating rink

Parking lot

Public transportation terminal

Radio station

Raising of domestic animals, subject to the limitations set forth in § **360-91**

Sale of machinery and equipment

Sale, rental, leasing, manufacture, storage or repair of manufactured homes

Storage rental building

Temporary sale stand

Tennis court

Theater (outdoor)

Travel trailer park

Utility services, provided all principal structures are 50 feet or more from any lot line

Warehousing and utilities, provided all principal structures and uses are 50 feet or greater from any lot line

Communication towers provided the specific conditional use requirements in Article **XXIV** are satisfied

Other uses deemed substantially the same as those listed herein.

[Added 4-15-2021 by Ord. No. 21-09]

§ 360-79. Height, setbacks, area and other requirements.

- A. Lot requirements.
 - (1) Frontage: minimum 100 feet.
 - (2) Area: minimum one acre.
 - (3) Depth/width: maximum 4:1.
- B. Roadway setback.
 - (1) State highway (whichever is greater).
 - (a) From center of roadway: minimum 110 feet.
 - (b) From lot line: minimum 50 feet.
 - (2) County road (whichever is greater).
 - (a) From center of roadway: minimum 83 feet.
 - (b) From lot line: minimum 50 feet.
 - (3) Town road (whichever is greater).
 - (a) From center of roadway: minimum 63 feet.
 - (b) From lot line: minimum 30 feet.
- C. Building setbacks (from the furthest building projection).
 - (1) Side: minimum 15 feet.
 - (2) Rear: minimum 15 feet.
 - (3) Waterfront: minimum 75 feet.
 - (4) Side/rear abutting residential: minimum 50 feet.
- D. Other requirements.
 - (1) Building height: maximum 35 feet.
 - (2) Building width: minimum 24 feet.
 - (3) See Article **XXVI**, Design Standards.
 - (4) See Article **XXV**, Signs and Billboards.
 - (5) Storage:
 - (a) Temporary semitrailer parking and portable container units are permitted in all yards of a business district, except that no parking shall be closer than 60 feet to a property line. Duration of any storage cannot exceed 30 days, extensions may be granted, but not to exceed 90 days.
 - (b) Outdoor storage in conjunction with the business must be screened from public right-of-way and residential property.

Article XVII. Rome Town Center District

[Added 4-16-2020 by Ord. No. 20-04^[1]]

[1] *Editor's Note: This ordinance superseded former Art. XVII, BP Alpine Village Business Park.*

§ 360-80. Purpose.

The purpose of the Rome Town Center District (RTC) is to implement the vision, guidelines, and objectives identified in the Rome Town Center Design Plan and the Town of Rome Comprehensive Plan to ensure high-quality development of lands located in the Town Center that seamlessly blends the convenience of contemporary living with nature and the timeless charm of rustic Wisconsin. The RTC District is intended to strengthen and promote prosperity in the community by creating a regional center of commerce and community gathering and permit developments that will be enhanced by coordinated area site planning and mixing of compatible uses, while maintaining standards that promote the health, safety and general welfare of Town residents and visitors.

A. Other goals of the RTC District include:

- (1) Ensure a high-quality and coordinated design for retail, residential, and other developments, while incorporating green space and pedestrian-friendly design;
- (2) Promote development flexibility that will be enhanced by coordinated area site planning and mixing of compatible uses;
- (3) Ensure design and development on a human scale that allows for multiple modes of transportation;
- (4) Preserve, improve and protect the quality of life and the natural environment; and
- (5) Encourage the efficient use of public services, facilities and tax dollars.

§ 360-81. Subdistricts.

The RTC District is divided into the following subdistricts:

- A. Commercial "A".
- B. Mixed Town Center.
- C. Senior Living.
- D. Mixed Multifamily.
- E. Mixed Commercial/Light Industrial.

§ 360-81.1. Commercial "A" Subdistrict.

A. General characteristics. Development sites in the Commercial "A" Subdistrict shall have the following general characteristics:

- (1) A diverse blend of development where no single use shall dominate.
- (2) Restricts areas for building, parking and septic for higher-density development.
- (3) Reduced setbacks and encroachments in setbacks for architectural elements such as porches.
- (4) Requires more aesthetic measures, including architectural requirements on all building elevations (faces) as required in the Rome Town Center Design Plan.
- (5) Additional landscaping requirements.

B. Principal uses for the Commercial "A" Subdistrict. The following table lists all permitted and conditional uses allowed in the Commercial A Subdistrict:

[Amended 9-16-2021 by Ord. No. 21-16]

Use	Permitted	Conditional
Boutiques (flower shop, gift store)	x	
Business services (accountants, attorney, financial planners)	x	
Coffee shop, ice cream parlor, bakery, sandwich shop	x	
Day spas	x	
Handcrafted goods sales, home furnishings	x	
Lodging facilities comprised of at least 20 lodging units in any single structure	x	
Miniature golf course	x	
Personal services (dental/physician, pharmacy, hair salon, shoe repair)	x	
Restaurant and brewpub	x	
Retail trade (jeweler, clothing store, sporting goods)	x	
Art gallery and museum		x
ATV/UTV and snowmobile sales and rentals		x
Bank and credit union		x
Beverage store		x
Bicycle, kayak, canoe, SUP sales and rentals		x
Brewery		x
Building construction contractors		x
Civic use		x
Convenience stores		x
Hardware store		x
Grocery stores		x
Tavern and tap house		x
Theater		x
Other uses deemed substantially the same as those listed herein		x

C. Dimensional, area, and other requirements:

(1) Lot requirements:

- (a) Frontage: minimum 70 feet.
- (b) Area: minimum 10,000 square feet.
- (c) Depth/width: maximum 4:1.

(2) Roadway setback (from the furthest building projection):

- (a) Internal Town Center road (whichever is greater):
 - [1] From center of roadway: minimum 43 feet.
 - [2] From lot line (no sidewalk): minimum 10 feet.
 - [3] From building edge of sidewalk: minimum five feet.

- (b) Other Town road (whichever is greater):
 - [1] From center of roadway: minimum 63 feet.
 - [2] From lot line: minimum 30 feet.
- (3) Building setback (from the furthest building projection):
 - (a) Side: minimum 10 feet.
 - (b) Rear: minimum 10 feet.
- (4) Other requirements:
 - (a) Building height: maximum 35 feet. Architectural appurtenances such as cupolas, finials and other ornaments shall not be included in building height calculations.
 - (b) No more than 65% of any parcel shall be covered by any impervious surface.
 - (c) Accessory buildings are not allowed.
 - (d) All septic fields shall be located in rear or side yards. Shared septic systems are encouraged subject to state and county regulations.
 - (e) On-site parking shall be as set forth in § **360-81.6C** and included on the site plan.
 - (f) Loading docks and doors larger than 100 square feet are permitted at the rear of the building and must be screened from view from any street. Such doors shall be included on the site plan submitted.
 - (g) No outdoor storage except for screened waste containers, unless otherwise approved by the Plan Commission. Merchandise may be displayed outdoors adjacent to a business during business hours.
 - (h) Landscape plans for the Commercial A Subdistrict shall be subject to the following standards, unless otherwise approved by the Plan Commission on the conceptual landscape plan.
 - [1] Street and side yard plants may be planted anywhere within the yard area and per the following standards: street yard: horizontal mass or one small tree or two large shrubs per 10 feet of frontage; side yard: one small tree each side.
 - [2] Parking lot area landscaping shall be located within 15 feet of the periphery of the lot or within a planting island, spaced at a rate of one large tree per four parking spaces with a minimum of one tree per lot.
 - (i) Signage in the Commercial A Subdistrict shall be limited to the following sign types:
 - [1] Street yard area: wall, hanging and ground signs shall be allowed.
 - [2] Other yard areas: only wall signs shall be allowed.
 - (j) Developments shall incorporate the design standards identified in the Rome Town Center Design Plan.
- (5) Architectural standards:
 - (a) Exterior finish materials: Materials shall be constructed of durable, permanent architectural commercial quality materials. At least 50% of the street and entry area elevations (including roof trim and eaves) shall incorporate one or more of the following materials into their design: rough wood or log siding, brick, stone, architectural block or textured concrete materials. Exposed plain-faced concrete block or plain-faced structural concrete panels are not permitted on any elevation. Metal siding shall be allowed as an acceptable quality material for all elevations except the 50% approved street/entry area materials as required

above. Roof materials shall be architectural asphalt/fiberglass shingles, artificial slate or colored standing-seam metal or other material as approved by the Plan Commission.

- (b) Building massing: Structures must avoid a monolithic, "big box," appearance. Roofs may be pitched or flat. If pitched, they shall be minimum 6/12 roof pitch and shall be gable end, hip, or gambrel type or a combination of these. Massing shall be further diminished by breaking up building sections with such elements as variable planes, projections, bays, dormers, setbacks, or changes in the roofline.
- (c) Building elevations: At least 25% of all elevations other than street and entry elevations shall include one of the building materials approved for street and entry elevations. All elevations shall be designed in a consistent and coherent architectural manner.
- (d) Building color: Colors shall be primarily (approximately 80%) earth-toned in appearance with accents (approximately 20%) of a contrasting color. Percentage shall include building wall and roof finish materials. Complementary colors, textures and materials are encouraged. No white, grey or primary colors shall be used as the overall color of the building. Building colors and accents shall be submitted as part of the site plan application.
- (e) Porches: Porches shall be incorporated into the entry area elevations of the building and any additional public entrances. Porches shall extend a minimum of 60% of the width of the front elevation and shall be a minimum of six feet in depth. Recessing an entry to meet up to 50% of the depth requirement is permitted. Porch roofs may be pitched or flat. If pitched, porch roofs shall be pitched at a minimum four-inch rise for every 12 inches of run (4:12 slope) and shall be either shed-type or hip-type, with posts at regular intervals incorporated into each design. Finish materials shall correspond to the primary finish materials used and may be included in the minimum required percentages. Porches are intended to be open to allow for interaction with the street or public area. Screens and glazing are not permitted.
- (f) HVAC units and miscellaneous equipment: Rooftop and ground-mounted mechanical and electrical units and other miscellaneous equipment shall either be integrated into the design of the building and/or screened from view.
- (g) Projections and architectural details: All projections and details such as louvers, exposed flashing, flues, vents, gutters, downspouts, flower boxes and planters are to be recognized as architectural features and shall be treated to match the color of the adjacent surface or a complementary color used elsewhere on the building and shall be noted on the site plan.

§ 360-81.2. Mixed Town Center Subdistrict.

- A. General characteristics. Development sites in the Mixed Town Center Subdistrict shall have the following general characteristics:
- (1) A diverse blend of mixed-use development between nonresidential and residential land uses, with no single use dominating.
 - (2) Pedestrian-oriented designs with wide sidewalks between buildings and streets, with multi-use pathways connecting the Mixed Town Center Subdistrict to the remainder of Rome Town Center.
 - (3) Reduced setbacks allowing for increased proximity between buildings and sidewalks.
 - (4) Smaller residential designs compatible with the character of Rome Town Center and the housing needs of the greater community.
 - (5) Residential units and/or lodging facilities shall comprise no more than 40% of the built environment, excepting those mixed-use units sharing a structure with a different land use category.

[Amended 9-16-2021 by Ord. No. 21-16]

- B. Principal uses for the Mixed Town Center Subdistrict. The following table lists all permitted and conditional uses allowed in the Mixed Town Center Subdistrict:

[Amended 9-16-2021 by Ord. No. 21-16]

Use	Permitted	Conditional
Age-restricted rental units (part of a complex totaling no more than 20 units in any given residential development)	x	
Age-restricted owner-occupied units, including single-family dwellings and townhouses or condominiums (part of a complex totaling no more than 20 units in any given residential development)	x	
Boutiques (flower shop, gift store)	x	
Business service (accountants, attorney, financial planners)	x	
Coffee shop, ice cream parlor, bakery, sandwich shop	x	
Day spas	x	
Handcrafted goods sales, home furnishings	x	
Lodging facilities	x	
Miniature golf course	x	
Owner-occupied multifamily units (condominiums, townhouses) in complexes comprised of no more than 12 units in any given development)	x	
Personal services (dental/physician, pharmacy, hair salon, shoe repair)	x	
Rental units (duplexes, triplexes, and quadplexes)	x	
Restaurant and brewpub	x	
Retail trade (jeweler, clothing store, sporting goods)	x	
Art gallery and museum		x
Assisted living facilities entailing apartment style housing, organized social interaction and private duty support services, designed for individuals requiring assistance with everyday activities		x
ATV/UTV and snowmobile sales and rentals		x
Bank and credit union		x
Beverage store		x
Bicycle, kayak, canoe, SUP sales and rentals		x
Brewery		x
Building construction contractors		x
Civic use		x
Convenience stores		x
Continuing-care retirement communities comprised of independent-living apartments or single-family dwellings offering the social, recreational and cultural activities of other retirement communities while		x

Use	Permitted	Conditional
also providing assisted-living and nursing-level care via external healthcare providers.		
Hardware store		x
Grocery stores		x
Shared housing where two or more qualifying seniors live together in a single-family dwelling		x
Tavern and tap house		x
Other uses deemed substantially the same as those listed herein		x

C. Dimensional, area, and other requirements:

(1) Lot requirements:

- (a) Frontage: minimum 70 feet.
- (b) Area: minimum 10,000 square feet.
- (c) Depth/width: maximum 4:1.

(2) Roadway setback (from the furthest building projection):

- (a) Internal Town Center road (whichever is greater):
 - [1] From center of roadway: minimum 43 feet.
 - [2] From lot line (no sidewalk): minimum 10 feet.
 - [3] From building edge of sidewalk: minimum five feet.
- (b) Other Town road (whichever is greater):
 - [1] From center of roadway: minimum 63 feet.
 - [2] From lot line: minimum 30 feet.

(3) Building setback (from the furthest building projection):

- (a) Side: minimum five feet.
- (b) Rear: minimum 10 feet.

(4) Other requirements:

[Amended 6-18-2020 by Ord. No. 20-14]

- (a) Building height: maximum 35 feet.
- (b) Accessory building height: maximum 24 feet.
Architectural appurtenances such as cupolas, finials and other ornaments shall not be included in building height calculations.
- (c) No more than 65% of any parcel shall be covered by any impervious surface.
- (d) Accessory buildings shall comply with the architectural standards and shall not be constructed before the principal structure is present.
- (e) All septic fields shall be located in rear or side yards. Shared septic systems are encouraged subject to state and county regulations.
- (f) On-site parking shall be as set forth in § 360-81.6C and included on the site plan.

- (g) Loading docks and doors larger than 100 square feet are permitted at the rear of the building and must be screened from view from any street. Such doors shall be included on the site plan submitted.
 - (h) No outdoor storage except for screened waste containers, unless otherwise approved by the Plan Commission. Merchandise may be displayed outdoors adjacent to a business during business hours.
 - (i) Landscape plans for the Mixed Town Center Subdistrict shall be subject to the following standards, unless otherwise approved by the Plan Commission on the conceptual landscape plan.
 - [1] Street and side yard plants may be planted anywhere within the yard area and per the following standards: street yard: horizontal mass or one small tree or two large shrubs per 10 feet of frontage; side yard: one small tree each side.
 - [2] Parking lot area landscaping shall be located within 15 feet of the periphery of the lot or within a planting island, spaced at a rate of one large tree per four parking spaces with a minimum of one tree per lot.
 - (j) Signage in the Mixed Town Center Subdistrict shall be limited to the following sign types:
 - [1] Street yard area: wall, hanging and ground signs shall be allowed.
 - [2] Other yard areas: only wall signs shall be allowed.
 - (k) Developments shall incorporate the design standards identified in the Rome Town Center Design Plan.
- (5) Architectural standards:
- (a) Exterior finish materials: Materials shall be constructed of durable, permanent architectural commercial quality materials. At least 50% of the street and entry area elevations (including roof trim and eaves) shall incorporate one or more of the following materials into their design: rough wood or log siding, brick, stone, architectural block or textured concrete materials. Exposed plain-faced concrete block or plain-faced structural concrete panels are not permitted on any elevation. Metal siding shall be allowed as an acceptable quality material for all elevations except the 50% approved street/entry area materials as required above. Roof materials shall be architectural asphalt/fiberglass shingles, artificial slate or colored standing-seam metal or other material as approved by the Plan Commission.
 - (b) Building massing: Structures must avoid a monolithic, "big box," appearance. Roofs may be pitched or flat. If pitched, they shall be minimum 6/12 roof pitch and shall be gable end, hip, or gambrel type or a combination of these. Massing shall be further diminished by breaking up building sections with such elements as variable planes, projections, bays, dormers, setbacks, or changes in the roofline.
 - (c) Building elevations: At least 25% of all elevations other than street and entry elevations shall include one of the building materials approved for street and entry elevations. All elevations shall be designed in a consistent and coherent architectural manner.
 - (d) Building color: Colors shall be primarily (approximately 80%) earth-toned in appearance with accents (approximately 20%) of a contrasting color. Percentages shall include building wall and roof finish materials. Complementary colors, textures and materials are encouraged. No white, grey or primary colors used as the overall color of the building. Building colors and accents shall be submitted as part of the site plan application.
 - (e) Porches: Porches shall be incorporated into the entry area elevations of the building and any additional public entrances. Porches shall extend a minimum of 60% of the width of the front elevation and shall be a minimum of six feet in depth. Recessing an entry to meet up to 50% of the depth requirement is permitted. Porch roofs may be pitched or flat. If

pitched, porch roofs shall be pitched at a minimum four-inch rise for every 12 inches of run (4:12 slope) and shall be either shed-type or hip-type, with posts at regular intervals incorporated into each design. Finish materials shall correspond to the primary finish materials used and may be included in the minimum required percentages. Porches are intended to be open to allow for interaction with the street or public area. Screens and glazing are not permitted.

- (f) HVAC units and miscellaneous equipment: Rooftop and ground-mounted mechanical and electrical units and other miscellaneous equipment shall either be integrated into the design of the building and/or screened from view.
- (g) Projections and architectural details: All projections and details such as louvers, exposed flashing, flues, vents, gutters, downspouts, flower boxes and planters are to be recognized as architectural features and shall be treated to match the color of the adjacent surface or a complementary color used elsewhere on the building and shall be noted on the site plan.

§ 360-81.3. Senior Living Subdistrict.

A. General characteristics. Development sites in the Senior Living Subdistrict shall have the following general characteristics:

- (1) Single- or multi-unit age-restricted housing and assisted-living facilities, where at least one person who is 55 or older must live in at least 80% of the occupied units.
- (2) Restricts areas for building, parking and septic.
- (3) Housing complexes may total no more than 20 units in any given residential development.
- (4) Requires more aesthetic requirements, including architectural requirements on all building elevations.
- (5) Landscaping requirements similar to Commercial "A" Subdistrict.
- (6) Requires buffering/screening from adjacent subdistricts and properties.
- (7) Provides for higher-density housing in the Town with close access to essential services and goods.

B. Principal uses for the Senior Living Subdistrict. The following table lists all permitted and conditional uses allowed in the Senior Living Subdistrict:

Use	Permitted	Conditional
Age-restricted rental units (part of a complex totaling no more than 20 units in any given residential development)	x	
Age-restricted owner-occupied units, including single-family dwellings and townhouses or condominiums (part of a complex totaling no more than 20 units in any given residential development)	x	
Assisted living facilities entailing apartment-style housing, organized social interaction and private-duty support services, designed for individuals requiring assistance with everyday activities		x
Continuing-care retirement communities comprised of independent-living apartments or single-family dwellings offering the social, recreational and cultural activities of other retirement communities while		x

Use	Permitted	Conditional
also providing assisted-living and nursing-level care via external healthcare providers		
Shared housing where two or more qualifying seniors live together in a single-family dwelling		x
Other uses deemed substantially the same as those listed herein		x

C. Dimensional, area, and other requirements:

(1) Lot requirements:

- (a) Frontage: minimum 70 feet.
- (b) Area: minimum 10,000 square feet.
- (c) Depth/width: maximum 4:1.

(2) Roadway setback:

- (a) Internal Town Center road (whichever is greater):
 - [1] From center of roadway: minimum 43 feet.
 - [2] From lot line (no sidewalk): minimum 10 feet.
 - [3] From building edge of sidewalk: minimum five feet.
- (b) Other Town road (whichever is greater):
 - [1] From center of roadway: minimum 63 feet.
 - [2] From lot line: minimum 30 feet.

(3) Building setback (from the furthest building projection):

- (a) Side: minimum 10 feet.
- (b) Rear: minimum 25 feet.
- (c) Between buildings: minimum 20 feet.

(4) Other requirements:

- (a) Building height: maximum 35 feet.
- (b) Accessory building height: maximum 24 feet. Architectural appurtenances such as cupolas, finials and other ornaments shall not be included in building height calculations.
- (c) No more than 65% of any parcel shall be covered by any impervious surface.
- (d) Accessory buildings shall comply with the architectural standards.
- (e) All septic fields shall be located in rear or side yards.
- (f) On-site parking shall be as set forth in § **360-81.6C** and included on the site plan.
- (g) Loading docks and doors larger than 100 square feet are permitted at the rear of the building and must be screened from view from any street. Such doors shall be included on the site plan submitted.
- (h) No outdoor storage except for screened waste containers.

- (i) Landscape plans for the Senior Living Subdistrict shall be subject to the following standards, unless otherwise approved by the Plan Commission on the conceptual landscape plan.
 - [1] Street and side yard plants may be planted anywhere within the yard area and per the following standards: street yard: horizontal mass or one small tree or two large shrubs per 30 feet of frontage; side yard: one small tree each side.
 - [2] Parking lot area landscaping shall be located within 15 feet of the periphery of the lot or within a planting island, spaced at a rate of one large tree per 10 parking spaces with a minimum of one tree per lot.
 - (j) Density shall be six to 10 units per acre.
 - (k) Signage in the Senior Living Subdistrict shall be limited to the following sign types:
 - [1] Street yard area: only ground signs shall be allowed.
 - [2] Other yard areas: signs in other yard areas are not permitted.
 - (l) Developments shall incorporate the design standards identified in the Rome Town Center Design Plan.
- (5) Architectural standards:
- (a) Exterior finish materials: Materials shall be constructed of durable, permanent architectural commercial quality materials. At least 25% of all elevations exposed to view shall incorporate one or more of the following materials into their design: rough wood or log siding, brick, stone, architectural block or textured concrete materials. Exposed plain-faced concrete block or plain-faced structural concrete panels are not permitted on any elevation. Roof materials shall be architectural asphalt/fiberglass shingles, artificial slate or colored standing-seam metal or other material as approved by the Plan Commission.
 - (b) Building massing: Structures must avoid a monolithic, "big box," appearance. Roofs may be pitched or flat. If pitched, they shall be minimum 6/12 roof pitch and shall be gable end, hip, or gambrel type or a combination of these. Massing shall be further diminished by breaking up building sections with such elements as variable planes, projections, bays, dormers, setbacks, or changes in the roofline.
 - (c) Building color: Colors shall be primarily (approximately 80%) earth-toned in appearance with accents (approximately 20%) of a contrasting color. Percentages shall include building wall and roof finish materials. Complementary colors, textures and materials are encouraged. No white, grey or primary colors shall be used as the overall color of the building. Building colors and accents shall be submitted as part of the site plan application.
 - (d) Porches: Porches, if included, shall be incorporated into the entry area elevations of the building and any additional public entrances. Porches shall extend a minimum of 40% of the width of the front elevation and shall be a minimum of six feet in depth. Recessing an entry is permitted. Porch roofs may be pitched or flat. If pitched, porch roofs shall be pitched at a minimum four-inch rise for every 12 inches of run (4:12 slope) and shall be either shed-type or hip-type, with posts at regular intervals incorporated into each design. Finish materials shall correspond to the primary finish materials used and may be included in the minimum required percentages. Porches are intended to be open to allow for interaction with the street or public area. Screens and glazing are not permitted.
 - (e) HVAC units and miscellaneous equipment: Rooftop and ground-mounted mechanical and electrical units and other miscellaneous equipment shall either be integrated into the design of the building and/or screened from view.
 - (f) Projections and architectural details: All projections and details such as louvers, exposed flashing, flues, vents, gutters, downspouts, flower boxes and planters are to be recognized

as architectural features and shall be treated to match the color of the adjacent surface or a complementary color used elsewhere on the building and shall be noted on the site plan.

§ 360-81.4. Mixed Multifamily Subdistrict.

A. General characteristics. Development sites in the Mixed Multifamily Subdistrict shall have the following general characteristics:

- (1) Providing a variety of housing options beyond single-family homes.
- (2) Conventional multistory apartment complexes and single-family homes are prohibited.
- (3) Smaller residential designs compatible with the character of Rome Town Center and the housing needs of the greater community.

B. Principal uses for the mixed multifamily subdistrict. The following table lists all permitted and conditional uses allowed in the Mixed Multifamily Subdistrict:

Use	Permitted	Conditional
Rental units (duplexes, triplexes, and quadplexes)	x	
Owner-occupied multifamily units (condominiums, townhouses) in complexes comprised of no more than 12 units in any given development)	x	
Other uses deemed substantially the same as those listed herein		x

C. Dimensional, area, and other requirements:

- (1) Lot requirements:
 - (a) Frontage: minimum 70 feet.
 - (b) Area: minimum 10,000 square feet.
 - (c) Depth/width: maximum 4:1.
- (2) Roadway setback:
 - (a) Internal Town Center road (whichever is greater):
 - [1] From center of roadway: minimum 43 feet.
 - [2] From lot line (no sidewalk): minimum 10 feet.
 - [3] From building edge of sidewalk: minimum five feet.
 - (b) Other Town road (whichever is greater):
 - [1] From center of roadway: minimum 63 feet.
 - [2] From lot line: minimum 30 feet.
- (3) Building setback (from the furthest building projection):
 - (a) Side: minimum 10 feet.
 - (b) Rear: minimum 25 feet.
 - (c) Between buildings: minimum 20 feet.
- (4) Other requirements:

- (a) Building height: maximum 35 feet.
 - (b) Accessory building height: maximum 24 feet. Architectural appurtenances such as cupolas, finials and other ornaments shall not be included in building height calculations.
 - (c) No more than 65% of any parcel shall be covered by any impervious surface.
 - (d) Accessory buildings shall comply with the architectural standards.
 - (e) All septic fields shall be located in rear or side yards.
 - (f) On-site parking shall be as set forth in § **360-81.6C** and included on the site plan.
 - (g) Loading docks and doors larger than 100 square feet are permitted at the rear of the building and must be screened from view from any street. Such doors shall be included on the site plan submitted.
 - (h) No outdoor storage except for screened waste containers.
 - (i) Landscape plans for the Mixed Multifamily Subdistrict shall be subject to the following standards, unless otherwise approved by the Plan Commission on the conceptual landscape plan.
 - [1] Street and side yard plants may be planted anywhere within the yard area and per the following standards: street yard: horizontal mass or one small tree or two large shrubs per 30 feet of frontage; side yard: one small tree each side.
 - [2] Parking lot area landscaping shall be located within 15 feet of the periphery of the lot or within a planting island, spaced at a rate of one large tree per 10 parking spaces with a minimum of one tree per lot.
 - (j) Density shall be six to 10 units per acre.
 - (k) Signage in the Mixed Multifamily Subdistrict shall be limited to the following sign types:
 - [1] Street yard area: only ground signs shall be allowed.
 - [2] Other yard areas: signs in other yard areas are not permitted.
 - (l) Developments shall incorporate the design standards identified in the Rome Town Center Design Plan.
- (5) Architectural standards:
- (a) Exterior finish materials: Materials shall be constructed of durable, permanent architectural commercial quality materials. At least 25% of all elevations exposed to view shall incorporate one or more of the following materials into their design; rough wood or log siding, brick, stone, architectural block or textured concrete materials. Exposed plain-faced concrete block or plain-faced structural concrete panels are not permitted on any elevation. Roof materials shall be architectural asphalt/fiberglass shingles, artificial slate or colored standing-seam metal or other material as approved by the Plan Commission.
 - (b) Building massing: Structures must avoid a monolithic, "big box," appearance. Roofs may be pitched or flat. If pitched, they shall be minimum 6/12 roof pitch and shall be gable end, hip, or gambrel type or a combination of these. Massing shall be further diminished by breaking up building sections with such elements as variable planes, projections, bays, dormers, setbacks, or changes in the roofline.
 - (c) Building color: Colors shall be primarily (approximately 80%) earth-toned in appearance with accents (approximately 20%) of a contrasting color. Percentage shall include building wall and roof finish materials. Complementary colors, textures and materials are encouraged. No white, grey or primary colors shall be used as the overall color of the building. Building colors and accents shall be submitted as part of the site plan application.

- (d) Porches: Porches, if included, shall be incorporated into the entry area elevations of the building and any additional public entrances. Porches shall extend a minimum of 40% of the width of the front elevation and shall be a minimum of six feet in depth. Recessing an entry is permitted. Porch roofs may be pitched or flat. If pitched, porch roofs shall be pitched at a minimum four-inch rise for every 12 inches of run (4:12 slope) and shall be either shed-type or hip-type, with posts at regular intervals incorporated into each design. Finish materials shall correspond to the primary finish materials used and may be included in the minimum required percentages. Porches are intended to be open to allow for interaction with the street or public area. Screens and glazing are not permitted.
- (e) HVAC units and miscellaneous equipment: Rooftop and ground-mounted mechanical and electrical units and other miscellaneous equipment shall either be integrated into the design of the building and/or screened from view.
- (f) Projections and architectural details: All projections and details such as louvers, exposed flashing, flues, vents, gutters, downspouts, flower boxes and planters are to be recognized as architectural features and shall be treated to match the color of the adjacent surface or a complementary color used elsewhere on the building and shall be noted on the site plan.

§ 360-81.5. Mixed Commercial/Light Industrial Subdistrict.

A. General characteristics. Development sites in the Mixed Commercial/Light Industrial Subdistrict shall have the following general characteristics:

- (1) Accommodates businesses that create minimal off-site impacts and are compatible with nearby residential and retail areas.
- (2) Requires less aesthetic architectural requirements than the Commercial "A" Subdistrict. Architectural detail is primarily required only on street front.
- (3) Outdoor storage is restricted.
- (4) Requires landscaping on street frontage and restricts signage use.
- (5) Requires buffering/screening from adjacent subdistricts and properties.
- (6) Allows for retailing with attached warehousing/industrial component.

B. Principal uses for the Mixed Commercial/Light Industrial Subdistrict. The following table lists all permitted and conditional uses allowed in the Mixed Commercial/Light Industrial Subdistrict:

Use	Permitted	Conditional
Building construction and supply contractors	x	
Business, professional or public services	x	
Call centers	x	
General merchandise stores	x	
Greenhouses and nurseries	x	
Pet supplies retail	x	
Wholesale product sales with retail operations	x	
ATV/UTV and snowmobile sales and service		x
Automotive sales/service/repair shops (not including storage of junk or wrecked vehicles, unlicensed automobiles or parts)		x
Building materials and product sales		x

Use	Permitted	Conditional
Car wash		X
Civic uses		X
Experimental, testing, and research laboratories not involving keeping of animals or use of animal products or any significant degree of danger or undesirable operational characteristics		X
Food processing/distribution of food products		X
General warehousing, not to include open storage		X
Home improvement products and services		X
Light industrial distribution		X
Lumber yards (no processing, retail only)		X
Manufacturing assembly, fabrication and processing plants of a limited scope and not involving any substantial degree of heavy trucking or other operational characteristics which would adversely affect surrounding uses or be incompatible with the surrounding environmental character.		X
Marine sales and service		X
Printing and publishing houses and related activities		X
Product manufacturing and sales		X
Public utility offices and installations		X
Toolmaking, cabinetry and repair shops		X
Wholesale trade		X
Woodworking production and sales		X
Other uses deemed substantially the same as those listed herein		X

C. Dimensional, area, and other requirements:

(1) Lot requirements:

- (a) Frontage: minimum 70 feet.
- (b) Area: minimum 10,000 square feet.
- (c) Depth/width: maximum 4:1.

(2) Roadway setback:

- (a) Internal Town Center road (whichever is greater):
 - [1] From center of roadway: minimum 43 feet.
 - [2] From lot line (no sidewalk): minimum 10 feet.
 - [3] From building edge of sidewalk: minimum five feet.
- (b) Other Town road (whichever is greater):
 - [1] From center of roadway: minimum 63 feet.
 - [2] From lot line: minimum 30 feet.

(3) Building setback (from the furthest building projection):

- (a) Side: minimum 10 feet.
 - (b) Rear: minimum 10 feet.
 - (c) Between buildings: minimum 20 feet.
- (4) Other requirements:
- (a) Building height: maximum 35 feet.
 - (b) Accessory building height: maximum 24 feet. Architectural appurtenances such as cupolas, finials and other ornaments shall not be included in building height calculations.
 - (c) No more than 65% of any parcel shall be covered by any impervious surface.
 - (d) Accessory buildings shall comply with the architectural standards.
 - (e) All septic fields shall be located in rear or side yards.
 - (f) On-site parking shall be as set forth in § **360-81.6C** and included on the site plan.
 - (g) Loading docks and doors larger than 100 square feet are permitted at the rear of the building and must be screened from view from any street. Such doors shall be included on the site plan submitted.
 - (h) Outdoor storage of finished manufactured goods for the purpose of sales or promotional display may be permitted and the owner's plan for such storage shall be submitted during the site plan review process. Goods cannot be stored permanently outdoors; the stored goods must be rotated at least quarterly.
 - (i) Landscape plans for the Mixed Commercial/Light Industrial Subdistrict shall be per the following standards unless otherwise approved by the Plan Commission on the conceptual landscape plan.
 - [1] Street and side yard plants may be planted anywhere within the yard area and per the following standards: street yard: one large or small tree or two large shrubs per 10 feet of frontage; side yard: one small tree each side or two large shrubs each side.
 - [2] Parking lot area landscaping shall be located within 15 feet of the periphery of the lot or within a planting island, spaced at a rate of one large tree per 10 parking spaces with a minimum of one tree per lot.
 - (j) Signage in the Mixed Commercial/Light Industrial Subdistrict shall be limited to the following sign types:
 - [1] Front yard area: wall and ground signs shall be allowed.
 - [2] Other yard areas: only wall signs are permitted.
 - (k) Developments shall incorporate the design standards identified in the Rome Town Center Design Plan.
- (5) Architectural standards:
- (a) Exterior finish materials: Materials shall be constructed of durable, permanent architectural commercial quality materials. At least 50% of the street front elevations shall incorporate one or more of the following materials into their design: rough wood or log siding, brick, stone, architectural block or textured concrete materials. Exposed plain-faced concrete block or plain-faced structural concrete panels are not permitted on the front elevation. Roof materials shall be architectural asphalt/fiberglass shingles, artificial slate or colored standing-seam metal built-up asphalt, rubber membrane roofing or other material as approved by the Plan Commission.

- (b) Building massing: Primary roofs may be flat (minimum pitch of 2%) but pitched roofs are encouraged, breaking up building sections with such elements as variable planes, projections, bays, dormers, setbacks, or changes in the roofline.
- (c) Building elevations: All elevations shall be designed in a consistent and coherent manner.
- (d) Building color: Colors shall be earth-toned in appearance. Complementary colors, textures and materials are encouraged. No white, grey or primary colors shall be used as the overall color of the building. Building colors and accents shall be submitted as part of the site plan application.
- (e) Porches: Porches, if included, shall be incorporated into the entry area elevations of the building and any additional public entrances. Porches shall extend a minimum of 40% of the width of the front elevation and shall be a minimum of six feet in depth. Recessing an entry is permitted. Porch roofs may be pitched or flat. If pitched, porch roofs shall be pitched at a minimum four-inch rise for every 12 inches of run (4:12 slope) and shall be either shed-type or hip-type, with posts at regular intervals incorporated into each design. Finish materials shall correspond to the primary finish materials used and may be included in the minimum required percentages. Porches are intended to be open to allow for interaction with the street or public area. Screens and glazing are not permitted.
- (f) HVAC units and miscellaneous equipment: Rooftop and ground-mounted mechanical and electrical units and other miscellaneous equipment shall either be integrated into the design of the building and/or screened from view.
- (g) Projections and architectural details: All projections and details such as louvers, exposed flashing flues, vents, gutters, downspouts, flower boxes and planters are to be recognized as architectural features and shall be treated to match the color of the adjacent surface or a complementary color used elsewhere on the building and shall be noted on the site plan.

§ 360-81.6. General requirements for all Rome Town Center Subdistricts.

A. Landscaping.

- (1) Generally. Landscape standards should provide for an installation which incorporates regionally native plants and trees which complement an overall common, public landscape design and is consistent with the guidelines in the Rome Town Center Design Plan.
- (2) Buffering. Landscape buffering between subdistricts shall be in a manner which creates a visual screen between subdistricts, where determined necessary, while preserving a woodland character and overall common public landscape design for Rome Town Center as a whole. Buffering shall have the following standards:
 - (a) Allowing limited visibility opening of 15 feet.
 - (b) Where required, buffers shall be continuous, with complementary small trees or large shrubs. Buffers may also be accomplished with fencing, plants, or a combination of these, where small trees or large shrubs are not already present, if permitted by the Plan Commission.
 - (c) Where a buffer is required between subdistricts, a buffer shall be a minimum of 10 feet wide per lot.
 - (d) Where trees are used for buffering, trees must be a minimum of four feet tall at the time of planting. Buffer trees species shall be of native species.
- (3) Screening. Screening of mechanical equipment, trash dumpsters, loading areas, or outside storage areas shall be accomplished in a manner which visually screens them from public

streets and surrounding developed properties. Screening shall have the following standards:

- (a) The height of a screen shall equal or exceed the height of the item to be screened, to a maximum height of 10 feet.
 - (b) Screening may be accomplished with fencing, berming, plants or a combination of these. Screening shall be continuous, with the planting of buffer trees and with complementary small trees or large shrubs, if needed.
 - (c) Where fencing is used for screening, fencing must include wood, simulated wood or masonry walls. Steel or wrought iron may also be used in fencing but may not make up over 50% of the material used. Chain-link type fencing may only be used if privacy slats are included.
- (4) Location and design. Areas of landscaping shall be located to provide resource protection, transitions between adjacent sites, and a visual transition between public streets or parking lots and buildings.
- (a) All unimproved areas of every developed lot in the Rome Town Center shall be maintained. Any unimproved area disturbed by construction shall be fine graded to provide adequate drainage, covered with four inches of nutrient-rich, friable, humus-like topsoil and seeded or sodded to be maintained as a lawn.
- (5) Installation. Unless otherwise referenced in a developer's agreement, all landscaping shall be completed within 90 calendar days of issuance of a certificate of occupancy or similar document allowing occupation and use of the property. If occupancy occurs after October 15 of any given year, the developer of the site may complete the landscaping within 90 calendar days of April 1 of the following year, provided best management practices are utilized and maintained to control soil erosion until the ground cover (lawn) becomes established.
- (6) Maintenance. All lawns, trees, shrubs and other ground cover shall be kept in good appearance at all times. If grass is not cut, or trees or shrubs not properly pruned and maintained, the Town may serve notice of violation. Prosecution and remediation of violations shall be as provided in **§ 360-81.8**.

B. Outdoor lighting.

- (1) Illumination. All outdoor lighting shall be provided by cut-off type fixtures which shall keep off-site overspill and night sky illumination to a minimum. Maximum illumination, as measured horizontally at the lot line at chest height shall not exceed 1.0 footcandle.
- (2) Location. Lighting fixture location shall emphasize intersections and pedestrian access routes while providing uniform illumination of pedestrian access routes. The scale of fixtures shall be lowered in pedestrian and biking areas to emphasize sidewalk-type surfaces. Outdoor lighting shall be mounted and located so as to be consistent with illumination requirements of this subsection.
- (3) Design. All lighting designs shall be reviewed and approved by the Plan Commission to ensure consistency with illumination and location standards of this subsection, and the guidelines in the Rome Town Center Design Plan.

C. Parking.

- (1) Parking location. All parking, including employee and visitor parking, shall be provided on-site as set forth in the following schedule, unless otherwise approved by the Plan Commission:

Use	Minimum Parking Requirements
Motels, hotels, or resorts	One space for each guest room, plus one space for each three employees

Use	Minimum Parking Requirements
Rooming and boarding houses, fraternity and sorority houses, dormitories, rectories	One space for each bed plus one for each employee
Retirement homes	One and one-half spaces per dwelling unit
Nursing homes	One space for each three beds plus one space for each three employees plus one space for each staff physician
Medical and dental clinics, day spas	One space for each 100 square feet of waiting room area
Churches, theaters, auditoriums, community centers, vocational and night schools, and other public assembly	One space for each three seats
Restaurants, bars and similar places of entertainment	One space for every six seats
Manufacturing and processing plants (including meat and food processing), laboratories and warehouses	One space for each 500 square feet of primary floor area, plus one space for each two employees
Funeral homes	Twenty spaces for each viewing room
Bowling alleys	Five spaces for each alley
Lodges and clubs	One space for each five members
Automobile repair and service garages, car washes	One space for each regular employee plus one space for 250 square feet of floor area used for repair work/washing
Motor vehicle sales (new and used)	One space for each 500 square feet of outdoor display area on which motor vehicles are to be displayed (this requirement does not include service garages, see above)
Gasoline filling stations	Three spaces for each grease rack or similar facility plus one space for each attendant
Repair shops, retail and service stores	Two spaces for each 800 square feet of sales floor area
Golf courses	Two spaces per hole
Barber and beauty shops	Two spaces plus one-half space per chair
Offices and call centers	One space for each 300 square feet of primary floor area
Art gallery, museum and other civic uses	Two spaces for each 800 square feet of floor area
Bank/credit union	One space for each 300 square feet of floor area
Uses not listed	The provisions for a similar use shall apply
Combinations of any of the above uses	The sum of the number of stalls required for each individual use shall be provided

All on-site parking shall be located at least 10 feet from any parcel line, unless otherwise approved by the Plan Commission. Required off-street parking shall be on the same lot as the use it serves or on a lot located not more than 100 feet distant.

- (2) Parking space access and design. Each parking space shall be not less than nine feet wide and 20 feet in length, exclusive of the space required for driveways. Adequate access to a

public street shall be provided for each parking space.

- (3) Parking surface. All parking areas and driveways shall be hard-surface paved, dust free, and properly marked. When curbs are desired, they shall be concrete.
- D. General property maintenance. All real property within the boundaries of the RTC District, whether occupied or unoccupied, and any buildings or other improvements placed thereon, shall at all times be maintained in such a manner as to prevent becoming unsightly by reason of accumulation of rubbish, or debris thereon, or unsightly condition of the improvements thereon. No building or improvement in the District shall be permitted by its owner to fall into disrepair, and such building and improvements shall at all times be kept in good condition and repair and adequately painted or otherwise finished. If, in the opinion of the Town, proper maintenance is not being undertaken, the Town may serve notice of violation. Prosecution and remediation of violations shall be as provided in § **360-81.8**.
- E. Signage. Unless otherwise provided for in a subdistrict, general signage restrictions shall be as set forth in § **360-126B**.

§ 360-81.7. Project review and approval.

The following describes the application and review process for development projects in the RTC:

- A. Pre-application conference. The pre-application conference is designed to allow an applicant to present a concept plan to the Town Zoning Administrator for a discussion of suggestions and concerns. Applicants are required to have a pre-application conference prior to submission of an offer to purchase.
- B. Application. Following the acceptance of an offer to purchase and development agreement, a developer shall submit to the Zoning Administrator eight copies of a completed site plan and plan of operation along with the application fee. A complete application shall be comprised of all the following for proper review:
- (1) General information. The name and address of the owner or developer, the North point, date and scale of drawing, at a scale not less than one inch for each 100 feet.
 - (2) Intended use of the property, which shall be consistent with the principal use section in the applicable subdistrict.
 - (3) All property boundaries with dimensions.
 - (4) All setbacks.
 - (5) Locations of any existing buildings, proposed buildings, or additions.
 - (6) Samples of proposed exterior finish colors.
 - (7) Depiction/description of compliance with all requirements set forth in the design and architectural standards in this article and the Rome Town Center Design Plan.
 - (8) Proposed floor elevation in relation to existing grade and street grade.
 - (9) Location and names of center line of adjoining streets, proposed driveways, and parking.
 - (10) Existing and proposed contours/grading.
 - (11) Locations and descriptions of easements.
 - (12) Utility plans: size and location of sewer and water main connection from curb to building. Show proposed metering points and arrangement.
 - (13) Locations and type of proposed lighting (lighting plan with lighting specifications).

- (14) Design of ingress and egress.
- (15) Locations and type of proposed signs and/or existing signs.
- (16) Locations and type of refuse enclosure.
- (17) Completion of drainage plan specification form.
- (18) Drainage plan with drainage calculations (including total impervious area) as required by this article and county requirements.
- (19) NR 216 post-construction stormwater management plans (SWMP).
- (20) Best management practices, structures and areas with elevations and slope ratios.
- (21) High water line elevation of any adjoining stream or lake; floodways/floodplains and water elements.
- (22) A conceptual landscape plan, which includes the anticipated location/use of the following: landscaping and fencing, yards and setback area, use of landscaping and/or wall or fencing for screening purposes, and use of and/or removal of existing trees.
- (23) Any other plans and information deemed necessary by the Zoning Administrator or the Plan Commission to ensure that the requirements of this chapter are or will be fulfilled. This may include executing a contract by which the developer agrees to reimburse the Town for its reasonable costs incurred in considering Subsection **B(8), (10), (12), (14), and (18)** through **(21)** herein, together with any other issues identified by the Plan Commission or Town Board for compliance with federal, state and local regulations.

C. Review process.

- (1) Review and recommendation by Plan Commission. Within 40 days after submission of a completed application, the Plan Commission shall meet to review the application and make a recommendation to the Town Board. The applicant or developer must be available to present and explain how the project meets the conditions set forth in this article and the Rome Town Center Design Plan. The Plan Commission may recommend approval, approval with conditions, or denial of the project proposal. If the Plan Commission fails to make a recommendation on an application within 40 days after a complete application submittal, the application shall be forwarded to the Town Board without a recommendation.
 - (a) At the time of recommendation of a site plan and plan of operation to the Town Board, the applicant shall, at the discretion of the Plan Commission, file a bond, certificate of deposit, irrevocable letter or credit or certified check with the Town Clerk/Treasurer in an amount equal to the estimated cost of the required improvements as determined by the Plan Commission. Such security shall be in a form deemed acceptable by the Town Attorney and shall guarantee that all required improvements will be completed according to Town specifications by the applicant or its contractors not later than 24 months from the date the building permit is issued.
- (2) Review and action by Town Board. Upon recommendation by the Plan Commission, or its failure to make a recommendation within 40 days, the Town Board will review the application and any recommendation received from the Plan Commission. The Town Board shall consider the application within 45 days of the Plan Commission's recommendation or the expiration of 40 days after submission of a completed application to the Plan Commission, if the Plan Commission fails to make a recommendation.

D. Amending a site plan. After the approval of a site plan and plan of operation pursuant to this section, a developer may apply for approval of an amendment to the site plan and plan of operation under the following process:

- (1) An application must be submitted including a statement of the proposed amendment(s) and a site plan depicting the proposed amendment(s), along with payment of an application fee.

- (2) The Plan Commission shall review an application for amending a site plan and solicit a recommendation from the Zoning Administrator. The Plan Commission may recommend approval, approval with conditions, or denial of the application.
 - (3) Upon recommendation by the Plan Commission, the Town Board will review the application and any recommendation received from the Plan Commission. The Town Board is vested with the final authority to approve amendments to a site plan and plan of operation.
- E. Final landscape plan. A final landscape plan shall be submitted after substantial completion of the building to the Zoning Administrator for review and consideration by the Town Board. The final landscape plan shall meet the requirements set forth in this article.

§ 360-81.8. Violations.

The Town Zoning Administrator shall receive and investigate any suspected violations for properties located in the RTC District.

- A. Upon report of a suspected violation, the Zoning Administrator shall conduct a site visit for the purpose of determining whether a violation has, in fact, occurred. If a violation exists, the Zoning Administrator shall meet in person with the property owner to discuss the violation and establish a timetable for remedying it. The initial discussion with the owner shall be followed by a letter from the Zoning Administrator confirming the discussion, the nature of the violation and a timetable to remedy.
- B. If the problem is substantially resolved within the timetable established, the Zoning Administrator shall contact the owner regarding any remaining issues that need to be addressed in order to bring the property into total compliance. That contact shall be followed up with a confirmation letter.
- C. If a problem has not been substantially resolved within the established timetable, the Zoning Administrator shall refer the matter to the Town Attorney for review and recommendation. The referral shall include an identification of the violation(s) of this article, the developer's agreement, or other agreements, as well as any nuisance issues to be addressed. Prosecution and remediation of violations shall be as provided in § 360-30.

Article XVIII. CV Conservancy District

§ 360-82. 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.

§ 360-83. 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.

§ 360-84. Conditional uses.

- A. Flowage area.
- B. Hydroelectric dam.
- C. Open-type shelter for public use.
- D. Nonresidential 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 50 feet or greater from any lot line.
- I. Communication towers, provided the specific conditional use requirements in Article **XXIV** are satisfied.
- J. Signs, subject to the requirements of Article **XXV**.

§ 360-85. Height, setbacks, area and other requirements.

- A. Lot requirements.
 - (1) Frontage: minimum 250 feet.
 - (2) Area: minimum 35 acres.
 - (3) Depth/width: maximum 4:1.
- B. Roadway setback.
 - (1) State highway (whichever is greater).
 - (a) From center of roadway: minimum 110 feet.
 - (b) From lot line: minimum 50 feet.
 - (2) County road (whichever is greater).
 - (a) From center of roadway: minimum 83 feet.
 - (b) From lot line: minimum 50 feet.
 - (3) Town road (whichever is greater).
 - (a) From center of roadway: minimum 63 feet.
 - (b) From lot line: minimum 30 feet.
- C. Building setbacks (from the furthest building projection).
 - (1) Side: minimum 50 feet.
 - (2) Rear: minimum 50 feet.
 - (3) Waterfront: minimum 100 feet.

D. Other requirements.

- (1) Building height: maximum 35 feet.

Article XIX. FR Forest and Outdoor Recreation District

§ 360-86. 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.

§ 360-87. Permitted uses.

- A. Fire-detection structure.
- B. Fishing and boating.
- C. Directional signs.
- D. Private recreational camping.
[Amended 6-17-2021 by Ord. No. 21-12]
 - (1) Camping limit: two 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. Nonresidential buildings or structures used for the raising of wildlife and fish, the practice of forestry and research in or the rehabilitation of natural resources.

§ 360-88. Conditional uses.

- A. Hydroelectric dam; power plant; flowage area; transmission line and substation.
- B. Utility, provided all principal structures are 50 feet or greater from any lot line.
- C. Governmental public service signs.
- D. Communication towers, provided the specific conditional use requirements in Article **XXIV** are satisfied.
- E. Signs, subject to the requirements of Article **XXV**.
- F. Campgrounds.
- G. Outdoor shooting range.

§ 360-89. Height, setbacks, area and other requirements.

- A. Lot requirements.

- (1) Frontage: minimum 250 feet.
 - (2) Area: minimum 35 acres.
 - (3) Depth/width: maximum 4:1.
- B. Roadway setback.
- (1) State highway (whichever is greater).
 - (a) From center of roadway: minimum 110 feet.
 - (b) From lot line: minimum 50 feet.
 - (2) County road (whichever is greater).
 - (a) From center of roadway: minimum 83 feet.
 - (b) From lot line: minimum 50 feet.
 - (3) Town road (whichever is greater).
 - (a) From center of roadway: minimum 63 feet.
 - (b) From lot line: minimum 50 feet.
- C. Building setback (from the furthest building projection).
- (1) Side: minimum 50 feet.
 - (2) Rear: minimum 50 feet.
 - (3) Waterfront: minimum 100 feet.
- D. Other requirements.
- (1) Building height: maximum 35 feet.

Article XX. B-2 Secondary Business District

§ 360-90. Purpose.

- A. 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 §§ **110-1** and **110-2** of the Code of the Town of Rome.
- B. This district shall not include any area located within the Alpine Village Business Park.

§ 360-91. 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 § **110-3** of the Code of the Town of Rome.
- H. Signs, subject to the requirements of Article **XXV**.

§ 360-92. Conditional uses.

- A. Machine shop.
- B. Metal finishing shop.
- C. Pallet factory.
- D. Manufacture and sale of machinery and equipment.
- E. Millwork production.
- F. Sawmill.
- G. Communication towers, provided the specific conditional use requirements in Article **XXIV** are satisfied.

§ 360-93. Height, setbacks, area and other requirements.

- A. Lot requirements.
 - (1) Frontage: minimum 150 feet.
 - (2) Area: minimum two acre.
 - (3) Depth/width: maximum 4:1.
- B. Roadway setback.
 - (1) State highway (whichever is greater).
 - (a) From center of roadway: minimum 110 feet.
 - (b) From lot line: minimum 50 feet.
 - (2) County road (whichever is greater).
 - (a) From center of roadway: minimum 83 feet.
 - (b) From lot line: minimum 50 feet.
 - (3) Town road (whichever is greater).
 - (a) From center of roadway: minimum 83 feet.
 - (b) From lot line: minimum 50 feet.
- C. Building setback (from the furthest building projection).
 - (1) Side: minimum 40 feet.
 - (2) Rear: minimum 40 feet.
 - (3) Waterfront: minimum 150 feet.

D. Other requirements.

- (1) Building height: maximum 35 feet.
- (2) See Article **XXVI**, Design Standards.
- (3) See Article **XXV**, Signs and Billboards.
- (4) Storage.
 - (a) Temporary semitrailer parking and portable container units are permitted in all yards of this district, except that no parking shall be closer than 60 feet to a property line. Duration of any storage cannot exceed 30 days, extensions may be granted, but not to exceed 90 days.
 - (b) Outdoor storage in conjunction with the business must be screened from public right-of-way and residential property.

§ 360-94. Sexually oriented businesses location.

- A. Intent. The intent of this chapter is the same as the intent set forth in § **110-1** of this Code.
- B. A sexually oriented business may not be operated within:
 - (1) Five hundred feet of a church, chapel, synagogue, or regular place of religious worship;
 - (2) Five hundred feet of a school; public or private preschool, elementary, middle or high school; or youth recreational center, or library;
 - (3) Five hundred feet of a licensed day-care center, clinic or hospital;
 - (4) Five hundred feet of a public park;
 - (5) Five hundred feet of the LD and all residential districts;
 - (6) Five hundred feet of any licensed bar or tavern;
 - (7) Five hundred 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 chapter, 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.

Article XXI. PSP Public/Semipublic District

§ 360-95. Purpose.

The PSP District is intended to establish and preserve areas for certain public uses.

§ 360-96. Permitted uses.

- A. Arboretum.
- B. Sustained yield forestry and school forest.
- C. Wildlife preserve.

§ 360-97. 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 acres and all principal structures and uses are not less than 50 feet from any lot line.
- T. Religious, charitable, penal and correctional institution; and utility, provided all principal structures and uses are 50 feet or greater from any lot line.
- U. Signs, subject to the requirements of Article **XXV**.
- 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 acres or greater and all structures are 50 feet or greater from any residential district boundary.

§ 360-98. Height, setbacks, area and other requirements.

- A. Lot requirements.
 - (1) Area: minimum one acre.
- B. Roadway setback.
 - (1) State highway (whichever is greater).
 - (a) From center of roadway: minimum 110 feet.
 - (b) From lot line: minimum 50 feet.
 - (2) County road (whichever is greater).
 - (a) From center of roadway: minimum 83 feet.
 - (b) From lot line: minimum 50 feet.
 - (3) Town road (whichever is greater).
 - (a) From center of roadway: minimum 63 feet.
 - (b) From lot line: minimum 30 feet.
- C. Building setbacks (from the furthest building projection).
 - (1) Side: minimum 10 feet.
 - (2) Rear: minimum 10 feet.
 - (3) Waterfront: minimum 75 feet.
- D. Other requirements.
 - (1) Building height: maximum 35 feet.

Article XXII. PUD Planned Unit Development (PUD) District

§ 360-99. Purpose.

- A. 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 semipublic, etc.) are combined in a design which provides for desirable and convenient conditions which minimize conflicts between the various land uses involved.
- B. 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.
- C. 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.
- D. 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.

§ 360-100. Permitted uses.

Any use identified as a permitted use in the project plan approved by the Town Board for the PUD.

§ 360-101. Conditional uses.

None.

§ 360-102. 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(ies) 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 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.

§ 360-103. 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 time frame for completion of the project. The time frame 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.

Article XXIII. SP Special Purpose District

§ 360-104. 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 instance of a given land use within a community.

§ 360-105. Permitted uses.

Forestry.

§ 360-106. 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 Ch. NR 151 of the Wisconsin Administrative Code are complied with.
- D. Communication towers, provided the specific conditional use requirements in Article **XXIV** are satisfied.
- E. Signs, subject to the requirements of Article **XXV**.
- F. Wind energy systems.
[Amended 9-19-2019 by Ord. No. 19-12]

§ 360-107. Height, setbacks, area and other requirements.

- A. Lot requirements.
 - (1) Frontage: minimum 500 feet.
 - (2) Area: minimum 30 acres.
 - (3) Depth/width: maximum 4:1.
- B. Roadway setback.
 - (1) State highway (whichever is greater).

- (a) From center of roadway: minimum 133 feet.
- (b) From lot line: minimum 100 feet.
- (2) County road (whichever is greater).
 - (a) From center of roadway: minimum 133 feet.
 - (b) From lot line: minimum 100 feet.
- (3) Town road (whichever is greater).
 - (a) From center of roadway: minimum 133 feet.
 - (b) From lot line: minimum 100 feet.
- C. Building setbacks (from the furthest building projection).
 - (1) Side: minimum 100 feet.
 - (2) Rear: minimum 100 feet.
 - (3) Waterfront: minimum 200 feet.
- D. Other requirements.
 - (1) Building height: maximum 45 feet.
 - (2) See Article **XXVI**, Design Standards.
 - (3) See Article **XXV**, Signs and Billboards.
 - (4) Storage.
 - (a) Temporary semitrailer parking and portable container units are permitted in all yards of a special purpose district, except that no parking shall be closer than 60 feet to a property line. Duration of any storage cannot exceed 30 days; extensions may be granted, but not to exceed 90 days.
 - (b) Outdoor storage in conjunction with the special purpose must be screened from public right-of-way and residential property.

Article XXIV. Mobile Tower Siting

§ 360-108. Purpose.

The purpose of this article is to regulate by zoning permit:

- A. The siting and construction of any new mobile service support structure and facilities;
- B. With regard to a Class 1 co-location, the substantial modification of an existing support structure and mobile service facilities; and
- C. With regard to a Class 2 co-location, co-location on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities.

§ 360-109. Authority.

The Town Board has the specific authority under §§ 62.23 and 66.0404, Wis. Stats., to adopt and enforce this article.

§ 360-110. Definitions.

All definitions contained in § 66.0404(1), Wis. Stats., are hereby incorporated by reference. For other terminology in this article, see the definitions included in § **360-5B**.

§ 360-111. Permit issuance.

The Plan Commission is hereby authorized to issue all permits provided for in this article.

§ 360-112. Permitted use.

Class 2 co-location is a permitted use, subject to issuance of a zoning permit pursuant to § **360-114** herein.

§ 360-113. Conditional uses.

- A. Class 1 co-location and mobile support structures and facilities are conditional uses in every zoning district and require the issuance of a conditional use permit pursuant to § **360-115** herein. In addition, the specific requirements set forth in Subsection **B** that follows must be satisfied.
- B. Specific requirements.
- (1) Height. Except as provided for in § 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 Article **XVI**, B-1 Business District, shall apply to mobile service support structures.
 - (4) Structural capacity. A co-location may not result in the structural capacity of a structure being exceeded.
 - (5) Co-location. Co-location 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 article, provided that such conditions are consistent with the limitations set forth in § 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 co-locations shall be governed exclusively by this article.

§ 360-114. Class 2 co-location application process.

- A. A Town zoning permit is required for a Class 2 co-location. A Class 2 co-location 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 co-location 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 co-location is not subject to Article **XXVI**, 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 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 forty-five-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.

§ 360-115. Siting and construction of any new mobile service support structure and facilities and Class 1 co-location 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 co-location.
- 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 co-location.
 - (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 co-location, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that co-location 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 ninety-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 § 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 co-location 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.

§ 360-116. Violations and penalties.

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this article 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 article. In addition, the Town Board may seek injunctive relief from a court of record to enjoin further violations.

§ 360-117. Conflict with other provisions.

If any provision of this article and/or if any condition imposed pursuant to § **360-113** herein is in conflict with § 66.0404, Wis. Stats., it is hereby intended that the Town-imposed provision or condition be automatically withdrawn and not enforced.

§ 360-118. Severability.

If any provision of this article or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this chapter that can be given effect without the invalid provision or application, and to this end the provisions of this article are severable.

Article XXV. Signs and Billboards

[Amended 1-10-2019 by Ord. No. 19-01]

§ 360-119. Purpose.

This article 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. This section is designed to ensure the implementation of the Comprehensive Plan of the Town of Rome, particularly regarding the implementation of the desired overall character of the community, and its constituent zoning districts. 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. To restrict off-premises signage to reduce visual clutter, thereby helping to prevent unsafe traffic conditions.
- 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.

§ 360-120. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

ABANDONED SIGN

A sign, and all of its components, which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, product or activity conducted, or product available.

ALTERATION OF SIGN

Changes to the exterior appearance of any part of the frame, supporting structure, or lighting of a sign; including material, size, height, or location of a sign. Alteration does not include the normal maintenance of a sign or changing the face of a sign by the current sign permit holder.

ANIMATED SIGN

A sign that uses movement or change of lighting to depict action or create a special effect or scene. An electronic variable message display shall not be considered an animated sign.

AREA OF SIGN

The area of the largest single face of the sign within a perimeter which forms the outside shape including any frame that forms an integral part of the display, but excluding the necessary supports or uprights on which the signs may be placed. If the sign consists of more than one section or module, all areas will be totaled. Any irregular-shaped sign area shall be computed using the actual sign-face surface. In the case of wall signs, the area of copy will be used.

BANNER

Any sign of lightweight fabric or similar material that is mounted to a building or other permanent structure by its edges. National flags, state or municipal flags, or the official flag of any institution or business, shall not be considered banners.

BILLBOARD

See "off-premises sign."

BUILDING FACE

That portion of a building which is parallel or nearly parallel to an abutting roadway.

CIVIC SIGN

Any sign displaying information relative to events relating to the community, sponsored by the Town or other organization.

CONSTRUCTION SIGN

A sign erected on a lot where construction is taking place and contains information regarding the construction, management, leasing, or future tenants of the building, as well as the development of a new subdivision.

COPY

The advertising message, announcement or decoration on a sign surface.

DIRECTIONAL SIGN

Any sign which serves to designate the location or direction of any place or area.

ELECTRONIC VARIABLE MESSAGE DISPLAY

A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

FLAG

Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity

FLASHING SIGN

Any sign which contains an intermittent or flashing light source, or which includes the illusion of flashing, light by means of animation, or an externally mounted intermittent light source, not including electronic variable message display signs.

FRONTAGE

The length of the property line of any one premises parallel to and along each public right-of-way it borders. Said public right-of-way may be known as a "frontage road."

GROUND SIGN

A permanent sign supported by structures or supports placed on, or anchored in, the ground and that are independent from any building or other structure. The area of ground signs is calculated on one face only.

HEIGHT OF SIGN

The vertical distance measured from the grade at the street right-of-way line where the sign is located to the highest point of such sign.

ILLUMINATED SIGN

A sign in which a source of light, either internal or external, is used to make the message legible.

INCIDENTAL SIGN

A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental.

INFLATABLE DEVICE

An object that is inflated with air or gas utilized to attract attention to a use or business activity being conducted.

MONUMENT SIGN

A sign mounted on a base or platform. The base shall be constructed out of a solid material such as stone, brick or poured concrete, and its dimensions shall be proportionate to those of the sign. The bottom of the sign shall be located within six inches of the base. All other freestanding sign types not meeting the definition of a monument sign shall be either a ground sign or a pylon sign.

NAMEPLATE SIGN

A sign indicating the name and/or address of the building, tenant of the unit or manager of the property that is located upon a premises where the sign is displayed.

OFF-PREMISES SIGN

A sign, including billboard, which advertises goods, products, facilities, or services not necessarily located on the premises, or directs persons to a different location from where the sign is located.

POLITICAL SIGN

A temporary sign used in connection with a local, state or national election or referendum, or to represent a political or philosophical position.

PORTABLE SIGN

Any sign designed to be moved intact or 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 location to another.

PYLON SIGN

A freestanding sign in excess of eight feet in height that is detached from a building and is supported by one or more structural elements which are architecturally similar to the design of the sign.

REAL ESTATE SIGN

A temporary on-site sign that advertises the sale or lease of a property.

ROOF SIGN

A sign erected upon, against or above a roof.

SIGN

Any identification, description, illustration, or device illuminated or nonilluminated which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business, or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, placard, or temporary sign designed to advertise, identify or convey information with the exception

of window displays and flags. For the purpose of removal, signs shall also include all sign structures.

SIGN STRUCTURE

Any structure or material, which supports, has supported, or is capable of supporting or helping maintain a sign in a stationary position, including decorative covers.

SPECIAL EVENT SIGN

A collection of signs intended to be displayed for a specific event and for a restricted time frame. Examples of events include grand openings, store closings and sidewalk sales.

TEMPORARY SIGN

A sign advertising display intended to be displayed for a limited period of time. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be considered as temporary.

VISION CLEARANCE AREA/TRIANGLE

An area, formed by any two existing or proposed intersecting street right-of-way lines and a line joining points on such lines as calculated under § **320-25**, where no obstructions, including signs, shall be permitted between the height of 2.5 feet and 10 feet above the grade of the adjacent right-of-way.

WALL SIGN

A permanent sign attached to or erected against the wall of a building with the face parallel to the plane of the building wall. A wall sign shall not project more than 18 inches from the surface of the wall.

WINDOW SIGN

A sign designed to communicate information about an activity, business, commodity, event, sale, or service that is placed inside a window and is visible from the exterior of the premises.

YARD SALE SIGN

A sign that is used to advertise yard, garage, rummage, estate or other similar sales.

§ 360-121. Permit required.

Except as provided in § **360-124**, no person shall erect, relocate, reconstruct, alter or cause the aforementioned within the Town any signs without first having obtained a sign permit issued by the Zoning Administrator. Permits shall not be required by a change of copy on a sign under the same business, nor for repainting, cleaning, and other normal maintenance or repair of the sign or sign structure.

- A. Mobile or portable signs within the Town shall require a sign permit issued by the Zoning Administrator and shall be approved pursuant to § **360-124**. Attached banners are prohibited. Portable sign use is limited to not more than 30 days at a time; nor more frequently than three times per year; nor more than once every 90 days at a given location. A new permit shall be required for each use. Portable signs shall not be used as permanent signs.
- B. Permanent subdivision signs are permitted one per subdivision entrance. The individual sign copy area is limited to 16 square feet.
- C. One 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 10 square feet per tenant. In addition, each tenant shall be allowed one wall sign, a maximum of six 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.

§ 360-122. Permit application.

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

- A. 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. Off-premises signs shall require proof of permission granted by the property owner submitted at time of application.
- B. A fee as set by the Town Board shall be paid to the Zoning Administrator by the applicant at the time the sign permit application is submitted.
- C. Each sign shall require a separate permit and is valid for the life of the sign.
- D. The applicant shall, upon completion of the installation, relocation, or alteration of a sign, notify the Zoning Administrator, which will inspect to ensure that the sign complies with the regulations of this chapter.
- E. The permit shall automatically become void if actual work on erecting the approved sign(s) is not commenced within 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.
- F. 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

§ 360-123. Permit issuance or denial; appeals.

- A. A sign permit shall be issued when the application is properly made, all fees have been paid, and the proposed sign is found to be in compliance with all appropriate laws and regulations of the Town, including design requirements of this article. If the sign permit is denied, written notice of the denial shall be given to the applicant, together with a brief written statement of the reasons for the denial.
- B. The holder of a denied permit who feels their permit was incorrectly denied shall be entitled to an administrative appeal before the Town Board. Prior to consideration of the appeal of the requested permit, the Board shall forward the permit to the Plan Commission for review and recommendation as to approval or disapproval, together with reasons for such recommendation. The Plan Commission shall have 60 days in which to make such recommendation.

§ 360-124. Signs not requiring a permit.

Some signs are temporary in nature, others are intended to communicate and direct, and not used to identify a business or for advertising. Still others are so small that they are not obtrusive and will not affect the public welfare. Such signs will not require a sign permit; however, those used on a temporary basis shall adhere to a specific time limit for their use. Unless indicated herein, no sign may be placed inside the right-of-way for a public road.

- A. Signs with time limits. The following signs, although not needing a permit have the following restrictions:
 - (1) Political signs. Signs may not be erected earlier than the beginning of an election campaign period as defined in § 12.04, Wis. Stats., In the event the sign is not tied to an election the sign shall not be in place for longer than 60 days. Signs in the road right-of-way shall not interfere with traffic, shall conform with requirements under § **320-20** and be displayed for a period not

exceeding seven days prior to a primary election and 14 days prior to a general election, and must be removed within 24 hours after the election.

- (2) Real estate signs. Signs in residential and nonresidential districts are limited to one sign that shall not exceed 12 square feet and shall not be illuminated. Lots in any district with more than one frontage are permitted one additional sign of the same dimensions. All signs shall be removed within 30 days after sale, rental or lease of the property.
- (3) Construction and renovation signs. Signs shall be limited to one nonilluminated sign identifying an engineer, architect, contractor, company, or product engaged in or used in the construction of a new building or development. Said sign shall not exceed 12 square feet per face and not more than 10 feet in height. Lots with more than one frontage are permitted one additional sign of the same dimensions. Said sign shall be removed when the development is completed or upon the granting of an occupancy permit for the building or upon the completion of renovation work. In no case shall a renovation sign be in place for more than 90 days.
- (4) Yard sale and open house signs. Signs in the road right-of-way shall not interfere with traffic, shall conform with requirements under § **320-20** and be displayed for a period not exceeding 72 hours. Yard sale signs on private property may be placed no more than 14 days prior to the event and shall be removed within 24 hours after said event.
- (5) Civic event signs. Signs advertising civic events shall require written approval of the Zoning Administrator and may be placed not more than 14 days prior to an event and must be removed within 24 hours after the event. Signs in the road right-of-way shall not interfere with traffic, shall conform with requirements under § **320-20** and be displayed for a period not exceeding 14 days prior to an event and must be removed within 24 hours after the event.
- (6) New subdivision development signs. For each new residential subdivision that has been approved by the Town, two subdivision development signs are permitted to be located on some portion of the subdivision. Each sign shall not be more than 32 square feet in area, and no more than 10 feet in height. No illumination is allowed. Signs established under this subsection may remain within the subject subdivision until 80% or more of the lots in the subdivision have been sold, at which time all temporary subdivision identification signs shall be removed. Such signage shall be reviewed every six months.
- (7) Special event signs. Signs advertising special events may be placed not more than 14 days prior to an event and must be removed within 24 hours after the event.

B. Signs without a time limit.

- (1) Signs established by, or by order of, any governmental agency, including plaques and markers identifying buildings or properties on federal, state or local historic registers.
- (2) Directional signs. Signs shall be located entirely on the property to which they pertain, and not exceed four feet in height and two square feet in area. The number of directional signs permitted per property shall be the minimum necessary to provide adequate information for safe pedestrian and vehicular movement.
- (3) Flags. Signs shall not contain a commercial message.
- (4) Address numerals, nameplate and identification signs not exceeding four square foot in area. Nameplate signs for a dwelling group of five or more units may not exceed five square feet in surface area.
- (5) Incidental and auxiliary signs. Signs shall be located entirely on the property to which they pertain and not contain a commercial message visible off of the property.
- (6) Name and activities/services identification signs for church, school, hospital, sanitarium, club, library or similar institutional uses, not to exceed 32 square feet in area and may be illuminated but not flashing.

- (7) 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 public hazards.
 - (8) Neighborhood watch signs and related government authorized signs located within a public right-of-way.
 - (9) Memorial signs and tablets displayed on public property or in cemeteries.
 - (10) Signs indicating personal property protections shall be located entirely on the property in which they pertain and not exceed greater than two square feet in area.
 - (11) Point-of-sale signs. Signs shall be located within 10 feet of the building entrance, or outside ordering area.
 - (12) Community message boards for display of information of temporary interest to the general community regarding upcoming events or activities.
 - (13) Signs or letters carved into a building that are an integral part of the building.
 - (14) Decorations, buntings or pennants exhibited to commemorate national, state or local holidays.
 - (15) Government-related and quasi-government-related off-premises wayfinding and directional signs to give sufficient public notice of the location of governmental facilities and individual destinations, unincorporated areas, and nonprofit facilities.
- C. 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 nonprofit and profit.
 - (2) Entities of federal, state, and Town government.

§ 360-125. General signage regulations.

The regulations contained in this section shall apply to all signs in all districts.

- A. Prohibited signs. Some specific signs and classes of sign provide little value in identifying a specific business, promoting advertising for a business or communication for a business, and may only harm community aesthetics and/or the public welfare. The following signs shall be prohibited within the Town:
- (1) Signs that resemble any official marker erected by a governmental agency.
 - (2) Signs that contain or are composed of pennants, ribbons, streamers, or spinners.
 - (3) Inflatable or tethered-type balloon signs.
 - (4) Roof signs and roof-mounted signs.
 - (5) Signs containing or composed of any animated part.
 - (6) 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 electronic variable message displays.
- B. Sign location restrictions.
- (1) No sign shall be erected or maintained which projects across property lines, except for official traffic control, parking, and directional signs, or as otherwise specified in this chapter.

- (2) No sign, temporary or otherwise, shall be affixed to a tree or utility pole or other natural features.
 - (3) No signs shall be permitted that obstructs any window, door, fire escape, stairway, or opening intended to provide light, air, ingress or egress for any building or structure.
 - (4) No sign shall be permitted that is located above buildings.
 - (5) No sign shall be erected or maintained at any location where by reason of its position, proximity to the street right-of-way, wording, illumination, size, shape, or color it may obstruct, impair, obscure, interfere with the view of, or be confused with, any authorized traffic control sign, signal or device.
 - (6) No sign shall be erected or maintained at any location where by reason of its position, proximity to the street right-of-way, wording, illumination, size, shape, or color creates a safety hazard for pedestrians or the operators of motor vehicles.
 - (7) No sign or sign structure may be located or placed on Town-owned property or adjacent road right-of-way without written approval of the Town Administrator, after receiving an application for proposed placement of a sign. Restrictions for signs in the road right-of-way shall be as provided in § **320-20**. Under no circumstances shall signs be located to obstruct the vision clearance area.
- C. Sign design standards. 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:
- (1) 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.
 - (2) 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.
 - (3) 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.
 - (4) No sign shall use any word, phrase, symbol, shape, form or character in such manner as to interfere with moving traffic, including signs which incorporate typical street-type and/or traffic control-type signage designs and colors. Signs may not depict nudity, sexual activity, illegal activity or anything of an obscene nature.
- D. Sign construction and installation standards.
- (1) All signs, except those attached flat against the wall of a building, shall be constructed of weather-resistant materials to withstand wind loads in accordance to the most recent version of ASCE-7. Signs over 12 feet in height shall provide calculations signed and sealed by a licensed engineer showing compliance with ASCE-7.
 - (2) All signs shall be installed and maintained in a workmanlike manner using equipment which is adequate and safe for the task. A sign permit may be denied if the sign contractor does not

have or does not arrange for use of adequate equipment.

E. Sign density requirements.

- (1) Off-premises. Signs may not be placed closer than 1,000 feet apart. Signs may not be erected higher than 16 feet above surface grade.
- (2) On-premises. Signs may not be placed closer than 100 feet apart. Signs may not be erected higher than 16 feet above surface grade.

F. Electronic variable message displays.

(1) In general. In addition to regulations imposed by this chapter, on-site electronic variable message displays shall be permitted in business zoning districts only with a conditional use permit, and are subject to the following restrictions, and minimum standards set by Outdoor Advertising Regulations under § 84.30(4)(bm), Wis. Stats., whichever is more restrictive.

(2) Standards for electronic variable message displays.

(a) Electronic portion size.

[1] The electronic portion of the sign fronting the road shall not exceed 50 square feet per side and a total of 100 square feet on both sides. Sign characters must have a minimum height of six inches, with recommended character heights outlined in the following table, as established using letter height guidelines established by the USSC Foundation.

Distance from Center Line to Sign (feet)	Recommended Sign Character Height (inches)
40	6
50	7
60	9
100	18

NOTES:

* All signage intended to be viewed from State Highway 13 shall utilize characters with a minimum height of seven inches.

[2] No such sign shall exceed the area or height regulations specified for district sign regulations under § **360-126**.

- (b) Length of messages. Each message shall remain in a fixed position for a minimum of six seconds.
- (c) Transition of message. The transition time, or the time it takes to change the message, shall be accomplished in one second or less. Only frame effects of fading and dissolving shall be allowed. Any change of pictures or information shall not produce the illusion of blinking, flashing, expanding or contracting shapes.
- (d) Brightness. No electronic message unit shall be illuminated to a degree of brightness greater than necessary for adequate visibility or a maximum of 500 nits (candelas per square meter) between dusk and dawn, 5,000 nits during daylight hours, or the minimum standards set by the Federal Highway Administration, whichever is more restrictive. All electronic message units shall come equipped with automatic dimming technology that automatically adjusts the sign's brightness in direct correlation with ambient light conditions. Signs found to be too bright will be adjusted to meet these standards after notification by the Town.

- (e) Spillover light exceeding 0.2 footcandle, as measured at a residential property line, is prohibited.
 - (f) Electrical regulations. All on-premises electric signs shall be manufactured and installed in compliance with NFPA 70, the National Electric Code (NEC).
 - (g) Freeze of display when malfunction occurs. Such signs shall include a default designed to freeze a display in one still position if a malfunction occurs.
 - (h) Prior to issuance of a conditional use permit, the applicant shall submit a signed letter from the manufacturer or retailer certifying that the sign has the ability to be programmed to comply with the above requirements to the satisfaction of the Plan Commission.
- (3) Permitted locations for electronic variable message displays.
- (a) Maximum number of electronic variable message signs per site. No more than one electronic message units is allowed per site. Two sides of such sign are considered one electronic message unit.
 - (b) Distance between electronic message signs. The distance between electronic message signs shall be a minimum of 200 feet throughout the street frontage, unless the street frontage is under 200 feet, where one electronic message unit sign shall be allowed.
 - (c) Granting a conditional use permit for an electronic variable message sign under this chapter may be subject, but not limited to, consideration of traffic volume, speed limit of the area, or accidents in the requested area of placement, through reference to traffic counts, if available, or police reports.
 - (d) Sign messages must be directed to a state or federal highway, or a designated connecting highway, as mapped by the Wisconsin Department of Transportation in accordance with § 84.02(12), Wis. Stats.
- (4) Hazard abatement.
- (a) If the Public Works Department or designee finds that an electronic variable message sign is causing interference with the visibility or effectiveness of a traffic signal or control, the sign shall be turned off without delay.
 - [1] The electronic variable message sign shall not attempt, or appear to attempt, to direct the movement of traffic or contain wording, colors, shapes or likenesses to official traffic control devices.
 - (b) If the Public Works Department or designee finds that an electronic variable message sign is malfunctioning in a fashion that creates a hazardous glare or other traffic hazard, the sign shall be turned off without delay.
 - (c) The Public Works Department shall be provided with the means to turn off an electronic variable message display in the case of hazardous glare, interference with the visibility or effectiveness of a traffic signal or control, or other traffic hazard caused by the sign.
 - [1] In such situations, the owner of the sign must then meet with Town staff to determine how to rectify the situation, and the sign shall not be turned back on without written approval by the Town Chairperson or designee.

§ 360-126. Regulations for certain zoning districts.

Zoning districts, by definition, encourage and allow different uses and types of development. Therefore, the requirements for permitted signs in the districts also differ as related to types of signs, their height, area of coverage and setbacks.

- A. Signs in R-1, R-1C, R-2, R-3, R-4, R-5, LD Districts. Residential districts normally do not require the use of signs; however, certain higher-density uses and nonresidential uses create special situations that require limited signage. No signs shall be erected except the following:
- (1) Permitted signs. Signs requiring no permits, wall sign, residential nameplate, and permanent subdivision signs.
 - (2) Area restrictions. Wall signs and residential nameplates for single-family lots and lots containing four dwelling units or less (including home occupations) are limited to two square feet in area. Wall signs and residential nameplates for more than four dwelling units or other nonresidential uses are limited to 12 square feet in area.
 - (3) Permanent subdivision signs are permitted one per subdivision entrance. The individual sign copy area is limited to 16 square feet and shall not be located within the setback area.
- B. Signs in the RTC District. This district encourages compact development consisting of buildings that contain both single and multitenant uses. Businesses located in this district tend to rely less on passing traffic than other commercial districts. Permanent sign designs in the RTC District shall require approval by the Plan Commission. The size, scale and materials used in signs shall be complementary to the vision, guidelines and objectives identified in the Rome Town Center Design Plan. No signs shall be erected except the following:
[Amended 4-16-2020 by Ord. No. 20-04]
- (1) Permitted signs. Signs requiring no permits, wall signs, ground signs, and hanging signs. Banners may be permitted by the Zoning Administrator on a temporary basis. No off-premises signs shall be allowed in the RTC District unless approved by the Town Board upon recommendation by the Plan Commission. Municipal signs are exempt from the off-premises sign requirements.
 - (2) Area restrictions. The area of all permanent signs shall not exceed two square feet of sign area for each lineal foot of building frontage, with an additional one square foot per one lineal foot of the building on a corner lot. In the case of a multitenant business, each tenant shall be allowed two square feet of sign area per lineal foot of tenant space frontage. No individual sign in any sub-district shall be greater than 48 square feet.
 - (a) Area shall be calculated, generally, as the entire area of a sign on which copy may be placed, but only one side of a double-faced sign shall be included in the area calculation. Area calculations for painted or individual letter signs shall be calculated on the basis of the smallest rectangle that will enclose the entire copy area of the sign and shall include the areas between letters and lines as well as the area of any devices (whether illuminated or nonilluminated) that are intended to attract attention.
 - (b) For purposes of determining frontage for buildings on corner lots, the side with the longest width shall be used.
 - (c) Area restrictions for permanent signage shall not include directional or safety signs; however, the total directional and safety signage shall not exceed 50 square feet with no individual directional or safety sign greater than six square feet.
 - (3) Height restrictions. Unless otherwise noted in this article, the maximum height of the following sign types shall be as follows: No wall sign shall exceed 20 feet in height and shall not project higher than the building. Hanging signs shall be no higher than the directly adjacent porch/building soffit it is attached to. Ground signs shall not exceed nine feet above the street pavement or sidewalk grade nearest to the sign.
 - (a) Projections and details such as architectural appurtenances shall not be included in sign height calculations, provided the projections and details do not include a logo or advertisement.
 - (4) Sign illumination. Any illuminated sign or lighting device shall employ only one light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent,

rotating or moving lights, except as an approved electronic variable message display. In no event shall an illuminated sign or lighting device be directed or beamed on a public street, highway, sidewalk or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance as determined by the Zoning Administrator.

- C. Signs in B-1 and B-2 Districts. This district encourages auto-related businesses and features properties with both single tenants as well as multiple tenants. Businesses in this district tend to rely heavily on passing traffic. No signs shall be erected except the following:
- (1) Permitted signs. Signs requiring no permits, wall signs, ground signs, special event signs monument signs, billboards, and mobile or portable signs.
 - (2) Area restrictions. Unless otherwise noted in this chapter, the maximum sign area allowed per sign for any sign permitted in a business district other than billboards shall not exceed 40 square feet for single tenant signs. Multi-tenant sign area shall not exceed 60 square feet. The maximum sign area for billboards permitted in the business district shall not exceed 300 square feet.
 - (3) Height restrictions. No ground sign shall project higher than 20 feet or six feet above the height of the building, whichever is less. Monument signs shall not exceed nine feet as measured above surrounding grade. No billboard shall project higher than 20 feet.
 - (4) Setbacks. No ground sign, monument sign, special event sign, and mobile or portable sign shall be closer to the side or rear lot line (not inclusive of a corner side lot line) than the total height of the sign. In no case shall any portion of a ground sign, monument sign, special event sign, and mobile or portable sign be closer than five feet to any lot line. Billboards shall be placed with the closest edge of the sign within 10 feet of the right-of-way. In no case shall any portion of a billboard be closer than five feet of the right-of-way.
- D. Signs in the PSP District. These districts are designed for certain public uses and do not rely on traffic for business. No signs shall be erected except the following:
- (1) Permitted signs. Sign types in the PSP District are permitted only upon approval of the Plan Commission.
 - (2) Area restrictions. No sign shall exceed 10 square feet in area unless otherwise approved by the Plan Commission.
 - (3) Height restrictions. No sign shall exceed 10 feet in height unless otherwise approved by the Plan Commission.
- E. Signs in the SP District. These districts are designed for uses that tend to present a special problem or hazard to health, safety and general welfare of the public, and do not rely on traffic for business. No signs shall be erected except the following:
- (1) Permitted signs. Signs requiring no permits, wall signs, ground signs, monument signs, billboards, and mobile or portable signs.
 - (2) Area restrictions. Unless otherwise noted in this chapter, the maximum sign area allowed per sign for any sign permitted in the SP District other than billboards shall not exceed 40 square feet for single tenant signs. Multi-tenant sign area shall not exceed 60 square feet. The maximum sign area for billboards permitted in the SP District shall not exceed 300 square feet.
 - (3) Height restrictions. No ground sign shall project higher than 20 feet or six feet above the height of the building, whichever is less. Monument signs shall not exceed nine feet as measured above surrounding grade. No billboard shall project higher than 20 feet.
- F. Signs in A-1 and A-2 Agricultural Districts. This district is designed for uses which rely on signs mainly for identification and not for pulling in traffic and business. No signs shall be erected except the following:
- (1) Permitted signs. Signs requiring no permits, wall signs, ground signs and billboards.

- (2) Area restrictions. Unless otherwise noted in this chapter, the maximum sign area allowed per sign for any sign permitted in agricultural districts other than billboards shall not exceed 40 square feet for single tenant signs. Multi-tenant sign area shall not exceed 60 square feet. The maximum sign area for billboards permitted in agricultural districts shall not exceed 300 square feet.
 - (3) Height restrictions. No ground sign shall project higher than 20 feet or six feet above the height of the building, whichever is less. No billboard shall project higher than 20 feet.
 - (4) Setbacks. No ground sign shall be closer to the side or rear lot line (not inclusive of a corner side lot line) than the total height of the sign. In no case shall any portion of a ground sign be closer than five feet to any side and rear lot lines. Billboards shall be placed with the closest edge of the sign within 10 feet of the right-of-way. In no case shall any portion of a billboard be closer than five feet of the right-of-way.
- G. Signs in CV and FR Districts. These districts are designed for open space uses with limited commercial activity. No signs shall be erected except the following:
- (1) Permitted signs. Signs providing directions or information about natural, historic, scientific features are permitted upon approval of the Plan Commission.
 - (2) Area restrictions. No sign shall exceed 10 square feet in area, unless otherwise approved by the Plan Commission.
 - (3) Height restrictions. No sign shall exceed 10 feet in height unless otherwise approved by the Plan Commission.
 - (4) Setbacks. No ground sign shall be closer to the side or rear lot line (not inclusive of a corner side lot line) than the total height of the sign. In no case shall any portion of a ground sign be closer than five feet to the side and rear lot lines.
- H. Signs in the Gateway Overlay Corridor. The Gateway Overlay District is designed to maintain a higher quality of design with more restrictive sign regulations. No signs shall be erected except the following:
- (1) Permitted signs. Signs requiring no permits, wall signs, and monument signs. Only one monument sign per lot shall be permitted.
 - (2) Area restrictions. Maximum sign area per business shall not exceed 80 square feet. Single-tenant monument signs shall not exceed 40 square feet. Multi-tenant monument signs shall not exceed 60 square feet.
 - (3) Height restrictions. Monument signs shall not exceed nine feet in height as measured from the surrounding grade.
 - (4) Setbacks. No monument sign shall be closer to the side or rear lot line (not inclusive of a corner side lot line) than the total height of the sign. In no case shall any portion of a monument sign be closer than five feet to the side and rear lot lines.

§ 360-127. Maintenance of signage; abandonment.

All signs within the jurisdiction of this article, including but not limited to those signs for which a permit is required, 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. Any signs which may be or may hereafter become unsafe, unsightly, or improperly maintained shall be repaired or removed by the owner or lessee of the property upon which the sign stands upon notice of the Zoning Administrator.
- C. If the sign is damaged, the owner shall have 90 days in which to repair or remove the sign.
- D. The entire area located within a minimum of 10 feet of any part of any on-premises and off-premises sign shall be maintained and/or mowed as appropriate and kept free of weeds and debris.
- E. 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 four 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 30 days written notice.

§ 360-128. Nonconforming signs.

To maintain and enhance property values, aesthetics, and safety and to improve the uniformity of design in the Town of Rome, this section of the Zoning Ordinance is intended to eliminate all individual signs, groupings of signs and accumulations of signs that do not comply with the regulations of this article and other provisions of this chapter. To accomplish this objective, stringent requirements for the removal of nonconforming signs have been established. These regulations have been formulated with the understanding that the magnitude of hardships likely to be encountered by sign owners as a result of adherence of this article should not be great since most signs have a relatively short physical and economic lifespan.

- A. Signs lawfully existing at the time of the adoption or amendment of this article, and were previously permitted, which do not conform to the provisions of this article, may be continued although the use, size, or location does not conform to the provisions of this article. However, it shall be deemed a nonconforming use or structure and no changes may be made in number, size, copy or subject matter. Normal maintenance and repair of a nonconforming sign is permitted. Normal maintenance and repair does not include the alteration of a sign and is limited to painting and/or replacement of nonsupporting members such as the facing material or cross-bracing.
- B. The following situations shall result in the loss of nonconforming status for signs:
 - (1) Placement of new signs. New signs, not to exceed the maximum allowable aggregate sign area, may be erected only upon the complete removal of all nonconforming signs of the same category existing on the property at the time of adoption of this chapter;
 - (2) Alteration of signs. 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 the requirements of this article than it was before alteration;
 - (3) Change of location. Relocation of a nonconforming sign is prohibited, except in the case of a sign which is nonconforming only in relation to a setback and the new location is more compliant with the required setbacks;
 - (4) Damage to sign. In the event the nonconforming sign is damaged to such an extent that the cost to repair or reconstruct the sign exceeds 50% of the value of the sign;
 - (5) Cessation or change of business or activity to which the sign pertains; and
 - (6) Failure to maintain. Failure to comply with the maintenance, repair, construction standards, or abandoned sign regulations of this article.
- C. Upon the occurrence of any of the above, the sign shall be brought into compliance with this article within 30 days of receiving a written notice of noncompliance from the Town and a new permit shall be secured. Upon failure to comply with this notice, the Town may cause removal to be executed pursuant to § 360-129.

- 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 article regarding safety, maintenance, and repair of signs.
- E. Notwithstanding any other provision of this chapter, a nonconforming sign or sign structure damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold or infestation after March 2, 2006, may be restored to, or replaced at, the size, location, and use that it had immediately before the damage or destruction occurred, and no limits may be imposed on the costs of the repair, reconstruction, or improvement of said sign or sign structure.
[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

§ 360-129. Noncompliance; violations and penalties; sign removal.

- A. All signs constructed or maintained in violation of any of the provisions of this article are hereby declared public nuisances within the meaning of this Code. Any person who shall violate or cause to be violated any provision of this article shall, upon conviction thereof, be fined in accordance with § 1-3, General penalty.
- B. If, upon inspection, the Zoning Administrator finds that a sign or sign structure is in violation of this article, the Zoning Administrator shall issue a written order to the owner or operator of the premises upon which the sign or sign structure is located stating the nature of the violation and requiring repair, removal, or conform the sign or sign structure within 30 days of the date of order. The Zoning Administrator may order the immediate removal of a sign or sign structure deemed dangerous or unsafe. The Zoning Administrator may bring an action to abate a sign deemed a nuisance in the manner set forth in the Wisconsin State Statutes. When it becomes necessary for the Zoning Administrator to remove or cause to be removed, or take down a nonconforming, abandoned, obsolete, defective, unsafe or dangerous sign or sign structure, the cost thereof may be placed on the tax roll as a special assessment and become a lien against the benefitted property, unless paid sooner.
- C. Prohibited signs or sign structures in the road right-of-way or on public property may be removed and destroyed by the Zoning Administrator, Public Works Department or Police Department without notice.

Article XXVI. Design Standards

§ 360-130. Purpose.

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 article does not require changes to existing development which does not meet the design standards; however, it encourages changes towards the approved standards.

§ 360-131. 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 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 article is to achieve design appearance compatibility among separate individually owned parcels which visually appear as one 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 years of planting.
 - (5) The planted size of shade trees, which shall be not less than one-and-one-half-inch caliber (diameter measured six inches above ground) and eight feet in height; conifers (evergreen) trees should be at least four feet in height; shrubs should be of good nursery stock and provide effective landscape development within three 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 25 feet and consisting of at least two rows of trees with a minimum of one tree per each 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/Semipublic 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 nonresidential 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 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 article, the Town's Zoning Administrator shall be responsible for the enforcement of this article.

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. No items may be stored or displayed outside unless authorized in the permit required in § 360-132 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.

§ 360-132. 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. Preapplication conference. The applicant shall obtain a copy of Article **XXVI**, 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 preapplication conference, the owner or agent shall submit a completed application and seven copies of a site plan(s) and plan of operation setting forth the applicant's proposal for complying with the requirements in this article 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 complete set of documents to each Commission member, the Fire Chief, Police Chief and Director of Public Works at least seven days before the Commission's public hearing.
 - (2) The Commission shall have 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 article. The Commission may, in its discretion, elect to defer official action for more than 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 article 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 § **360-133** herein.
 - (4) The Zoning Administrator shall issue a permit consistent with the approval, if any, of the Plan Commission.

§ 360-133. 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/Treasurer 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 18 months from the date that the plan is approved.

Article XXVII. Fences, Walls and Hedges

[Amended 2-14-2019 by Ord. No. 19-04]

§ 360-134. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them as follows, except where the context clearly indicates a different meaning.

FENCE, AGRICULTURAL

A fence erected for the primary purpose of providing enclosure for agricultural animals or fields in any agricultural zoning district. An agricultural fence may be constructed of fieldstone, wood or wire and may be electric or may incorporate barbed wire, depending on terrain, location and animals to be confined.

FENCE, OPEN

A structure of rails, planks, stakes, strung wire, or similar material erected as an enclosure, barrier, or boundary. Open fences are those with more than 50% of their surface area open for free passage of light and air. Examples of such fences include chain-link, picket, and rail fences.

FENCE, ORNAMENTAL

A structure whose only purpose is to decorate, accent, or frame a feature of the landscape. Ornamental fences are often used to identify a lot corner or lot line; or frame a driveway, walkway, or planting bed. Ornamental fences are those with more than 50% of their surface area open for free passage of light and air. Ornamental fences are often of the picket, rail, or wrought-iron type.

FENCE, SECURITY

A structure of rails, planks, stakes, strung wire, or similar material erected as an enclosure, barrier, or boundary. A security fence is erected for the purpose of preventing entry to a property by unauthorized persons and protecting equipment, materials, or products contained within the enclosure. A security fence may also be erected to screen equipment, materials, or products from unauthorized view.

FENCE, SOLID

A structure of rails, planks, stakes, strung wire, or similar material erected as an enclosure barrier or boundary. Solid fences are those with 50% or less of their surface area open for free passage of light and air and designed to conceal from view the activities conducted behind them. Examples of such fences are stockade, board-on-board, board-and-batten, basket-weave, and louvered fences.

FENCE

A structure forming an enclosure, barrier or boundary between properties, between a property and a street or an alley, or between portions of a property or properties, and includes a wall or latticework screen.

HEDGE

Vegetation forming a barrier, enclosure or boundary.

§ 360-135. Permit required.

- A. Except as provided in § **360-136** below, no person shall erect or construct any perimeter fence or wall or hedge on any property without having first obtained a permit for such fence from the Zoning Administrator and having paid the fee prescribed by the Town Board.
- B. Application for a fence permit shall be made in writing upon a form furnished by the Town.
- C. Plans and specifications including design and type of construction and materials, and a site plan or plat map displaying the proposed fence, wall or hedge location in reference to lot lines and structures on the property shall be submitted at the time of the application.
- D. The Zoning Administrator shall review, approve, and issue the fence permit if the application complies with the standards of this article. The permit may contain reasonable conditions stated in the permit.

- E. 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 article.

§ 360-136. Fences not requiring a permit.

- A. Ornamental fences measuring less than 20 feet in total length, freestanding, and not connected to a structure shall not require a permit.
- B. A fence surrounding a garden that conforms to the open fence standards and is not located closer than three feet to any property line shall be exempt from the permit and permit fee requirement. Such fencing shall be limited to the garden area only.
- C. Agricultural fences shall not require a permit. Such fences shall be allowed only in the A-1 General Agriculture District and the A-2 Secondary Agriculture District. Any other type of fence constructed in any Agriculture District shall follow the regulations contained herein.

§ 360-137. General requirements.

- A. Location.
 - (1) Fences, walls or hedges may be located at the property line. Property owners must maintain their fences as noted in § 360-141. Erecting a fence too close to property lines may cause difficulty in maintaining said fence.
 - (2) A nonornamental fence, wall or hedge on lots in residential districts shall not extend toward the front of the lot nearer than the street side of the house or the required minimum front yard, whichever distance is greater.
 - (3) No fence, wall or hedge shall be placed beyond the property lot lines.
 - (4) Lot line corner markers/pins or survey markers shall not be tampered with or moved when installing a fence.
 - (5) No fence, wall or hedge shall be erected in the waterfront setback.
 - (6) No fence, wall or hedge shall be erected within road right-of-way.
 - (7) No fence, wall or hedge shall be placed within a clear vision triangle area, as defined and measured in Chapter 320, Article III.
- B. Fences on lots in any residential district 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 § 844.10, Wis. Stats.
- D. A hedge shall be continuously trimmed and all parts thereof confined to the property on which it was planted. Hedges may be permitted to grow to their natural height.
- E. Fence height limitations. There shall be no height limitation for fences that protect playgrounds, baseball backstops, tennis courts and like activities.

§ 360-138. 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. No fence shall be constructed to have sharp or pointed pickets dangerous to life or limb.

§ 360-139. Requirements for certain fence types.

- A. Ornamental fences. A fence, including gates, which shall not exceed a height of four feet, and shall be more than 50% open for free passage of light and air. An ornamental fence may be permitted in any district. Ornamental fences include, but are not limited to, picket, rail or wrought-iron type. Chain-link fences are not considered ornamental fences.
- B. Open fences. A fence, including gates, which shall not exceed a height of six feet, and the surface area shall be more than 50% open for free passage of light and air. An open fence shall be permitted in any district, but in all residential districts, may not extend toward the street side of the lot nearer than the street side of the house or the required minimum front yard, whichever distance is greater. Open fences include, but are not limited to, chain-link, picket or wrought-iron type.
- C. Solid fences. A fence, including gates, which shall not exceed a height of six feet, and surface area may be more than 50% solid to conceal views from adjoining properties or streets. A solid fence shall be permitted in any district, but in all residential districts, shall not extend toward the street side of the lot nearer than the street side of the house or the required minimum front yard setback, whichever distance is greater. Solid fences include, but are not limited to, stockade, board-on-board, board-and-batten, basket-weave, and louvered type.
- D. Security fences. A fence, including gates, which shall not exceed 10 feet in height and may be of open or solid construction but shall be of open construction when located on the street side of a property. Security fences may include up to four strands of barbed wire on the top of the fence, provided that the barbed wire is at least eight feet above grade. A security fence shall be permitted in all nonresidential districts. Security fences may include any open or solid fence types.
- E. Agriculture fence. A fence, including gates, which shall not exceed 10 feet in height and may be of an open, solid or security type construction. Agriculture fences may contain barbed wire and shall only be permitted in the A-1 General Agriculture District and in the A-2 Secondary Agriculture District and only when the property is actively used for agriculture and/or farming. Agriculture fences may include any open, solid, or security fence type or fences constructed entirely of posts and barbed wire.

§ 360-140. Completion of installation.

A fence authorized by a fence permit shall be fully installed in accordance with this chapter and permit conditions, within 180 days of the date of permit issuance. A fence permit shall expire 180 days after the date of issuance. After a fence permit expires, no work requiring such a permit shall be commenced, resumed, or undertaken until a new permit is issued or the original permit is extended. The permit applicant may file a written request for an extension of the fence permit stating the reason for the request, for up to 180 additional days to complete the fence installation. The Zoning Administrator shall grant the request if good cause is shown

§ 360-141. 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 30 days minimum for such removal. Such orders shall be appealable to the Town Board of Appeals.

§ 360-142. Variance.

Any fence proposal at variance with the standards set forth in this article may, upon application, be considered by the Board of Appeals using the procedure and standards for the consideration of

variances set forth in § 360-28 of this chapter.

§ 360-143. Noncompliance; penalties.

All fences constructed or maintained in violation of any of the provisions of this article are hereby declared public nuisances within the meaning of this Code. The Zoning Administrator may bring an action to abate the nuisance in the manner set forth in the Wisconsin State Statutes.

Article XXVIII. Satellite Earth Stations

§ 360-144. 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.

§ 360-145. Exceptions.

Satellite earth stations that are less than 36 inches diameter or smaller than 600 square inches may be installed without a permit, but all other requirements of this article and the manufacturer's requirements must be followed.

§ 360-146. 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.

§ 360-147. 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 satellite earth station may be allowed per individual recorded lot, except additional stations may be permitted upon application for a variance in nonresidential 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 foot of drain fields.
- C. Mounting location.
 - (1) Satellite earth stations located in agricultural or residential districts shall be ground-mounted if over 36 inches in diameter or greater than 600 square 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 12 feet for the ground-mounted dish and six 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 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 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 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 or more residential property owners, all interconnecting electrical connections, cables and conduits must also be buried. The location of all such underground 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 days. However, such trial placement shall be in accordance with all provisions of this article. Failure to comply shall result in a citation being issued for violation of this article. 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 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 thereunder.

Article XXIX. Swimming Pools

§ 360-148. 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 aboveground swimming pool made of a rigid, noninflatable material and with a diameter in excess of 15 feet, or on any alteration, addition, remodeling or other improvements thereof.

§ 360-149. 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.

§ 360-150. Requirements.

- A. Private swimming pools subject to the issuance of a permit pursuant to this article shall be erected or constructed in 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 article 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 48 inches in height and so constructed as not to have voids, holes, or openings larger than four 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 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 36 inches high, on the top, but in no case less than 48 inches in height above the adjacent ground surface.^[1]

[1] *Editor's Note: Original Sec. 10.27, Wind Energy Systems, which immediately followed this subsection, was repealed 1-21-2014 by Ord. No. 14-01.*

Article XXX. Wellhead Protection District

§ 360-151. 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 groundwater supply being drawn upon by the wellhead.

§ 360-152. Supremacy of 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.

§ 360-153. 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.

§ 360-154. 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.

§ 360-155. 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.

§ 360-156. 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.

§ 360-157. 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:

Use	Setback
Storm sewer main	50 feet
Sanitary sewer main, sanitary sewer manhole or lift station	200 feet
Septic tank or soil absorption unit receiving less than 8,000 gallons per day	400 feet

§ 360-158. Prohibited uses.

The following uses are not permitted in this district:

Animal waste storage areas and facilities
 Asphalt ingredients storage or processing plants
 Car/truck-washing facilities
 Cheese factory, dairies and milk processing plants
 Cemeteries
 Chemical storage, sales, processing or manufacturing plants
 Dry-cleaning establishments
 Electronic circuit manufacture or assembly plants
 Electroplating operations
 Exterminating supply, storage or application shops
 Fertilizer manufacturing or storage operations
 Foundries and other forge plants
 Fuel storage or sales
 Garages for repair and servicing of motor vehicles, including body repair, painting or engine rebuilding if not on municipal sewer and water systems
 Industrial liquid waste storage areas
 Junk/recycling yards, motor vehicle salvage yards
 Landfills, areas for dumping or disposal of garbage, refuse, trash, construction or demolition material
 Metal reduction and refinement plants
 Mining operations, including sand and gravel
 Motor and machinery service and assembly shops if not on municipal water and sewer systems
 Motor freight terminal
 Paint products manufacturing
 Petroleum products storage or processing
 Photography studios involving the developing of film or pictures
 Plastics manufacturing
 Printing and publishing establishments
 Salt storage
 Pulp and paper manufacturing
 Septage and sewage sludge storage and disposal sites
 Storage, manufacturing or disposal of toxic or hazardous materials as defined in § 100.37, Wis. Stats.
 Underground petroleum products storage tanks for industrial, commercial, residential or other uses
 Woodworking, wood products manufacturing and wood finishing

§ 360-159. 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 60 days in which to make such recommendation.

- C. Within 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 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 811.12(5)(d)] have been satisfied.

Article XXXI. Gateway Overlay District

§ 360-160. 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.

§ 360-161. Boundaries.

- A. 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.^[1]

[1] *Editor's Note: The Zoning Map is included as an attachment to this chapter.*

- B. Unless otherwise indicated on the map, the district boundary lines are measured at 200 feet from the center lines 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.

§ 360-162. Standards.

- A. Although all of the property included in the Gateway Overlay District is not part of the Rome Town Center District, the standards found in Article **XVII** of this chapter of the Rome Town Code shall apply in the Gateway Overlay District as follows:

[Amended 10-17-2019 by Ord. No. 19-14; 4-15-2021 by Ord. No. 21-09]

- (1) Permitted land uses, general characteristics, development standards and architectural standards shall be as set forth in § **360-81.1**, Commercial "A" Subdistrict, of Article **XVII** of this chapter, with the exception that outdoor display of merchandise is permitted in areas more than 25 feet from the roadside property line. Any area used for outdoor merchandise display shall have been designated on an approved site plan.
- (2) Landscaping, lighting, parking, maintenance, signage and procedure for abatement of violations shall be per the standards set forth in § **360-81.6**, General requirements for all Rome

Town Center Subdistricts, and § **360-81.8**, Violations, of Article **XVII** of this chapter.

- (3) Project review and approval shall be per the standards set forth in § **360-81.7**, Project review and approval, of Article **XVII** of this chapter.
- B. Applicable standards in all other underlying Town of Rome Code sections shall be the minimum allowable standards in the Gateway Overlay District.

§ 360-163. Nonconforming structures and uses.

Shall be per § **360-11** and shall be applicable to all areas of the Gateway Overlay District.

§ 360-164. Amendments.

[Added 10-17-2019 by Ord. No. 19-14]

- 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 article, 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 District.
[Amended 4-15-2021 by Ord. No. 21-09]
- B. The procedure for amendments to the development standards and design guidelines within the Gateway Overlay District shall be per § **360-24**.