

## **CHAPTER 18 ZONING ORDINANCE**

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## **18-01.01 Authority**

- A. This ordinance is adopted under the authority granted by Chapters 60, 61.35, 62.23, and 91 of the Wisconsin Statutes and amendments thereto; and pursuant to this authority the Town Board of Town of Rockland, Brown County, Wisconsin ordains as follows:

## **18-01.02 Title**

- A. This ordinance shall be known, cited, and referred to as The Town of Rockland Zoning Ordinance, Brown County, Wisconsin.

### **18-01.03 Jurisdiction**

A. Jurisdiction of these regulations shall include all land and waters within the Town of Rockland, Brown County, Wisconsin.

### **18-01.04 Intent**

A. This ordinance is intended to promote the orderly development of the community in accordance with the Official Town Comprehensive Plan or any of the component parts thereof.

### **18-01.05 Purpose**

A. The Zoning Ordinance of the Town of Rockland, Brown County, Wisconsin, is adopted for the following purposes:

1. To lessen congestion in the streets;
2. To secure safety from fire, panic, and other dangers;
3. To promote and to protect the public health, safety, comfort, convenience, and general welfare;
4. To provide adequate standards of light, air, and open space;
5. To maintain the aesthetic appearances and scenic values of the Town, including the Niagara Escarpment;
6. To prevent the overcrowding of land;
7. To avoid undue concentration of population;
8. To facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and
9. To foster a more rational pattern of relationship among agricultural, residential, business, commercial, and manufacturing uses for the mutual benefit of all.

### **18-01.06 Severability**

- A. If a court of competent jurisdiction adjudges any section, clause, provision, or portion of this ordinance unconstitutional or invalid, the remainder of this ordinance shall not be affected thereby.
- B. If any application of this ordinance to a particular structure, use, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, use, land, or water not specifically included in said judgment.

### **18-01.07 General**

- A. For the purposes of this ordinance, words used in the present tense shall include the future; words used in the singular number shall include the plural number and the plural the singular; and masculine gender includes feminine and neuter.
- B. The word "shall" is mandatory and not discretionary;
- C. The word "may" is permissive;

- D. The word “lot” shall include the words “piece”, “parcel”, and “plats”; the word “building” includes all other structures of every kind regardless of similarity to buildings; and the phrase “used for” shall include phrases “arranged for”, “designed for”, “intended for”, “maintained for” and “occupied for”;
- E. All measured distances shall be to the nearest integral foot. If a fraction is one-half foot or less, the next integral foot below shall be taken;
- F. Any words not herein defined shall be constructed as defined in other respective state, county, and town codes. Where there is a conflict in definitions, the most restrictive shall apply.

## **18-01.08 Definitions**

- A. Certain words and terms in this ordinance are to be interpreted as defined herein:
  - 1. **Accessory Structure.** A structure located on the same lot as the principal structure, and is subordinate and customarily incidental to the use of the principal structure.
  - 2. **Advertising Device.** Any advertising sign, billboard, statuary, or poster panel which directs attention to a business, commodity, service, or entertainment not exclusively related to the premises where such sign is located or to which it is affixed; but does not include those advertising signs, billboards, or poster panels which direct attention to the business on the premises or to a brand name of a product or commodity with which the business is specifically identified and which is sold on the premises.
  - 3. **Agriculture.** The employment of land for the primary purpose of obtaining a profit in money
    - a. By raising, harvesting, and selling crops; or
    - b. feeding (including grazing), breeding, managing, selling, or producing livestock, poultry, fur-bearing animals or honeybees, or
    - c. by dairying and the sale of dairy products, or
    - d. by any other horticultural, floricultural or viticultural use, or
    - e. by animal husbandry, or
    - f. by any combination thereof.
  - 4. **Agricultural Use.** Means beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming; placing land in federal programs in return for payments in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836; participating in the milk production termination program under 7 USC 1446 (d); and vegetable raising.
  - 5. **Agricultural Use, Consistent with.** As defined in § 91.01(10) Wis. Stats., means any activity that meets all of the following conditions:
    - a. The activity will not convert land that has been devoted primarily to agricultural use.
    - b. The activity will not limit the surrounding land’s potential for agricultural use.
    - c. The activity will not conflict with agricultural operations on the land subject to a farmland preservation agreement.

- d. The activity will not conflict with agricultural operations on other properties.
6. **Airport or heliport.** Any area of land designated for the take-off and landing of aircraft, including all necessary facilities for the housing and maintenance of aircraft.
  7. **Alley.** A public right-of-way that normally affords a secondary means of vehicular access to abutting property.
  8. **Animal, Domestic.** Any animal that has been bred or raised to live in or about the habitation of humans and is dependent on people for food and shelter including, but not limited to dogs, cats, birds, rabbits, hamsters, turtles, and the like. See also "Livestock."
  9. **Animal, Exotic.** Any member of a species of animal, reptile, or bird, warm or cold-blooded, that is not indigenous to the environs of the State of Wisconsin or is not classified or considered as wildlife, livestock, or domestic animal.
  10. **Aquaculture.** The hatching, raising, and breeding of fish or other aquatic plants or animals for sale or personal use.
  11. **Artificial Lake.** A man-made body of water, two acres or greater in size utilized for recreational, aesthetic, or conservation purposes.
  12. **Auto Dealership.** The use of land for the display or sale of new or used automobiles, panel trucks or vans, trailers, or recreational vehicles. Auto dealerships must meet all applicable state codes.
  13. **Auto Salvage Yard.** Any lot or place that is exposed to the weather and upon which two (2) or more motor vehicles of any kind incapable of being operated or not currently licensed are placed, located, or found. Auto salvage yards must meet all applicable state codes.
  14. **Basement.** That portion of any structure located partly underground and having more than one-half (1/2) of its height below the finished lot grade.
  15. **Bed and Breakfast.** A place of lodging that provides five (5) or fewer rooms for rent for more than 10 nights in a 12-month period, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.
  16. **Berm.** A man-made mound of earth in excess of two feet in vertical height used to shield or buffer properties from adjoining uses, highways, or noise, for decorative purposes, or to control the direction of surface water flow.
  17. **Block.** A parcel, lot, or group of lots existing within well defined and fixed boundaries, usually being an area surrounded by streets or other physical barriers, and having an assigned number, letter, or other name through which it may be identified.
  18. **Board of Appeals.** A body consisting of appointed members authorized to: hear and decide upon appeals from any order, requirement, decision or determination of the Town of Rockland Zoning Administrator; hear and pass upon applications for variances from the terms of this ordinance as directed by the Town of Rockland Planning Commission; and hear and pass upon all matters referred to it, or upon which it is required to pass.
  19. **Buildable Area.** The space remaining on a lot after the minimum open space and setback requirements have been complied with; and that which is not in any floodway, wetland, or similarly designated environmental areas.
  20. **Building.** Any structure built, used, designed, or intended for the support, shelter, protection, or enclosure of persons, animals, chattels (personal property), or property of any kind, and which is permanently affixed to the land. When a building is divided into

separate parts by unpierced fire or party walls extending continuously from the ground through all stories to and above the roof, each part shall be deemed a separate building.

21. **Building, Attached.** A building which has at least part of a wall in common with another building, or which is connected to another building by a roof.
22. **Building, Detached.** A building which is not attached to any other building, but which is separated by a yard space from all other buildings.
23. **Building Height.** The vertical distance measured from the average elevation of the finished lot grade at the front of the building to the highest point of structure..
24. **Building, Principal.** The building in which is conducted the principal use of the zone lot on which it is located. Zone lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.
25. **Building Setback Line.** The distance from the boundaries of a lot within which structure(s) shall not be erected.
26. **Building, Temporary.** Excluding agricultural structures, any building not designed to be permanently located in the place where it is, or where it is intended to be placed or affixed, for a period of time not to exceed six (6) months, or as otherwise allowed in a specific ordinance. Manufactured homes used as residences and affixed to a permanent foundation shall not be classified as temporary buildings. See also "Roadside Stands."
27. **Business Establishment.** A place of business carrying out operations, the ownership and management of which are separate and distinct from those of any other place of business located on the same zoning lot.
28. **Campground.** A tract or parcel of land on which space is provided for camping; includes day and overnight camping.
29. **Canopy (Marquee).** A roof-like structure projecting from a wall and supported in whole or in part by vertical supports from the ground and erected primarily to provide shelter from the weather.
30. **Capacity in Persons of an Establishment or Use.** The maximum number of persons that can avail themselves of the services (or goods) of such establishment at any one time, with reasonable safety and comfort, as determined by the Building Code or as may be determined by the Zoning Administrator.
31. **Clinic.** A facility for examining and treating human patients with medical problems on an outpatient basis, including ambulatory care or similar medical services. A clinic shall not include inpatient care.
32. **Clinic, Veterinary.** An establishment for the care and treatment of the diseases and injuries of animals by a licensed veterinarian and where animals may be boarded during their convalescence.
33. **Club.** An association of persons for some common purpose, but not including groups organized primarily to render a service, which is customarily carried on as a business. All organizations shall be recognized clubs or fraternities.
34. **Community Based Residential Facility (CBRF).** A place where persons who are not related to the operator or administrator and who do not require care above intermediate level nursing care reside and receive care, treatment or services that are above the level of room and board but that include no more than 3 hours of nursing care per week per resident as described in § 50.01 Wisconsin Statutes. The establishment of a community based residential facility shall be in conformance with the Federal Fair Housing Act, 42

U.S.C. 3601, as amended, and shall not include transitional residential facilities as defined in this Section.

35. **Community Garden.** A privately or publicly owned piece of land for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family.
36. **Contiguous.** Land abutting other land which is not separated by public road rights-of-way or railroad/trail rights-of-way.
37. **Convenience Store.** A retail store with a floor area of between 5,000 and 10,000 square feet that sells convenience goods, such as prepackaged food items, beverages, periodicals, other household goods and may also sell petroleum products. Does not include service stations or repair garages.
38. **Corner Side Yard.** A yard extending along a side lot line from front yard to rear yard when said side lot line is parallel with a street right-of-way line.
39. **Conditional Use.** Uses of a special nature as to make impractical their predetermination as a principal use in a respective zone district.
40. **DATCP.** The Department of Agriculture, Trade, and Consumer Protection.
41. **Day Care Center, Group.** Any property other than an occupied residence for the care and supervision of nine (9) or more children under seven (7) years of age for more than four (4) and less than twenty-four (24) hours a day for more than ten (10) days a month and is licensed for such use by the State of Wisconsin.
42. **Day Care, Family or Home.** Any state licensed occupied residence in which the occupant provides day care for persons other than occupant's own family and the children of close relatives. Such care is limited to the care given to eight (8) or fewer persons, including persons living in the home and persons of close relatives cared for in the home.
43. **Drive-in Business.** An establishment with street access, which provides no interior seating or service; or an establishment which allows for interior seating or service but the majority of its business is conducted by means of a service window, in-car service, or carry-out counter.
44. **Dwelling.** A building or portion of a building designed exclusively for residential occupancy, including single-family dwellings, two-family dwellings, and multiple-family dwellings with individual sleeping, toilet, and cooking facilities, but not including buildings intended for use by transients. Dwellings shall include manufactured homes.
45. **Dwelling, Detached.** A dwelling which is completely surrounded by open space on the same lot.
46. **Dwelling Unit.** One (1) or more rooms, which are arranged, designed, or used as living quarters for one (1) family only. Individual bathrooms and complete kitchen facilities, permanently installed on a foundation, shall always be included for each "dwelling unit." Any structure used as a dwelling unit in the Town of Rockland must meet the requirements of the Uniform Dwelling Code.
47. **Dwelling, Single-Family.** A building designed for and occupied exclusively by one (1) family.
48. **Dwelling, Two-Family.** A building designed for and occupied exclusively by two (2) families.
49. **Dwelling, Multiple-Family.** A building, or portion thereof, which contains three (3) or more dwelling units.

50. **Employee or Staff Member, Full Time.** A person who works full-time at the building or use regulated. For computation of the sum of employees at a use scheduling more than one shift, the sum shall be based on the maximum number of employees at any one shift working at least thirty (30) hours per week.
51. **Extended Stay Hotel.** A hotel intended and designed for extended stays by guests which includes in-room cooking facilities, and is not a highway-oriented, overnight-stay facility.
52. **Family.** One or more persons, each related to the other by blood, marriage, adoption, or foster children, who are living together in a single dwelling and maintaining a common household. Not more than eight (8) unrelated persons living together on the premises may constitute a "family."
53. **Farm.** Any parcel of land, which is used for gain in the raising of agricultural products, livestock, poultry, or dairy products. At least 50 percent of gross household income must be earned from agricultural activities to be classified as a farm.
54. **Farm Consolidation.** Any combination of two or more farms that result in a smaller number of farms.
55. **Farm Family Business.** As stated in § 91.75(8) Wis. Stats., any lawful activity, except a farm operation, conducted primarily for any of the following:
- a. The purchase, sale, lease, or rental of personal or real property.
  - b. The manufacture, processing, or marketing of products, commodities, or any other personal property.
  - c. The sale of services.
  - d. A farm family business may be permitted as a conditional use if limited to existing farm residences or structures or portions of the existing farmstead that are not dedicated to agricultural uses. No more than two persons who are not members of the resident farm family may be employed in the farm family business.
56. **Farm Structures.** Any building or structure used for storing agricultural equipment or farm produce or products, housing livestock or poultry, or processing dairy products. The term "farm structure" shall not include dwellings or manure storage facilities, but shall include a barn or feed storage facility unless otherwise noted in this ordinance.
57. **Feedlot.** An agricultural enterprise where livestock is purchased and raised and then sold to purchasers such as a buyer, feedlot, or slaughterhouse.
58. **Floor Area.** (For determining floor area ratio and minimum building size).
- a. The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) buildings.
  - b. The "floor area" of a building shall include:
    - (1) Basement floor area,
    - (2) Elevator shafts and stairwells at each floor,
    - (3) Floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof),
    - (4) Penthouse,
    - (5) Attic space having headroom of seven (7) feet ten (10) inches or more,

- (6) Interior balconies and mezzanines,
- (7) Enclosed porches, and
- (8) floor area devoted to accessory uses.

- c. However, any space devoted to off-street parking or loading shall not be included in “floor area.” The floor area of accessory uses is further described in RCO 18-01.09(C)(4).
- d. The “floor area” of structures devoted to bulk storage of materials including, but not limited to, grain elevators and petroleum storage tanks shall be determined on the basis of height in feet; i.e., ten (10) feet in height shall equal one (1) floor.

**59. Floor Area.** (For determining off-street parking and loading requirements):

- a. Shall mean the sum of the gross horizontal areas of the several floors of the building or portion thereof, devoted to such use,
  - (1) Including accessory storage area located within selling or working space; such as counters, racks or closets,
  - (2) and any basement floor area devoted to
    - (A) Retailing activities to the production or processing of goods, or
    - (B) to business or professional offices.
- b. However, “floor area” for the purposes of measurement for off-street parking spaces shall not include: floor area devoted primarily to storage purposes (except as otherwise noted herein); floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space; or basement floor area other than area devoted to retailing activities, to the production or processing of goods, or to business or professional offices

- 60. **Foundation.** A closed perimeter formation consisting of materials such as concrete or concrete block which extends into the ground a minimum of 48 inches on footings below finish grade.
- 61. **Frontage.** A length of the front property line of the lot, lots, or tract of land abutting a public street, road, highway, or rural right-of-way.
- 62. **Fur Farm.** Agricultural operation where the major income is derived from the selling or sale of fur bearing animals and/or pelts.
- 63. **Game Farm.** Agricultural operation where non-domesticated animals typically found in the wild are bred and raised for purposes of hunting or harvest. Game farm does not include livestock.
- 64. **Game Preserve.** An area of land where game animals are stocked and persons pay a fee for purposes of hunting or harvest on the premises of the preserve.
- 65. **Garage, Private.** An accessory to the main building which provides for the storage of motor vehicles and in which no occupation, business, or service for profit is carried on.
- 66. **Garage, Public and Storage.** Any building or premises, other than a private garage, where motor driven vehicles are equipped, repaired, serviced, hired, sold, or stored.



67. **Grade.** The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.
68. **Greenhouse, Retail.** Retail business whose principal activity is the selling of plants grown on the site and having outside storage, growing, or display.
69. **Greenhouse, Wholesale.** Wholesale business whose principal activity is the growing of plants for resale to a retail outlet within an enclosed building.
70. **Green space.** A landscaped or grassy area in the Business, Industrial, and Institutional districts, as well as planned multi-family developments. Stormwater management facilities may be included in the calculation of minimum green space requirements.
71. **Gross Floor Area.** The sum of the gross horizontal areas of the several floors of a building or buildings measured from the exterior faces of exterior walls or from the center line of party walls separating two (2) buildings.
72. **Hard Surfaced.** A driveway or parking lot surfaced with concrete or bituminous paving.
73. **Health and Medical Institutions.** Institutions or organizations which provide specialized inpatient or outpatient medical and dental care.
74. **Hedge.** A dense row of vegetation forming a boundary, fence, or barrier.
75. **Home Occupation.** A home occupation is defined as any business or commercial activity that is conducted from property that is zoned for residential or agricultural use, and meets the following requirements:
  - a. The use shall be conducted entirely within a dwelling and carried on by the inhabitants hereof and no others
  - b. The use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes, and the appearance of the structure shall not be altered or the occupation within the residence be conducted in a manner that would cause the premises to differ from its residential character by the use of colors, materials, construction, lighting, or the emission of sounds or vibrations that carry beyond the premises.
  - c. Neither home occupation nor any storage of goods, materials, or products connected with a home occupation shall be allowed in accessory buildings, detached garages or outside of the dwelling.
  - d. There shall be no display of products visible in any manner from the outside of the dwelling.
  - e. There shall be no change in the outside appearance of the dwelling or premises or any visible evidence of the conduct of a home occupation.
  - f. The area set aside for home occupations shall not exceed 20 percent of the total floor area of such residence.
  - g. One sign advertising the home occupation may be permitted, provided that it does not exceed six (6) square feet of total area and is not illuminated.
  - h. A home occupation shall not create greater vehicle or pedestrian traffic than normal for the district in which it is located.
  - i. The use shall not require additional off-street parking spaces for clients or customers of the home occupation.
  - j. No home occupation shall cause an increase in the use of any one or more public utilities (such as water, sewer, electricity, and garbage collection) so that the

combined total use for dwelling and home occupation purposes exceeds the average for residences in the neighborhood.

- k. There shall be no deliveries to or from a home occupation with a vehicle larger than a 20,000 lbs. GVW truck.
    - l. There shall not be conducted on the premises the business of selling stocks of merchandise, supplies, or products, provided that orders previously made by telephone, via Internet, or at a sales party may be filled on the premises. That is, direct sales of products on display shelves or racks are not allowed, but a person may pick up an order placed earlier as described above.
  - m. No motor power other than electrically operated motors shall be used in connection with a home occupation.
  - n. No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, or odor detectable to the normal senses off the property.
  - o. No equipment or process shall be used which creates visual or audible electrical interference in any radio or television receiver off the premises or causes fluctuations in line voltage off the premises.
  - p. No commercial telephone directory listing, newspaper, radio, or television services shall be used to advertise the location of a home occupation to the general public.
  - q. Notwithstanding any provision contained herein to the contrary, garage, basement, yard, or other similar sales shall not be allowed more than twice each calendar year, and each sale shall not last more than 72 consecutive hours.
76. **Hotel.** A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five (5) sleeping rooms with or without cooking facilities in any individual room or apartment.
77. **Incompatible Use.** A use or service, which is unsuitable for direct association with certain other uses because it is contradictory, incongruous, or discordant.
78. **Industrial Park.** A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors. Industrial parks may be promoted or sponsored by private developers, community organizations, or government organizations.
79. **Kennel (Indoor).** A soundproof building in which four (4) or more dogs at least three (3) months of age are kept. Outdoor kennels shall not be permitted in the Town.
80. **Livestock.** Grazing animals or poultry kept either in open fields or structures for training, boarding, home use, sales, or breeding and production, including but not limited to cattle, riding and draft horses, hogs, sheep, goats, miniature horses, llamas, emus, alpacas, chickens, or turkeys.
81. **Lot.** A fractional part of a subdivision or certified survey map having an assigned number through which it may be identified and meeting the requirements of this ordinance for a building site.
82. **Lot of Record.** A lot which is part of a subdivision, the plat of which has been recorded in the Office of the Register of Deeds of Brown County; or a parcel of land, the deed to which was recorded in the Office of said Register of Deeds prior to the adoption of this ordinance, and certified survey maps approved and recorded in the Register of Deeds' Office of Brown County.

83. **Lot, Corner.** A lot abutting intersecting streets at their intersection.
84. **Lot, Depth of.** The mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.
85. **Lot Area, Gross:** The area contained within the property lines of the individual parcels of land as shown on a plat, excluding any area within a street right-of-way but including the area of any easement.
86. **Lot, Interior.** A lot other than a corner or reversed corner lot.
87. **Lot Line, Front.** That boundary of a lot which is along an existing or dedicated public street, or where no public street exists, along a public way.
88. **Lot Line, Rear.** That boundary of a lot which is most distant from and is, or is most nearly, parallel to the front lot line.
89. **Lot Line, Side.** Any boundary of a lot which is not a front lot line or a rear lot line.
90. **Lot, Reversed Corner.** A corner lot which is orientated so that it has its rear lot line coincident with or parallel to the side lot line of the interior lot immediately to its rear.
91. **Lot, Through.** A lot having a pair of opposite lot lines along two (2) more or less parallel public streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.
92. **Lot Width.** The horizontal distance between the side lot lines of a lot, measured at the narrowest width within the first thirty (30) feet of lot depth immediately in back of the front yard setback line.
93. **Manufactured Home.** A factory-built, single-family structure that is manufactured under the authority of the National Manufactured Home Construction and Safety Standards Act, is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame. For purposes of this ordinance, a manufactured home placed on a permanent foundation and meeting this definition shall be considered a single-family home and, therefore, may locate in any district permitting such use.
94. **Manufactured Home Park.** Any parcel of land designed, maintained, intended or used for the purpose of supplying a location of accommodations for two or more manufactured homes, and shall include all facilities used or intended for use as part of the equipment thereof. Manufactured home parks shall not include mobile or manufactured home sale lots on which unoccupied mobile or manufactured homes are parked for purposes of inspection and sale.
95. **Mini-Warehouse (self-service storage facility).** A building consisting of varying sizes of unheated, unattended, private, individual, compartmentalized, self-contained and controlled access units, stalls or lockers that are rented, leased, or owned for the storage of household or business goods or wares.
96. **Mobile Home (or Manufactured Home Class II).** A structure, transportable in one or more sections, which is at least eight feet in width and 32 feet in length, which is built on a permanent chassis, has a permanent hitch and axels, and is designed to be used as a dwelling unit, with or without a permanent foundation when connected to the required facilities.
97. **Mobile Home Park (or Manufactured Home Class II Park).** A parcel of land that has been planned and improved for the placement of two or more mobile homes for rental

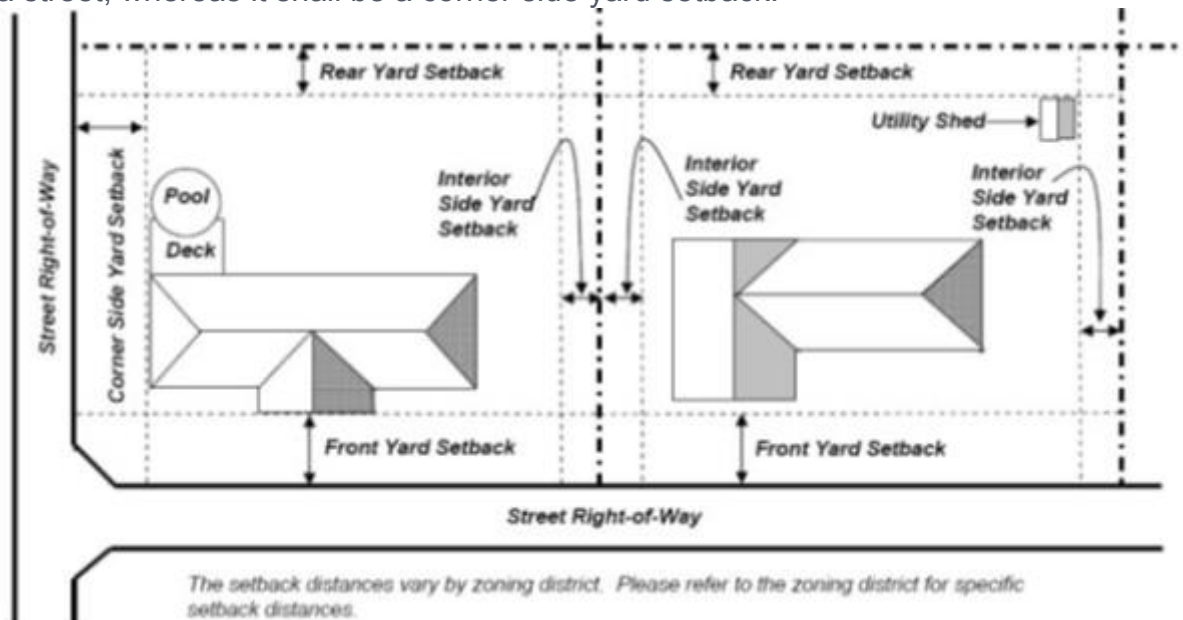
purposes for nontransient use. Mobile home parks shall not include mobile or manufactured home sale lots on which unoccupied mobile or manufactured homes are parked for purposes of inspection and sale.

98. **Motel.** A building or series of buildings in which transient lodging is offered for compensation, and which is distinguished from a hotel primarily by reason of providing direct independent access to, and adjoining parking for, each rental unit.
99. **Motor Vehicles.** A self-propelled device used or intended to be used for the transportation of freight or passengers upon a street or highway, except a device used exclusively upon stationary rail or tracks.
100. **Non-Conforming Lot.** A lot of record that does not conform to the lot requirements of the zoning district in which it is located.
101. **Non-Conforming Structure.** A structure which is used in a manner that does not conform to the dimensional regulations of the zoning district in which the building is located.
102. **Non-Conforming Use.** Any use of land which does not comply with all of the use regulations of the zoning district in which the building is located.
103. **Nursery.** A retail or wholesale operation for the cultivating, harvesting, and sale of plants, bushes, trees, and other nursery items grown on site or established in the ground prior to sale.
104. **Paddock.** An open, fenced area which may have a portion of the enclosed area roofed to provide shade, used to house one or more animals.
105. **Parking Space.** A graded and surfaced area of not less than two hundred (200) square feet in area either enclosed or open for the parking of a motor vehicle, having adequate ingress (entrance) and egress (exit) to a public street or alley, exclusive of passageways, driveways, or other means of circulation of access.
106. **Parties in Interest.** Parties in interest include the applicant, property owners within one hundred (100) feet of the property boundaries, and any others who have provided written communication requesting notification.
107. **Planning Commission.** An officially constituted Town of Rockland body consisting of elected and appointed members authorized to consider zoning matters and make recommendations to the Town Board.
108. **Planned Development.** A development guided by a total design plan in which one or more of the zoning or subdivision regulations, other than use regulations, may be waived or varied to allow flexibility and creativity in site and building design and location, in accordance with general guidelines.
109. **Pond, Landscape.** A man-made permanent or temporary body of open water, decorative in nature, which is less than 200 square feet in surface area and has a maximum depth of three feet.
110. **Pond, Manmade:** A permanent or temporary body of open water which is equal to or greater than 200 square feet in size and less than two acres in surface area.
111. **Pond, Stormwater Detention.** A permanent man-made pond or pool used for the temporary storage of stormwater runoff and which provides for the controlled release of such waters.
112. **Pond, Stormwater Retention.** A permanent man-made pond or pool designed to collect and prevent the release of a given volume of stormwater by complete on-site storage.

113. **Professional Office.** Administrative, executive, professional, research, or similar organizations, except health care, having only limited contact with public, provided that no merchandise or merchandising services are sold on the premises, except such as are incidental or accessory to the principal permissible use.
114. **Professional Office — Medical.** A building used exclusively by physicians, dentists, and similar personnel for the treatment and examination of patients solely on an outpatient basis, provided that no overnight patients shall be kept on the premises.
115. **Recreational Vehicle.** A vehicle primarily used for leisure activities including, but not limited to: trailers; boats with or without trailers; all-terrain vehicles and snowmobiles. For the purpose of this code, recreational vehicles do not include four-wheel drive cars or trucks and motorcycles.
116. **Retail Sales Establishment.** Establishments that provide goods directly to the general public for personal or household use, where such goods are available for immediate purchase and removal from the premises by the purchaser, including but not limited to sales of dry goods, prescription drugs, groceries, apparel, print materials, household wares, electronics, and appliances.
117. **Retail Services Establishment.** Establishments providing services or entertainment, as opposed to products, to the general public for personal or household use, including but not limited to eating and drinking places, hotels and motels, finance, real estate and insurance, personal service, motion pictures, amusement, and recreation services.
118. **Repair Garage.** A facility that provides collision repair services, including body frame straightening, replacement of damaged parts, painting, or major automotive, small engine, or agricultural implement repair.
119. **Restaurant.** A commercial establishment where food and beverages are prepared, served, and consumed primarily within the principal building and where food sales constitute more than 70 percent of the gross sales receipts for food and beverages.
120. **Right-of-Way.** A strip of land occupied or intended to be occupied for a special use, dedicated to the public by the maker of the plat on which such right-of-way and providing safe and orderly points of access at fairly uniformly spaced intervals.
121. **Roadside Stand.** A structure not permanently fixed to the ground that is readily removable in its entirety, covered or uncovered and not wholly enclosed, and used solely for the sale of farm products produced on the premises. No such roadside stand shall be more than three hundred (300) square feet in ground area and limited to ten (10) feet maximum height.
122. **Salvage (Junk) Yard.** An area, exposed to the weather, where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles.
123. **Sanitary Landfill.** Disposal of refuse on land without creating a nuisance or hazard to public health or safety, by utilizing the principles of engineering to confine the refuse to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation or at more frequent intervals.
124. **Satellite Dish Antenna.** A device incorporating a surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, and satellite microwave antennas. For purposes of this ordinance only, the regulations contained

herein shall not apply to satellite dish antennas measuring one (1) meter or less in diameter or width.

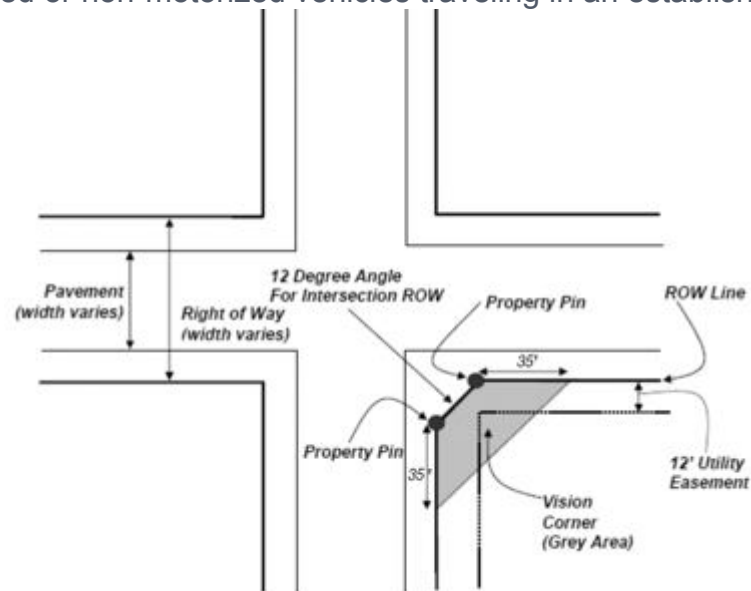
125. **Service Station.** Any premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tune-ups, lubrication and minor repairs are conducted; but shall not include establishments where major automotive maintenance activities, such as engine overhauls, vehicle painting, or body work is conducted. See also “convenience store.”
126. **Setback.** The minimum horizontal distance between the line of a building or structure and the property line.
127. **Setback Area.** The minimum horizontal area between the front, side and/or rear line of the building or use, including porches, and the lot lines, or street right-of-way lines.
128. **Setback, Corner Side Yard.** The minimum horizontal distance between the side line of the building or use that runs perpendicular to a fronting street, and the side right-of-way line perpendicular to the fronting street.
129. **Setback, Front Yard.** The minimum horizontal distance between the front line of the building or use and the street right-of-way line.
130. **Setback Lines.** Lines established adjacent to lot lines or street right-of-way lines for the purpose of defining limits within which any or certain buildings, structures, or uses may not be constructed, maintained or carried on, except as shown herein.
131. **Setback, Rear Yard.** The minimum horizontal distance between the back line of the building or use and the rear lot lines.
132. **Setback, Side Yard.** The minimum horizontal distance between the side line of the building or use and the side lot lines; unless the side line of the building or use is parallel to a street, whereas it shall be a corner side yard setback.



133. **Sign.** A name, identification, description, display, or illustration which is affixed to, or represented directly or indirectly upon, a building, structure, or piece of land, and which directs attention to an object, product, place, activity, person institution, organization, or business.
134. **Sign, Advertising.** A sign which directs attention to a business, commodity, service, or entertainment not exclusively related to the premises where such sign is located or to which it is affixed.

135. **Sign, Business.** A sign which directs attention to a business or profession conducted, or to a commodity, service or entertainment sold or offered, upon the premises where such sign is located or to which it is affixed.
136. **Slaughterhouse.** A building or portion thereof used in the conducting of a business enterprise where animals are butchered or where animals or parts thereof are processed, cut, or altered.
137. **Stockfarm.** An agricultural operation, usually non-dairying in nature where livestock is raised.
138. **Story.** That part of a building between any floor and the floor next above and, if there be no floor above, then the ceiling floor. A basement is a story if its ceiling is five (5) feet or more above the level from which the height of the building is measured, or if it is used for business purposes, or if it contains any dwelling units other than one (1) dwelling unit for the caretaker of the premises.
139. **Street.** Means and includes all access ways in common use, such as streets, roads, lanes, highways, avenues, boulevards, alleys, parkways, viaducts, circles, courts, and cul-de-sacs, and includes all of the land lying between the right-of-way lines as delineated on a plat showing such streets whether improved or unimproved, and whether dedicated for public use or held in trust, under the terms of a reservation; but shall not include those access ways, such as easements and rights-of-way intended for solely limited utility purposes, such as for electric power lines, gaslines, telephone lines, water lines, or drainage and sanitary sewers.
140. **Structure.** Anything constructed or erected on the ground (to include all types of buildings, attachments to buildings, parking lots, fences, and berms).
141. **Structure, Principal.** A structure or building in which is conducted the principal or main building or use.
142. **Structure, Accessory.** A subordinate structure detached from, or attached to, but located on the same lot as a principal building. The use of an accessory structure must be identical and accessory to the use of the principal building.
143. **Structural Alteration.** Any change, other than incidental repairs which would prolong the life of the supporting members of a building, such as the addition, removal, or alteration of bearing walls, columns, beams, girders, or foundations.
144. **Tavern.** An establishment used primarily for the serving of alcoholic beverages by the drink to the general public and where food may be served or sold as accessory to the primary use.
145. **Town.** The Town of Rockland, Brown County, Wisconsin.
146. **Town Board.** The governing body of the Town of Rockland.
147. **Town Zoning Administrator.** The Administrator appointed by the Town Board to administer and enforce the provisions of the Zoning Ordinance.
148. **Transitional Residential Facility.** A premises for the temporary placement of two (2) or more unrelated persons who are not considered Handicapped under the Fair Housing Act and are persons whom have been adjudicated juvenile delinquents, current users of illegal controlled substances, persons convicted for the illegal manufacture or distribution of a controlled substance, or convicted sex offenders, all of whom are on parole, extended supervision, or probation in a controlled environment, including supervision or monitoring.
149. **Truck Terminal (Cartage Facility).** A facility for the receipt, transfer, short term storage, and dispatching of goods transported by truck.

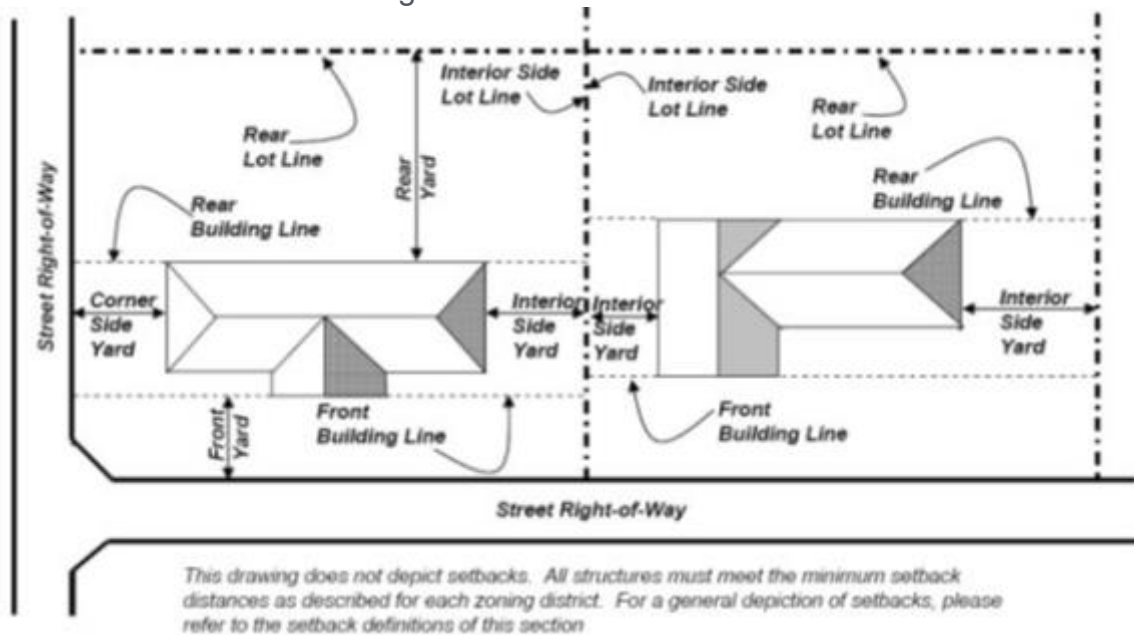
150. **Use, Accessory.** A use that is incidental and subordinate to that of the main building or use of land and that is located on the same lot and under the same ownership in all respects.
151. **Use, Conditional.** A use, either public or private, which, because of its unique characteristics, cannot be properly classified as a permitted use in a particular district or districts. After due consideration, in each case of the impact of such use upon neighboring land, and of the public need for the particular use of the particular location, such “conditional use” may or may not be granted, subject to the terms of this ordinance.
152. **Use, Principal.** The main use of land or buildings as distinguished from a subordinate or accessory use. A “principal use” may be “permitted,” “conditional” or “non-conforming.”
153. **Use, Permitted.** A use, which may be lawfully established in a particular district or districts, provided it conforms to all requirements, regulations, and standards of such district.
154. **Variance.** A departure from the terms of this zoning ordinance as applied to a specific building, structure, or parcel of land which the Board of Appeals may permit when the Board of Appeals finds that a literal enforcement of the provisions of this section will result in practical difficulty or unnecessary hardship, owing to circumstances unique to the individual property on which the variance is sought, or a literal application of such regulation will effect a limitation on the use of the property which does not generally apply to other properties in the same district, and for which there is no compensating gain or risk to the public health, safety and welfare. In no case shall a variance be granted to permit any use not permitted in a particular zone.
155. **Vision Corner.** An established line of sight that does not obstruct or impair the line of sight for motorized or non-motorized vehicles traveling in an established right-of-way.



156. **Wildlife.** Animals or plants existing in their natural habitats.
157. **Wind Energy System, Large (LWEF).** A facility that generates electricity or performs other work consisting of one or more wind turbines in which any one turbine has a total height of more than 170 feet and a nameplate capacity of more than 100 kilowatts under common ownership or operating control, and includes substations, MET towers, cables/wires and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customers. It includes substations, MET towers, cables and wires and other buildings accessory to such facility.



158. **Wind Energy System, Small (SWEF).** A single wind energy system that generates electricity or performs other work, has a total height of 170 feet or less, and has a nameplate capacity of 100 kilowatts or less. Any wind energy facilities not falling under this definition shall be deemed large wind energy facilities.
159. **Wireless Telecommunication Facility.** Includes any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, PSC towers, alternative tower structures, and the like as regulated in RCO 18-06.00.
160. **Yard.** An open space on the same lot with a building or structure, unoccupied and unobstructed from the ground upward, except for vegetation. A “yard” extends along a lot line, and to a depth or width specified in the yard requirements for the zone the lot is located in.
161. **Yard, Corner Side.** A side yard which adjoins a public street.
162. **Yard, Front.** A yard extending along the full length of the front lot line between the side lot lines and in front of the front building line.
163. **Yard, Interior Side.** A side yard which is located immediately adjacent to another zoning lot or to an alley separating such side yard from another zoning lot.
164. **Yard, Rear.** A yard extending along the full length of the rear lot line between the side lot lines and behind the rear building line.



165. **Yard, Transitional.** That yard which must be provided on a zoning lot in a Business District which adjoins a zoning lot in a Residence District, or that yard which must be provided on a zoning lot in an Industrial District which adjoins a zoning lot in either a Residence or Business District.
166. **Zoning District.** Divisions of the town, each area being accurately defined to boundaries and locations on the Official Zoning Map and in the Zoning Ordinance, for which the regulations and requirements governing use, lot, and bulk of buildings and premises are uniform.

## HISTORY

Amended by Ord. [2019-03](#) on 8/19/2019

**18-01.09 General Provisions**

A. **Existing Ordinance.** Restriction or requirements with respect to buildings or land or both which appear in other ordinances of the Town of Rockland or are established by Federal, State and County Laws, and which are greater than those set forth herein shall take precedence over those herein. Otherwise the provisions of this ordinance shall apply.

**B. Buildings and Uses**

1. The use of buildings hereafter erected, enlarged, converted, structurally altered, rebuilt, or moved; and existing land shall be used only for purposes as specified in this ordinance. Furthermore, land and building uses shall be in compliance with the regulations as established herein for each district.
2. All principal structures shall be located on a lot; and only one principal structure shall be located, erected, or moved onto a lot except in the case of planned unit developments.
3. Every publicly sewerred lot shall have a minimum of 4,000 square feet of contiguous buildable area. Every privately sewerred lot shall have a minimum of 6,000 square feet of contiguous buildable area. For purposes of this requirement, contiguous shall be defined as land which is not separated by streets, ways, waterways, environmentally sensitive areas, or rights-of way owned by other persons.
4. If a nonconforming use of a building or premises is discontinued for a period of 12 months, any future use of the building or premises shall conform to the regulations for the district in which it is located. Existing farming operations shall be exempt from these restrictions.
5. No lot area shall be reduced so that the yards and open spaces shall be smaller than is required by this ordinance. If the lot area is less than the minimum number of square feet required for a dwelling for the district in which it is located-- but was a legal lot of record and met the minimum square footage for the district it was located within prior to adoption of this ordinance — such lot may be occupied by a dwelling, provided it meets the sanitary ordinance, building code, and other pertinent Town, County, and State requirements.
6. Where the Town Zoning Administrator has issued a Building Permit pursuant to the provisions of this ordinance, such permit shall become null and void unless work thereon is substantially underway within six (6) months of the date of the issuance of such permit by the Town Zoning Administrator. For purposes of this section, substantially underway shall be interpreted to mean framing of the principal structure on the site has begun. All residential dwelling unit construction shall be completed within twelve (12) months of building permit issuance by the Town Zoning Administrator. The Town Zoning Administrator may extend this deadline by six (6) months. Following the initial twelve months and six month extension, only the Town Board may extend this timeline further.
7. Where a building permit for a building or structure has been issued in accordance with the law prior to the effective date of this ordinance, and provided that construction is begun within six (6) months of such effective date and diligently prosecuted to completion, the said building or structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued, and further, may upon completion be occupied by the use for which originally designed and subject thereafter to the provisions of RCO 07-01.00 and RCO 18-10.00.
8. No principal building, accessory building, or structure shall be moved from one (1) zone district to another zone district unless so authorized by the Town Planning Commission.

9. Uses not listed as either permitted or conditional uses in this ordinance shall be considered as not allowable, except that the Planning Commission may recommend and the Town Board may allow land uses (permitted or conditional), which, though not contained by name in a zoning district list of permitted or conditional uses, are deemed to be similar in nature and clearly compatible with the listed uses.
10. All structures must maintain a minimum of ten feet of separation distance from each other for fire fighting purposes.
11. All fuel storage facilities must meet all applicable state and federal regulations.

**C. Accessory Buildings and Uses.** In addition to the specific zoning district regulations established elsewhere in this ordinance, the following general requirements shall apply to all accessory buildings and uses.

1. **Compatibility and Time of Construction:** Accessory buildings and uses shall be compatible with the principal use of the property and shall not be constructed or established prior to the principal structure.
2. **Setback of Accessory Buildings:**
  - a. In the RS-1 zoning district, with the exception of multi-family developments, accessory buildings shall not be located in front of, or closer, to a street right-of-way than the front building line, within the corner side lot if on a corner lot, or closer than 10 feet to any interior side or rear property line.
  - b. In the RR-1, ER-2, ER-5, and ER-10 zoning districts, with the exception of multi-family developments, accessory buildings shall not be located in front of, or closer to a street right-of-way than the front building line, within the corner side lot if on a corner lot, or closer than 25 feet to any interior side or rear property line.
  - c. No part of the roof overhang may extend more than 24 inches into any setback.
3. **Garages:** In RS-1, RR-1, ER-2, ER-5, and ER-10 zoning districts, with the exception of multi-family developments, not more than one garage (if detached, not more than 864 square feet) shall be located on a lot.
  - a. Only those residential structures without an attached garage may be permitted to have a detached garage.
  - b. A detached garage does not count toward the maximum square footage of accessory structures permitted on a lot as described in Chapter 18-01.09(C)(4)(f).
  - c. Garages, whether detached or attached, shall not exceed three stalls in width.
  - d. Garages must have a minimum 4:12 roof pitch.
4. **Size and Number of Accessory Structures:** Unless specified differently in an approved PDD document, accessory structures shall comply with the following regulations.
  - a. All accessory structures are required to have an approved permit from the Town of Rockland Zoning Administrator prior to construction.
  - b. Accessory structures in the RS-1, RR-1, ER-2, ER-5, and ER-10 zoning districts must have a minimum 4:12 roof pitch.
  - c. All floors of accessory buildings with a minimum of six (6) feet of height shall be counted toward the total floor area.

- d. Two-family residential dwellings may be permitted one accessory structure per unit, provided they meet all the requirements of Chapter 18-01.09(4)(f).
- e. Pools, decks, and gazebos detached from the principal structure shall not be included in the calculation of accessory structure square footage or as counting toward the thirty percent of buildable area of a rear yard.
- f. Non-Farm Accessory buildings shall not occupy more than thirty (30) percent of the buildable area of a rear yard, and shall not exceed the maximum square footage of accessory buildings as follows:

Parcel Size (acres)	Maximum square footage allowed per parcel
0.99 or less	600
1 to 1.99	1200
2 to 2.99	1500
3 to 3.99	2000
4 to 4.99	3000
5 to 5.99	5000
6 to 6.99	5500
7 to 7.99	6000
8 to 8.99	6500
9 to 9.99	7000
10 and above (Non-Farming)	8000

- g. There shall be no maximum number or floor area for accessory farm structures within the Estate Residential (ER-10) or Exclusive Agricultural (EA) zoning districts, provided they are used as a part of a legitimate agricultural operation.
- h. Multi-family structures and on lots zoned B-1, B-2, IN, I-1, or I-2, the number and floor area of accessory structures shall comply with a Town-approved site plan.

**D. Area Regulations**

- 1. Lot size shall comply with the required regulations of the established district.
- 2. No building permit shall be issued for a lot that abuts on a half street.

**E. Height Regulations**

- 1. Except as otherwise provided in this ordinance, the height of any building hereafter erected, converted, enlarged, or structurally altered shall be in compliance with the regulations established herein for the district in which such building is located.
- 2. Farm structures, belfries, chimneys, cooling towers, elevator bulkheads, fire towers, monuments, silos, tanks, water towers, spires, masts or aerials, telephone poles and lines, wireless telecommunication poles, wind turbines, and power transmission poles and lines, are hereby exempted from the height regulations of this ordinance.

3. Churches, schools, hospitals, sanitariums and other public and quasi-public buildings may be erected to a height not exceeding 60 feet, provided the front, side and rear yards required in the district in which such building is to be located are each increased at least one (1) foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.
4. Residential uses may be erected to a height exceeding those listed for each zoning district provided the front, side, and rear yards required in the district in which said building is to be located are each increased at least one (1) foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located. Measurements shall be taken from the building setback line.

#### **F. Front, Side, and Rear Yard Regulations**

1. No front yard shall be used for open storage of registered boats, licensed vehicles, or any other equipment except for vehicular parking on driveways.
2. Buildings on through lots and extending from street to street may waive the requirements for a rear yard by furnishing an equivalent open space on the same lot in lieu of the required rear yard provided that the setback requirements on both streets are complied with; and further provided that no accessory building shall extend within the setback line on either street.
3. Detached accessory buildings may be located in the rear yard, or the side yard of a main building provided such accessory building meets district requirements and the requirements of RCO 18-01.09(C).

#### **G. Fences, Walls, Hedges, and Berms**

1. A fence, wall, hedge, berm, or shrubbery may be erected, placed, maintained or grown along a lot line on residentially zoned property or adjacent thereto to a height not exceeding eight (8) feet above the ground level. No fence, wall, hedge, berm, or shrubbery which is located in a front or corner side yard shall exceed a height of three (3) feet.
2. No fence, wall, hedge, berm, or shrubbery shall be erected, placed, maintained, or grown along a lot line on any non-residentially zoned property, adjacent to residentially zoned property, to a height exceeding eight (8) feet, unless used as a buffer between zones as approved by the Town Board.
3. In any district no fence, wall, hedge, berm, or shrubbery shall be erected, constructed, maintained, or grown to a height exceeding three (3) feet above the street grade nearest thereto, within 35 feet of the intersection of any street lines or of street lines projected.
4. The owner of a fence, wall, hedge, berm, or shrubbery shall provide proper maintenance and repair, as appropriate. The finished side of a fence shall face the neighboring property. Dead or diseased plants, limbs, or other plant material associated with a hedge or berm shall be replaced.

#### **H. Driveways**

1. In the RS-1, RR-1, ER-2, ER-5, ER-10, NPWLI, AG-FP, AB, and IN zoning districts, driveways must be located a minimum of six (6) feet from the property line or as otherwise regulated by the Town of Rockland.

#### **I. Residential Design Standards**

1. All one and two family residential structures shall have a roofline pitch of not less than 6:12 and at least one projecting roofline toward the street.

#### HISTORY

Amended by Ord. [2013-7](#) on 12/16/2013

Amended by Ord. [2015-2](#) on 4/6/2015

Amended by Ord. [2016-06](#) on 12/5/2016

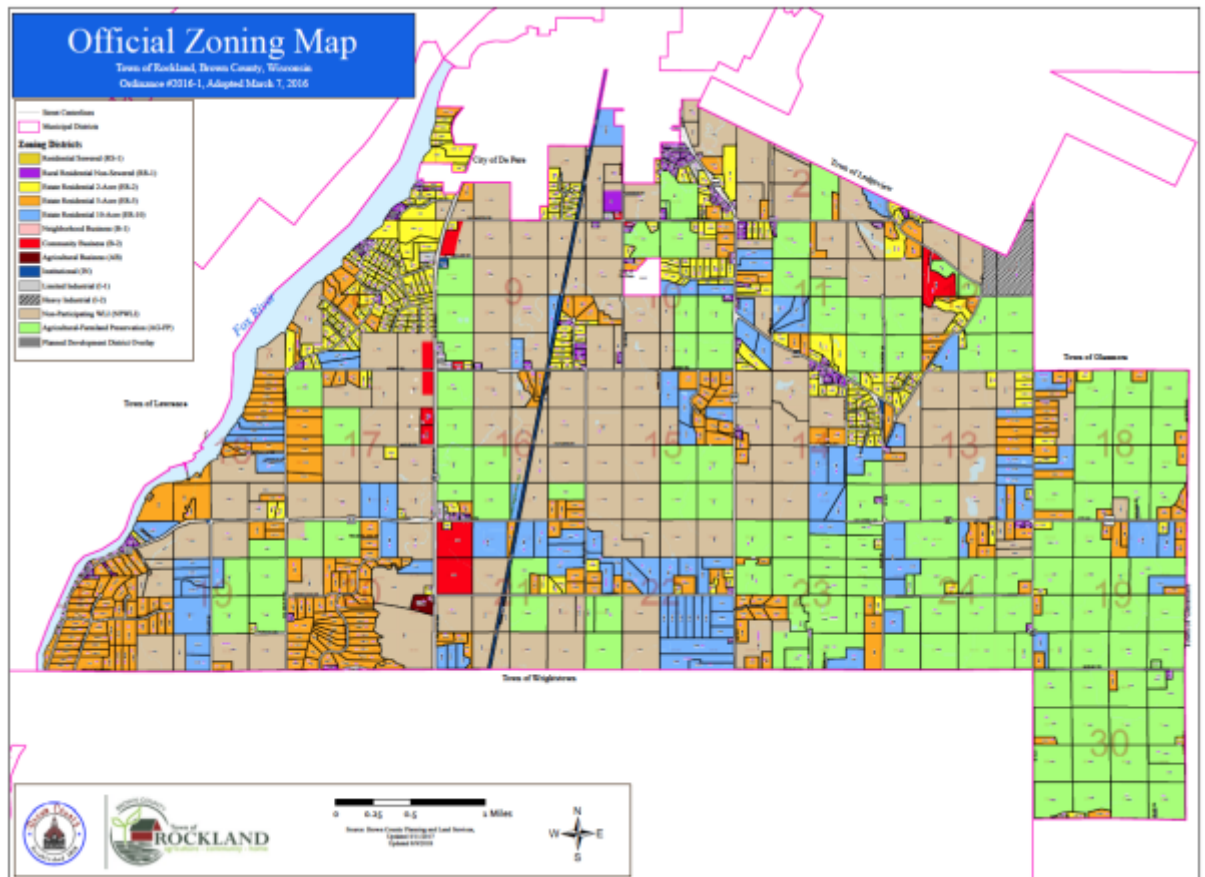
### **18-01.10 Establishment Of Zones**

**A. Zone Districts.** For the purpose of this ordinance, the Town of Rockland, Brown County, Wisconsin is hereby divided into the following zoning districts:

1. Residential Sewered (RS-1) District
2. Rural Residential Non-Sewered (RR-1) District
3. Estate Residential 2-Acre (ER-2) District
4. Estate Residential 5-Acre (ER-5) District
5. Estate Residential 10-Acre (ER-10) District
6. Agricultural Non-Working Lands Initiative (NPWLI)
7. Neighborhood Business (B-1) District
8. Community Business (B-2) District
9. Institutional (IN) District
10. Limited Industrial (I-1) District
11. Heavy Industrial (I-2) District
12. Planned Development District Overlay (PDD)
13. Agricultural Business District (AB)
14. Agricultural Farmland Preservation (AG-FP)

**B. Zoning Map.** The Town of Rockland is hereby divided into Zoning Districts as shown upon a map designated as the Official Zoning District Map of the Town of Rockland. The Official Zoning District Map, and all the notations, references and other information found thereon, are as part of this chapter and shall have the same force and effects as if the matters and information set forth on said Map were fully describe herein.

1. The Official Zoning District Map shall be properly attested and kept on file along with the text of the Town Zoning Ordinances in the office of the Town Clerk.
2. The Official Zoning District Map, dated December 16, 2013 is hereby adopted as the [Official Zoning Map](#) of the Town. All further zoning changes shall be made by reference to the Map. Amendments to the Zoning Ordinance may be made in accordance with Wis. Stats. § 62.23(7).
3. All amendments to the Official Zoning District Map are kept on file in the office of the Town Clerk.



**C. Zone Boundaries.** The following rules shall apply with respect to the boundaries of the various districts as shown on the Official Zoning District Map:

1. District boundary lines are the centerlines of highways, streets, alleys, and pavements; or right-of-way lines of railroads, toll roads, and expressways; or section, division of section, tract and lot lines; or such lines extended, unless otherwise indicated.
2. In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with dimensions shown on the maps measured at right angles from the center line of the street or highway, and the length of frontage shall be in accordance with dimensions shown on the map from section, quarter section, or division lines, or center lines of streets and highways, or railroad rights-of-way, unless otherwise indicated.
3. Where a district boundary line divides a lot in single ownership on the effective date of this ordinance, the Board of Appeals, after due hearing, may extend the regulation for either portion of such lot.

#### D. Exempted Uses

1. The following uses are exempted by this ordinance and permitted in any zone district except the Agricultural-Farmland Preservation (AG-FP) district: utilities necessary for development or public improvements, provided that the installation shall conform to the Federal Communication Commission and Federal Aviation Agency rules and regulations, and other authorities having jurisdiction. However, wind turbines, navigational aviation towers, radio, television, wireless communications, and other wireless telecommunications transmission and booster towers are subject to the regulations prescribed for such uses within this ordinance.

**HISTORY**

Adopted by Ord. [2011-02](#) on 9/6/2011  
 Amended by Ord. [2013-9](#) on 12/16/2013  
 Amended by Ord. [2013-5](#) on 12/16/2013  
 Amended by Ord. [2015-1](#) on 4/6/2015  
 Amended by Ord. [2016-1](#) on 3/7/2016  
 Amended by Ord. [2017-01](#) on 2/6/2017  
 Amended by Ord. [2017-02](#) on 2/6/2017  
 Amended by Ord. [2017-03](#) on 4/3/2017  
 Amended by Ord. [2017-04](#) on 5/1/2017  
 Amended by Ord. [2017-05](#) on 9/5/2017  
 Amended by Ord. [2018-01](#) on 5/21/2018  
 Amended by Ord. [2018-02](#) on 7/16/2018  
 Amended by Ord. [2018-03](#) on 8/6/2018  
 Amended by Ord. [2018-04, Part 2](#) on 10/15/2018  
 Amended by Ord. [2020-01](#) on 5/18/2020  
 Amended by Ord. [2020-02](#) on 6/1/2020

**18-01.11 Residential Sewered (RS-1) District**

**A. Intent.** The intent of the Residential Sewered (RS-1) District is to provide for varied housing options that have access to public sanitary sewer and water in the Town of Rockland.

**B. Uses.** The following uses are allowed in the Residential Sewered (RS-1) zoning district:

**1. Permitted Uses**

- a. Community Based Residential Facilities serving eight (8) or fewer persons
- b. Detached, single family dwellings
- c. Public parks and playgrounds

**2. Conditional Uses** (Subject to the regulations specified in RCO 18-10.11)

- a. Bed and breakfast establishments
- b. Community Based Residential Facilities serving nine (9) or more persons
- c. Detached, two family dwellings
- d. Golf courses (including driving ranges, pitch and putt establishments, or miniature golf courses)
- e. Multi-family dwellings, as part of a planned development

**3. Accessory Uses** (Subject to the regulations specified in RCO 18-01.09(C))

- a. Decks
- b. Home occupations as defined in RCO 18-01.08.
- c. Landscape ponds
- d. Outbuilding for the storage of common household items
- e. Pools (private)

**C. Dimensional Regulations****1. Lots**

- a. Lots shall have an area of at least twelve thousand (12,000) square feet



- b. Each lot shall contain a minimum of one hundred (100) feet of street frontage.
- c. Corner lots shall contain a minimum of one hundred ten (110) feet of street frontage.
- d. In no case shall lot frontage measured at the right-of-way line of a cul-de-sac or curved street be less than 65 feet.

2. **Setback Regulations.** Unless otherwise shown on a recorded subdivision plat or certified survey map, the following minimum setback regulations shall apply to all lots in the Residential Sewered (RS-1) zoning district.

Yard	Urban Street Setbacks	Rural Street Setbacks
Front Yard	30' from ROW	40' from ROW
Corner Side Yard	30' from ROW	40' from ROW
Interior Side Yard	10' from side lot line	10' from side lot line
Rear Yard	25' from rear lot line	25' from rear lot line
Accessory Structure	10' from side and rear lot lines	10' from side and rear lot lines

3. **Height Regulations**

- a. Principal Structure: 35 feet maximum, except as provided in RCO 18-01.09(E).
- b. Accessory Structures shall not exceed the height of the principal structure or 25 feet, whichever is the least, except as provided in RCO 18-01.09(E).

D. **Building Size**

- 1. Minimum size of a single or two-family residential dwelling unit shall be 1,200 square feet of first floor area.
- 2. Minimum size of a multi-family residential dwelling unit shall be 1,000 square feet of first floor area.

E. **Parking**

- 1. Parking shall conform to the requirements set forth in RCO 18-05.00, Off-Street Parking Requirements.

F. **Other Requirements**

- 1. Minimum four (4) foot deep and eight (8) inch wide continuous frostwall on footings shall be required for all structures utilized as dwelling units in the Town of Rockland.

**18-01.12 Rural Residential Non-Sewered (RR-1) District**

- A. **Intent.** The intent of the Rural Residential (RR-1) zoning district is to provide for rural residential lots that do not yet have access to public sanitary sewer or water, but may in the near future.
- B. **Uses.** The following uses are allowed in the Rural Residential Non-Sewered (RR-1) zoning district:

**1. Permitted Uses.**

- a. Community Based Residential Facilities serving eight (8) or fewer persons
- b. Detached, single family dwellings
- c. Public parks and playgrounds

**2. Conditional Uses** (Subject to the regulations specified in RCO 18-10.10)

- a. Bed and breakfast establishments
- b. Detached, two family dwellings
- c. Golf courses (including driving ranges, pitch and putt establishments, or miniature golf courses)
- d. Small wind energy facility

**3. Accessory Uses** (Subject to the regulations specified in RCO 18-01.09(C))

- a. Decks
- b. Home occupations as defined in RCO 18-01.08.
- c. Landscape ponds
- d. Outbuildings for the storage of common household items
- e. Pools (private)

**C. Dimensional Regulations**

**1. Lots**

- a. Lots in the Rural Residential (RR-1) zoning district shall have an area of at least forty thousand (40,000) square feet.
- b. Each lot shall contain a minimum of one hundred fifty (150) feet of street frontage. In no case shall lot frontage measured at the right-of-way line of a cul-de-sac or curved street be less than 90 feet.

**2. Setback Regulations**

Yard	Urban Street Setbacks	Rural Street Setbacks
Front Yard	30' from ROW	40' from ROW
Corner Side Yard	30' from ROW	40' from ROW
Interior Side Yard	10' from side lot line	10' from side lot line
Rear Yard	25' from rear lot line	25' from rear lot line
Accessory Structure	10' from side and rear lot lines	10' from side and rear lot lines

**3. Height Regulations**

- a. Principal Structure: 35 feet maximum, except as provided in RCO 18-01.09(E).

- b. Accessory Structure: shall not exceed the height of the principal structure or 25 feet, whichever is the least, except as provided in RCO 18-01.09(E).

#### D. Building Size

1. Minimum size of a residential dwelling unit shall be 1,200 square feet of first floor area.

#### E. Parking

1. Parking shall conform to the requirements set forth in RCO 18-05.00, Off-Street Parking Requirements.

#### F. Other Requirements

1. Minimum four (4) foot deep and eight (8) inch wide continuous frostwall on footings shall be required for all structures utilized as dwelling units in the Town of Rockland.

### **18-01.13 Estate Residential 2-Acre (ER-2) District**

A. **Intent.** The intent of the ER-2 zoning district is to provide for large, estate residential lots in the more rural parts of the Town.

B. **Uses.** The following uses are allowed in the Estate Residential 2-Acre (ER-2) zoning district:

#### 1. Permitted Uses

- a. Community Based Residential Facilities serving eight (8) or fewer persons
- b. Detached, single family dwellings
- c. Floriculture
- d. Forestry
- e. Horticulture
- f. Public parks and playgrounds

#### 2. Conditional Uses (Subject to the regulations specified in RCO 18-10.10)

- a. Bed and breakfast establishments
- b. Detached, two family dwellings
- c. Golf courses (including driving ranges, pitch and putt establishments, or miniature golf courses)
- d. Greenhouses for wholesale trade
- e. Nurseries
- f. Orchards
- g. Ponds as regulated under RCO 18-07.00 Man-Made Bodies of Water
- h. Small wind energy facilities, not requiring authorization under § 196.491(3) Wis. Stats.

#### 3. Accessory Uses (Subject to the regulations specified in RCO 18-01.09(C))

- a. Decks

- b. Farm structures
- c. Greenhouses (private, not for on-site retail sales)
- d. Home occupations as defined in RCO 18-01.08.
- e. Keeping of domestic animals or livestock as allowed under the Town of Rockland Animal Ordinance.
- f. Landscape ponds
- g. Outbuilding(s) for the keeping of domestic animals, livestock, or common household items
- h. Paddocks
- i. Pools (private)
- j. Roadside stands

**C. Dimensional Regulations**

**1. Lots**

- a. Lots in the Estate Residential 2-Acre (ER-2) zoning district shall have an area of at least two (2) acres.
- b. Each lot shall contain a minimum of two hundred (200) feet of street frontage. In no case shall lot frontage measured at the right-of-way line of a cul-de-sac or curved street be less than 115 feet.

**2. Setback Regulations**

Yard	Urban Street Setbacks	Rural Street Setbacks
Front Yard	30' from ROW	40' from ROW
Corner Side Yard	30' from ROW	40' from ROW
Interior Side Yard	10' from side lot line	25' from side lot line
Rear Yard	25' from rear lot line	25' from rear lot line
Accessory Structure	25' from side and rear lot lines	25' from side and rear lot lines

**3. Height Regulations**

- a. Principal Structure: 35 feet maximum, except as provided in RCO 18-01.09(E).
- b. Accessory Structures shall not exceed the height of the principal structure or 25 feet, whichever is the least, except as provided in RCO 18-01.09(E).

**D. Building Size**

- 1. Minimum size of a residential dwelling unit shall be 1,200 square feet of first floor area.

**E. Parking**

- 1. Parking shall conform to the requirements set forth in RCO 18-05.00, Off-Street Parking Requirements.

## F. Other Requirements

1. Minimum four (4) foot deep and eight (8) inch wide continuous frostwall on footings shall be required for all structures utilized as dwelling units in the Town of Rockland.

### **18-01.14 Estate Residential 5-Acre (ER-5) District**

A. **Intent.** The intent of the ER-5 zoning district is to provide for rural estate lots with the option of keeping domestic animals.

B. **Uses.** The following uses are allowed in the Estate Residential 5-Acre (ER-5) zoning district:

#### 1. Permitted Uses

- a. Community Based Residential Facilities serving eight (8) or fewer persons
- b. Detached, single family dwellings
- c. Floriculture
- d. Forestry
- e. Horticulture
- f. Public parks and playgrounds

#### 2. Conditional Uses (Subject to the regulations specified in RCO 18-10.10)

- a. Bed and breakfast establishments
- b. Detached, two family dwellings
- c. Golf courses (including driving ranges, pitch and putt establishments, or miniature golf courses)
- d. Greenhouses for wholesale trade
- e. Indoor kennels
- f. Nurseries
- g. Orchards
- h. Ponds as regulated under RCO 18-07.00 Man-Made Bodies of Water
- i. Small wind energy facilities, not requiring authorization under § 16.491(3) Wis. Stats.
- j. Additional activities as approved by the Town Board.

#### 3. Accessory Uses (Subject to the regulations specified in RCO 18-01.09(C))

- a. Decks
- b. Farm structures
- c. Greenhouses (private, not for on-site retail sales)
- d. Home occupations as defined in RCO 18-01.08
- e. Keeping of domestic animals or livestock consistent with RCO 18-12.00 Animal Ordinance.

- f. Landscape ponds
- g. Outbuilding(s) for the keeping of domestic animals, livestock, or for the storage of common household items
- h. Paddocks
- i. Pools (private)
- j. Roadside stands

**C. Dimensional Regulations**

**1. Lots**

- a. Lots in the Estate Residential 5-Acre (ER-5) zoning district shall have an area of at least five (5) acres.
- b. Each lot shall contain a minimum of two hundred fifty (250) feet of street frontage. In no case shall lot frontage measured at the right-of-way line of a cul-de-sac or curved street be less than 115 feet.

**2. Setback Regulations**

Yard	Urban Street Setbacks	Rural Street Setbacks
Front Yard	30' from ROW	40' from ROW
Corner Side Yard	30' from ROW	40' from ROW
Interior Side Yard	25' from side lot line	25' from side lot line
Rear Yard	25' from rear lot line	25' from rear lot line
Accessory Structure	25' from side and rear lot lines	25' from side and rear lot lines

**3. Height Regulations**

- a. Principal Structure: 35 feet maximum, except as provided in RCO 1.09(E).
- b. Accessory Structures shall not exceed the height of the principal structure or 25 feet, whichever is the least, except as provided in RCO 18-01.09(E).

**D. Building Size**

- 1. Minimum size of a residential dwelling unit shall be 1,200 square feet of first floor area.

**E. Parking**

- 1. Parking shall conform to the requirements set forth in RCO 18-05.00, Off-Street Parking Requirements.

**F. Other Requirements**

- 1. Minimum four (4) foot deep and eight (8) inch wide continuous frostwall on footings shall be required for all structures utilized as dwelling units in the Town of Rockland.

## HISTORY

Amended by Ord. [2016-03](#) on 8/1/2016

**18-01.15 Estate Residential 10 Acre (ER-10) District**

A. **Intent.** The intent of the Estate Residential 10-Acre (ER-10) zoning district is to establish a zoning category for large, rural estate lots that in some cases may also function as small hobby farms or other general agricultural use, but due to the minimum lot size of 10 acres are not appropriate for the siting of large-scale livestock facilities.

B. **Uses.** The following uses are allowed in the Estate Residential (ER-10) zoning district:

**1. Permitted Uses**

- a. Beekeeping
- b. Community Based Residential Facilities serving eight (8) or fewer persons
- c. Clubs and lodges, nonprofit and fraternal
- d. Community gardens
- e. Detached, single family dwellings
- f. Floriculture
- g. Forestry
- h. General farming, dairying, hatcheries, livestock raising, grazing, pasturage, and poultry raising consistent with the Town of Rockland Animal Ordinance.
- i. Golf course or driving range (including miniature golf courses)
- j. Horticulture
- k. Keeping of domestic animals consistent with RCO 18-12.00 Animal Ordinance
- l. Public parks and playgrounds
- m. Riding academies and stables
- n. Viticulture

**2. Conditional Uses** (Subject to the regulations specified in RCO 18-10.11)

- a. Airport or heliport (private)
- b. Aquaculture
- c. Artificial lakes subject to RCO 18-07.00.
- d. Bed and breakfast establishments
- e. Campgrounds
- f. Detached, two family dwellings
- g. Game farms
- h. Game preserves
- i. Greenhouses for wholesale trade
- j. Kennels (Indoor)
- k. Manure storage facilities

- l. Medium wind energy facility
- m. Nurseries
- n. Orchards
- o. Ponds as regulated under RCO 18-07.00 Man-Made Bodies of Water
- p. Quarries, sand, and gravel pits
- q. Repair Garages
- r. Riding academies and stables for more than ten animal units
- s. Small wind energy facilities, not requiring authorization under § 196.491(3) Wis. Stats.
- t. Wildlife sanctuaries
- u. Wireless telecommunication facilities consistent with the requirements identified in RCO 18-06.00.
- v. Additional activities as approved by the Town Board.

**3. Accessory Uses** (Subject to the regulations specified in RCO 18-01.09(C))

- a. Decks
- b. Farm structures
- c. Home occupations as defined in RCO 18-01.08.
- d. Greenhouses (private, not for on-site retail sales)
- e. Landscape ponds
- f. Outbuilding(s) for the keeping of domestic animals, livestock, or storage of common household items
- g. Paddocks
- h. Pools (private)
- i. Roadside stands

**C. Dimensional Regulations**

**1. Lots**

- a. Lots in the Estate Residential (ER-10) zoning district shall have an area of at least ten (10) acres.
- b. Each lot shall contain a minimum of three hundred (300) feet of street frontage. In no case shall lot frontage measured at the right-of-way line of a cul-de-sac or curved street be less than 115 feet.

**2. Setback Regulations**

Yard	Street Setbacks
Front Yard	40' from ROW
Corner Side Yard	40' from ROW



Interior Side Yard	50' from side lot line
Rear Yard	50' from rear lot line
Accessory Structure — Non-Farm Related	50' from side and rear lot lines
Accessory Farm Structure	50' from side and 75' from rear lot lines

### 3. Height Regulations

- a. Principal Structure: 35 feet maximum, except as provided in RCO 18-01.09(E).
- b. Accessory Structures: shall not exceed the height of the principal structure or 25 feet, whichever is the least, except as provided in RCO 18-01.09(E).

#### D. Building Size

1. Minimum size of a residential dwelling unit shall be 1,200 square feet of first floor area.

#### E. Parking

1. Parking shall conform to the requirements set forth in RCO 18-05.00, Off-Street Parking Requirements.

#### F. Other Requirements

1. Minimum four (4) foot deep and eight (8) inch wide continuous frostwall on footings shall be required for all structures utilized as dwelling units in the Town of Rockland.

#### HISTORY

Amended by Ord. [2016-03](#) on 8/1/2016

### **18-01.16 Agricultural Non-Participating Working Lands Initiative (NPWLI)**

A. **Intent.** The intent of this zoning district is to provide locations in the Town for agricultural uses that are NOT participating in the Working Lands Initiative due to the expectation that these areas will not remain agricultural over the next 15 years.

B. **Uses.** The following uses are allowed in this zoning district:

#### 1. Permitted Uses

- a. Aquaculture
- b. Beekeeping
- c. Community gardens
- d. Detached, single family dwellings
- e. Farm structures
- f. Floriculture
- g. Forestry
- h. General farming, dairying, hatcheries, livestock raising, grazing, pasturage, and poultry raising
- i. Greenhouses for wholesale trade

- j. Horticulture, including raising of grain, grass, mint, seed crops, fruits, nuts, berries, and vegetables.
- k. Nurseries
- l. Orchards
- m. Sod farming
- n. Viticulture

2. **Conditional Uses** (Subject to the regulations specified in RCO 18-10.10 and consistent with agricultural use. Conditional uses in this zoning district must be found to be necessary in light of alternative locations available for that use.

- a. Commercial feedlots
- b. Clubs and lodges
- c. Farm Family Business
- d. Fur farms
- e. Game farms
- f. Game preserves
- g. Gas and electric utility uses not requiring authorization under § 196.491(3) Wis. Stats.
- h. Indoor kennels
- i. Man-made bodies of water subject to RCO 18-07.00.
- j. Outdoor gun or archery ranges
- k. Public parks and playgrounds
- l. Riding academies and stables
- m. Wildlife sanctuaries
- n. Wind energy facilities
- o. Wireless telecommunication facilities, excluding radio and television towers, consistent with the requirements identified in RCO 18-06.00.
- p. Additional agricultural, or agricultural-related activities, or other business activities as approved by the Town Board

3. **Accessory Uses** (Subject to the regulations specified in RCO 18-01.09(C))

- a. Decks
- b. Home occupations
- c. Greenhouses (private, not for on-site retail sales)
- d. Landscape ponds
- e. Manure storage facilities
- f. Outbuilding for the storage of common household items
- g. Paddocks

- h. Pools (private)
- i. Roadside stands

### C. Dimensional Regulations

#### 1. Lots

- a. Lots in the Non-Participating Working Lands (NPWLI) zoning district shall have an area of at least twenty-five (25) acres.
- b. Each lot shall contain a minimum of three hundred (300) feet of street frontage. In no case shall lot frontage measured at the right-of-way line of a cul-de-sac or curved street be less than 150 feet.

#### 2. Setback Regulations

Yard	Street Setbacks
Front Yard	40' from ROW
Corner Side Yard	40' from ROW
Interior Side Yard	50' from side lot line
Rear Yard	50' from rear lot line
Accessory Structure — Non-Farm Related	50' from side and rear lot lines
Accessory Farm Structure	75' from side and rear lot lines

#### 3. Height Regulations

- a. Residential dwellings: 35 feet maximum except as provided in RCO 18-01.09(E).
- b. Accessory structures: 60 feet maximum, except as provided in RCO 18-01.09(E).

### D. Building Size

- 1. Minimum size of a residential dwelling unit shall be 1,200 square feet of first floor area.

### E. Parking

- 1. Parking shall conform to the requirements set forth in RCO 18-05.00, Off-Street Parking Requirements.

### F. Other Requirements

- 1. Minimum four (4) foot deep and eight (8) inch wide continuous frostwall on footings shall be required for all structures utilized as dwelling units in the Town of Rockland.

#### HISTORY

Repealed & Reenacted by Ord. [2013-6](#) on 12/16/2013

### **18-01.17 Neighborhood Business (B-1) District**

#### A. Intent

1. The intent of the B-1 zoning district is to provide for locations for local commercial goods and services serving the immediate neighborhood and vicinity.
  2. Businesses zoned B-1 shall be designed and operated in a manner that blends in with nearby residential areas.
- B. Uses.** The following uses are allowed in the Neighborhood Business (B-1) zoning district, unless a more specific use is listed as a conditional use in this district, or a more specific use is listed as a permitted or conditional use in another district:

**1. Permitted Uses**

- a. Retail sales establishments under 10,000 square feet of gross first floor area
- b. Retail services establishments under 10,000 square feet of gross first floor area
- c. Banks and financial institutions
- d. Child day care centers (group)
- e. Professional offices and clinics
- f. Public parks and playgrounds
- g. Schools – dance, music, and business
- h. Second story residential dwelling units

**2. Conditional Uses** (Subject to the regulations specified in RCO 18-10.10)

- a. Community Based Residential Facilities
- b. Retail sales establishments between 10,000 and 15,000 square feet of gross first floor area
- c. Retail services establishments between 10,000 and 15,000 square feet of gross first floor area.
- d. Multi-family residential dwellings
- e. Restaurants, excluding drive-through service
- f. Additional business activities as approved by the Town Board (adopted July 1, 2013)

**3. Accessory Uses** (Subject to the regulations specified in RCO 18-01.09(C))

- a. Outbuilding(s) for the storage of common supplies, provided they are identified in a Town-approved site plan
- b. Uses incidental to and on the same lot as the principal use.

**C. Dimensional Regulations**

**1. Lots**

- a. Publicly sewered lots in the Neighborhood Business (B-1) zoning district shall have an area of at least twelve thousand (12,000) square feet and a width measured at the front yard setback distance of at least one hundred (100) feet.
- b. Privately sewered lots in the Neighborhood Business (B-1) zoning district shall have an area of at least forty thousand (40,000) square feet and a width measured

at the front yard setback distance of at least one hundred fifty (150) feet.

## 2. Setback Regulations

- a. Unless otherwise shown on a recorded subdivision plat or certified survey map, the following minimum setback regulations shall apply to all lots in the Neighborhood Business (B-1) zoning district.

Yard	Urban Street Setbacks	Rural Street Setbacks
Front Yard	30' from ROW	40' from ROW
Corner Side Yard	30' from ROW	40' from ROW
Interior Side Yard	10' from side lot line	10' from side lot line
Rear Yard	25' from rear lot line	25' from rear lot line

## 3. Height Regulations

- a. Principal Structure: 35 feet maximum, except as provided in RCO 18-01.09(F).

## 4. Number of structures

- a. Only one principal structure shall be located on a lot zoned B-1 Neighborhood Business District.

## D. Building Size

1. Minimum size of a principal structure shall be 1,200 square feet of first floor area.

## E. Parking

- Off-street parking shall be located behind or to the side of the principal structure.
- Parking shall otherwise conform to the requirements set forth in RCO 18-05.00, Off-Street Parking Requirements.

## F. Signs

1. Signage shall meet the requirements as set forth in RCO 18-04.00, Sign Regulation.

## G. Other Requirements

- All business, service repair, storage, or merchandise display shall be conducted wholly within an enclosed building, except for off-street automobile parking and off-street loading.
- Outside refuse bins shall be located behind the principal structure and screened from view by use of solid screening or opaque fencing material. Plastic or wooden slats through cyclone fencing shall not be deemed sufficient.
- Rooftop mechanical equipment shall be screened from ground-level view.
- Building appearance shall be complementary to a neighboring residential district.
- Exterior lighting shall be contained within the Neighborhood Business (B-1) zoned lot, excepting a maximum of five (5) percent of the total illumination may spill over into adjacent properties.

6. A minimum of twenty-five (25) percent green space shall be required for lots zoned Neighborhood Business (B-1).
7. Where a side or rear lot line in a Neighborhood Business (B-1) district coincides with a side or rear lot line in any adjacent residential district, a yard shall be provided along such side or rear lot line not less than fifteen (15) feet in depth and shall contain landscaping and planting to provide an effective screen. Such screening shall consist of a landscaped area at least six feet wide, planted with a mixture of deciduous and evergreen shrubs and shall be an effective visual barrier. All trees shall be a minimum of 1½ inch diameter at base when planted.

#### HISTORY

Amended by Ord. [2013-3](#) on 7/1/2013

### **18-01.18 Community Business (B-2) District**

- A. **Intent.** The intent of the B-2 zoning district is to provide for locations for general commercial goods and services serving the Town of Rockland and other nearby communities.
- B. **Uses.** The following uses are allowed in the Community Business (B-2) zoning district, unless a more specific use is listed as a conditional use in this district, or a more specific use is listed as a permitted or conditional use in another district:

#### 1. Permitted Uses

- a. Retail sales establishments under 40,000 square feet of gross first floor area
- b. Retail services establishments under 40,000 square feet of gross first floor area
- c. Banks and financial institutions
- d. Child day care centers (group)
- e. Clubs and lodges, nonprofit and fraternal
- f. Convenience stores
- g. Extended stay hotels
- h. Hotels and motels
- i. Professional offices and clinics
- j. Public parks and playgrounds
- k. Religious institutions, convents, seminaries, monasteries, rectories, parsonages, and parish houses
- l. Restaurants, may include drive through service
- m. Schools – dance, music, and business
- n. Second story residential dwelling units
- o. Service stations
- p. Undertaking establishments and funeral parlors, excluding crematoriums

#### 2. Conditional Uses (Subject to the regulations specified in RCO 18-10.10)

- a. Retail sales establishments 40,000 square feet of gross first floor area and over.

- b. Retail services establishments 40,000 square feet of gross first floor area and over.
- c. Amusement establishments including indoor archery ranges, bowling alleys, indoor shooting galleries, game rooms, swimming pools, skating rinks, and other similar amusement facilities.
- d. Auction rooms
- e. Car washes
  - f. Community Based Residential Facilities
- g. Crematoriums
- h. Drive-in and carry-out businesses
  - i. Farm machinery and equipment sales
  - j. Food processing establishments
- k. Greenhouses, commercial
  - l. Indoor kennels
- m. Landscaping supply outlets
- n. Manufactured and mobile home sales
- o. Motor vehicle, boat, recreational vehicle, and trailer sales and leasing
- p. Motor vehicle rental
- q. Multi-family residential dwellings
- r. Outdoor gun or archery ranges
- s. Radio and television stations, transmitting and receiving equipment, wireless communication towers, and antenna towers, provided that preference shall be given for collocation on existing public structures. Uses of this type shall meet the requirements identified in RCO 18-06.00.
- t. Surface parking lots, other than accessory
- u. Tattoo parlors
- v. Taverns
- w. Outdoor sales and rental (adopted July 1, 2013)
- x. Additional business activities as approved by the Town Board (adopted July 1, 2013)
- y. Single family residence

**3. Accessory Uses** (Subject to the regulations specified in RCO 18-01.09(C))

- a. Outbuilding(s) for the storage of common supplies provided they are identified in a Town-approved site plan.
- b. Uses incidental to and on the same lot as the principal use.

## C. Dimensional Regulations

### 1. Lots

- a. Publicly sewered lots in the Community Business (B-2) zoning district shall have an area of at least twenty thousand (20,000 square feet) and at least one-hundred (100) feet of frontage measured at the front yard setback line.
- b. Privately sewered lots in the Community Business (B-2) zoning district shall have an area of at least forty thousand (40,000) square feet and at least two hundred (200) feet of frontage measured at the front yard setback line.

**2. Setback Regulations**

- a. Unless otherwise shown on a recorded subdivision plat or certified survey map, the following minimum setback regulations shall apply to all lots in the Community Business (B-2) zoning district.

Yard	Urban Street Setbacks	Rural Street Setbacks
Front Yard	30' from ROW	40' from ROW
Corner Side Yard	30' from ROW	40' from ROW
Interior Side Yard	10' from side lot line	10' from side lot line
Rear Yard	25' from rear lot line	25' from rear lot line

**3. Number of structures**

- a. Only one principal structure shall be located on a lot.

**4. Height Regulations**

- a. Principal Structure: 35 feet maximum, except as provided in RCO 18-01.09(F)
- b. Accessory Structure: Shall not exceed the height of the principal structure, except as provided in RCO 18-01.09(F)

**D. Building Size**

- 1. Minimum size of a principal structure shall be 3,000 square feet of first floor area.

**E. Parking**

- 1. Parking shall conform to the requirements set forth in RCO 18-05.00, Off-Street Parking Requirements.

**F. Signs**

- 1. Signage shall meet the requirements as set forth in RCO 18-04.00, Sign Regulation.

**G. Other Requirements**

- 1. Excepting motor vehicle, boat, recreational vehicle, and trailer sales and leasing, all business, service repair, storage, or merchandise display shall be conducted wholly within an enclosed building, except for off-street automobile parking and off-street loading, unless otherwise approved by the Town Board.
- 2. Outside refuse bins shall be located behind the principal structure and screened from view by use of solid screening or opaque fencing material. Plastic or wooden slats through



cyclone fencing shall not be deemed sufficient.

3. Rooftop mechanical equipment shall be screened from ground-level view
4. Exterior lighting shall be contained within the Community Business (B-2) zoned lot, excepting a maximum of five (5) percent of the total illumination may spill over into adjacent properties.
5. A minimum of twenty-five (25) percent green space shall be required for lots zoned Community Business (B-2).
6. Where a side or rear lot line in a Community Business (B-2) district coincides with a side or rear lot line in any adjacent residential district, a yard shall be provided along such side or rear lot line not less than fifteen (15) feet in depth and shall contain landscaping and planting to provide an effective screen. Such screening shall consist of a fence and landscaped area at least six feet wide, planted with a mixture of deciduous and evergreen shrubs and shall be an effective visual barrier. All trees shall be a minimum of 1½ inch diameter at base when planted.

#### HISTORY

Amended by Ord. [2013-3](#) on 7/1/2013

Amended by Ord. [2019-03](#) on 8/19/2019

### **18-01.19 Institutional (IN) District**

**A. Intent.** The intent of the Institutional (IN) zoning district is to provide appropriate locations for institutional uses so that traffic and other potential neighborhood impacts may be addressed.

**B. Uses.** The following uses are allowed in the Institutional (IN) zoning district:

#### **1. Permitted Uses**

- a. Athletic fields
- b. Community Based Residential Facilities
- c. Fire and police stations and other governmental facilities
- d. Municipal facilities, except for garages
- e. Nursery schools, elementary schools, and junior and senior high schools (Non-boarding)
- f. Public libraries
- g. Public museums
- h. Public parks and playgrounds
- i. Religious institutions, convents, seminaries, monasteries, rectories, parsonages, and parish houses

#### **2. Conditional Uses** (Subject to the regulations specified in RCO 18-10.10)

- a. Colleges, junior colleges, and universities
- b. Nursery schools, elementary schools, and junior and senior high schools (boarding)
- c. Vocational schools

#### **3. Accessory Uses** (Subject to the regulations specified in RCO 18-01.09(C))

- a. Garages for storage of vehicles used in conjunction with the operation of a permitted use.
- b. Outbuilding(s) for the storage of common supplies provided they are identified in a Town-approved site plan.
- c. Residential quarters for caretakers or clergy

**C. Dimensional Regulations**

**1. Lots**

- a. Publicly sewered lots in the Institutional (IN) zoning district shall have an area of at least twelve thousand (12,000) square feet and at least one hundred (100) feet of frontage. Such minimum lot frontage may be measured at the building setback line if said lot is located on the outer radius of a street, such as a cul-de-sac. In no case shall frontage measured at the right-of-way line of a cul-de-sac or curved street be less than 70 feet.
- b. Privately sewered lots in the Institutional (IN) zoning district shall have an area of at least forty thousand (40,000) square feet and a frontage of at least two hundred (200) feet. Such minimum lot frontage may be measured at the building setback line if said lot is located on the outer radius of a street, such as a cul-de-sac. In no case shall frontage measured at the right-of-way of a cul-de-sac or curved street be less than one hundred fifteen (115) feet.

**2. Setback Regulations**

Yard	Urban Street Setbacks	Rural Street Setbacks
Front Yard	30' from ROW	40' from ROW
Corner Side Yard	30' from ROW	40' from ROW
Interior Side Yard	10' from side lot line	10' from side lot line
Rear Yard	25' from rear lot line	25' from rear lot line
Accessory Structure	10' from side and rear lot lines	10' from side and rear lot lines

**3. Number of structures**

- a. Only one principal structure shall be located on a lot in the IN Institutional District.
- b. Only one accessory building with a maximum of 225 square feet of total floor area shall be located on a lot and shall be of similar and complementary construction.

**4. Height Regulations**

- a. Principal Structure: 35 feet maximum, except as provided in RCO 18-01.09(F).
- b. Accessory Structures shall not exceed the height of the principal structure or 25 feet, whichever is the least, except as provided in RCO 18-01.09(E).

**D. Building Size**

- 1. Minimum size of a principal structure shall be 2,000 square feet of first floor area.

## E. Parking

1. Off-street parking shall be located behind or to the side of the principal structure.
2. Parking shall conform to the requirements set forth in RCO 18-05.00, Off-Street Parking Requirements.

## F. Signs

1. Signage shall meet the requirements as set forth in RCO 18-04.00, Sign Code.

## G. Other Requirements

1. Outside refuse bins shall be located behind the principal structure and screened from view by use of solid screening or opaque fencing material. Plastic or wooden slats through cyclone fencing shall not be deemed sufficient.
2. Exterior lighting shall be contained within the Institutional (IN) zoned lot, excepting a maximum of five (5) percent of the total illumination may spill over into adjacent properties.
3. A minimum of twenty-five (25) percent green space shall be required for lots zoned Institutional (IN).
4. Where a side or rear lot line in a Institutional (IN) district coincides with a side or rear lot line in any adjacent residential district, a yard shall be provided along such side or rear lot line not less than ten (10) feet in depth and shall contain landscaping and planting to provide an effective screen. Such screening shall consist of a landscaped area at least six (6) feet wide, planted with a mixture of deciduous and evergreen shrubs and shall be an effective visual barrier. All trees shall be a minimum of 1½ inch diameter at base when planted.

## **18-01.20 Limited Industrial (I-1) District**

A. **Intent.** The intent of the I-1 zoning district is to provide for locations for low-intensity industrial uses to build the Town's economic base.

B. **Uses.** The following uses are allowed in the Limited Industrial (I-1) zoning district:

### 1. Permitted Uses

- a. Bakeries, wholesale
- b. Bottling plants
- c. Building materials sales and storage
- d. Contractor, architect, and engineer offices, shops, and yards
- e. Electronic and scientific precision equipment manufacture
- f. Feed and seed sales
- g. Greenhouses, commercial or wholesale
- h. Lumberyards, including sales offices
- i. Municipal garages
- j. Printing and publishing establishments

- k. Radio and television stations, transmitting and receiving equipment, wireless communication towers, and antenna towers, provided that preference shall be given for collocation on existing public structures. Uses of this type shall meet the requirements identified in RCO 18-06.00.
- l. Scientific research facilities
- m. Service stations
- n. Substations, electrical and natural gas
- o. Woodworking and wood products manufacturing
- p. Tire and vehicle parts resale businesses, not including salvage yards

**2. Conditional Uses** (Subject to the regulations specified in RCO 18-10.10)

- a. Food processing establishments
- b. Glass products production
- c. Light machinery production – appliances, business machines, etc.
- d. Manufactured home parks meeting the requirements of RCO 18-02.00
- e. Mini-warehouses
- f. Plastic manufacturing
- g. Repair garages
- h. Sewerage treatment plants
- i. Sexually-oriented adult-entertainment establishments as regulated in RCO 18-08.00.
- j. Tool and die manufacturing
- k. Transitional residential facilities
  - l. Truck terminals (cartage facilities)
- m. Welding shops
- n. Outdoor sales and rental (adopted July 1, 2013)
- o. Additional business activities as approved by the Town Board (adopted July 1, 2013)

**3. Accessory Uses** (Subject to the regulations specified in RCO 18-01.09(C))

- a. Outbuilding(s) for the storage of common supplies provided they are identified in a Town-approved site plan.
- b. Uses incidental to and on the same lot as the principal use.

## C. Dimensional Regulations

### 1. Lots

- a. Publicly sewered lots in the Light Industrial (I-1) zoning district shall have an area of at least thirty thousand (30,000) square feet and frontage of at least one hundred fifty (150) feet. Such minimum lot frontage may be measured at the building setback line if said lot is located on the outer radius of a street, such as a

cul-de-sac. In no case shall frontage measured at the right-of-way line of a cul-de-sac or curved street be less than ninety (90) feet.

- b. Privately sewered lots in the Light Industrial (I-1) zoning district shall have an area of at least forty thousand (40,000) square feet and a frontage of at least two hundred (200) feet. Such minimum lot frontage may be measured at the building setback line if said lot is located on the outer radius of a street, such as a cul-de-sac. In no case shall frontage measured at the right-of-way line of a cul-de-sac or curved street be less than one hundred fifteen (115) feet.

**2. Setback Regulations**

Yard	Urban Street Setbacks	Rural Street Setbacks
Front Yard	30' from ROW	40' from ROW
Corner Side Yard	30' from ROW	40' from ROW
Interior Side Yard	10' from side lot line	25' from side lot line
Rear Yard	25' from rear lot line	25' from rear lot line
Accessory Structure	25' from side and rear lot lines	25' from side and rear lot lines

**3. Height Regulations**

- a. 35 feet maximum, except as provided in RCO 18-01.09(F).

**D. Building Size**

- 1. Minimum size of a principal structure shall be 8,000 square feet of first floor area.

**E. Parking**

- 1. Parking shall conform to the requirements set forth in RCO 18-05.00, Off-Street Parking Requirements.

**F. Signs**

- 1. Signage shall meet the requirements as set forth in RCO 18-04.00, Sign Code.

**G. Other Requirements**

- 1. No use shall be established, maintained, or conducted in any Limited Industrial (I-1) District that causes any of the following:
  - a. Dissemination of excessive noise, vibration, odor, dust, smoke, observation gas or fumes, atmospheric pollutants, or any other nuisances beyond the boundaries of the immediate site of the building in which such use is conducted
  - b. Hazard of fire or explosion or other physical hazard to any person, building, or vegetation
  - c. A harmful discharge of waste material
  - d. Radiation or interference with radio and television reception beyond the immediate boundaries of the immediate site of the building in which such use is conducted.

2. Exterior lighting shall be contained within the Limited Industrial (I-1) zoned lot, excepting a maximum of five (5) percent of the total illumination may spill over into adjacent properties.
3. A minimum of twenty-five (25) percent green space shall be required for lots zoned Limited Industrial (I-1).
4. Where a side or rear lot line in a Light Industrial (I-1) district coincides with a side or rear lot line in any adjacent residential district, a yard shall be provided along such side or rear lot line not less than twenty (20) feet in depth and shall contain landscaping, a wooden privacy fence, and plantings to provide an effective screen. Such screening shall consist of a landscaped area at least ten (10) feet wide, planted with a mixture of deciduous and evergreen shrubs and shall be an effective visual barrier. All trees shall be a minimum of 1½ inch diameter at base when planted.
5. Outside refuse bins shall be located behind the principal structure and screened from view by use of solid screening or opaque fencing material. Plastic or wooden slats through cyclone fencing shall not be deemed sufficient.

#### H. Open Storage

1. All storage within 300 feet of a different zoning district, except for motor vehicles in operable condition, shall be within completely enclosed buildings or effectively screened by shrubbery or a solid wall or fence (including solid entrance and exit gates) not less than six feet or more than eight feet. Cyclone fencing with wooden or plastic slats shall not be deemed sufficient.
2. Open storage of commodities and materials shall be permitted as an accessory use, provided that such open storage shall:
  - a. Be located behind the front building line and corner side yard setback.
  - b. Comply with the setbacks contained within this district.
  - c. Be screened from view from any street by shrubbery or a solid wall or fence (including solid entrance and exit gates).

#### HISTORY

Amended by Ord. [2013-3](#) on 7/1/2013

#### **18-01.21 Heavy Industrial (I-2) District**

- A. **Intent.** The intent of the I-2 zoning district is to provide for locations for higher-intensity industrial uses to build the Town's economic base.
- B. **Uses.** The following uses are allowed in the Heavy Industrial (I-2) zoning district:
  1. **Permitted Uses**
    - a. Bottling plants
    - b. Brick and structural clay products manufacturing
    - c. Building materials sales and storage
    - d. Commercial bakeries
    - e. Commercial greenhouses
    - f. Contractor, architect, and engineer offices, shops, and yards

- g. Dairy processing plants for cheese and milk
- h. Electronic and scientific precision equipment manufacture
  - i. Feed and seed sales
  - j. Lumberyards, including sales offices
- k. Municipal garages
  - l. Paper converting facilities
- m. Paper products manufacturing
- n. Printing and publishing establishments
- o. Radio and television stations, transmitting and receiving equipment, wireless communication towers, and antenna towers, provided that preference shall be given for collocation on existing public structures. Uses of this type shall meet the requirements identified in RCO 18-06.00.
- p. Repair garages
- q. Scientific research facilities
- r. Service stations
- s. Substations, electrical or natural gas
- t. Tire and vehicle parts resale businesses
- u. Woodworking and wood products manufacturing

**2. Conditional Uses** (Subject to the regulations specified in RCO 18-10.10)

- a. Airports or heliports
- b. Auto salvage yards
- c. Asphalt production plants
- d. Bulk fuel products storage, processing, and sales
- e. Concrete mixing plants
- f. Ethanol and other bio-fuel production plants
- g. Fertilizer manufacturing
- h. Food processing establishments
  - i. Foundries and forge plants
  - j. Glass products production
- k. Grain storage and processing
  - l. Heavy machinery production
- m. Landfills
- n. Light machinery production – appliances, business machines, etc.
- o. Meat packing plants or stockyards or slaughterhouses
- p. Mini-warehouses

- q. Power plants for the production of electricity
- r. Plastic manufacturing
- s. Quarries, sand, and gravel pits
- t. Rendering plants or soap manufacturing
- u. Salvage yards
- v. Sewerage treatment plants
- w. Tool and die manufacturing
- x. Truck terminals (cartage facilities)
- y. Welding shops
- z. Outdoor sales and rental (adopted July 1, 2013)
- aa. Additional activities as approved by the Town Board (adopted July 1, 2013)

**3. Accessory Uses** (Subject to the regulations specified in RCO 18-01.09(C))

- a. Outbuilding(s) for the storage of common supplies provided they are identified in a Town-approved site plan.
- b. Uses incidental to and on the same lot as the principal use.

**C. Dimensional Regulations**

**1. Lots**

- a. Publicly sewered lots in the Heavy Industrial (I-2) zoning district shall have an area of at least sixty thousand (60,000) square feet and frontage of at least two hundred (200) feet.
- b. Privately sewered lots in the Heavy Industrial (I-2) zoning district shall have an area of at least two and a half (2.5) acres and a frontage of at least two hundred fifty (250) feet.

**2. Setback Regulations**

Yard	Urban Street Setbacks	Rural Street Setbacks
Front Yard	40' from ROW	50' from ROW
Corner Side Yard	40' from ROW	50' from ROW
Interior Side Yard	20' from side lot line	30' from side lot line
Rear Yard	25' from rear lot line	25' from rear lot line
Accessory Structure	25' from side and rear lot lines	25' from side and rear lot lines

**3. Height Regulations**

- a. 35 feet maximum, except as provided in RCO 18-01.09(F).

**D. Building Size**



1. Minimum size of a principal structure shall be 15,000 square feet of first floor area.

#### **E. Parking**

1. Parking shall conform to the requirements set forth in RCO 18-05.00, Off-Street Parking Requirements.

#### **F. Signs**

1. Signage shall meet the requirements as set forth in RCO 18-04.00, Sign Code.

#### **G. Other Requirements**

1. No use shall be established, maintained, or conducted in any Heavy Industrial (I-2) District that causes any of the following:
  - a. Dissemination of excessive noise, vibration, odor, dust, smoke, observation gas or fumes, or other atmospheric pollutants beyond the boundaries of the immediate site of the building in which such use is conducted
  - b. Hazard of fire or explosion or other physical hazard to any person, building, or vegetation
  - c. A harmful discharge of waste material
  - d. Radiation or interference with radio and television reception beyond the immediate boundaries of the immediate site of the building in which such use is conducted.
2. Exterior lighting shall be contained within the Heavy Industrial (I-2) zoned lot, excepting a maximum of five (5) percent of the total illumination may spill over into adjacent properties.
3. Where a side or rear lot line in a Heavy Industrial (I-2) district coincides with a side or rear lot line in any adjacent residential district, a yard shall be provided along such side or rear lot line not less than thirty (30) feet in depth and shall contain solid wooden privacy fencing, landscaping, and plantings to provide an effective screen. Such screening shall consist of a landscaped area at least fifteen (15) feet wide, planted with a mixture of deciduous and evergreen shrubs and shall be an effective visual barrier. All trees shall be a minimum of 1½ inch diameter base when planted.
4. Outside refuse bins shall be located behind the principal structure and screened from view by use of solid screening or opaque fencing material. Plastic or wooden slats through cyclone fencing shall not be deemed sufficient.

#### **H. Open Storage**

1. All storage within 300 feet of a different zoning district, except for motor vehicles in operable condition, shall be within completely enclosed buildings or effectively screened by shrubbery or a solid wall or fence (including solid entrance and exit gates) not less than six feet or more than eight feet. Cyclone fencing with wooden or plastic slats shall not be deemed sufficient.
2. Open storage of commodities and materials shall be permitted as an accessory use, provided that such open storage shall:
  - a. Be located behind the front building line.
  - b. Comply with the setbacks contained within this district.

- c. Be screened from view from any street or non Heavy Industrial (I-2) zoned lot by shrubbery and a solid wall or fence (including solid entrance and exit gates).

## HISTORY

Amended by Ord. [2013-3](#) on 7/1/2013

## **18-01.22 Planned Development District Overlay (PDD)**

### **A. Purpose**

1. The purpose of the Planned Development District Overlay (PDD) is to encourage and provide a means for creating desirable and quality development by permitting greater flexibility and design freedom than permitted under the basic zoning district regulations. These regulations are established to permit latitude in the development of the building sites if such development is found to be in accordance with the purpose, spirit, and intent of this ordinance, comprehensive plan of the Town of Rockland, and is found not to be hazardous, harmful, offensive or otherwise adverse to the environment, property values or the character of the neighborhood or the health, safety and welfare of the Town of Rockland.
2. It is intended to permit and encourage diversification, variation and imagination in the relationship of uses, landscaping, structures, open spaces, lot sizes, and heights of structures for developments conceived and implemented as comprehensive and cohesive unified projects. It is further intended to encourage more rational and economic development with relationship to public services and to encourage and facilitate the preservation of open space and other natural features such as the Niagara Escarpment, woodlands, floodplains, and wetlands by incorporating these features into the overall development.

### **B. Application to Existing Zoning Districts**

1. This section shall serve as an option to the permitted uses and regulations applicable to all zoning districts in the Town, and shall be applicable only to those lands which are hereby and may hereafter be zoned Planned Development District Overlay by the Town Board. Existing zoning shall continue in full force and effect and shall be solely applicable until such time as the Town Board grants final approval for the Planned Development District Overlay Zone.
2. In areas of the Town outside of the Agricultural Transition Zone, only conservation subdivisions meeting the requirements of RCO 18-01.22(E)(1)(b) and RCO 18-01.22(G)(2) of this ordinance shall be considered for PDD Overlay Zoning. Conservation subdivisions in this area shall meet the overall density required under the Estate Residential – 5 Acre (ER-5) Zoning District and shall provide for the conservation of the Niagara Escarpment ledge, wetlands, floodplains, and/or other Environmentally Significant Areas.
3. All required improvements, construction standards, design standards, and all other engineering standards contained within the Town of Rockland Code of Ordinances shall be complied with, except where specifically varied through the provisions of this section of the Code.

### **C. Minimum Size of PDD Overlay District**

1. No district shall be established unless it contains the minimum area specified in this section and has at least two hundred (200) feet of frontage or Town approved private road

access.

2. The minimum gross area required for a PDD Overlay District is as follows:
  - a. Two (2) acres where the overlay is placed upon base residential districts.
  - b. One (1) acre where the overlay is placed upon base commercial or industrial districts.

#### D. Definitions

1. **Basic Zoning Regulations:** Means such zoning regulations as are applicable to the use district other than the regulations set forth in this section.
2. **Building Site:** Is a tract of land not divided by public streets or into lots, excepting single-family dwelling purposes, and which will not be subdivided, or where the tract of land, if so divided is in single ownership or is owned by a condominium group. (The site must be located on a public street or highway.)
3. **Comprehensive Plan:** Shall mean the document adopted by ordinance by the Town of Rockland Board that meets the requirements of § 66.1001 Wis. Stats, which is now or may hereafter be in effect.
4. **Density:** Shall mean the number of dwelling units permitted per square foot of land area or number of dwelling units permitted per acre of land use.
5. **Final Plan:** Shall mean the proposal for development of a planned unit development, including a plat of subdivision (if any), all covenants, easements, and other conditions relating to use, location, and bulk of buildings, density of development, common open spaces and public facilities. The Final Plan shall include such information as required by paragraph L (Final Plan requirements) herein.
6. **Improved Open Space:** Shall mean the above parcels and any structure or improvements which are placed upon such parcels (i.e. restrooms, tennis courts, ball diamonds, etc.)
7. **Open Space:** Shall mean a parcel or parcels of land or an area of water, or a combination thereof with the site designated and intended for the use or enjoyment of residents of the Planned Development and/or the public at-large.
8. **Preliminary Plan:** Shall mean the preliminary drawings described in number J(4) (preliminary plan requirements) herein, indicating the proposed manner and/or layout of the Planned Development District to be submitted to the Planning Commission for approval.
9. **Unimproved Open Space:** Shall mean open space kept free of structure or improvements except for hiking, horseback riding, bicycle trails, ponds, picnic areas, and nature parks.

#### E. Uses Permitted

1. **Basic Zoning Uses.** The following uses are permitted in a Planned Development District upon obtaining all necessary approvals required under this ordinance:
  - a. All uses permitted under the basic zoning regulations applicable to the zoning district in which the particular property is located.
  - b. Conservation subdivision plats having a minimum of 50 percent open space, of which at least 25 percent must be outside of environmentally sensitive areas, as described in the Brown County Subdivision Ordinance. Stormwater management

facilities, group on-site private wastewater treatment system absorption fields, and other public facilities may be located within the 25 percent of land outside of environmentally sensitive areas.

- c. A mixture of residential types, recreational, commercial and institutional uses may be developed to serve the residents of the PDD and/or residents of the surrounding area, provided such uses can be supported by the residents as indicated by an appropriate market study provided by the developer. Also, parking, signage, and any additional use restrictions for the uses shall be addressed in the ordinance adopted that authorizes and establishes the proposed PDD development.

## **2. Building Restrictions**

- a. Requirements for building height, size and floor area, lot size, setbacks (front, side, rear and corner side), density and open space shall be delineated in the Preliminary and Final Development Plans and the ordinance adopted that authorizes and establishes the proposed PDD. In no case shall these requirements be less than stated in other sections of the PDD ordinance and shall be found to not be hazardous, harmful, offensive or otherwise adverse to the environment, property values, or the character of the proposed development, surrounding neighborhood or community or adverse to the health, safety, and welfare of the residents of the PDD and/or community as a whole. Notwithstanding the foregoing, if the Final Development Plan does not address a specific zoning requirement (the "Non-addressed Requirement"), the provisions of the Town of Rockland Zoning Ordinance shall apply to the development plan to the extent of the Non-addressed Requirements.

## **F. General Provisions**

### **1. Engineering Design Standards**

- a. The width of rights-of-way, width and location of street, sidewalks, or other paving requirements, outdoor lighting types and locations, electrical, gas and communication and utility easements if necessary, public sanitary sewer or private on-site wastewater treatment systems, storm sewer, and water lines, provision for stormwater retention and drainage, and other similar environmental engineering considerations shall be based upon a determination as to the appropriate standards necessary to perform the specific function in the specific situation; provided, however, that in no case shall construction standards be less than necessary to insure the public safety and welfare. The Town reserves the right to have an engineer of the Town's choosing review all engineering aspects of the development at cost to the developer.

### **2. Approvals**

- a. The applicant shall develop the site in accordance with the terms and conditions of development presented to and approved by the Town Board. Any changes or additions to the original approved development site, structures, or plans of operation shall require resubmittal and recommendation by the Planning Commission, and approval by the Town Board.

### **3. Rescinding Approval**

- a. Failure to comply with conditions, commitments, guarantees, or the recommendations established in the approval of such development project shall

be cause for rescinding the approval of the same. Upon notice given by the Town Clerk, the applicant or agent then shall be required to appear before the Town Board at its next public meeting to explain any such failure to comply. The Town Board at such hearing shall determine whether or not the developer has failed to comply, and if there has been such a failure, may either:

- (1) Rescind its approval, whereupon such recession and cessation of all rights and privileges of the developer and owner, including the right to complete construction or to construct any building or other structure or improvement, shall become effective on the thirty-first (31) day following a written notice of such decision sent by certified mail, return receipt, to the developer at his or her last known address; or
- (2) Adjourn such hearing for a period not to exceed sixty-five (65) days to enable the developer to comply; whereupon, if the developer is then in substantial compliance and has then established to the reasonable satisfaction of the Board that there will be compliance in the future, the rights and privileges of the developer and owner shall continue for such period of time that there be such compliance. If the developer has not established to the reasonable satisfaction of the Town Board that there will be compliance in the future, the Board will proceed in accordance with division a.

**G. Criteria for Approval.** As a basis for determining the acceptability of a PDD proposal, the following criteria shall be applied to the development proposal, with specific considerations as to whether or not it is consistent with the spirit and intent of this ordinance and the Town of Rockland Comprehensive Plan.

**1. Character and Intensity of Land Use.** The uses proposed and their intensity and arrangement on the site shall be a visual, aesthetic, and operational character which:

- a. Is compatible to the physical nature of the site, with particular concern for preservation of the Niagara Escarpment, woodlands, open space, or other environmentally sensitive areas.
- b. Would produce an attractive environment of sustained aesthetic and ecologic desirability, economic stability, and functional practicality compatible with the general development plans as established by the community.
- c. Would not adversely affect the anticipated provision for school, sewer, water, snow removal, garbage pickup, fire protection, or other municipal services.
- d. Would provide sufficient and accessible off-street parking and loading facilities. Creativity in addressing the provision of parking is encouraged. Alternate parking arrangements may be used (such as exterior or interior satellite parking lots, provision of mass transportation, (etc.) to provide adequate parking within the requirements of the PDD ordinance.
- e. Would be developed in a manner that encourages alternative means of transportation through the provision of sidewalks and/or off-street trails, and a well-connected street pattern.
- f. Is consistent with the Town of Rockland Comprehensive Plan.

**2. Preservation and Maintenance of Open Space.** Adequate provisions shall be made for the permanent preservation and maintenance of common open space and rights-of-way either by private reservation or dedication to the public.

- a. Any identified reserved open space within a Planned Development shall first be offered to the Town for conveyance and dedication for public open space.
- b. In the case of private reservation, the open area to be reserved shall be protected against building development by conveying to the Town, as part of the conditions for project approval, an open space easement over such open areas restricting the areas from any further building or use except as specifically authorized as part of the development plan, or, subsequently, with the express approval of the Town Board following the recommendation of site and operational plans by the Planning Commission.
- c. In the event that the designated open space is to remain in agricultural use, the following uses shall be permitted only in the designated open space areas:
  - (1) General farming activities, such as dairying, cropping, apiculture, floriculture, forestry, horticulture, tree and shrub nurseries, pasturage, orchards, and similar non-intensive agricultural activities.
  - (2) Existing farmstead, barns, and associated outbuildings
- d. Proposed new construction or additions outside of the existing footprint of agricultural-related buildings shall require obtaining an amendment to the PDD as identified in paragraph N: Amendments. Agricultural-related buildings shall not be interpreted to mean new residential, commercial, or industrial buildings.
- e. In the case of roadways, other rights-of-way, and stormwater management facilities, which are not dedicated to the public, as part of the conditions for project approval there shall be granted to the Town such easements over the same as may be necessary to enable the Town to provide suitable and adequate fire protection, sanitary and storm sewer water, maintenance, recreational trail connections, and other required municipal services to the project area.
- f. The construction, care, and maintenance of such open space reservations, stormwater management facilities, and rights-of way shall be assured either by establishment of an appropriate management organization for the project, acceptance of dedication to the Town, or by agreement with the Town for establishment of a special service district and levy the cost thereof as a special assessment on the tax bill of properties within the project area.
- g. In any case the Town shall have the right to carry out, and levy an assessment for the cost of any maintenance that it feels necessary if it is not otherwise taken care of to the satisfaction of the Town. The manner of assuring maintenance and assessing such cost to individual properties shall be determined prior to the approval of the final project plans and shall be included in the title of each property. The developer shall submit a landscape maintenance schedule and stormwater management plan with the final plan for approval by the Town that satisfies the above requirements.
- h. Ownership, maintenance, construction (if necessary), and tax liability of private open space reservations and rights-of-way shall be established in a manner acceptable to the Town and made a part of the conditions of plan approval.

### **3. Implementation Schedule**

- a. The petitioners for a PDD Overlay shall submit a reasonable schedule for implementation of the development to the satisfaction of the Planning Commission and the Town Board, including suitable provisions (and the Town may require the

furnishing of a sufficient performance bond for construction) for assurance that each phase could and should be brought to completion in a manner which shall not result in adverse effect upon the community as a result of termination at the end of any phase.

**4. Additional Factors that May be Considered by the Planning Commission and Town Board:**

- a. Height of structures
- b. Screening and fencing
- c. Landscaping
- d. Setbacks
- e. The site itself as it relates to neighborhood environment, compatibility to existing neighborhood use, and general neighborhood characteristics
- f. Nature and use of the proposed structures, and design, architecture and materials to be used.
- g. Highway access to the site, number of driveways and location
- h. Traffic generation, number of vehicles parked, and rate of turnover per hour.
  - i. Stormwater management
  - j. Capacities required for sewer, water, and other necessary utilities.
  - k. Educational capacity capabilities (number of families and school load).
    - l. Economic impact on the Town, its inducements, attractions, and detractions.
- m. Lighting
- n. Proposed hours of operation.
- o. Comparison of open space as required by the underlying basic zones with that proposed project.
- p. Operational control
- q. Commencement and completion dates
- r. Highway/street dedication
- s. Signage
- t. Deed restrictions and sureties deemed necessary to protect the health, safety, and welfare of the community.
- u. Impact on groundwater resources.
- v. Method of sanitary waste disposal.
- w. If development is not proposing to have public sewer and water, the development's ability to be efficiently and cost-effectively connected to public sewer and water, when available.
- x. Such other limitations, conditions, special requirements, or characteristics to the use as may be deemed necessary to protect the health, safety, and welfare of the Town.

**H. Procedures.** No development shall be permitted within this district unless it is submitted, reviewed, and approved subject to the following procedures:

**I. Pre-Application Conference**

1. Prior to filing of an application for PDD, the applicant of the proposed PDD shall contact the Town Clerk to arrange a conference with Town representatives and/or staff. The primary purpose of the conference shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of the proposal for the area for which it is proposed and its conformity to the provisions of this chapter before incurring substantial expense in the preparation of plans, surveys, and other data.

**J. Preliminary Approval**

**1. Notice and Fee**

- a. A person desiring to develop a particular site as a planned development project shall apply to the Town Clerk on such forms as shall be provided by the Town and shall pay a fee equal to cover the cost to the Town of Rockland for reviewing the plans and specifications. All PDD fees shall be reviewed and set annually. The fee must accompany said forms. Such application shall contain the names, mailing addresses and telephone numbers of the owners and developers, a contact name, address, and telephone number, if different, and a description of the development site. Appropriate supporting documents and maps, as required in number J(4) shall be filed with the application.

**2. Notice to Planning Commission**

- a. The Town Clerk shall inform the Planning Commission of such desire and shall secure a date for a preliminary discussion between the developer and the Planning Commission, and shall notify the developer of such date.

**3. Preliminary PDD Planning Commission Recommendation**

- a. The Planning Commission, after such preliminary discussions and such further discussions as may be required with the applicant, shall report in writing such proposed project development to the Town Board, together with its recommendation for either approval, approval with modifications, or denial of the same. Such report and recommendation of the Commission shall be made to the Town Board no later than three (3) months from the filing of the application with the Town Clerk, unless agreed upon in writing by the Town and applicant. A recommendation of approval from the Commission shall in no way be binding on the Town Board.

**4. Information Required.** The following information shall be provided by the applicant in adequate detail to satisfy the Planning Commission for its recommendation regarding preliminary approval:

- a. A statement describing the general character of the intended development.
- b. An accurate map of the project area, drawn to a maximum scale of one (1) inch equals two hundred (200) feet, showing the nature, use, and character of abutting properties prepared by a registered surveyor.
- c. Twelve (12) copies of a general development plan of the proposed project drawn to a maximum scale of one (1) inch equals two hundred (200) feet showing the



following information in sufficient detail to make possible the evaluation of the criteria for approval as set forth in paragraph G of this ordinance:

- (1) Tract boundaries and a statement of the total acreage of the tract;
  - (2) Significant physical features within the tract and outside the tract to a distance of 200 feet from the outer boundary of the tract, including existing two (2) foot contours, watercourses, drainage, ponds, lakes, wetlands, and other potential environmentally sensitive areas;
  - (3) Existing zoning district(s) on the property and within four hundred (400) feet adjacent to the proposed project;
  - (4) Property lines (if any) within the proposed project;
  - (5) All contemplated land uses within the tract;
  - (6) An indicator of the contemplated intensity of use; i.e., gross density in residential development; number of prospective tenants in office, commercial and industrial development or recreational development;
  - (7) Number and type of dwelling units;
  - (8) Existing buildings that may affect future development and proposed location of all principal structures and associated parking area;
  - (9) Proposed lot coverage of buildings and structures;
  - (10) Proposed circulation systems (pedestrian, bicycle, auto, mass transit) by type, how they relate to the existing network outside this site;
  - (11) Existing rights-of-way and easements, which may affect the project;
  - (12) In the case of plans which call for development in stages, a map at an appropriate scale showing the successive stages;
  - (13) The location of sanitary and storm sewer lines, water mains, fire hydrants, and lighting;
  - (14) The location of recreational and open space areas and areas reserved or dedicated for public uses, such as schools, parks, etc.;
  - (15) Description and proposed location of proposed stormwater management facilities;
  - (16) General landscape treatment, including parking and refuse areas.
- d. Appropriate statistical data on the size of the development, residential density, ratio of various land uses, economic analysis of the development, and any other data pertinent to the evaluation under the criteria of numbers 1, 2, 3, and 4 of paragraph G.
- e. Architectural drawings and sketches illustrating the design and character of proposed structures.
- f. General outline of intended organization structure related to property owners association, deed restrictions, and private provision of common services, if any.
- g. Economic feasibility and impact report may be required by the Planning Commission to provide satisfactory evidence of the project's economic feasibility, of available adequate financing, and if its not adversely affecting the economic prosperity of the Town or the values of surrounding properties.

## 5. Preliminary PDD Public Hearing

- a. The Town Board shall hold a public hearing on the Preliminary PDD within forty-five (45) days of receipt of the Planning Commission recommendation, unless the applicant and Town agree to an extension in writing. A Class 2 notice pursuant to Wisconsin State Statute 985 shall publish time, place, and purpose of the hearing. Such notification appearing in the Town's Official Newspaper shall appear once during each of the two weeks prior to the scheduled date of such hearing, the last of which shall be at least one week before the hearing. The Town shall also mail notice of the hearing within two weeks prior to the scheduled date of such hearing to all parties of interest who have requested notification and property owners within 100 feet of the outer boundaries of the proposed PDD overlay.

## 6. Preliminary PDD Town Board Action

- a. The Town Board shall approve, approve with modifications, deny, or refer the proposed development back to the Planning Commission. The Town Clerk shall provide a written summary of the Town Board action and any modifications to the Preliminary Plan and mail them to the applicant.
- b. Approval of the preliminary development plan shall entitle the developer to final approval if the final development plan is submitted within one (1) year of the date of approval of the preliminary plan, conforms to such layout and conditions of the approved preliminary plan, and required final approval information, and the applicant and Town have executed a Developer's Agreement.
- c. No building permits may be issued on land within the planned development until the Final Plan is approved and all public improvements are in place and accepted by the Town.

## K. Amendment of Preliminary Plan Approval

1. The recommendation of the Planning Commission and the preliminary approval of the Town Board, shall be based on, and include as conditions thereto, the building, site and operational plans for the development as approved as well as all other commitments offered or required with regard to project value, character or other factors pertinent to an assurance that the proposed development will be carried out as presented in the approved plans.
2. Detailed construction time, and the approval of such Preliminary Plan shall be conditional upon the subsequent submittal and approval of more specific and detailed plans. Any subsequent change or addition to the plans or use shall first be submitted to the Planning Commission, and if, in the opinion of the Planning Commission, such change or addition constitutes a substantial alteration of the original plan, it shall within forty-five (45) days make an appropriate recommendation to the Town Board relating to an amendment of the preliminary approval.
3. An applicant desiring to amend an approved preliminary PDD shall apply to the Town Clerk on such forms as shall be provided by the Town and shall pay a fee equal to cover the cost to the Town of Rockland for reviewing the plans and specifications. The fee must accompany said forms. Such application shall contain the names, mailing addresses and telephone numbers of the owners and developers, a contact name, address, and telephone number, if different, and a description of the development site. Appropriate supporting documents and maps, as required in number J(4) shall be filed with the application.

4. The Town Board shall hold a public hearing on the preliminary PDD amendment within forty-five (45) days, following the Planning Commission recommendation, unless the applicant and Town agree to an extension in writing. A Class 2 notice pursuant to Wisconsin State Statute 985 shall public time, place, and purpose of the hearing. Such notification appearing in the Town's Official Newspaper shall appear once during each of the weeks prior to the scheduled date of such hearing, the last of which shall be at least one week before the hearing. The Town shall also mail notice of the hearing to all adjoining property owners of the proposed PDD overlay and parties of interest who have requested notification .

## L. Final Approval

### 1. Petition for Final Approval

- a. When the Town Board has issued its preliminary approval of the proposed plan, then the applicant may file with the Town Clerk a petition executed by the owner, or its agent, of the property to be developed for the final approval stating that it seeks to develop such property under the provisions of the section. Such petition shall include (unless previously submitted and unchanged from preliminary plan):
  - (1) The names, mailing addresses and telephone numbers of any additional owners and developers of the development site, and the names of owners and developers listed on the application that no longer have an interest in the project, in the event there has been a change in owners or developers since the date of application.
  - (2) An accurate topographical map drawn to a maximum scale of one (1) inch equals two hundred (200) feet showing topographical data at two (2) foot intervals and extending within 200 feet beyond the exterior boundaries of such site, showing all public rights-of-way and all buildings accurately located within 200 feet of the exterior boundaries of such site. Such map shall contain all available utilities, including drainage and capacities thereof and high water elevations along rivers.
  - (3) A map drawn to a maximum scale of one (1) inch equals 200 hundred (200) feet showing the location, type and size of every proposed structure and its proposed use; also driveways, driveway access roads, refuse areas, parking facilities, lighting appliances, recreation areas, loading docks, open spaces, screening, fencing, and landscaping areas, and utility easements.
  - (4) A statistical table showing the size of the site in square feet, the acreage (exclusive of public streets), proposed population densities, and open areas (both in square feet and as a percentage of the project area).
  - (5) Architectural drawings of all buildings and structures and sketches showing the design characteristics and treatment of exterior elevations and typical floor plans of proposed structures.
  - (6) A table showing the approximate cost of structures.
  - (7) A statement showing the starting and completion dates of the project.
  - (8) Any other pertinent data, statements, drawings, or plans, which may be required by the Planning Commission or the Town Board. The following additional information for commercial and industrial developments:
    - (9) Square footage of buildings;

- (10) Square footage of offices, production areas and the proposed number of employees in such area;
- (11) Detailed signage sketch elevations;
- (12) Details of proposed use or uses and manner of operation; and
- (13) The municipal services that may be required to serve the area.

## **2. Final PDD Planning Commission Recommendation**

- a. The Planning Commission shall make a formal recommendation to the Town Board and provide written findings of fact upon which its recommendation is based in the official minutes of the Planning Commission meeting. The Planning Commission shall make a recommendation to the Town Board within forty-five (45) days of the submittal of a Final Plan to the Town Clerk, based upon the criteria in paragraph F and the information provided by the applicant.

## **3. Final PDD Town Board Action**

- a. The Town Board shall have an additional forty-five (45) days after the Public Hearing in which to approve, approve with modifications, refer back to the Planning Commission, or deny the application, unless an extension is granted through written agreement between the Town and applicant. The Town Board shall base its decision on the criteria in paragraph G, information provided by the applicant, and official testimony at the public hearing.
- b. The Town Board shall provide written findings of fact regarding their action and direct the Town Clerk to provide written notification to the applicant of the Town Board action and the findings of fact.
- c. The applicant is responsible for any County or State filings and fees.
- d. A Developer's Agreement shall be negotiated and executed by the applicant and Town prior to final approval.

## **M. Failure to Begin Construction or Establish Use**

1. If no construction has begun, or no use has been established in the PDD within six (6) months from the approval of the Final Plan, the Final Plan and related restrictions and conditions shall lapse and be of no further effect. In its discretion and for good cause, the Town Board may extend for not more than six (6) months the period for the beginning of construction or the establishment of a use.

## **N. Amendments**

1. The Town Board must approve any amendment to regulations, restrictions, or conditions for an approved final PDD. Such regulations, restrictions, or conditions may include but are not limited to changes or alterations to landscaping, architectural design, type of construction, sureties, lighting, fencing, planting screens, operational control, hour of operations, signs, improved traffic circulation, deed restriction, highway access restrictions, minor alterations or minor additions, building height or area of existing structures, off-street parking or loading requirement changes.
2. The applicant shall pay a fee for the cost of review and processing of an amendment.

## **O. Interpretation**

1. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed in a limitation or repeal of any other power granted by the Wisconsin Statutes.
2. Further, development shall be planned, reviewed, and carried out in conformance with all municipal, state, and other laws and regulations. However, in interpreting and applying the provisions of this subchapter or any PDD adopted under this subchapter they shall take precedence and be controlling when there is conflict between their provision and those of the zoning provisions of this code.

### **18-01.23 Agricultural-Farmland Preservation (AG-FP) Zoning Ordinance**

A. **Definitions.** In this farmland preservation ordinance:

1. **Accessory use** means any of the following land uses on a farm:

- a. A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use.
- b. An activity or business operation that is an integral part of, or incidental to, an agricultural use.
- c. A farm residence, including normal residential appurtenances.
- d. business, activity, or enterprise, whether or not associated with an agricultural use, which meets all of the following requirements:
  - (1) It is conducted on a farm by an owner or operator of that farm.
  - (2) It requires no buildings, structures, or improvements other than those described in divisions a or c.
  - (3) It employs no more than 4 full-time employees annually.
  - (4) It does not impair or limit the current or future agricultural use of the farm or other protected farmland.

2. **Agricultural use** means any of the following activities conducted for the purpose of producing an income or livelihood:

- a. Crop or forage production.
- b. Keeping livestock.
- c. Beekeeping.
- d. Nursery, sod, or Christmas tree production.
- e. Floriculture.
- f. Aquaculture.
- g. Fur farming.
- h. Forest management.
- i. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.

3. **Agriculture-related use** means a facility, whether or not located on a farm, that has at least one of the following as a primary and not merely incidental purpose:
  - a. Providing agricultural supplies, agricultural equipment, agricultural inputs or agricultural services directly to farms, including farms in the farmland preservation zoning district.
  - b. Storing, processing or handling raw agricultural commodities obtained directly from farms, including farms in the farmland preservation zoning district.
  - c. Slaughtering livestock, including livestock from farms in the farmland preservation zoning district.
  - d. Marketing livestock to or from farms, including farms in the farmland preservation zoning district.
  - e. Processing agricultural by-products or wastes received directly from farms, including farms in the farmland preservation zoning district.
4. **Common ownership** for purposes of the farmland preservation ordinance means ownership by the same person or persons. “Common ownership” includes land owned by the same individual, married couple, joint tenants, tenants in common, corporation, LLC, partnership, estate or trust. Solely for purposes of this definition, a parcel owned by one member of a married couple is deemed to be owned by the married couple.
5. **Contiguous** means adjacent to or sharing a common boundary. “Contiguous” includes land that is separated only by a river, stream, section line, public road, private road, railroad, pipeline, transmission line, or transportation or transmission right-of-way. Parcels are not “contiguous” if they meet only at a single point.
6. **Farm** means all land under common ownership that is primarily devoted to agricultural use. For purposes of this definition, land is deemed to be primarily devoted to agricultural use if any of the following apply:
  - a. The land produces at least \$6,000 in annual gross farm revenues to its owner or renter, regardless of whether a majority of the land area is in agricultural use.
  - b. A majority of the land area is in agricultural use.
7. **Farm residence** means a single-family residence that is the only residential structure on the farm.
8. **Governing Body** means the Town Board of Rockland, Brown County Wisconsin.
9. **Gross farm revenue** means gross receipts from agricultural uses, less the cost or other basis of livestock or other agricultural items purchased for resale which are sold or otherwise disposed of during the taxable year. “Gross farm revenue” includes receipts accruing to a renter, but does not include rent paid to the land owner.
10. **Livestock** means bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites and farm-raised fish.
11. **Open space parcel** means a parcel on which no buildings, other than hunting blinds or small sheds, have been constructed or approved for construction.
12. **Person** means an individual, corporation, partnership, limited liability company (LLC), trust, estate or other legal entity.
13. **Prime farmland** means all of the following:

- a. An area with a class I or class II land capability classification as identified by the Natural Resources Conservation Service of the United States Department of Agriculture.
  - b. Land, other than land described in division a, which is identified as prime farmland in the county's certified farmland preservation plan.
14. **Prior nonconforming use** means a land use that does not comply with this farmland preservation zoning ordinance, but which lawfully existed prior to the application of this ordinance.
15. **Protected farmland** means land that is any of the following:
- a. Located in a farmland preservation zoning district certified under ch. 91, Wis. Stats.
  - b. Covered by a farmland preservation agreement under ch. 91, Wis. Stats.
  - c. Covered by an agricultural conservation easement under § 93.73, Wis. Stats.
  - d. Otherwise legally protected from nonagricultural development.
- B. Land Use In Farmland Preservation Zoning District, General.** Only the following land uses are allowed in a farmland preservation zoning district:
1. Uses allowed under paragraph C without a conditional use permit.
  2. Uses allowed under paragraph D with a conditional use permit.
  3. Prior nonconforming uses, subject to § 60.61(5), Wis. Stats.
- C. Permitted Uses.** The following land uses are allowed without a conditional use permit in a farmland preservation zoning district:
1. Agricultural uses on farms, including:
    - a. Crop or forage production.
    - b. Keeping of livestock.
    - c. Beekeeping.
    - d. Nursery, sod, or Christmas tree production.
    - e. Floriculture.
    - f. Aquaculture.
    - g. Fur farming.
    - h. Forest management.
    - i. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
  2. Undeveloped natural resource and open space areas including snowmobile trails.
  3. Transportation, utility, communication, or other uses that are required under state or federal law to be located in a specific place, or that are authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use.

**D. Accessory Uses.** The following land uses are allowed accessory to a permitted use in a farmland preservation zoning district:

1. A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use, including:
  - a. A facility to store or process raw agricultural commodities, all of which are produced on the farm.
  - b. A facility used to keep livestock on the farm.
  - c. A facility used to store or process inputs primarily for agricultural uses on the farm.
  - d. A facility used to keep or service vehicles or equipment primarily employed in agricultural uses on the farm.
  - e. A wind turbine or solar energy facility that collects wind or solar energy on the farm, and uses or transforms it to provide energy primarily for use on the farm.
  - f. A manure digester, bio-fuel facility, or other facility that produces energy primarily from materials grown or produced on the farm primarily for use on the farm.
  - g. A waste storage or processing facility used to store or process animal waste produced solely from livestock kept on the farm.
2. An activity or business operation that is an integral part of or incidental to, an agricultural use.
3. A farm residence, including normal residential appurtenances such as a pool, deck, or patio.
4. A home business, activity, or enterprise, whether or not associated with an agricultural use, which meets all of the following requirements:
  - a. It is conducted on a farm by an owner or operator of that farm.
  - b. It requires no buildings, structures, or improvements other than those described in divisions a or c.
  - c. It employs no more than 4 full-time employees annually. It does not impair or limit the current or future agricultural use of the farm or other protected farmland.

**E. Conditional uses.**

1. General.
  - a. The governing body may issue a conditional use permit for a proposed land use identified in this section if the proposed land use meets applicable conditions under this section. The governing body shall follow the procedures described in the Town of Rockland Code of Ordinances.
  - b. Before issuing a conditional use permit under division a, the governing body shall determine in writing that the proposed use meets applicable conditions under this section. The governing body may issue the permit subject to any additional conditions which the governing body deems necessary to carry out the purposes of this ordinance.
2. Certain Agricultural Related Conditional Uses.



- a. The governing body may issue a conditional use permit for the certain agricultural and agriculture-related uses under division D(2)(b) if all of the following apply:
- (1) The use supports agricultural uses in the farmland preservation zoning district in direct and significant ways, and is more suited to a farmland preservation zoning district than to an industrial or commercial zoning district.
  - (2) The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
  - (3) The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
  - (4) The use is reasonably designed to minimize conversion of land, at and around the use site, from agricultural use or open space use.
  - (5) The use does not substantially impair or limit the current or future agricultural use of other protected farmland.
  - (6) Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.
- b. The following Agriculture-Related Uses:
- (1) Riding stables and/or boarding facilities
  - (2) Farmstead food processing facilities
  - (3) Farmstead retail outlets
  - (4) On-farm fuel or agrichemical storage facilities
  - (5) A grain warehouse, potato warehouse, or other warehouse that stores raw agricultural commodities received from farms.
  - (6) A dairy plant that processes or handles milk from farms.
  - (7) A meat slaughter establishment.
  - (8) A food processing plant that processes raw agricultural commodities received from farms.
  - (9) A feed mill or rendering plant that processes raw agricultural commodities or agricultural by-products received directly from farms, or supplies animal feed directly to farms.
  - (10) An ethanol plant, bio-diesel plant, communal manure digester, pelletizing plant or other facility that processes raw agricultural commodities, agricultural by-products or agricultural wastes (received directly from farms) to produce bulk fuel or other bulk products.
  - (11) A sawmill or other facility that processes wood or other forest products received directly from farms.
  - (12) A facility that provides farm inputs such as fertilizer, pesticides, seed or feed directly to farms.
  - (13) A facility that is primarily engaged in sale and servicing of farm vehicles or other farm equipment.

- (14) A facility that is primarily engaged in providing agronomic or veterinary services to farms.

### 3. Compatible Infrastructure.

- a. The governing body may issue a conditional use permit for a proposed use under division b if all of the following apply:
- (1) The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
  - (2) The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
  - (3) The use is reasonably designed to minimize conversion of land, at and around the site of the use, from agricultural use or open space use.
  - (4) The use does not substantially impair or limit the current or future agricultural use of other protected farmland.
  - (5) Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.
- b. The governing body may issue a conditional use permit for any of the following compatible infrastructure uses if that use meets applicable conditions under division a:
- (1) Transportation uses, including rail facilities, and agricultural aeronautic facilities.
  - (2) Communication uses, including cell towers, antennae and broadcast towers.

### 4. Government, Institutional, Religious and Nonprofit Community Uses.

- a. The governing body may issue a conditional use permit for a government use, or for an institutional, religious or community use, if the governing body determines that all of the following apply:
- (1) The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
  - (2) The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
  - (3) The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.
  - (4) The use does not substantially impair or limit the current or future agricultural use of other protected farmland.
  - (5) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

- b. Government and Nonprofit Community Conditional Uses Include:

- (1) Fire stations, police stations, post offices, and other government administration buildings
- (2) Schools, colleges, and universities
- (3) Religious institutions, including cemeteries and mausoleums
- (4) Public parks and recreation areas

#### **F. Rezoning land out of a farmland preservation zoning district.**

1. Except as provided in number 2, the governing body may not rezone land out of a farmland preservation zoning district unless the governing body finds all of the following in writing, after public hearing, as part of the official record of the rezoning, before granting the rezone:
  - a. The rezoned land is better suited for a use not allowed in the farmland preservation zoning district.
  - b. The rezoning is consistent with any comprehensive plan, adopted by the governing body, which is in effect at the time of the rezoning.
  - c. The rezoning is substantially consistent with the Brown County Farmland Preservation Plan, certified under ch. 91, Wis. Stats., which is in effect at the time of the rezoning.
  - d. The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.
2. Number 1 does not apply to any of the following:
  - a. A rezoning that is affirmatively certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection under ch. 91, Wis. Stats.
  - b. A rezoning that makes the farmland preservation zoning ordinance map more consistent with the Brown County Farmland Preservation Plan Map, certified under ch. 91, Wis. Stats., which is in effect at the time of the rezoning.
3. By March 1 of each year, the Town will provide to the Department of Agriculture, Trade, and Consumer Protection (DATCP) and to Brown County a report of the number of acres rezoned out of the farmland preservation district during the previous year and a map that clearly shows the location of those acres.

#### **G. Dimensional Requirements**

1. All lots and structures under this ordinance shall comply with the dimensional requirements set forth in the Town of Rockland Code of Ordinances Rural Residential Non-Sewered (RR-1) District section.

#### **HISTORY**

Adopted by Ord. [2013-5](#) on 12/16/2013

#### **18-01.24 Agricultural Business (AB) District**

- A. **Intent.** The intent of the Agricultural Business (AB) zoning district is to maintain, encourage and promote agriculturally related business endeavors on appropriate lands within the community.

Such endeavors properly located and regulated serve to support and enhance the viability of agriculture as an economic activity.

**B. Uses.** The following uses are allowed in the Agricultural Business (AB) zoning district, unless a more specific use is listed as a conditional use in this district, or a more specific use is listed as a permitted or conditional use in another district:

**1. Permitted Uses**

- a. Retail or distribution of horticultural products and services.
- b. Retail or distribution of agricultural products and services.
- c. Veterinarian services
- d. Poultry and/or egg production
- e. Only one single-family dwelling may be permitted on a parcel zoned Agricultural Business (AB). Single-family dwelling shall only be occupied by the owner or manager of said business provided such dwelling has been approved by the Planning Commission and Town Board.
- f. Retail service and sales establishments of agricultural or horticultural commodities occupying a minimum twelve hundred (1200) square feet of gross first floor area. Roadside stands must comply with the size requirement set forth in RCO 18-01.08(A)121.
- g. Undeveloped natural resources and open space areas
- h. Transportation, utility, communication, government owned structures and businesses or other uses required by law

**2. Conditional Uses** (Subject to the regulations specified in RCO 18-10.11)

- a. Community Based Residential Facilities
- b. Agriculture or horticulture related experimental laboratories
- c. Wholesale horticultural or agricultural related products and services
- d. Agricultural or horticultural machinery sales and service
- e. Livestock auction facilities
- f. Governmental, institutional, religious or nonprofit community uses
- g. Transportation, communication, or utility, uses not required by law
- h. Pipeline, electric transmission, or drainage uses
- i. Warehousing or transfer related services of agricultural or horticultural commodities
- j. Additional business activities as approved by the Town Board

**3. Accessory Uses** (Subject to the regulations specified in RCO 18-01.09(C))

- a. Outbuilding(s) for the storage of common supplies, provided they are identified in a Town-approved site plan
- b. Uses incidental to and on the same lot as the principal use.

C. **Site Plan.** All parcels in the Agricultural Business (AB) zoning district are required to submit a site plan to the Planning Commission and Town Board for approval. Such plans must follow the requirements set forth in RCO 20-01.00, Site Plan/Landscaping Development and Design Standards.

D. **Dimensional Regulations**

1. **Lots**

- a. Minimum Area: Five (5) acres
- b. Minimum Frontage: Two hundred and fifty (250) feet

2. **Setback Regulations**

a. Unless otherwise shown on a recorded subdivision plat or certified survey map, the following minimum setback regulations shall apply to all lots in the Agricultural Business (AB) zoning district.

Yard	Urban Street Setbacks
Front Yard	40' from ROW
Corner Side Yard	40' from ROW
Interior Side Yard	50' from side lot line
Rear Yard	50' from rear lot line
Accessory Structure- Non-Farm Related	50' from side and rear lot lines
Accessory Farm Structure	50" from side and 75" from rear lot lines

- b. The setback of an accessory structure shall be no less than 1.25 times of the height of the accessory structure to allow for an adequate fall zone.
- c. Setbacks on existing lots of records as of (the date of adoption of ordinance) **WITHOUT** buildings shall meet the setback requirements listed above.
- d. Setbacks of existing lots of record as of (the date of adoption of ordinance) with **EXISTING OR PRIOR** buildings shall be not less than the setbacks of existing or prior buildings, and shall be approved by the Town Board.

3. **Height Regulations**

- a. Principal Structure: Thirty-five (35) feet maximum, except as provided in RCO 18-01.09, General Provisions.
- b. Accessory Building: Forty (40) feet maximum, except that an accessory building may be increased to more than one hundred (100) feet when the setback equals or is greater than 1.25 times the height of the structure or accessory building.

4. **Number of structures**

- a. Only one principal structure shall be located on a parcel zoned Agricultural Business District (AB).

## E. Building Size

1. Minimum size of a principal structure shall be 1,200 square feet of first floor area or as approved by the Town Board.
2. Maximum floor area ratio: 75% of the site. The minimum green space shall be 25% of the site.

F. **Parking.** Parking shall conform to the requirements set forth in RCO 18-05.00, Off-Street Parking.

G. **Signs.** Signage shall meet the requirements as set forth in RCO 18-04.00, Sign Code.

H. **Animal Control.** Any keeping of animals on an Agricultural Business District zoned parcel shall be in compliance with RCO 18-12.00, Animal Ordinance.

I. **Manure Storage.** The size and location of a manure storage system shall be provided in the site plan and shall comply with all other county, state, and federal regulations.

## J. Water Distribution Plan

1. The size and location of a water system shall be provided in the site plan.
2. The location and size of any storage tanks shall be provided in the site plan.

K. **Nuisance and Noise Control.** All operations conducted within the Agricultural Business District shall be in compliance with RCO 10-01.00, Public Nuisance Ordinance, and RCO 10-02.00, Noise Ordinance.

## L. Other Requirements

1. All businesses conducted within the Agricultural Business (AB) District who employ employees shall meet all local, state, and federal regulations concerning employee safety, welfare, and protection. This includes, but is not limited to, legally required egress, ingress, accessibility, provision of bathrooms, fire escapes, emergency lighting and fire extinguishers.
2. All businesses conducted within the Agricultural Business (AB) District and open to the public shall meet all local, state, and federal building code, fire code, and sanitary code regulations prior to occupancy.
3. Outside refuse bins shall be located behind the principal structure and screened from view by use of solid screening or opaque fencing material. Plastic or wooden slats through cyclone fencing shall not be deemed sufficient.
4. Rooftop mechanical equipment shall be screened from view. Any HVAC ground equipment shall be located behind a principal structure or screened from view.
5. Building appearance shall be complementary to a neighboring zoning district.
6. Exterior lighting shall be contained within the Agricultural Business (AB) zoned parcel, excepting a maximum of one foot candle of the total illumination may spill over into adjacent properties.
7. A minimum of twenty-five (25) percent green space shall be required for parcels zoned Agricultural Business (AB).
8. Where a side or rear lot line in an Agricultural Business (AB) district coincides with a side or rear lot line in any adjacent residential district, a barrier/berm shall be provided along such side or rear lot line not less than fifteen (15) feet in depth and shall contain landscaping and vegetation to provide an effective screen. Such screening shall consist of

a landscaped area at least six feet wide, planted with a mixture of deciduous and evergreen shrubs and shall be an effective visual barrier. All trees shall be a minimum of 1½ inch diameter at base when planted. All barrier/berm vegetation shall be maintained in good condition. Any dead vegetation shall be replaced within twelve (12) months

9. Any improvements or alterations to a business or structure in the Agricultural Business District shall require prior approval by the Planning Commission, Zoning Administrator, and Board along with the required permits and fees.
10. The business hours of the operation shall be approved by the Town Board.
11. All business, service repair, storage, or merchandise display shall be conducted wholly within an enclosed building, except for off-street automobile parking and off-street loading, unless otherwise approved by the Town Board.

#### HISTORY

Amended by Ord. [2015-1](#) on 4/6/2015

### **[18-02.00 MANUFACTURED HOMES AND MANUFACTURED HOME PARKS](#)**

[18-02.01 Purpose](#)

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[18-02.08 Operation Of Manufactured Home Parks: Responsibility Of Park Management](#)

[18-02.09 Variances](#)

[18-02.10 Enforcement And Penalty Provision](#)

#### **18-02.01 Purpose**

- A. This section shall regulate the parking, location and maintaining of all manufactured homes parks.
- B. Manufactured Homes Class II may only be allowed in the Agricultural Non-Participating Working Lands (NPWLI).
- C. Manufactured home parks may be allowed as Conditional Uses in the Limited Industrial Zone.
- D. Manufactured home parks shall be prohibited in all other zoning districts within the Town of Rockland.

#### HISTORY

Amended by Ord. [2013-7](#) on 12/16/2013

#### **18-02.02 Definitions**

- A. The following definitions shall apply in the interpretation and enforcement of this Ordinance:
  1. **Foundation.** A closed perimeter formation consisting of materials such as concrete or concrete block which extends into the ground a minimum of 48 inches on footings below finish grade.
  2. **Manufactured Home - Class I.** A structure, transportable in one or more sections built on a permanent chassis and designed to be used as a dwelling unit, with or without permanent foundation, when connected to the required utilities, and including the

plumbing, heating, air-conditioning, and electrical systems contained in it, and is certified and labeled as a manufactured home under 42 U.S.C. Sections 5401 to 5426. For purposes of this ordinance, a manufactured home Class I shall be considered a single-family or two-family home and, therefore, may be located in any district permitting such use.

3. **Manufactured Home — Class II.** A structure transportable in one or more sections built on a permanent chassis and designed to be used as a dwelling unit, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in it, and built prior to the enactment of the Federal Manufactured Construction and Safety Standards Act of 1974, which became effective July 15, 1976.
4. **Manufactured Home Class II Park.** Any park, court, campsite, lot, parcel, or tract of land designed, maintained, intended or used for the purpose of supplying a location or accommodations for two or more manufactured homes Class II and shall include all facilities used or intended for use as part of the equipment thereof. Manufactured home Class II park shall not include automobile or manufactured home sales lots on which unoccupied manufactured homes are parked for purposes of inspection and sale.
5. **Unit.** One (1) manufactured home.
6. **Non-Dependent Unit.** A manufactured home that has a bath or shower and toilet facilities.
7. **Dependent Unit.** A manufactured home which does not have a bath or shower and toilet facilities.
8. **Space.** A plat of ground in a manufactured home park designed for the location of only one (1) manufactured home.
9. **Person.** Shall be construed to include an individual, partnership, firm, company, corporation, whether tenant, owner, lessee, or other agent, heir or assignee.
10. **Occupied Area.** That portion of an individual manufactured home space which is covered by a manufactured home and its accessory structures.
11. **Park Management.** The person who owns or has charge, care, or control of the manufactured home park.

### **18-02.03 Application And License For Manufactured Home Park**

- A. No person shall establish, operate, maintain, or permit to be established, operated, or maintained upon any property owned, leased, rented, or controlled by him/her, a manufactured home park within the Town of Rockland without first securing a license for each park from the Town Board, pursuant to this chapter. Such license shall expire at the close of the calendar year issued, but may be renewed under the provisions of this chapter for additional periods of one (1) year.
- B. The application for such a license or renewal thereof shall be approved by Town Board. Before a license is issued, an applicant shall pay an annual fee as identified in the Town of Rockland Fee Schedule and, in addition thereto, each applicant for an original or renewal license shall file with the Town Clerk a bond as identified in the Town of Rockland Fee Schedule for each fifty (50) manufactured home spaces or fraction thereof, guaranteeing the collection by the licensee of the monthly parking permit fees as provided in this Ordinance and the compliance of the licensee and the park management with the provision of this Ordinance. Such bond shall also be for the use and benefit and may be prosecuted and recovery had thereon by any person who may be injured or damaged by reason the licensee violating any provision of this Ordinance. The annual license shall be subject to renewal by the Town Board, provided that said licensee has abided by



the requirements of this Ordinance or the laws or regulations of the State of Wisconsin relating to manufactured home parks and their operation, and particularly with reference to laws or ordinances relating to health, sanitation, refuse disposal, fire hazard, morals, or nuisances.

- C. The application for a license or a renewal thereof shall be made on forms furnished by the Town Clerk and shall include the name and address of the owner in fee of the tract (if the fee is vested in some person other than the applicant, a duly verified statement by that person that the applicant is authorized by him to construct or maintain the manufactured home park and make the application) and such legal description of the premises upon which the manufactured home park is or will be located as will readily identify and definitely locate the premises. The initial application for any existing, new or revised manufactured home park shall be accompanied by five (5) copies of the park plan showing the following, either existing or as proposed:
1. The extent and area for park purposes.
  2. Roadway and driveways.
  3. Locations and designation of dependent and independent manufactured home spaces.
  4. Location of service building indicating the number of sanitary conveniences, including toilets, washrooms, laundries and utility rooms to be used by occupants of the manufactured home park.
  5. Complete layout of storm, sanitary and water systems for service building and spaces.
  6. Method and plan of garbage removal.
  7. Plan for electrical or gas lighting of spaces.
  8. Interest of applicant in proposed manufactured home park or extension thereof. If owner of tract is a person other than applicant, a duly verified statement by the owner that applicant is authorized by him/her to construct and maintain the proposed park, addition, modification, or extension, and makes the application.

#### **18-02.04 Revocation And Suspension**

- A. The Town Board may suspend or revoke a license after a hearing held pursuant to § 66.0435(2) (d), Wisconsin Statutes.

#### **18-02.05 Location Of Manufactured Home Parks**

- A. An application for the construction of a manufactured home park shall be considered only when its proposed location is within a district zoned to permit this type of use.

#### **18-02.06 Manufactured Home Park Plan**

- A. Manufactured home spaces shall be clearly defined and shall consist of a minimum of four thousand two hundred (4,200) square feet and a width of not less than forty (40) feet measured at right angles from the side lot line of each space when served by public sanitary sewer, and a minimum of forty thousand (40,000) square feet and a width of not less than one hundred (100) feet when not served by public sanitary sewer. The park shall be arranged so that all spaces shall face or abut on a roadway of not less than thirty (30) feet in width, giving ease of access from all spaces to a public street. Such roadways shall be paved with asphalt or concrete and maintained in good condition, provide for adequate storm water drainage, said drainage to be determined by the Town Planning Commission. The roadways shall be well lighted and shall not be obstructed.

- B. The park shall be so laid out that no dependent unit shall be further than two hundred (200) feet from the toilets and service building, provided for herein, and walkways to such building shall be paved and well lighted.
- C. Electrical service to manufactured home spaces shall conform to the regulations set forth in the Wisconsin State Electrical Code, incorporated herein by reference as though in full set forth.
- D. All manufactured homes within a manufactured park shall be parked within the designated spaces.
- E. For the protection of abutting property owners, as well as manufactured homeowners, a twenty-five (25) foot buffer strip shall be provided within all property lines of the site. Said buffer strip to be used for the planting of shrubbery and trees and shall be exclusive of the manufactured home spaces. A decorative fence, in accordance with the off-street parking ordinance may, if so desired, be substituted for the rear and interior twenty-five (25) foot buffer strip.
- F. Each manufactured home space shall provide a front and rear yard setback of ten (10) feet and a side yard setback of ten (10) feet. The above setbacks shall be seeded and landscaped and in no case shall they be used for off-street parking or be occupied by a manufactured home and/or its necessary buildings, except for the following:
  - 1. Structures for utility outlets and garages serving more than one (1) space may be located within the side or rear setback of the common lot line.
  - 2. The hitch used for pulling the manufactured home may protrude into the front yard setback.
- G. Two (2) off-street parking stalls shall be provided within each manufactured home space, said stall to be in accordance with RCO 18-05.03(L).
- H. Minimum four (4) foot deep and eight (8) inch wide continuous frostwall on footings shall be required for all structures utilized as dwelling units in the Town of Rockland to be used for the accommodation of necessary water and sanitary connections.
- I. A minimum of two hundred (200) square feet per manufactured home space, exclusive of the minimum herein provided for individual manufactured home spaces and buffer strip, as indicated in RCO 18-02.04(E) and (F) above, shall be required for the express purpose of providing open space and recreational area for the residents of the manufactured home park.
- J. In no case shall a manufactured home and its accessory buildings occupy more than thirty-six (36) percent of a space.
- K. Foundation is required.
- L. No person shall construct, alter, add to or alter any structure attachment or building in a manufactured home park or in a manufactured home space without a permit from the Town Zoning Administrator. Construction on or addition or alteration to the exterior of a manufactured home shall be of the same type of construction and materials as the manufactured home affected. This subsection shall not apply to addition of awnings, antennae or skirting to manufactured homes. Accessory structures on manufactured home spaces shall comply with all setback side yard and rear yard requirements for manufactured home units.
- M. For each fifteen (15) manufactured homes, the applicant shall designate one site as green space for the purpose of creating a common park/playground for the residents of the park. For thirty (30) or more homes, said green space sites shall be adjoining. Minimum lighting is required for safety and security purposes.
- N. For each fifteen (15) manufactured homes, the applicant shall construct a storm shelter designed to withstand a category F3 tornado/storm event and capable of holding a minimum of 30 people.

### **18-02.07 Sanitary Regulations**

- A. All manufactured homes parks shall conform to the sanitation and health regulations as set forth by the State of Wisconsin, and Brown County.

### **18-02.08 Operation Of Manufactured Home Parks: Responsibility Of Park Management**

- A. In every manufactured home park there shall be located an office of the attendant or person in charge of said park. A copy of the park license and of this Ordinance shall be posted therein and the park register shall at all times be kept in said office.
- B. The attendant or person in charge and the park licensee shall operate the park in compliance with this Ordinance and regulations and ordinances of the town and state and their agents or officers and shall have the following duties:
1. Maintain a register of all park occupants, to be open at all times to inspection by state, federal, and municipal officers, which shall show:
    - a. Name and addresses of all owners and occupants of each manufactured home.
    - b. Number of children of school age.
    - c. State of legal residence.
    - d. Date of entrance and departure of each manufactured home.
    - e. Make, model, year, and serial number of each manufactured home and license number of towing or other motor vehicles and state, territory or country issuing such licenses.
    - f. Place of employment of each occupant.
- C. Notify park occupants of the provisions of this Ordinance and inform them of their duties and responsibilities and report promptly to the proper authorities any violation of this Ordinance or any other violations of law which may come to their attention.
- D. Notify the health officer immediately of any suspected communicable or contagious disease within the park.
- E. Supervise the placement of each manufactured home on its foundation which includes securing its stability and installing all utility connections.
- F. Maintain park grounds, buildings and structures free of insect and rodent harborage and infestation and accumulation of debris which may provide rodent harborage or breeding places for flies, mosquitoes, and other pests.
- G. Maintain the park free from growth of noxious weeds.
- H. Maintain the designated green space site(s) and buffer strip(s), including but not limited to grass cutting.

### **18-02.09 Variances**

- A. The requirements of RCO 18-02.06(A), (E), (F), (G), (H), (I), and (J) shall not apply to manufactured home parks existing prior to the adoption of this Ordinance. All provisions of this Ordinance, however, shall apply to additions to existing manufactured home parks and new manufactured home parks.

## **18-02.10 Enforcement And Penalty Provision**

- A. Any person, partnership, corporation, or other legal entity that violates, disobeys, neglects, omits, or refuses to comply with or resists the enforcement of this ordinance shall be subject to the enforcement of this section and all other laws and ordinances relating to this section by imposition of forfeitures and injunctive action in accordance with RCO Citation Ordinance 01-01.00.
- B. Each day a violation exists or continues constitutes a separate offense under this ordinance.

## **18-03.00 SEXUALLY-ORIENTED ADULT ENTERTAINMENT ZONING**

### **18-03.01 Definitions**

### **18-03.02 General Standards**

### **18-03.01 Definitions**

- A. The following definitions shall apply in the interpretation and enforcement of this Ordinance:
1. **Specified sexual activities** is defined as:
    - a. Human genitals in a state of sexual stimulation or arousal
    - b. Acts of human masturbation, sexual intercourse, or sodomy
    - c. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breasts
  2. **Specified anatomical areas** is defined as less than completely and opaquely covered:
    - a. Human genitals, pubic region
    - b. Buttock
    - c. Female breasts below a point immediately above the top of the areola.
  3. **Sexually-oriented adult-entertainment establishments** includes bookstores, motion picture theaters, mini-motion picture theaters, bath houses, massage parlors, motel, modeling studios, body painting studios, cabarets, and novelty shops; and are more specifically defined as:
    - a. **Adult bookstore.** An establishment having fifty percent of its stock and trade in books, magazines, video, computer software, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” as defined herein.
    - b. **Adult motion picture theater.** An enclosed building with a capacity of 50 or more persons at which a significant or substantial portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” as defined herein for observation by patron therein.
    - c. **Adult motion picture theater (outdoor).** A parcel of land from which individuals may view a motion picture presented out of doors which presents material distinguishably characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas”.
    - d. **Adult mini-motion picture theater.** An enclosed building with a capacity for less than 50 persons used for presenting material distinguished or characterized by an

emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” as defined herein for observation by patrons therein.

- e. **Adult bath house.** An establishment or business which provides the service of baths of all kinds, including all forms and methods of hydrotherapy, that is not operated by a medical practitioner or a professional physical therapist licensed by the State of Wisconsin and which establishment provides to its patrons an opportunity for engaging in “specified sexual activities” as defined in this ordinance.
- f. **Adult motel.** A hotel, motel, or similar commercial establishment which:
- (1) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmission, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or specified anatomical areas; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
  - (2) Offers a sleeping room for rent for a period of time that is less than 10 hours; or
  - (3) Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten (10) hours.
- g. **Adult modeling studio.** An establishment or business which provides the services of modeling for the purpose of reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing or otherwise.
- h. **Adult body painting studio.** An establishment or business wherein patrons are afforded an opportunity to paint images on a body which is wholly or partially nude. For purposes of this ordinance, the adult body painting studio shall be deemed to include a tattoo parlor or a body piercing studio.
- i. **Adult cabaret.**
- (1) An establishment or business which features male and/or female topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers.
  - (2) Any adult cabaret, as defined above, which features such entertainment on a periodic and infrequent basis, is considered an adult entertainment establishment only during those times when the adult entertainment is being presented or the entertainers are on the premises; and all provisions of this ordinance shall apply during those presentations. The establishment shall notify the Brown County Sheriff’s Department at least 24 hours prior to the date on which such adult entertainment is to take place.
  - (3) Any periodic adult establishment, as defined above, shall be licensed yearly in accordance with the licensing provision hereinafter set forth in RCO 12-01.00.
- j. **Adult novelty shop.** An establishment or business having as a substantial or significant portion of its stock and trade in novelty or other items which are

distinguished or characterized by their emphasis on, or designed for, specified sexual activities as defined herein or stimulating such activity.

### **18-03.02 General Standards**

- A. Sexually-oriented adult-entertainment establishments (hereinafter adult establishments) shall locate only in areas zoned Limited Industrial (I-1), and then only as a conditional use. Such application for conditional use may only be granted if the following requirements are met:
1. No more than one adult establishment shall be located on any one parcel, and such adult establishment shall be at least 1,500 feet from any other adult establishment. Further, no adult establishment shall be permitted within 2,500 feet of the following:
    - a. Any existing residential dwelling;
    - b. Any land zoned RS-1, RR-1, ER-2, or ER-5;
    - c. A historic site identified on the “National Register”, or as an adopted historic district by this chapter;
    - d. Any public or private elementary or secondary school or licensed nursery school or day care center;
    - e. A church or established place of worship or cemetery;
    - f. A public park or parkway;
- B. Signs advertising any of the aforementioned adult uses shall be in accordance with RCO 18-04.00 Sign Code with the exception, however, that no tower or portable signs or billboards shall be permitted on the premises, and with the further exception that signs will inform only the establishment name and address and will not depict specified sexual activities and/or specified anatomical areas as defined in the ordinance, and provided further that there shall be no flashing or traveling lights located outside the building. The location and wording of such sign shall be shown on the plat plan required by the Zoning Ordinance for the Town of Rockland and submitted contemporaneously with the request for conditional use.
- C. Adequate parking shall be provided in a lighted area in accordance with RCO 18-05.00 Off Street Parking. Such parking provisions shall be shown on the site plan required by the Town Ordinance and submitted contemporaneously with the request for conditional use.
- D. There shall be no display windows on the premises.
- E. In the case of adult cabarets, the hours of operation shall be limited to the same hours of operations for bars and taverns within that community within which the district is located.
- F. Outdoor adult motion picture theaters are prohibited.
- G. Prior to the granting of a conditional use permit, an inventory of the surrounding area and population shall be made by the Town Planning Commission along with a study of the proposed development and plans for the area.
- H. All adult establishments shall be licensed in accordance with the Town Ordinance pertaining to the licensing of sexually-oriented adult entertainment establishments.

### **18-04.00 SIGN CODE**

#### **18-04.01 Purpose**

#### **18-04.02 Scope Of Regulations**

#### **18-04.03 Substitution Clause**

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[18-04.05 Permits](#)

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[18-04.18 Maintenance Of Signs](#)

[18-04.19 Appeals And Variances](#)

[18-04.20 Enforcement And Penalty Provision](#)

### **18-04.01 Purpose**

A. To regulate the size, type, construction standards, maintenance and placement of signs situated within the boundaries of the Town of Rockland, Wisconsin and to promote the public health, safety, welfare and comfort of the general public, RCO 18-04.00 is hereby enacted and shall be known as the “Town of Rockland Sign Code” (the “Sign Code”). This Sign Code accomplishes its purposes by:

1. Reducing distractions and obstructions from signs that would adversely affect traffic safety, and alleviating hazards caused by signs projecting over or encroaching upon the public right-of-way.
2. Discouraging excessive visual competition in signage and ensuring that signs aid orientation and adequately identify uses and activities to the public.
3. Preserving or enhancing the natural beauty and unique physical characteristics of the Town of Rockland by requiring new and replacement signage which is harmonious with the buildings to which signs relate, surrounding neighborhood aesthetics and other signs in the area and is complementary to the Town's suburban architectural character and unobtrusive commercial developments.
4. Promoting a healthy and properly designed business environment.
5. Protecting property values within the Town.
6. Ensuring safe construction of signage.

### **18-04.02 Scope Of Regulations**

A. Except as otherwise noted herein, the regulations of this section shall govern all outdoor signs, advertising structures or devices with respect to location, safety, size, construction standards, erection, attachment, support, lighting, anchorage, maintenance, appearance and aesthetics.

### **18-04.03 Substitution Clause**

A. Notwithstanding anything herein to the contrary, noncommercial copy may be substituted for commercial copy on any lawful sign structure.

## **18-04.04 Definitions**

A. The following definitions shall apply in the interpretation and enforcement of this Ordinance:

1. **Abandoned Sign.** Any sign which contains information which is no longer correct, fails to advertise a bona fide business, lessor, lessee, owner, product, service or activity, conduct or product available or when a rental, sale or compensation is no longer provided
2. **Animated Sign.** Any sign that uses movement, change of lighting or lights — either natural, artificial, or the appearance thereof — to depict action or motion, or to create a special effect or scene, or to convey a message. It does not include a changeable copy sign or a sign which contains a "time and temperature" portion as its only changeable part.
3. **ATM.** Automated teller machine
4. **Banner.** A sign intended to be hung either with or without a frame, and that possesses characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric of any kind, but shall not be interpreted to include a canopy sign. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered a banner.
5. **Base Setback Line.** The edge of the established ultimate street right-of-way or property line.
6. **Beacon.** A stationary or revolving light that flashes or projects illumination, single-color or multicolored, in any manner that is intended to attract or divert attention. Such signs are prohibited.
7. **Billboard.** A structure for the display of off-premises advertising.
8. **Building Identification.** Any sign indicating the name of a building, date, and incidental information about construction, or any such information, which sign is cut into a masonry surface or is mounted on other permanent material.
9. **Bulletin Board.** Any sign erected by a charitable, educational or religious institution or a public body, upon the same property as said institution, for purposes of announcing events which are held on the premises, and which contains no commercial message.
10. **Canopy Sign.** Any sign that is attached to or part of an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area. A marquee is not a canopy.
11. **Changeable Copy Sign.** A sign or portion thereof, with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times a day or more than once an hour shall be considered an animated sign and not a changeable copy sign for the purpose of this Ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this Ordinance.
12. **Commercial Sign.** Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, sale or sales event or other commercial activity.
13. **Construction Sign.** A sign identifying individuals or companies involved in design, construction, wrecking, financing, or development of a building/lot upon which the sign sits and/or identifying the future use of the building/lot upon which the sign sits.



14. **Directional or Incidental Sign.** A sign, generally informational or directional, that has a purpose secondary to the use of the premises on which it is located, such as "no parking," "entrance," "exit only," "loading only," "telephone," "ATM," and other similar messages. A sign with a commercial message legible from a position off premises on which the sign is located or where the display area does not exceed three square feet or extend higher than three feet above the center line of the adjacent street grade shall not be considered an incidental sign.
15. **Display Surface.** The surface made available on the sign, either for the direct mounting of letters and decorations, or for the mounting of facing material intended to carry the entire advertising message.
16. **Double-Faced Sign.** A sign with copy on two parallel faces that are back to back, facing in opposite directions.
17. **Drop Box.** A device used to hold mail, packages or items for charitable contributions.
18. **Erect.** To build, construct, attach, hang, place, suspend, or affix any thing, including painting of a wall sign.
19. **Facade.** The front or main face of the building.
20. **Facing.** The surface of the sign or billboard upon, against, or through which the message of the sign or billboard is displayed.
21. **Flag.** Any fabric, banner or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.
22. **Flashing Sign.** A sign whose illumination is not kept constant in intensity at all times when in use and/or which exhibits changes in light, color, direction, animation and word/text changes. Illuminated signs that indicate the date, time and temperature will not be considered flashing signs.
23. **Garage Sale Sign.** A private sale of personal property, including estate sales, yard sales or rummage sales used to dispose of personal household possessions; not for the use of any commercial venture.
24. **Government Sign:** Any sign erected by the Town of Rockland or any other governmental entity in the exercise of official government business and authority.
25. **Ground Sign.** A sign on which the bottom edge of the display area has open space between the bottom edge of the display area and the natural grade. The sign is freestanding and not attached to any structure, not to exceed eight feet in height from natural grade.
26. **Illuminated Sign.** A sign in which an artificial source of light is used in connection with the display of such sign.
27. **Illumination, External.** Illumination of a sign with an exterior light source.
28. **Illumination, Internal.** Illumination of a sign in which the source of light is contained within the sign itself.
29. **Lot.** A fractional part of a subdivision or certified survey map having an assigned number through which it may be identified and meeting the requirements of the Town of Rockland Subdivision and Platting Regulations and Zoning Ordinance for a building site.
30. **Mansard Roof.** Any roof that has an angle greater than 45° from the horizontal and which derives part of its support from the building wall and is attached to (but permitted to be not necessarily a part of) a low-slope roof, and which extends along the full length of the front building wall or at least three quarters of the length of a side building wall. For

purposes of this chapter, a "low-slope roof" shall mean any roof with a pitch of less than three inches' rise per 12 inches' horizontal.

31. **Marquee.** A permanent roof-like structure attached to and supported by the building and projecting over public property. For the purpose of this chapter, a marquee shall be considered part of the building.
32. **Marquee Sign.** A sign attached to, painted on, or supported by a marquee.
33. **Memorial Sign.** A sign which serves as a remembrance of a person, event or place.
34. **Multiple-Tenant Identification Sign.** A sign which serves as a common or collective identification for a group of persons or businesses operating on the same zone lot (e.g., shopping center, office complex, etc.). Such sign may name the persons or businesses included, but not limited, and shall carry no other advertising matter.
35. **Neon Sign.** A sign illuminated by a light source consisting of a neon or other gas tube that forms letters, symbols, lines or other shapes.
36. **Nonconforming Signs.** A sign for which a permit has been issued, existing at the effective date of the adoption of this ordinance that does not conform to the terms of this ordinance.
37. **Off-Premises Signs.** Any sign that advertises, calls attention to or identifies an occupant, business or property situated on a different lot than the sign.
38. **On-Premises Signs.** Any sign that advertises, calls attention to or identifies an occupant, business or property situated on the same lot as the sign.
39. **Outdoor Menu Board.** An outdoor sign, associated with restaurants with drive-through windows, which gives a detailed list of food or services that are available at a restaurant, car wash, etc.
40. **Parapet Wall.** A low wall above the roof used as a rated fire wall.
41. **Parcel.** A continuous acreage of land described in a single description in a deed or one of a number of lots or outlots on a plat, separately owned or capable of being separately conveyed.
42. **Pennant.** Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.
43. **Person.** Any natural person, and any firm, partnership, association, corporation, company, or organization, singular or plural, of any kind or nature.
44. **Portable Sign.** Any sign not permanently attached to the ground or any permanent structure, or a sign designed to be transported, including but not limited to: signs designed with wheels; signs converted to A- or T-frames; menu and sandwich boards; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of way, unless said vehicle is used in the normal day- to-day operations of business.
45. **Projecting Sign.** An anchored (immovable) sign affixed or attached directly to the external wall of a building or structure any part of which, including illumination devices, extends more than 13 inches from the exterior wall of the building or structure. This definition shall be interpreted to include canopy signs.
46. **Real Estate Sign.** A sign placed upon property for the purpose of advertising to the public the sale, lease or rent of said property.

47. **Roof Sign.** A sign that projects above the lowest point of the eaves or the top of the parapet wall of any building, or that is painted on or fastened to a roof.
48. **Sandwich Board Sign.** An advertising device which is ordinarily in the shape of an "A" or some variation thereof, located on the ground, easily movable, not permanently attached thereto, and which is usually two sided.
49. **Sign.** A name, identification, description, display, or illustration which is affixed to, or represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to an object, product, place, activity, person institution, organization, or business.
50. **Spot Light Illumination.** Illumination which comes from lamps, lenses or devices designed to focus or concentrate the light rays of the source.
51. **Temporary Sign.** A sign erected for a period of 30 consecutive days or less.

### **18-04.05 Permits**

- A. **Authority:** Except as expressly provided in this Sign Code, it shall be unlawful for any person to erect, repair, alter, or relocate any sign without first obtaining a sign permit.
- B. **Application for Permit:** Sign permit applications, including all required fees, shall be filed with the Zoning Administrator, who shall review the application for its completeness and accuracy. Applications shall contain or have attached thereto the following information:
  1. Name, address, and telephone number of the applicant and the location of the building, structure, or parcel to which or upon which the sign is to be attached or erected.
  2. Name of person, firm, corporation, or association erecting the sign.
  3. Written consent of the owner of the building, structure, or parcel to which or upon which the sign is to be affixed.
  4. A scale drawing of such sign indicating the dimensions, materials to be used, color scheme, type of illumination, if any, and the method of construction or attachment.
  5. A scale drawing indicating the location, position and color scheme of such sign in relation to nearby buildings or structures.
  6. Additional information as may be required by the Town.

### **C. Issuance of a Permit**

1. Upon the filing of a complete application for a sign permit, the Zoning Administrator shall examine the application to determine whether the proposed sign is in compliance with the requirements of this ordinance and any other applicable regulations of the Town of Rockland.
2. Within 30 days of filing the application, unless the applicant consents to a longer period of review:
  - a. If the proposed sign is not in compliance with the structural and dimensional requirements of this Sign Code or other applicable regulations, the Zoning Administrator shall deny such permit and provide written notice to the applicant stating with specificity the reasons therefore with citations to applicable regulations and an explanation of the appeal process set forth under RCO 18-04.19.

- b. If the proposed sign is a temporary sign, and the Zoning Administrator determines that the sign complies with this Sign Code and other applicable regulations, the Zoning Administrator shall issue or conditionally issue the permit. If the application is conditionally approved, written notice shall be provided to the applicant of the conditions of approval. Temporary signs shall also meet the requirements of RCO 18-04.16.
- c. If the proposed sign is a permanent sign, and the Zoning Administrator determines that the sign complies with all structural and dimensional requirements of this Sign Code and other applicable regulations, the Zoning Administrator shall issue or conditionally issue the permit. If the application is conditionally approved, written notice shall be provided to the applicant of the conditions of approval. The permit shall expire six months from the date of issuance if construction of the sign is not substantially complete.

### **18-04.06 Fees**

- A. Administrative fees for sign permit review shall be in accordance with the Town of Rockland's established fee schedule.

### **18-04.07 Area Computation Of Signs**

- A. Sign area shall be the area within the smallest regular polygon that will encompass all elements of the actual sign face, including any writing, representation, emblems or any figure or similar character, together with any material forming an integral part of the display or forming the backing surface or background on which the message or symbols are displayed.
  1. For a sign painted on or applied to a building, the area shall be considered to include all lettering, wording and accompanying design or symbols, together with any background of a different color than the natural color, or finish material of the building.
  2. The main supporting sign structure (i.e., brackets, posts, foundation, etc.) shall not be included in the area measurement if such framework is incidental to the display.
  3. When a sign has two or more faces, the area of all faces shall be included in determining the area of the sign.

### **18-04.08 Prohibited Signs**

- A. The following types of signs are prohibited in the Town of Rockland:
  1. Abandoned signs.
  2. Roof signs.
  3. Signs placed on or affixed to vehicles and/or trailers that are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity. This subsection shall not be interpreted to prohibit signs placed on or affixed to vehicles and trailers while the vehicle is parked or used incidentally to the primary use of the vehicle or trailer and are stored during periods of nonuse inconsistent with functional advertising.
  4. Signs that are attached or otherwise affixed to trees or other living vegetation.

5. Signs that contain objectively false or misleading information.
6. Signs that imitate, interfere with, obstruct the view of, or can be confused with any authorized traffic control sign, signal, or other device.
7. Animated signs.
8. Flashing signs.
9. Signs containing reflective elements, which sparkle or twinkle in the sunlight.
10. Sandwich boards.
11. Banners, pennants, streamers, balloons and other gas-filled figures, except as a permitted temporary sign under RCO 18-04.16.
12. Off-premises signs (including billboards). Off premises signs are prohibited in the Town of Rockland unless noted as not requiring a sign permit in RCO 18-04.09 or through written permission from the Rockland Town Board.
13. Portable signs except as a permitted temporary sign under RCO 18-04.16 or as otherwise expressly allowed under this ordinance.
14. Signs attached to, erected or maintained on any standpipe, exterior stairway, fire escape, tower, or balcony so as to interfere with the use thereof.
15. Signs erected at or near the intersection of any streets in such manner as to obstruct free and clear vision thereof; or at any location where, by reason of the position, shape or color, they may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device; or which make use of the words "STOP," "LOOK," "DANGER" or any other word, phrase, symbol, or character in such manner as to interfere with, mislead, or confuse traffic.
16. Signs erected, constructed or maintained so as to obstruct any exit, any window opening necessary for required light or ventilation, or which prevents free passage from one part of a roof to another.
17. Signs entirely supported by a parapet wall.
18. Signs, cards, banners, pictures, handbills, sign posters, advertising, or notice of any kind, on any curb, street-walk, public thoroughfare surface, fence, board, barrel, box, case, railing, pole, post, bridge, tree, barricade, material, bridge fender, dock, pile, building or structure of any kind on public ground or public waterways within the Town of Rockland except as approved by the Town Board.
19. Neon tubing exposed to view and not covered with an opaque cover of Plexiglas or other similar material.
20. It shall be unlawful for any person to continue in operation, erect or maintain any attraction device or sign which contains a beacon of any type.

### **18-04.09 Signs Not Requiring Permit**

- A. The following outdoor signs, advertising structures or devices shall not require a permit under this ordinance. However, they shall be safely constructed and shall comply with all minimum setback requirements imposed by this ordinance:
  1. Memorials, grave markers, statuary or other remembrances of persons or events, names of buildings and date of erection, when cut into any masonry surface or when constructed of bronze or other nonreflective, unobtrusive and incombustible materials.

2. Government signs.
3. Signs in ER-10, NPWLI, or AG-FP districts on parcels of land containing not less than 10 acres. No more than one sign, not to exceed 15 square feet in area, may qualify for this exemption per parcel.
4. Garage sale signs; provided that no person shall attach posters, notices or advertisements to utility poles, meter posts, or trees in or along any street right-of-way within the Town; and that no person shall put up any notice upon any building, wall, fence, or other property of another person without having first obtained the written consent of the owner of such property. The maximum time limit for all garage sale signs is three consecutive days and nine cumulative days in a one-year period. Such signs shall not exceed 12 square feet in area.
5. Temporary, nonilluminated window signs where 75% of the total window area remains free of signage.
6. Real estate signs.
  - a. Number.
    - (1) There shall not be more than one real estate sign for each lot, except that where a lot abuts two or more streets one real estate sign may be allowed for each abutting street frontage.
  - b. Area.
    - (1) In RS-1, RR-1, ER-2, and ER-5 Residential Districts, temporary "for sale" or "for rent" real estate signs shall not exceed 12 square feet in gross surface area.
    - (2) In ER-10, NPWLI, AG-FP, AB, IN, B-1, B-2, I-1, I-2, and Planned Development Overlay Districts, temporary "for sale" real estate signs shall not exceed 25 square feet in gross surface area and temporary "for lease" or "for rent" real estate signs shall not exceed 10 square feet in gross surface area unless land is undeveloped, in which case such sign shall not exceed 25 square feet in gross surface area.
    - (3) "Sold" signs or stickers may be added so long as they do not exceed 25% of the original sign area.
  - c. Location.
    - (1) Real estate signs shall be set a minimum of 10 feet from any abutting side or rear property line or driveway. Additionally, signs shall be set back 10 feet out of the right-of-way, or out of the vision corner intersection. Additionally, signs shall be set back at least the height of the sign plus two feet, out of the right-of-way and out of the vision corner intersection.
  - d. Removal.
    - (1) Real estate signs shall be removed within seven days of the sale or lease of the premises upon which the sign is located.
  - e. Height.
    - (1) Real estate signs shall not project higher than six feet, as measured from the natural grade at the base of the sign.

## 7. Construction Signs.

### a. Number.

- (1) There shall not be more than two construction signs for each project or development, except that where a project or development abuts two or more streets, two signs may be allowed for each abutting street frontage.

### b. Area.

- (1) Residential area. In all residential areas, construction signs shall not exceed 16 square feet on one side or 32 square feet in gross surface area using two sides.
- (2) Nonresidential areas. In all nonresidential areas, construction signs shall not exceed 32 square feet on one side or 64 square feet in gross surface area using two sides.

### c. Location.

- (1) Construction signs shall be located only upon the premises upon which construction either is about to occur or is occurring. Such signs shall be set back a minimum of 10 feet from any abutting property line, road right-of-way or driveway. Such signs shall be set back a minimum of 10 feet from any abutting property line or driveway and at least the height of the sign plus two feet from the road right-of-way and out of vision corner intersection.

### d. Height.

- (1) Construction signs shall not project higher than six feet, as measured from the natural grade at the base of the sign.

### e. Other Conditions.

- (1) Temporary construction signs shall be permitted only as accessory to an approved building permit and the names of the contractors, engineers, architects, and financial institutions involved in the project development
- (2) Construction signs may be erected and maintained for a period not to exceed 30 days prior to the commencement of construction and shall be removed within 30 days of the termination of construction of the project or development.
- (3) The address of the construction site shall be on the construction sign.

## 8. Election and Campaign Signs. An election or campaign sign is a sign which promotes a candidate for public office, a particular position on a referendum or other matter on an election ballot. Election and campaign signs are subject to the following restrictions:

### a. Area.

- (1) Election and campaign signs shall be no larger than 16 square feet.

### b. Location.

- (1) Election and campaign signs may be no closer than 10 feet to the public right-of-way at a street intersection, nor over the right-of-way.

- (2) Election and campaign signs may be closer than 10 feet to other election and campaign signs.

c. Erection and Removal.

- (1) The candidate for public office or a position on a referendum or other matter on an election ballot wishing to place a political sign under this permit exemption with their name or position on it within the Town limits must in fact be, or have their position or matter eligible to be, on the ballot in the Town of Rockland.
- (2) The first day to place election or campaign yard signs within the Town limits is the first day that candidates are eligible to circulate nomination papers.
- (3) All political yard signs must be removed within five days following the election.

9. Noncommercial signs: one sign per parcel carrying any lawful noncommercial message not exceeding 11 square feet in area, except in agricultural areas where they may be up to 15 square feet. Larger noncommercial signs shall be allowed according to permit standards set forth in RCO 18-04.14 and will count toward the total signage area for the parcel upon which they are located.

10. Noncommercial flags. Noncommercial flags may be flown upon a single flagpole as follows:

a. For all nonresidential uses:

Flagpole (Feet)	Height	Flag (Feet)	Size	Flagpole (Feet)	Height	Flag Size (Feet)
20		4 x 6		50		8 x 12 to 10 x 15
25		5 x 8		60 to 65		10 x 15 to 10 x 19
30 to 35		6 x 10		70 to 80		10 x 19 to 12 x 18
40 to 45		6 x 10 to 8 x 12		90 to 100		20 x 38 to 30 x 50

b. For all residential uses, no flagpole may be greater than 25 feet high or carry a flag greater than four feet by six feet. A flagpole 20 feet or shorter shall not carry a flag larger than three feet by five feet.

- 11. Personal messages: a sign announcing births, anniversaries, birthdays, retirement, graduations and other similar events of personal significance not exceeding a total of 20 square feet in area and displayed not longer than seven consecutive days.
- 12. No trespassing/no dumping signs: signs erected to give notice of prohibitions on trespassing or dumping not exceeding 1 1/2 square feet in area.
- 13. Home improvement signs. On-site home improvement signs may be placed in the yard where and when said improvements are being made. No sign shall be placed on any tree or rock. Home improvement signs shall be freestanding ground signs not exceeding six



square feet, nonilluminated and may be placed during construction, but must be removed no later than 14 calendar days after construction is completed.

#### HISTORY

Amended by Ord. [2013-7](#) on 12/16/2013

Amended by Ord. [2015-2](#) on 4/6/2015

### **18-04.10 Illumination Standards**

- A. In addition to complying with the provisions of this ordinance, all signs in which electrical wiring and connections are to be used shall be subject to applicable provisions of the State of Wisconsin Code or National Electrical Code, whichever provision is more restrictive.
- B. The use of unshielded lighting, including exposed incandescent light bulbs hung or strung on poles, wires or any other type of support intended to illuminate a sign or other advertising device, is expressly prohibited.
- C. All sign lighting shall be so designed, located, shielded or hooded so as to prevent the casting of glare or direct light upon adjacent roadways, surrounding properties or into the sky, except for flag lights.
- D. In no case shall the lighting intensity of any sign, whether resulting from internal or external illumination, exceed 60 footcandles when measured with a standard light meter held perpendicular to the sign face at a distance of 10 inches.

### **18-04.11 Landscaping Standards**

- A. In the case of any pole or ground sign for which a permit is required, a landscape area shall extend a minimum of five feet from the base of the sign.
- B. Where any sign is proposed to be externally illuminated using ground-mounted fixtures (i.e., floodlight), landscape plantings shall be installed in such a manner as will entirely shield the light source from the surrounding view. Landscaping plantings shall be of a type as will ensure effective year-long screening.

### **18-04.12 Location Standards**

- A. No signage may cause a reduction in required or previously existing off-street parking spaces, or in any manner interfere with the use of such off- street parking spaces.
- B. In any zoning district, no sign or sign support structure shall be set back less than 10 feet from any abutting lot line or driveway, and shall be at least the height of the sign plus two feet, but not less than five feet, from the right-of-way and out of the vision corner intersection.
- C. Placement of all signs may be subject to more stringent setback requirements where, according to professional traffic engineering standards, required to preserve traffic sight lines.
- D. No nonresidential sign shall be located closer than 50 feet to an abutting residential zone.

### **18-04.13 Bonding Requirements**

- A. All sign contractors and/or installers are to file with the Town of Rockland a non-interest bearing deposit or a surety bond based on the Town's bonding schedule .

### **18-04.14 Signs Allowed By Permit**

A. All signs under this section shall be allowed by issuance of a sign permit under RCO 18-04.05.

B. Signs allowed in RS-1, RR-1, ER-2, and ER-5 Residential Districts:

1. Subdivision/neighborhood identification signs. A permanent sign used to designate a residential subdivision entrance shall be permitted subject to Planning Commission and Town Board approval and the following criteria:
  - a. Type. Subdivision identification signs shall be ground or monument signs.
  - b. Number. There shall not be more than two subdivision identification signs for each point of vehicular access to the subdivision.
  - c. Area. Subdivision identification signs shall not exceed 32 square feet in area per sign.
  - d. Location. Subdivision identification signs shall not be located closer than 10 feet to any property line, right-of-way or driveway.
  - e. Placement of sign shall be subject to the vision setback regulations as put forth in the Code of the Town of Rockland.
  - f. Height. Subdivision identification signs shall not exceed six feet as measured from pre-construction grade at the base of the sign.
  
2. Signs accessory to conditional uses.
  - a. Limited to one ground sign and one wall sign per parcel. No more than 33% of the total sign area may consist of changeable copy.
  - b. Total sign area permitted for signs accessory to conditional uses shall be determined by the length of the front facade of the principal building, not including home occupation signs. When the parcel fronts two or more streets, the front facade shall be the side of the building where the main entrance is located.

Length of Facade	Maximum Size (Square Feet)	Length of Facade	Maximum Size (Square Feet)
15 feet or less	40	80 feet or less	92
20 feet or less	44	85 feet or less	96
25 feet or less	48	90 feet or less	100
30 feet or less	52	95 feet or less	104
35 feet or less	56	100 feet or less	108
40 feet or less	60	105 feet or less	112
45 feet or less	64	110 feet or less	116
50 feet or less	68	115 feet or less	120
55 feet or less	72	120 feet or less	124

60 feet or less	76	125 feet or less	128
65 feet or less	80	150 feet or less	148
70 feet or less	84	175 feet or less	168
75 feet or less	88	200 feet or less	188
		225 feet or less	200

3. Home occupation signs. Signs advertising a home occupation shall not exceed six square feet in size and shall not be illuminated

C. Signs allowed in ER-10, NPWLI, AG-FP, AB, B-1, B-2, I-1, and I-2, zones.

1. Type

- a. Wall signs. Total signage area allowed shall be determined according to RCO 18-04.14(C)(3).
- b. Ground signs. No ground sign shall exceed 200 square feet, and the ground sign shall contain the address number.
- c. Awing, canopy and marquee signs.
- d. Multiple-tenant identification signs. Where multiple tenants occupy a single parcel, total signage area allowed shall be determined according to RCO 18-04.14(C)(3) and shall be divided among the tenants.
- e. Window signs. Temporary, non-illuminated window signs covering less than 25% of the window area shall be allowed. Business decals not exceeding 50% of the display area shall be allowed.
- f. Changeable copy signs. No more than 33% of total sign area may consist of changeable copy.
- g. Drop boxes, ATMs, vending machines and newspaper dispensers. If the lettering from any drop box, ATM, vending machine, newspaper dispenser or similar device is legible by a person of ordinary eyesight from any distance off the zoning lot for which it is approved, the signage thereon shall count toward total signage area allowed on the zoned lot.
- h. Home occupation signs. Signs advertising a home occupation shall not exceed six square feet in size and shall not be illuminated.
- i. Outdoor menu boards. Outdoor menu boards are only allowed on lots which have previously been approved for drive-through-type businesses such as restaurants and car washes under the following conditions:
  - (1) Only one outdoor menu board shall be permitted per order window or wash bay, on a lot.
  - (2) Display surface area shall not exceed 24 square feet.
  - (3) If the sign is lighted it may be lighted by internal illumination only and only during business hours.

The outdoor menu board lettering may not be legible from any distance off the zoned lot for which it is approved.

2. Number. There shall not be more than one ground sign for each parcel.
3. Total sign area shall be determined by the length of the front facade of the principal building, not including home occupation signs. When the parcel fronts two or more streets, the front facade shall be the side of the building where the main entrance is located.

Length of Facade	Maximum Size (Square Feet)	Length of Facade	Maximum Size (Square Feet)
15 feet or less	40	80 feet or less	92
20 feet or less	44	85 feet or less	96
25 feet or less	48	90 feet or less	100
30 feet or less	52	95 feet or less	104
35 feet or less	56	100 feet or less	108
40 feet or less	60	105 feet or less	112
45 feet or less	64	110 feet or less	116
50 feet or less	68	115 feet or less	120
55 feet or less	72	120 feet or less	124
60 feet or less	76	125 feet or less	128
65 feet or less	80	150 feet or less	148
70 feet or less	84	175 feet or less	168
75 feet or less	88	200 feet or less	188
		225 feet or less	200

4. Location. A ground sign may not be located closer than 10 feet to any property line or driveway and at least the height of the sign plus two feet, but not less than five feet, to any right-of-way and out of the vision corner intersection.
5. Height. A wall sign shall not project higher than the parapet line of the wall to which the sign is to be affixed. A wall sign shall not exceed 20 feet in height from the base of the building wall to which the sign is affixed. A ground sign shall not project higher than eight feet, as measured from the natural grade at the base of the sign. A canopy or marquee sign shall not project higher than the top of the awning, canopy or marquee to which such sign is to be attached.

D. Signs allowed in IN Institutional District.

1. Type
  - a. Wall signs. Total signage area allowed shall be determined according to RCO 18-04.14(D)(3).
  - b. Ground sign and shall contain the address number. No ground sign shall exceed 200 square feet, and the ground sign shall contain the address number.

2. Number. Except for the case of multiple-tenant buildings, there shall not be more than one wall sign for each principal building. There shall not be more than one freestanding ground sign for each principal building.
3. Area. Total sign area shall be determined by the length of the front facade of the principal building. When the parcel fronts two or more streets, the front facade shall be the side of the building where the main entrance is located.

Length of Facade	Maximum Size (Square Feet)	Length of Facade	Maximum Size (Square Feet)
15 feet or less	40	80 feet or less	92
20 feet or less	44	85 feet or less	96
25 feet or less	48	90 feet or less	100
30 feet or less	52	95 feet or less	104
35 feet or less	56	100 feet or less	108
40 feet or less	60	105 feet or less	112
45 feet or less	64	110 feet or less	116
50 feet or less	68	115 feet or less	120
55 feet or less	72	120 feet or less	124
60 feet or less	76	125 feet or less	128
65 feet or less	80	150 feet or less	148
70 feet or less	84	175 feet or less	168
75 feet or less	88	200 feet or less	188
		225 feet or less	200

4. Location. A wall sign may be located on the outermost wall of any principal building but shall not project more than 13 inches from the wall to which the sign is to be affixed. A ground sign shall not be located closer than 10 feet to any property line or driveway and at least the height of the sign plus two feet, but not less than five feet, to any right-of-way and out of the vision corner intersection.
5. Height. A wall sign shall not project higher than the parapet line of the wall to which the sign is to be affixed. A wall sign shall not exceed 20 feet in height from the base of the building wall to which the sign is affixed. A ground sign shall not project higher than eight feet, as measured from natural grade at the base of the sign.

E. Planned Development Districts (RCO 18-01.22). Type, number, total sign area, location and height of signage in any Planned Development District shall be established according to an approved signage plan reviewed in conjunction with the approval of the Planned Development District. Said signage plan shall not constitute part of the applicable zoning, but shall be enforced as part of this sign code. Amendments to the signage plan shall require approval by the Town Board upon written request submitted to the Town Clerk including a detailed description of the requested amendments and payment of the fee prescribed in the Town of Rockland fee schedule.

## HISTORY

Amended by Ord. [2013-7](#) on 12/16/2013

Amended by Ord. [2015-2](#) on 4/6/2015

**18-04.15 Nonconforming Signs**

- A. Existing signs which become nonconforming upon adoption of this ordinance shall not be remodeled, relocated or changed in size or content unless such action will make the sign conforming in all respects with this ordinance.
1. Where a nonconforming sign is destroyed by violent wind, vandalism, fire, flood, ice, snow, or other act of God, it may be reconstructed to the size, location, and use that it had immediately prior to being damaged or destroyed.
- B. At any such time as the owner of any building or lot, on which a nonconforming sign(s) is/are located requests Planning Commission or Town Board approval for any changes to the use, building or lot, the Planning Commission or Town Board may require that such nonconforming sign(s) be removed or made to conform with this ordinance as a condition of building or site approval.
- C. Nonconforming signs shall further adhere to the requirements identified in RCO 18-09.00.

**18-04.16 Temporary Signs**

- A. No person, firm, or corporation shall erect or display any form of temporary commercial sign without first obtaining a sign permit from the Zoning Administrator.
- B. Application for a temporary commercial sign shall be made on a form provided by the Zoning Administrator and shall be accompanied by a permit fee.
1. A permit fee shall not be required for a bona fide non-profit group advertising a fund raiser or other similar event.
- C. The term of a temporary sign permit shall not exceed 30 consecutive days from the date of issuance and must be wholly within any one calendar year, at the end of which term such permit shall expire and any sign or advertising device allowed by said permit shall be removed.
- D. No person, firm, or corporation shall erect or display more than one temporary advertising device or temporary sign in any one calendar year.
- E. Each face of a temporary sign shall not exceed 32 square feet in area, and the total area of such device or sign shall not exceed 64 square feet. The maximum height of a temporary freestanding sign is restricted to seven feet.
- F. The failure to remove a sign or advertising device upon expiration of the sign permit shall be a violation of this ordinance, and each day of violation thereafter shall be considered a separate offense.
- G. Any such sign or device shall not contain more than two faces, each of which shall be on a different side of the sign or device.
- H. No sign or device may be placed in the vision corner or any other portion of the public right-of-way. Signs shall be setback a minimum of 10 feet from the public right-of-way.
- I. Banners shall not be displayed for more than 14 consecutive days. However, banners may be authorized for use up to three times per year, and up to two banners may be displayed at one time.

- J. Each temporary sign shall be appropriately secured and constructed consistent with public safety.

### **18-04.17 Design, Construction, And Erection Standards**

#### **A. Architectural/engineering design.**

1. Ground signs. These signs shall be architecturally integrated with the principal building in the following manner:
  - a. The base of the sign shall be constructed with permanent building materials that are complementary in color to the building.
  - b. The color scheme of the sign and sign frame shall be complementary to the building and surrounding area.
  - c. Architectural features (e.g., sills, piers, reveals, capstone, medallions, etc.) that are part of the architectural style of the principal building shall be incorporated into the sign.
  - d. The sign face shall be constructed with an opaque surface to allow internal light to only project through the cut-out lettering and/or logos.

#### **B. Structure design.**

1. Wind pressure. All signs shall be constructed, erected and maintained to safely withstand wind pressure as specified by the Wisconsin State Statutes and applicable Administrative Code.
2. The design, construction and erection of all signs shall be by a competent professional in the sign design and construction industry.
3. Wall signs attached to exterior building walls shall be anchored or attached in such a manner as will ensure stability and safety.

### **18-04.18 Maintenance Of Signs**

- A. The owner of any sign as defined and regulated by this ordinance shall be required to properly maintain the appearance and safety of all parts and supports of their sign.
- B. In event that the sign owner does not provide sign maintenance within 60 days after written notification from the Town, the Zoning Administrator shall take enforcement action as provided by this Sign Code.

### **18-04.19 Appeals And Variances**

#### **A. Appeals.**

1. The Board of Appeals, shall hear all appeals by any person aggrieved by any actions or decisions of the Zoning Administrator or other Town officer or employee charged with implementing the provisions of this Ordinance where it is alleged an error has been made in any factual determination or application of any provision of this Ordinance or any applicable state or federal law. For purposes of this section, an aggrieved person is an applicant for a sign permit, a holder of a sign permit or any person who is alleged to have violated any provision of this ordinance.

2. A written request for an appeal, including the name and address of the appellant and a brief statement of the nature of the appeal, shall be filed with the Town Clerk within 10 days of receiving written notice of the decision being appealed. The Board of Appeals shall hold a hearing on said appeal within 30 days of filing the appeal, and written notice of the hearing shall be mailed to the address given by the appellant.
3. The Board of Appeals shall issue and mail to the appellant a written decision within 10 working days of the hearing. Appeals of the Board of Appeals shall be by certiorari review to the Brown County Circuit Court or as otherwise provided by law.
4. Appeals under this section shall not relieve any person facing enforcement action under RCO 18-04.20 from complying with any procedural requirements of the court exercising jurisdiction over said action.

#### **B. Variances.**

1. The Planning Commission may, in its judgment, authorize such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship, so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done.

### **18-04.20 Enforcement And Penalty Provision**

- A. Penalty. Any person, firm, company or corporation who or which violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be subject to enforcement of this section and all other laws and ordinances relating to this section by imposition of forfeitures and injunctive action in accordance with RCO Citation Ordinance 01-01.00. Each day that a violation exists shall constitute a separate violation and be punishable as such.
- B. Declared nuisances. Any sign or similar advertising structure erected, structurally altered, painted, moved or maintained in violation of the provisions of this chapter is hereby declared to be a nuisance per se, by the Town Board, and the Town may apply to any court of competent jurisdiction to restrain or abate such nuisance.
- C. Removal of certain signs
  1. Any sign now or hereafter existing that no longer advertises a bona fide business or project, or that is dilapidated, out of repair, unsafe, insecure, or has been constructed, erected or maintained in violation of the provisions of this ordinance shall be taken down and removed by the owner, agent, or person having the beneficial use of the building or land upon which such sign may be found. If, within 10 days after written notification from the Town, the sign owner fails to comply with such notice, the Town may remove such sign. Any expense incident thereto shall be paid by the owner of the building or land to which such sign is attached. In the event such cost and expenses are not paid within 30 days from the date of billing, then the costs and expenses incurred for such removal shall be assessed against the real estate upon which such sign is located and collected pursuant to § 66.0627 Wis. Stats.
  2. Any sign that is constructed without a sign permit shall be removed unless a sign permit application is filed within 10 days' written notice to the owner by the Town. If a sign permit application is not filed and the sign is not removed, or if the application for a sign permit is denied and the sign is not removed within 10 days' written notice, the Town may remove such sign. Any expense incident thereto shall be paid by the owner of the building or land to which such sign is attached. In the event such cost and expenses are not paid within 30



days from the date of billing, then the costs and expenses incurred for such removal shall be assessed against the real estate upon which such sign is located and collected pursuant to § 66.0627 Wis. Stats.

3. The Zoning Administrator may cause any sign or other advertising structure that he/she determines to be an immediate peril to persons or property to be removed summarily and without notice. Any expense incident thereto shall be paid by the owner of the building or land to which such sign is attached. In the event such cost and expenses are not paid within 30 days from the date of billing, then the costs and expenses incurred for such removal shall be assessed against the real estate upon which such sign is located and collected pursuant to § 66.0627 Wis. Stats.

D. Revocation of permits. The Zoning Administrator may, in writing, suspend or revoke a permit issued under provisions of this Sign Code whenever the permit is issued on the basis of a misstatement of fact or fraud. The written revocation shall describe the appeal process set forth under RCO 18-04.19. The Zoning Administrator shall send the revocation by certified mail, return receipt requested, to the sign owner.

E. Election of remedies. The Town may elect to enforce this ordinance under any or all enforcement actions authorized by this section.

## **18-05.00 OFF-STREET PARKING**

### **18-05.01 General Requirements**

#### **18-05.02 Parking Standards**

### **18-05.03 Specific Requirements**

## **18-05.01 General Requirements**

A. The following regulations shall apply to all zone districts within the Town of Rockland.

1. The design of parking lots and areas in the B-1, B-2, IN, I-1, and I-2 zoning districts shall be subject to site plan approval.
2. All parking spaces required to serve buildings or uses erected or established after the effective date of this ordinance shall conform to the requirements herein.
3. Any application for a building permit, or for any occupancy certificate, where no building permit is required, shall include therewith a site plan, drawn to scale and fully dimensional, showing any off-street parking or loading facilities to be provided in compliance with this ordinance.
4. All off-street parking facilities shall be designed with appropriate means for vehicular access to a street or alley in a manner which will least interfere with traffic movement.

## **18-05.02 Parking Standards**

A. Each required off-street parking space shall be at least ten (10) feet in width measured at right angles to the center of car as parked, and at least twenty (20) feet in length, exclusive of access drives or aisles, ramps or columns. Aisles shall be not less than twenty four (24) feet wide for ninety (90) degree parking, eighteen (18) feet wide for sixty (60) degree parking, fifteen (15) feet wide for forty-five (45) degree parking (angle shall be measured between center line of parking space and center line of aisle), and twelve (12) feet wide for parallel parking. For parallel parking, the length of the parking space shall be increased to twenty-three (23) feet.

B. Each parking space shall not be less than two hundred (200) square feet, exclusive of the space required for ingress and egress.

- C. Any lighting used to illuminate off-street parking areas shall be directed downward and away from residential properties and public streets in such a way as not to create a nuisance.
- D. All off-street parking lots shall adhere to Wisconsin Statutes as to requiring handicap parking.
- E. All driveways are means by which vehicles travel between the street and the approved parking spaces and are not to be considered for approved parking spaces.
- F. Parking areas may be located in any yard space within the Institutional, Community Business District, and the Limited and Heavy Industrial Districts, and in any yard space but the front yard in the other districts, however, no parking space or area including driveway shall be permitted within five (5) feet of a property line in a side yard and/or ten (10) feet of a street right-of-way.
- G. All parking areas and appurtenant passageways and driveways shall be hard surfaced.
- H. When parking facilities are permitted on land other than the zoning lot on which the building or use served is located, such facilities shall be in the same possession as the zoning lot occupied by the building or use to which the parking facilities are accessory.
- I. All parking areas and appurtenant passageways and driveways serving commercial uses shall be illuminated adequately from the hours of sunset to sunrise when the use is in operation. Lighting shall be directed downward to prevent light pollution. Adequate shielding shall be provided by commercial uses to protect adjacent residential zones and road traffic from the glare of such illumination and from that of automobile headlights.
- J. No building for which off-street parking space is required may be added to, structurally altered or converted in use so as to encroach upon or reduce the parking space below the required minimum.
- K. No parking space required under this ordinance may be used for any other purpose; provided, however, that open spaces required by this ordinance for setback and side yards may be used for such parking spaces or approaches there to, except on corner lots there shall be no parking in a vision clearance triangle.
- L. Where a building permit has been issued prior to the effective date of this ordinance, and provided that construction is begun within six (6) months of such effective date and diligently pursued to completion, parking and loading facilities in the amounts required for the issuance of said building permit may be provided in lieu of any different amounts required by this ordinance.
- M. **Existing buildings with parking deficiencies.** When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, gross floor area, seating capacity or other units of measurement specified herein for the required parking or loading facilities, then parking and loading facilities as required herein shall be provided for such increase in intensity of use and for at least fifty (50) percent of any existing deficiency in parking or loading facilities.
- N. **Existing buildings without parking deficiencies.** When determination of the number of off-street parking spaces required by this ordinance results in a requirement of a fractional space, any fraction in excess of one half (1/2) shall be counted as one (1) parking space. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time.
- O. None of the off-street parking facilities required in this ordinance shall be required for any existing building or use, unless said building or use shall be enlarged, in which case, the provisions of this ordinance shall apply to the enlarged portion of the building or use.
- P. Accessory off-street parking facilities in existence on the effective date of this ordinance and located on the same lot as the building or use served shall not hereafter be reduced below the requirements for a similar new building or use under the provisions of this ordinance.

- Q. In any AB, B-1, B-2, IN, I-1, or I-2 District wherever a lot abuts upon a public or private alley or street, sufficient loading space shall be provided on the lot or adjacent thereto in connections with any business or industrial use so that the alley or street shall at all times be free and unobstructed to the passage of traffic.
- R. Parking lots containing ten (10) or more parking spaces which are located in the RS-1, RR-1, ER-2, or ER-5 districts or adjacent to these districts shall be subject to site plan review. These parking lots shall be screened along the side or sides of such lot which about the lot lines of the listed residential zoning lots by a solid wall, fence, evergreen planting, or equivalent capacity or other equally effective means, built or maintained at a minimum height of four feet. If parking lots so located are lighted, the lights shall be so shielded as to prevent undesirable glare or illumination of adjoining residential property.
- S. Parking lots shall provide for safe and accessible pedestrian ways to the principal use on the parcel.

#### HISTORY

Amended by Ord. [2015-2](#) on 4/6/2015

### **18-05.03 Specific Requirements**

- A. **Apartment Hotels.** One and one half (1 1/2) parking spaces shall be provided for each dwelling unit or lodging room and additional space as shall be required for supplemental uses.
- B. **Educational (Non-Boarding) and Cultural Institutions**
1. Elementary and middle schools. One (1) parking space shall be provided for each employee and adequate visitor space to be determined by the Board of Education.
  2. Senior high schools. One (1) parking space shall be provided for each employee, and one (1) parking space shall be provided for each five (5) students, based on the maximum number of students attending classes on the premises at any one time during any twenty four (24) hour period.
  3. Public libraries, art galleries, museums, and aquariums. One (1) space shall be provided for each two (2) employees, plus additional parking space equal to fifty (50) percent of capacity in persons.
  4. School auditoriums and gymnasiums. One (1) parking space shall be provided for each eight (8) seats.
  5. Stadiums and grandstands. One (1) parking space shall be provided for each eight (8) seat.
  6. Colleges, junior colleges, and universities. One (1) parking space shall be provided for each employee and one (1) parking space provided for each 4 (4) students, based on the maximum number of students attending classes on the premises at any one time during any twenty four (24) hour period.
  7. Fraternities, sororities, and dormitories in conjunction with colleges, junior colleges, and universities. One (1) parking space shall be provided for each three (3) active members or dormitory residents, plus one (1) parking space for the manager.
- C. **Health and Medical institutions**
1. Convalescent homes, nursing homes, rest homes, institutions for the care of the aged and for children and sanitariums. One (1) parking space shall be provided for each four (4) beds, plus one (1) parking space for each (2) employees (other than staff doctors), plus one (1) parking space for each doctor assigned to the staff.

2. Hospitals. One (1) parking space shall be provided for each four (4) hospital beds, plus one (1) parking space for each two (2) employees and doctors assigned to the staff.
3. Group homes. One (1) parking space for each four (4) occupants authorized one (1) parking space for each employee on the maximum shift.

#### **D. Multiple Family Dwellings**

1. Two (2) parking spaces will be provided for each dwelling unit. In addition, visitor parking will be provided as follows:
  - a. For one bedroom units, one additional parking space will be provided as guest parking for every six (6) units or fraction thereof.
  - b. For two and three bedroom units, one additional parking space will be provided as guest parking for every four (4) units or fraction thereof.

**E. Philanthropic and Charitable Institutions.** One (1) parking space shall be provided for each employee, plus one (1) space per patron to the maximum capacity.

**F. Planned Developments (RCO 18-01.22).** Parking spaces shall be provided on the basis of the required spaces for each individual use.

**G. Public Utility and Service Uses.** One (1) parking space shall be provided per one and one half (1 1/2) employees, plus one (1) space per every company vehicle.

**H. Radio and Television Stations.** One (1) parking space shall be provided for each employee.

#### **I. Religious Institutions**

1. Churches, chapels, temples, and synagogues. One (1) parking space shall be provided for each four (4) seats.
2. Convents, seminaries, monasteries, rectories, parsonages, parish houses and religious retreats. One (1) space for every two (2) beds.

#### **J. Recreational**

1. Stadiums, ballparks, and other outdoor sports' arenas. One (1) parking space for each four (4) permanent seats. Such parking shall be located no further than eight hundred (800) feet to the nearest corner of the property on which the place of assembly is located.
2. Theaters, indoor sports' arenas, and auditoriums other than those incidental to schools. One (1) parking space for each four (4) seats, plus one (1) additional parking space for each two (2) employees on the maximum shift.
3. Bowling alleys. Four (4) parking spaces per alley, plus additional requirements for such other uses as eating and drinking establishments.
4. Dance hall, skating rinks, lodge halls, exhibition halls, without fixed seats. One (1) parking space for each eighty (80) square feet of usable floor area.
5. Golf driving ranges or shooting ranges. One (1) parking space for each driving tee or shooter station.
6. Miniature courses or putting greens. Two (2) parking spaces for each golf hole.
7. Games and athletic courts. Two (2) parking spaces for each court.
8. Golf courses. Six (6) parking spaces per hole, plus one (1) space per employee, plus one (1) space for each two hundred (200) square feet of gross floor area for adjoining

accessory commercial uses.

9. Swimming pools (Public) (other than those uses in accessory uses with residential and commercial uses). One (1) parking space for every one hundred (100) square feet of pool area, one (1) parking space for each employee on the maximum shift. Customer pickup and drop-off zone shall be provided on a curbed directional driveway with the parking zones behind the street setback area, said parking zone not to interfere with the other parking requirements.
  10. Marinas, harbors and launching ramps. One (1) parking space for each boat berth or on-site storage space. In addition, eighteen (18) double length car-trailer spaces shall be required for each parking ramp.
- K. Rooming Houses.** One and one half (1 1/2) parking spaces shall be provided for each rooming unit, plus one (1) space for the owner manager.
- L. Single-Family Detached Dwellings.** Two (2) parking spaces shall be provided for each dwelling unit not to be located within the front yard setback.
- M. Two-Family Dwellings.** Two (2) parking spaces shall be provided for each dwelling unit not to be located within the front yard setback.
- N. Day Care Centers and Nursery Schools.** One (1) parking space for each eight (8) children authorized and one (1) parking space for each staff member; however, such parking requirements for children authorized may be reduced to one (1) parking space per ten (10) children, if a customer pickup and drop-off zone is provided on a curved directional driveway with the parking zones behind the street setback area, said parking zone not to interfere with the other parking requirements.
- O. Day Care Homes, Family.** One (1) parking space for each eight (8) children authorized and one (1) parking space for each staff member; however, if the staff resides in the home, the required spaces and driveway standards of a single family home shall also apply.
- P. Commercial and Retail Service Uses**
1. Animal hospitals and kennels. Two (2) parking spaces shall be provided for each employee
  2. Dry Cleaning establishments, laundromats, and receiving stations. One (1) parking space shall be provided for each two (2) employees and every two (2) automatic self-service units.
  3. Funeral homes and mortuaries. One (1) parking space for each five (5) seats or one hundred (100) square feet of floor area for each chapel or parlor, whichever is greater.
  4. Hotels. One and one fourth (1 1/4) parking spaces shall be provided for each lodging room, plus one (1) parking space for each employee, plus additional spaces for affiliated uses, as required by this ordinance.
  5. Medical and dental clinics. Three (3) parking spaces shall be provided per treatment room, plus one (1) for each doctor or dentist.
  6. Motels and rooming units. One and one fourth (1 1/4) parking spaces shall be provided for each dwelling unit or lodging room, plus one (1) parking space for each employee, plus additional parking for affiliated uses, as required by this ordinance.
  7. Nurseries and greenhouses. One (1) parking space per three hundred (300) square feet of sales floor area.
  8. Planned development. Parking facilities shall be provided on the basis of the required spaces for each individual use.

9. Restaurants, taverns, supper clubs, cocktail lounges, and night clubs. One (1) parking space for every three (3) seats, plus one (1) space for each employee.
10. Shopping centers. One (1) parking space shall be provided for each two hundred (200) square feet of floor area, plus one (1) per employee on maximum shift.
11. Schools-music, dance or business. One (1) parking space shall be provided for each two (2) employees, plus one (1) space for each five (5) students.
12. Theaters, indoor. Parking spaces equal in number to thirty (30) percent of the seating capacity in persons shall be provided.
13. Banks, savings and loan associations and other financial institutions. One (1) space for each two hundred (200) square feet of gross floor area, plus one (1) parking space per employee on the maximum shift.
14. Drive-in banks, savings and loan associations and other financial institutions. One (1) space per each two hundred (200) square feet of gross floor area, plus six (6) stacking spaces for first drive-in window and four (4) stacking spaces for each additional window.
15. Barber shops, beauty salons and other similar personal service use. Two (2) spaces per operator's station and one (1) space per employee on the maximum shift.
16. Bus and motor coach depot or station. One (1) space per employee during maximum shift, plus six (6) spaces per bus at peak loading capacity.
17. Bus and motor coach service garage. One (1) space per employee on the maximum shift, plus suitable area for servicing and parking bus and motor coaches.
18. Carry-out restaurants, confectioneries and drive-in restaurants. One (1) parking space per sixty (60) square feet of net patron floor area, excluding restrooms, plus one (1) space per employee on the maximum shift, plus six (6) stacked parking spaces for each vehicle service window.
19. Automobile service station uses and automobile wash facilities. One (1) space per employee on the maximum shift and two (2) spaces per service stall or bay, plus three (3) stacked spaces per each fueling position or car washing staff.
20. Motor vehicles, machinery sales and repair garage. One (1) parking space for each four hundred (400) square feet of floor area, plus one (1) space per employee on the maximum shift.
21. Shops repairing household appliances and equipment. One (1) parking space per to hundred fifty (250) square feet of floor area, plus one (1) space per employee on the maximum shift.
22. Furniture and large appliance store. One (1) parking space for each five hundred (500) square feet of gross floor area, plus one (1) parking space per employee on the maximum shift.
23. Outdoor sales' areas, such as for new or used automobile, boat or trailer sales, lumber or building materials yards, plant nurseries or similar uses. One (1) parking space for each one thousand (1,000) square feet of uncovered sales' area, plus one (1) parking space per employee on the maximum shift.
24. General retail sales, including department stores not located in a shopping center. One (1) parking space per two hundred (200) square feet of gross floor area.
25. Offices. Business, governmental and professional offices (except health care, but including counseling services). Four (4) parking spaces shall be provided for each one thousand (1,000) square feet of floor area for the first twenty thousand (20,000) square

feet of gross floor area, plus three (3) per one thousand (1,000) square feet of floor area more than twenty thousand (20,000) square feet.

26. Cultural and community centers, such as libraries, art galleries, and museums. One (1) parking space for every three hundred (300) square feet or visitor use area, plus one (1) parking space for each one and five tenths (1.5) employees on the maximum shift.

**Q. Industrial Districts and Uses.** Off-street parking spaces accessory to uses allowed in the several industrial districts shall be provided in accordance with the following minimum requirements.

1. In the Industrial districts and for any industry, one (1) space for every one thousand (1,000) square feet of building area or for every two (2) employees, whichever constitutes the greater number of stalls. Industries operating more than one (1) shift must have additional spaces to provide for change of personnel at shift change time.

**R. Off-Street Loading Requirements.** There shall be provided on the same lot with every building structure or part thereof erected hereafter to be used for other than exclusive dwelling purposes, adequate space for standing, loading motor vehicles in order to avoid undue interference with the public use of streets or alleys. Such space, unless otherwise adequately and specifically provided for, shall include a twelve (12) by sixty five (65) foot loading space with fifteen (15) feet height clearance, and one (1) such space shall be provided for when the gross floor area exceeds twenty thousand (20,000) square feet. No portion of the vehicle shall project into a public right of way.

**S. Uses Not Listed.** For uses not listed, the zoning administrator shall determine the appropriate parking standards based on the particular use.

## **18-06.00 TELECOMMUNICATION ANTENNAS AND TOWERS**

### **18-06.01 Definitions**

### **18-06.02 Applicability**

### **18-06.03 General Guidelines And Requirements**

### **18-06.04 Permitted Use Permits**

### **18-06.05 Conditional Use Permits**

### **18-06.06 Removal Of Abandoned Telecommunication Antennas And Towers**

### **18-06.07 Enforcement And Penalty Provision**

## **18-06.01 Definitions**

A. As used in this section, the following terms shall have the meanings indicated:

1. **Alternative tower structure** shall mean man-made structure such as elevated tanks, electric utility transmission line towers, non-residential buildings, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers. Free standing signs are not considered to be alternative tower structures.
2. **Antenna** shall mean any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves.
3. **FAA** shall mean the Federal Aviation Administration.
4. **FCC** shall mean the Federal Communications Commission.
5. **Governing authority** shall mean the governing authority of the Town of Rockland.
6. **Preexisting towers and antennas** shall have the meaning set forth in RCO 18-06.02(D).

7. **Height** shall mean, when referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.
8. **Tower** shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, PCS towers, and the like.

### **18-06.02 Applicability**

- A. **District Height Limitations.** The requirements set forth in this section shall govern the location of towers that exceed, and antennas that are installed at a height in excess of the height limitations specified for each zoning district. The height limitations applicable to buildings and structures shall not apply to towers and antennas, however, in no case shall any tower exceed the following height limitations;
  1. for a single user, up to ninety (90) feet in height;
  2. for two users, up to one hundred twenty (120) feet in height; and
  3. for three or more users, up to one hundred fifty (150) feet in height.
- B. **Public Property.** Antennas located on property owned, leased, or otherwise controlled by the governing authority shall be exempt from the requirements of this section, provided a license or lease authorizing such antenna or tower has been approved by the governing authority.
- C. **Amateur Radio: Receive-Only Antennas.** This section shall not govern any tower, or the installation of any antenna, that is under seventy (70) feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively as a receive only antenna.
- D. **Pre-Existing Towers and Antennas.** Any tower or antenna for which a permit has been properly issued prior to the effective date of this section shall not be required to meet the requirements of this section, other than the requirements of RCO 18-06.03(E) and (F). Any such towers or antennas shall be referred to in this section as “pre-existing towers” or “pre-existing antennas”.
- E. **Large, Medium, and Small Wind Energy Facilities.** Large, medium, and small wind energy facilities as defined in RCO 18-01.08 are regulated in the “Large, Medium, and Small Wind Energy Facility Ordinance, Town of Rockland, Brown County, Wisconsin” and are therefore exempt from this ordinance.

### **18-06.03 General Guidelines And Requirements**

- A. **Purpose, Goals:** The purpose of this section is to establish general guidelines for the siting of towers and antennas. The goal of this section is to:
  1. Encourage the location of towers in nonresidential areas and minimize the total number of towers throughout the community,
  2. Strongly encourage the joint use of new and existing tower sites,
  3. Encourage users of towers and antenna to locate them, to the extent possible, in areas where the adverse impact on the community is minimal,



4. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas, and
5. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.

**B. Principal or Accessory Use.** Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to set-back requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this section shall not be deemed to constitute the expansion of a nonconforming use or structure.

**C. Inventory of Existing Sites.** Each applicant for an antenna or tower shall provide to Town an inventory of its existing towers that are either within the jurisdiction of the governing authority, or within one mile of the border thereof, including specific information about the location, height, and design of each tower. The Town may share such information with other applicants applying for approvals or Conditional Use permits under this section, or other organizations seeking to locate antennas within the jurisdiction of the governing authority, provided, however, that the Town is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

**D. Aesthetics and Lighting.** The guidelines set forth in RCO 18-06.03(D) shall govern the location of all towers, and the installation of all antennas, governed by this section, provided, however, that the governing authority may waive these requirements if it determines that the goals of this section are better served thereby.

1. Towers shall maintain a galvanized steel finish, or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
2. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment.
3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
4. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting, alternatives and approve the design that would cause the least disturbance to the surrounding views.
5. Towers and antennas shall not be used for displaying any advertising. If FCC rules require that the owner's name be shown on the tower or antenna, it shall be posted no more than 6 ft. above the ground on a placard no larger than 1-1/2 sq. ft.

**E. Federal Requirements.** All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this section shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is

mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna by the governing authority at the expense of the tower or antenna owner, or at the expense of the property owner in the case where the owner of the tower or antenna is leasing the property upon which the tower or antenna is installed.

- F. **Building Codes, Safety Standards.** To insure the structural integrity of towers, the owner of a tower shall insure that it is maintained in compliance with standards contained in applicable state and local building codes, and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the governing authority concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within said thirty (30) days, the governing authority may remove such tower at the expense of the tower or antenna owner, or at the expense of the property owner in the case where the owner of the tower or antenna is leasing the property upon which the tower or antenna is installed.

#### **18-06.04 Permitted Use Permits**

- A. **General.** The uses listed in this Section are deemed to be permitted uses and shall not require a Conditional Use permit. Nevertheless, all such uses shall comply with RCO 18-06.03 and other applicable ordinances.
- B. **Specific Permitted Uses.** The following uses are specifically permitted:
1. Installing an antenna on an existing alternative tower structure, so long as said additional antenna adds no more than twenty (20) feet to the height of said existing structure; and
  2. Installing an antenna on an existing tower of any height, including a preexisting tower, and further including the placement of additional buildings or other supporting equipment used in connection with said antenna, so long as the addition of said antenna adds no more than twenty (20) feet to the height of said existing tower.
  3. Wireless telecommunication towers, as defined in RCO 18-01.08, in the I-1 and I-2 Zoning Districts.

#### **18-06.05 Conditional Use Permits**

- A. **General.** The following provisions shall govern Conditional Use permits:
1. If the tower or antenna is not a permitted use under RCO 18-06.04, then a Conditional Use permit shall be required prior to construction of any tower, or the placement of any antenna in the Town of Rockland.
  2. Towers and antennas may only be located as a conditional use in any zone outside of I-1 or I-2 districts subject to the requirements of this ordinance.
  3. The precise location of the proposed tower or antenna shall be identified on a detailed map and submitted to the Town of Rockland with the conditional use permit application.
  4. If a Conditional Use permit is granted, the governing authority may impose conditions to the extent the governing authority concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties and on the property tax base of the town, and to recoup costs of administering this section of the town zoning ordinance.

- a. This may include a fee based on the height of the tower. The fee shall be \$2.50 per vertical foot of height of the tower per year. The height shall be determined by measuring the vertical distance of the structure measured from the average elevation of the finished grade surrounding the tower to the highest point of the tower.
- b. Any new antennae on existing towers are subject to a \$2,000 per year fee.

5. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical shall be certified by a licensed professional engineer.

**B. Information Required.** Each applicant requesting a Conditional Use permit under this section shall submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the governing authority to be necessary to assess compliance with this section.

**C. Factors Considered in Granting Conditional Use Permits.** The governing authority shall consider the following factors in determining whether to issue a Conditional Use permit, although the governing authority may waive or reduce the burden on the applicant of one or more of these criteria if the governing authority concludes that the goals of this section are better served thereby,

1. Height of the proposed tower
2. Capacity of the tower structure for additional antenna equipment to accommodate expansion, or to allow for collocation of another provider's equipment
3. Proximity of the tower to residential structures and residential district boundaries
4. Nature of uses on adjacent and nearby properties
5. Surrounding topography
6. Surrounding tree coverage and foliage
7. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness
8. Proposed ingress and egress
9. Availability of suitable existing towers and other structures as discussed in paragraph D of this ordinance
10. Compliance with Wisconsin Department of Transportation (DOT) Ordinance 56.04

**D. Availability of Suitable Existing Towers or Other Structures.** No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the governing authority that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

1. No existing tower or structures are located within the geographic area required to meet applicant's engineering requirements.
2. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.

3. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, on the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
5. The fees, costs, or contractual provisions required by the owner to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
6. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

**E. Setbacks and Separation.** The following setbacks and separation requirements shall apply to all towers and antennas for which a Conditional Use permit is required; provided, however that the governing authority may, reduce the standard setbacks and separation requirements if the goals of this section would be better served thereby.

1. Towers must be set back a distance equal to 1.1 times the height of the tower from off-side residential structure, or any parcel of land zoned residential.
2. Towers, guys, and accessory facilities must satisfy the minimum zoning district setback requirements.

**F. Landscaping.** The following requirements shall govern the landscaping surrounding towers for which a Conditional Use permit is required; provided, however, that the governing authority may waive such requirements if the goals of this section would be better served thereby.

1. Tower facilities shall be landscaped with a mixture of deciduous and evergreen trees and shrubs that effectively screen the view of the tower compound from adjacent residential property. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.
2. In locations where the visual impact of the tower would be minimal, the landscaping requirements may be reduced or waived altogether.
3. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large wooded lots, natural growth around the property perimeter may be sufficient buffer.

### **18-06.06 Removal Of Abandoned Telecommunication Antennas And Towers**

- A. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove same within ninety (90) days of receipt of notice from the governing authority notifying the owner of such abandonment. If such antenna or tower is not removed within said ninety (90) days, the governing authority may remove such antenna or tower at the expense of the tower or antenna owner, or at the expense of the property owner in the case where the owner of the tower or antenna is leasing the property upon which the tower or antenna is installed. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.
- B. The site shall be stabilized, graded, and cleared of any debris by the owner of the above antennas or towers or its assigns. If site is not to be used for agricultural practices following removal, site shall be seeded to prevent soil erosion.

- C. Any foundation shall be removed to a minimum depth of four (4) feet below grade, or to the level of the bedrock if less than four (4) feet below grade by the owner of the antenna(s) or tower(s) or its assigns. Following removal, the location of any remaining foundation shall be identified on a map as such and recorded with the deed to the property with the Brown County Register of Deeds.
- D. Any access roads shall be removed, cleared, and graded by the owner of the antenna(s) or tower(s) or its assigns, unless the property owner want to keep the access road. The Town of Rockland will not be assumed to take ownership of any access road unless through official action of the Town Board.
- E. Any expenses related to releasing any easements on the site after decommission and removal shall be the responsibility of the owner or its assigns.
- F. Removal shall conform to the contract between the property owner and the owner/operator, in addition to the requirements set forth in this Ordinance.

### **18-06.07 Enforcement And Penalty Provision**

- A. Any person, partnership, corporation, or other legal entity that violates, disobeys, neglects, omits, or refuses to comply with or resists the enforcement of this ordinance shall be subject to the enforcement of this section and all other laws and ordinances relating to this section by imposition of forfeitures and injunctive action in accordance with RCO Citation Ordinance 01-01.00
- B. Each day a violation exists or continues constitutes a separate offense under this ordinance.

### **18-07.00 MAN-MADE BODIES OF WATER**

[18-07.01 Applicability](#)

[18-07.02 Definitions](#)

[18-07.03 Location](#)

[18-07.04 Exemptions](#)

[18-07.05 Permit](#)

[18-07.06 Site Plan](#)

[18-07.07 Design Standards](#)

[18-07.08 Inspections](#)

[18-07.09 Maintenance](#)

[18-07.10 Permit Fees](#)

[18-07.11 Enforcement And Penalty Provision](#)

#### **18-07.01 Applicability**

- A. The following regulations shall apply to all man-made bodies of water hereinafter constructed or developed within the Town of Rockland.

#### **18-07.02 Definitions**

- A. **Artificial Lake:** A man-made body of water, two acres or greater in size utilized for recreational, aesthetic, or conservation purposes.
- B. **Man-Made Body of Water.** Any excavation or mounding of earth or other material which would create a reservoir in which water can collect or travel
- C. **Pond.** A man-made permanent or temporary body of open water which is equal to or greater than 200 square feet in size and less than two acres in surface area

- D. **Pond, Landscape:** A man-made permanent or temporary body of open water, decorative in nature, which is less than 200 square feet in surface area and has a maximum depth of three feet. Landscape ponds shall be excluded from this ordinance.
- E. **Pond, Stormwater Detention.** A permanent man-made pond or pool used for the temporary storage of stormwater runoff and which provides for the controlled release of such waters.
- F. **Pond, Stormwater Retention.** A permanent man-made pond or pool designed to collect and prevent the release of a given volume of stormwater by complete on-site storage.

### **18-07.03 Location**

- A. **Artificial Lakes** may be allowed as a conditional use in the following districts: Estate Residential (ER-10), Agricultural Non-Participating Working Lands (NPWLI), and Agricultural Farmland Preservation (AG-FP), provided that they are consistent with agricultural use.
- B. **Ponds** may be allowed as a conditional use in the following districts: Estate Residential 2-Acre (ER-2) and Estate Residential 5-Acre (ER-5), Estate Residential (ER-10), Agricultural Non-Participating Working Lands (NPWLI), Agricultural Farmland Preservation (AG-FP) and Agricultural Business (AB), provided they are consistent with agricultural use.

#### HISTORY

Amended by Ord. [2013-7](#) on 12/16/2013

Amended by Ord. [2015-2](#) on 4/6/2015

### **18-07.04 Exemptions**

- A. Exemptions shall be as follows:
  1. Pools (Public and Private), provided all permits are obtained from the Town of Rockland
  2. Manure storage pits as defined in Brown County Code Chapter 26, Animal Waste Storage Facility
  3. Landscape ponds as defined in RCO 18-07.02
  4. Retention and/or detention ponds as defined in RCO 18-07.02

### **18-07.05 Permit**

- A. A permit is required from the Town of Rockland for all excavations or mounding which will result in a man-made body of water as follows:
  1. **Artificial Lakes and Ponds:** The property owner, developer, or his assigned agent shall make application for a conditional use permit to the Town of Rockland Planning Commission prior to construction.
  2. **Artificial Lakes and Ponds:** To obtain a building permit, an application shall be made to the Town of Rockland Zoning Administrator on the proper forms provided by the town.
- B. Applications shall be approved, approved with conditions, or denied within 90 days from the date all information is received by the Planning Commission. The Town Planning Commission shall review and approve a site plan before the Town Board issues the conditional use permit. No application shall be processed or approved without the required information.
- C. If the excavation site falls within a county floodplain or shoreland, or conservancy zone district, the regulations as set forth in the Shoreland-Floodplain Protection Ordinances for Brown County

shall apply. Brown County and the Department of Natural Resource permits must accompany the application, if required. If permits are not required, written confirmation from Brown County and the Department of Natural Resources shall be submitted with the application.

### **18-07.06 Site Plan**

- A. Applications shall include a site plan drawn to a maximum scale of one (1) inch equals two hundred (200) feet with the following information contained on the site plan:
1. A map showing the location of the premises and the adjoining properties within 500 feet.
  2. Any existing or future residential lots, buildings, easements, property lines, and setbacks.
  3. Any existing waterways, floodways, or tile lines.
  4. A scaled cross-section view of the man-made body of water in a north-south and east-west direction depicting slopes, safety benches, depths, and high and low water levels.
  5. Outflow design with calculations.
  6. Fencing, if required
  7. The source of water supply for residential dwellings (if appropriate) and the method(s) of maintaining low water levels.
  8. Proposed truck and machinery access to the site.
  9. Approximate amount of earth material to be excavated or moved off-site. A location needs to be specified for any earth material remaining on-site. Please refer to RCO 18-08.00 Earth Excavation for more information.
  10. Proposed site design depicting two-foot contour intervals.
  11. Proposed grading and seeding of the site after completion of the excavating.
  12. Designated hours of operation during construction of pond or artificial lake.
  13. The type of sanitary facilities to be installed if residential development is to take place.

### **18-07.07 Design Standards**

- A. All man-made bodies of water shall be designed within the scope of this chapter. Where no minimum water level is to be maintained, the slope of the bottom may not exceed 3 horizontal to 1 vertical (3:1) and the depth may not exceed 4 feet. When the man-made body of water is greater than 4 feet in depth, a 6-foot horizontal bench shall be constructed 4 feet below the normal high water level. A slope greater than 3 to 1 will only be acceptable below the 6-foot horizontal bench.
- B. All man-made bodies of water shall have an outflow to maintain the maximum normal water level; the size of this outflow shall be determined by design and shall be capable of removing one inch of water from the surface of the entire pond every 12 hours. The minimum size of outflow pipe shall not be less than eight inches in diameter. A ditch or swale may be considered a substitute for a culvert as an outflow. Outflows shall not flow directly on to adjacent parcels of property. Outflow discharge may cross adjacent parcels through a natural existing waterway only, but in no case shall this discharge create a waterway or a nuisance. A safety buffer area with a slope of 3 to 1 or less shall be established and maintained from the outfall normal high-water level; this area shall be no less than three foot horizontal measured from the water's edge.

- C. All man-made bodies of water shall have a minimum and maximum water level established and sealed with one of the following procedures:
1. Existing clay soils
  2. Compacted clay liner
  3. Synthetic liner
- D. A minimum of 1-foot of freeboard shall be maintained above the maximum high water level.
- E. The minimum side and rear setback shall be 75'; front setbacks and corner side setbacks shall be 75'.
- F. The Town of Rockland may, at its discretion, require fencing. Where such fencing is required, the following criteria shall be used:
1. A structural fence no less than 4 feet in height and no less than four feet from the water's edge at the high-water line shall be provided. It shall be constructed as not to have openings, holes, or gaps larger than four inches in any dimension except for door or gates. If a picket fence is erected or maintained, the horizontal dimensions shall not exceed four inches. All gates or doors 48 inches or less in width opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use. All gates or doors over 48 inches in width opening through such enclosures shall be kept security latched at all times when unsupervised.
  2. Side load pressure must withstand 200 pounds of lateral pressure.
- G. The groundwater table in the surrounding area and adjacent to the man-made body of water shall be protected. No residential well water shall be used to fill the man-made body of water.
- H. Town and state permits shall be required if high capacity wells are drilled on the site. Location of all wells shall be provided on the site plans; well logs shall be provided to the town after completion of the well.
- I. Temporary fencing shall be provided as soon as slopes of greater than 3:1 are developed during construction and shall be maintained until minimum water level is obtained.
- J. No screening, sifting, washing, crushing, or other forms of mineral processing shall be conducted upon the premises unless it is located more than 500 feet from a residential dwelling and until completion of the project or 3 months, whichever is less.
- K. At all stages of operations, proper drainage shall be provided to prevent the collection of growth of vegetation not depicted on the approved plan (weeds and cattails), stagnation of water, and to prevent harmful effects and odors upon surrounding properties. The man-made body of water shall be maintained at all times in accordance with the approved plan. No deviation shall be created from the approved plan without the written approval from the Town of Rockland.
- L. The premises shall be excavated and graded in conformity with the plan as approved. Any deviation from the plan shall be cause for the Town to revoke the permit.
- M. No fixed machinery shall be erected or maintained within 200 feet of any property or street line. Truck access to the excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding property.
- N. The perimeter of the man-made body of water shall be landscaped and seeded with a perennial ground cover within three months after completion of the excavation, or as soon as weather permits.



- O. Erosion control measures shall follow the Wisconsin Department of Natural Resources Construction Site Best Management Practices Handbook and Technical Standards.
- P. The Town of Rockland retains the right to require any other and/or future restrictions as deemed necessary to protect the health, safety, welfare, and a proper land use fit to the surrounding area.
- Q. The Town of Rockland retains the right to hire an engineer licensed in the State of Wisconsin at their discretion to verify any man-made body of water design or calculation. All Town-incurred engineering costs related to the body of water shall be the sole responsibility of the owner.
- R. Any man-made body of water constructed shall comply with the regulations set forth by all applicable federal, state, county, and local jurisdictions.
- S. A performance bond may be required to be filed with the Town Board prior to the start of construction. The amount of bond per acre shall be specified by the Town Board of Rockland.
- T. The Town shall not approve the application for the conditional use permit unless it is assured that the proposed man-made body of water will not adversely affect adjoining properties or the environment, and shall not cause future land use conflicts.
- U. Must meet FAA regulations.

### **18-07.08 Inspections**

- A. The owner shall call for the following required inspections 24 hours in advance. Other periodic inspections shall be granted to the Town of Rockland Zoning Administrator, Town Board, and Planning Commission during normal working hours.
  - 1. A site inspection shall be made prior to any excavation. Property lines adjacent to the excavation, easements, proposed excavation boundaries, and outflow termination point shall be clearly marked for site approval.
  - 2. Any excavation inspection shall be made after all slopes are established, and prior to the excavation filling with water. If the excavation fills with water, the Town of Rockland reserves the right to require the water removed to perform the required inspections. All costs associated with removing the water shall be the sole responsibility of the owner.
  - 3. Final inspection by the zoning administrator shall be made when all fencing is in place (if required) and the pond has reached its minimum water level.

### **18-07.09 Maintenance**

- A. The owner of any land on which a man-made body of water shall exist is required to maintain that land and body of water within the limits of this chapter.
- B. A maintenance agreement shall be filed with the Town and shall carry with the property.

### **18-07.10 Permit Fees**

- A. Permit fees shall be established and charged as per the Rockland Fee Schedule and the Building Permit Fee Schedule.
- B. A construction deposit shall be required as per the Building Permit Fee Schedule.

### **18-07.11 Enforcement And Penalty Provision**

- A. Any person, partnership, corporation, or other legal entity that violates, disobeys, neglects, omits, or refuses to comply with or resists the enforcement of this ordinance shall be subject to the enforcement of this section and all other laws and ordinances relating to this section by imposition of forfeitures and injunctive action in accordance with RCO Citation Ordinance 01-01.00.
- B. Each day a violation exists or continues constitutes a separate offense under this ordinance.

## **18-08.00 EARTH EXCAVATION**

### **18-08.01 Applicability**

### **18-08.02 Enforcement And Penalty Provision**

### **18-08.03 Nonmetallic Mining, Explosives And Blasting**

#### **18-08.01 Applicability**

- A. The following regulations shall apply to all future excavations of sand, gravel, stone, loam, dirt and other earth products within the Town of Rockland.
  1. All existing gravel pits, sand pits and stone quarries within the Town of Rockland shall also be regulated by this ordinance.
  2. Excavations required to develop man-made bodies of water shall be regulated under RCO 18-07.00 Man-Made Bodies of Water.

#### **B. Applicability and Permit Requirements – Gravel Pits and Stone Quarries**

1. The excavation of gravel, sand, stone, and other earthen materials from gravel pits, sand pits, stone quarries or other similar excavation sites may be allowed with a conditional use permit in the Agricultural Non-Participating Working Lands (NPWLI), Agricultural Farmland Preservation (AG-FP), Estate Residential – 10 Acre District (ER-10), and Heavy Industrial District.
2. Application for conditional use permits shall be made as provided in RCO 18-10.11. All applications must include a detailed site plan containing all information listed in RCO 18-08.01(D).
  - a. If the conditional use permit is approved by the Town Board, the Zoning Administrator shall issue the permit. The permit shall be valid for one (1) year upon issuance.
  - b. Upon expiration of the permit, the Town shall inspect the site to determine compliance with any conditions attached to the permit as well as compliance with the existing regulations. The Town has the right to attach the additional conditions to the reissuance of the permit. If the regulations have been complied with, then the permit may be reissued by the Town Board for another one (1) year period.
3. All gravel pits and stone quarries shall also meet the requirements of Wisconsin State Administrative Code NR 135 and Brown County Code Chapter 14 Non-Metallic Mining Reclamation Ordinance
4. Gravel pits and stone quarries located within the NPWLI zoning district must be restored to agricultural use.

#### **C. Applicability and Permit Requirements — Other Earth Excavations**

1. A permit is required for excavation of sand, gravel, clay, silt, loam, rock, stone, muck, dirt, soil and other earthen materials exceeding one hundred (100) cubic yards over a period

of one (1) year on any single parcel of land recorded in the Brown County Register of Deeds office.

2. All other earth excavations requiring a permit from the Town of Rockland shall also meet the requirements of Wisconsin State Administrative Code NR 135 and Brown County Code Chapter 14 Non-Metallic Mining Reclamation Ordinance.
3. All other earth excavations requiring a permit from the Town of Rockland and located within the EA zoning districts must be restored to agricultural use.
4. Exceptions. A permit is not required for:
  - a. Necessary foundation and trench excavation only in connection with work on the premises for which a building permit has been issued.
  - b. Normal agricultural activity.
  - c. Excavation and grading for public road construction purposes within the right-of-way.
  - d. The Zoning Administrator shall have the authority to issue permits for all excavations not included in number 1. All applications must include a detailed site plan containing all information listed in RCO 18-08.01(D).

**D. Site Plan Requirements:** The following additional information shall be submitted on a site plan when applying for an excavation permit to operate a gravel pit, sand pit, or stone quarry.

1. A map showing the location of the premises and the adjoining properties within five hundred (500) feet. The map shall be drawn to a maximum scale of one (1) inch equals two hundred (200) feet.
2. Proposed truck and machinery access to the site
3. Types and location of temporary or permanent buildings to be erected on the site
4. Approximate number of trucks and other types of machinery to be used at the site
5. Designated hours of operation
6. A time table for the commencement and cessation of nonmetallic mining operations and, if seasonal operations are intended, the months of operation shall be identified.
7. Measures to be taken to screen the operation from view of surrounding land uses or a written explanation of why such measures are not needed
8. Amount of and location of parking spaces
9. Location and means of storing fuel
10. Security plans for site
11. Propose regrading and re-vegetation of the site after completion of the fill or excavating operations.

#### **E. Operation of Gravel Pits, Sand Pits, and Stone Quarries**

1. The following regulations shall apply to the operation of all gravel pits, sand pits, stone quarries, and other similar sites of excavation. All existing sites of excavation shall comply with this section prior to any additional expansions or alterations of the existing site.
  - a. Trucks and Machinery

- (1) No fixed machinery shall be erected or maintained within two hundred (200) feet of any property or street line.
- (2) Truck access to the fill or excavation site shall be so arranged as to minimize danger to traffic and nuisance to surrounding property.

b. Material Handling

- (1) No excavation shall take place within fifty (50) feet of any property line or street line if below the established grade of the street.
- (2) No screening, sifting, washing, crushing or other forms of processing shall be conducted upon the premises unless it is located more than five hundred (500) feet from a residential dwelling.

c. Other Requirements

- (1) At all stages of operations, proper drainage shall be provided to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties.
- (2) All property owners within 1,000 feet of the quarry shall be notified of proposed blasting.
- (3) The Town of Rockland shall be notified 24 hours prior to blast time.
- (4) Any entity providing blasting services shall provide proof of insurance to the Town of Rockland prior to blasting.
- (5) The premises shall be filled and/or excavated and graded in conformity with the plan as approved. Any deviation from the plan shall be cause for the Town Board to revoke the permit upon the recommendation of the Town Planning and Zoning Commission.
- (6) When excavating and removal operations are no longer used, as determined by the Zoning Administrator, the excavated area shall be graded so that no gradients in disturbed earth shall be steeper than a slope of 3-1 (horizontal-vertical). A layer of arable topsoil capable of supporting perennial grasses shall be spread over the excavated area, except exposed rock surfaces to a minimum depth of four (4) inches. The area shall be seeded with a perennial grass capable of survival in this climate and maintained until a uniform growth is established.
- (7) If the excavation site shall fall within a county floodplain, shoreland or conservancy zone district, the regulations as set forth in the Shoreland-Floodplain Protection Ordinance for Brown County shall apply.
- (8) Town employees shall be allowed on the premises during scheduled operating hours for inspection purposes.
- (9) A Performance Bond in such amount as the Town Board shall deem sufficient to insure completion of the work following excavation pursuant to the conditions set forth in this ordinance. Said performance bond may be in the form of a cash bond, certificate of deposit, or insurance bond, the minimum value of which shall be the weekly extraction value of material taken from the site, plus an amount to cover the cost of restoration of the site in question.

## HISTORY

Amended by Ord. [2013-7](#) on 12/16/2013

### **18-08.02 Enforcement And Penalty Provision**

- A. Any person, partnership, corporation, or other legal entity that violates, disobeys, neglects, omits, or refuses to comply with or resists the enforcement of this ordinance shall be subject to the enforcement of this section and all other laws and ordinances relating to this section by imposition of forfeitures an injunctive action in accordance with RCO Citation Ordinance 01-01.00
- B. Each day a violation exists or continues constitutes a separate offense under this ordinance.

### **18-08.03 Nonmetallic Mining, Explosives And Blasting**

Additional information is contained in RCO Chapters 21 and 22; refer to those chapters.

### **18-09.00 NON-CONFORMING USES, STRUCTURES, AND LOTS**

#### **18-09.01 Purpose, Intent**

#### **18-09.01 Purpose, Intent**

- A. The purpose and intent of this chapter is to provide for the regulation of non-conforming structures, uses, and lots, and to specify those circumstances and conditions under which such non-conforming structures, uses, and lots shall be permitted to continue in conformance with § 60.61, § 61.351, and § 62.23 Wis. Stats.

##### **1. General.**

- a. Any non-conforming structures, uses, or lots which existed lawfully at the time of the adoption of this ordinance and which remains non-conforming, and any such building, structure, land or other use which shall become non-conforming upon the adoption of this ordinance, or of any subsequent amendments thereto, may be continued subject to the regulations which follow.
- b. Any non-conforming structures, uses or lots which existed lawfully at the time of the certified amendment of the Town of Rockland zoning ordinance incorporating Agricultural Farmland Preservation (AG-FP) zoning and which remains non-conforming, and any such building, structure, land or other use which shall become non-conforming upon the adoption of this ordinance, or of any subsequent amendments thereto, may be continued subject to the regulations which follows.
- (1) A non-conforming use may be changed once to another non-conforming use of the same or greater restriction, but shall not thereafter be changed again to another non-conforming use
  - (2) If such non-conforming use is discontinued or terminated for a period of 12 months, any future use of the building, structure, land, or other use shall thereafter conform to the provisions of this ordinance.
  - (3) When a non-conforming structure is damaged by fire, explosion, flood, violent wind, vandalism, ice, snow, mold, infestation, the public enemy, act of God, or other calamity, the non-conforming structure may be replaced provided that the structure will be restored to the size, location, and use that it had immediately before it was damaged or destroyed in accordance with § 62.23(7)(hc) Wis. Stats.
    - (A) A structure larger than the size it had immediately before it was damaged or destroyed may be constructed only if necessary to comply with applicable state or federal requirements.

- (4) Once a non-conforming use, lot, or structure has been changed to conform, it shall not revert back to a non-conforming use of this structure.
- (5) Repairs and alterations may be made to a non-conforming building or structure provided the respective structure is not added to or enlarged in size unless necessary to comply with applicable state or federal requirements.
- (6) No building or structure shall be moved in whole or in part to any other location on the same lot or any other lot in the zone district unless every portion of such building or structure which is moved, shall conform to the zone district requirements.

#### HISTORY

Amended by Ord. [2013-7](#) on 12/16/2013

### **18-10.00 ADMINISTRATION AND ENFORCEMENT**

[18-10.01 Purpose](#)

[18-10.02 General](#)

[18-10.03 Zoning Administrator](#)

[18-10.04 Board Of Appeals](#)

[18-10.05 Planning Commission](#)

[18-10.06 Building Permit](#)

[18-10.07 Plats](#)

[18-10.08 Variances](#)

[18-10.09 Appeals](#)

[18-10.10 Amendments](#)

[18-10.11 Conditional Uses](#)

[18-10.12 Land Use Permit](#)

[18-10.13 Fees](#)

[18-10.14 Enforcement And Penalty Provision](#)

#### **18-10.01 Purpose**

- A. This section of the ordinance shall set forth the requirements to adequately provide and develop the proper administration and enforcement of the Town of Rockland Code of Ordinances.

#### **18-10.02 General**

- A. This ordinance shall provide for the position of Zoning Administrator, Board of Appeals, and Town Planning Commission
- B. This section shall provide the authority and necessary requirements for issuance of building permits and occupation permits; variances, appeals, amendments, conditional uses, fees and penalties.

#### **18-10.03 Zoning Administrator**

- A. The Town of Rockland Zoning Administrator shall have the following duties:
  1. Issue all building permits and land use permits and make and maintain records thereof.
  2. Issue all rezoning certificates and make and maintain records thereof.

3. Conduct inspection of buildings, structures and use of land to determine compliance with the terms of this ordinance.
4. Provide and maintain a public information bureau relative to all matters arising out of this ordinance.
5. Forward to the Town of Rockland Planning Commission all applications for conditional uses, for land use permits, and for amendments to this ordinance that are initially filed with the office of the Zoning Administrator.
6. Forward to the Board of Appeals applications for appeals, variances, or other matters on which the Board of Appeals is required to pass under this ordinance.
7. Maintain permanent and current records of this ordinance including, but not limited to: all maps, amendments, conditional uses, variances, appeals and applications thereof.
8. Initiate, direct and review, from time to time, a study of the provisions of the Code of Ordinances and make reports of its recommendations to the Town of Rockland Planning Commission.

#### HISTORY

Amended by Ord. [2015-6](#) on 10/19/2015

### **18-10.04 Board Of Appeals**

**A. Authority.** The Board of Appeals is hereby established as authorized under the provisions of the Wisconsin State Statutes, Chapter 62.23

**B. Jurisdiction.** The Board of Appeals is hereby entrusted with the jurisdiction and authority to:

1. Hear and decide appeals from any order, requirement, decision, or determination made under the provisions of this ordinance.
2. Hear and pass upon the application for variances from the terms provided in this ordinance in the manner prescribed by and subject to the standards established herein.
3. Hear and decide all matters referred to it or upon which it is required to pass under this ordinance, as prescribed by Chapter 62.23 of the Wisconsin State Statutes.

#### **C. Meetings and Rules**

1. All members of the Board of Appeals shall be held at the call of the Chairman of the Board of Appeals, and at such times as the Board of Appeals may determine.
2. All hearings conducted shall be open to the public. Any person may appear and testify at a hearing either in person or by a duly authorized agent or attorney.
3. The Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses.
4. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions.
5. All of final proceedings regarding the action of the Board of Appeals shall be a matter of public record and placed on file with the Board of Appeals.
6. The Board shall adopt its own rules and procedures, not in conflict with this ordinance or with the applicable Wisconsin State Statutes, and select or appoint such officers as it deems necessary.

#### D. Decisions

1. All decisions and findings of the Board of Appeals on appeals or upon application for a variance, shall be by the concurring vote of the majority of the Board and after said hearing shall in all instances be final administrative decisions and shall be subject to judicial review as by law may be provided.

#### E. Board Membership

1. The Board of Appeals shall consist of five (5) members and two (2) alternates appointed by the Rockland Town Chairman and subject to confirmation by the Rockland Town Board.
2. The term shall be for three (3) years, except that of those first appointed; one (1) shall serve for one (1) year; and one (1) for two (2) years; and one for three (3) years.
3. The members shall be removable by the Town Board for cause upon written charges.
4. Vacancies shall be filled for the unexpired terms of members.
5. The Town Chairman shall appoint personnel to fill the vacancies subject to approval by the Town Board of Rockland.

### **18-10.05 Planning Commission**

A. **Authority.** The Planning Commission shall be the authorized planning agency and shall perform the duties of the Planning Commission as set forth in § 62.23 of the Wisconsin State Statutes.

B. **Jurisdiction.** The Rockland Planning Commission shall carry out the following duties under this ordinance.

1. Review all applications for conditional uses, land use permits, and amendments to this ordinance and report said findings and recommendations to the Town Board in the manner designated by this ordinance for amendments, land uses, and conditional uses.
2. Receive from the Zoning Administrator his recommendations as related to the effectiveness of this ordinance and report his conclusions and recommendations to the Rockland Town Board.
3. Hear and decide matters upon which it is required to pass under this ordinance.
4. Initiate, direct, and review from time to time, a study of the provisions of this Code of Ordinances and make reports of its recommendations to the Zoning Administrator and/or the Town Board.

#### C. Meetings

1. All meetings of the Town Planning Commission shall be held at the call of the Chairman of the Commission, at such times as the Commission may determine.
2. The Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact and shall also keep records of its hearings and other official actions.

#### D. Decisions

1. All actions of the Planning Commission shall require the vote of a majority of the members of the Commission.



## E. Membership

1. The Planning Commission shall consist of seven (7) members appointed by the Rockland Town Chairman and subject to confirmation by the Rockland Town Board.
2. Planning Commission members shall consist of not more than two (2) members of the Rockland Town Board. The remaining Planning Commission members shall be additional citizens from the Town of Rockland. If two (2) Town Board members are members of the Planning Commission, they must follow the open meeting rules. No Town Board member can be the Planning Commission Chairperson.
3. The term shall be for three (3) years, except that of those first appointed; two (2) shall serve for one (1) year; two (2) for two (2) years; and three (3) for three (3) years.
4. Planning Commission members shall be removable by the Town Board of Rockland for cause upon written charges.
5. Vacancies shall be filled for the unexpired terms of members. The Town Chairman shall appoint personnel to fill the vacancies, subject to approval by the Town Board of Rockland.

### HISTORY

Amended by Ord. [2015-6](#) on 10/19/2015

## **18-10.06 Building Permit**

- A. No building, or addition thereto, constructed after the effective date of this ordinance, and no addition to a previously existing building shall be occupied, and no land, vacant on the effective date of this ordinance, shall be used for any purpose until a building permit has been issued by the Town Zoning Administrator.
- B. No change in a use shall be made until a building permit has been issued by the Town Zoning Administrator. Every building permit shall state that the use complies with the provisions of this ordinance.
- C. Application for said building permit shall be made in writing to the Rockland Town Zoning Administrator by the land owner or his authorized agent.
- D. Each building permit shall be accompanied by a plat in accordance with requirements as specified in RCO 18-10.07, Plats.
- E. Each building permit applied for shall be granted or denied within a 10 day period from the date of application. Reason for denial of a building permit shall be forwarded in writing by the Town Zoning Administrator to the applicant.
- F. This section shall be in accordance with RCO Chapter 7 Building Codes.

## **18-10.07 Plats**

- A. All applications for building permits for business and industrial uses shall be accompanied by the following:
  1. A plat, in duplicate, of the piece or parcel of land, lot, lots, block, blocks, or parts or portions thereof drawn to a maximum scale of one (1) inch equals two hundred (200) feet showing the actual dimension, as certified by a "registered land surveyor" or a "registered professional engineer", the piece or parcel, lot, lots, block, or blocks, or portions thereof, according to the registered or recorded plat of such land.

2. A plat in duplicate, drawn to a maximum scale of one (1) inch equals two hundred (200) feet showing the ground area, height, and bulk of building or structure, the building lines in relation to lot lines, the use to be made of the building, structure, or land; and such other information as may be required by the Planning Commission and Zoning Administrator for the proper enforcement of this ordinance.

B. Said plat material shall be submitted to the Planning Commission. Required plat material shall be submitted in conjunction with an application for a building permit.

## **18-10.08 Variances**

### **A. Application**

1. An application for a zoning variance shall be filed with the Town Board of Appeals. The application shall contain such information as the Board of Appeals by rule may require.

### **B. Hearing Notice**

1. The Board of Appeals shall hold a public hearing on the application for a variance. Time, place, and purpose of the hearing shall be noticed by publication of a Class 2 Notice pursuant to Wisconsin State Statute 985. Such notification appearing in the town Official Newspaper shall appear once during each of the 2 weeks prior to the scheduled date of such hearing, the last of which shall appear at least one week prior to the hearing. The town shall also mail notice of the hearing to the parties in interest including adjoining property owners at least 10 days prior to the date of the hearing. The Board of Appeals shall thereafter reach its decision within 60 days from the filing for the variance.

### **C. Standards for Variances**

1. The Board of Appeals shall not vary the regulations unless it shall make findings based upon the evidence presented to it in each specific case:
- a. Because of the particular physical surrounds, shape, or topographical condition of the specific property involved, an unnecessary hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out.
  - b. Conditions upon which a petition for a variance is based are unique to the property for which the variance is sought, and are not applicable, generally, to other property within the same zoning classification.
  - c. Alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.
  - d. Granting of the variance shall not be detrimental to the public interest or injurious to other property or improvements in the neighborhood in which the property is located.
  - e. Proposed variance shall not 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 substantially diminish or impair property values within the neighborhood.

### **D. Authorized Variances**

1. Variances shall be granted by the Board of Appeals only in accordance with the standards established in RCO 18-10.08(C) and may be granted only in the following instances and in no other:
  - a. To permit any yard or setback less than the full yard or setback requirements by the applicable regulations if strict compliance would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity with such regulations unnecessarily burdensome.
  - b. To permit the use of a lot for a use otherwise prohibited solely because of the insufficient area or width and there is no reasonable use of the property without a use variance. The respective area and width of the lot shall be at least 80 percent of the required area and width.
  - c. 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 hour of the same days of the week.
  - d. Reduce the applicable off-street parking or loading facilities required by not more than one parking space or loading space, or 20 percent of the required facilities, whichever number is greater.
  - e. Increase by not more than 20 percent the maximum gross floor area of any use so limited by the applicable regulations.
  - f. No order of the Board of Appeals granting a variance shall be valid for a period longer than six (6) months from the date of such order unless the building permit is obtained, and the erection or alteration of a building is started.

## **18-10.09 Appeals**

### **A. Scope of Appeals**

1. An appeal may be taken to the Board of Appeals by any person, firm or corporation, or by any office, department, board, or bureau aggrieved by a decision of the Planning Commission or Zoning Administrator.
  - a. Such an appeal shall be made within 30 days after the decision or the action complained of, by filing with the Planning Commission or Town Zoning Administrator, a notice of appeal specifying the grounds thereof.
  - b. The Planning Commission or Town Zoning Administrator shall forthwith transmit to the Board of Appeals all of the paper constituting a record upon which the action appealed from was taken.

### **B. Findings on Appeals**

1. An appeal shall terminate all further proceedings on action unless the Planning Commission certifies to the Board of Appeals, that by reason of facts stated in the certificate a stay would, in its 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 or notice from the Planning Commission on due cause.
2. The Board of Appeals shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties by one (1) publication in the Official

Newspaper and also by mailing notice thereof to the parties in interest, said publications and mailings to be made at least 10 days prior to the date of the hearing.

3. The Board of Appeals shall thereafter reach its decision within 60 days from the filing of the appeal. Application paperwork must be complete and fees received before the appeal is considered filed.
4. The Board of Appeals may affirm or may reverse wholly or in part, or modify the order, requirement, decision or determination, that in its opinion, ought to be done - and to that end, shall have all the powers of the officer to whom the appeal is taken.
5. The Town Clerk shall maintain records of all action of the Board of Appeals relative to appeals.

## **18-10.10 Amendments**

### **A. Authority**

1. The Rockland Town Board may, from time to time, in the manner hereafter set forth, amend the regulations imposed in the districts or amend district boundary lines, provided that in all amendatory ordinances adopted under the authority of this section, due allowance shall be made for the intent purpose of said changes as per RCO 18-01.05.
2. Comprehensive ordinance revisions to the AG-FP zoning district must be certified by DATCP in order for the landowners within the AG-FP zoning district to qualify for farmland preservation tax credits.

### **B. Initiation**

1. Amendments may be proposed by any governmental body of any interested person or organization.

### **C. Application**

1. An application for an Amendment shall be filed with the Planning Commission in such form and accompanied by such information as required by the Planning Commission. Said application shall be reviewed and a written recommendation submitted thereon to the Town Board.

### **D. Hearing Notice**

1. The Town Board shall hold a public hearing on each application for an amendment. Time, place and purpose of the hearing shall be published by a class 2 notice pursuant to Wisconsin State Statute 985. Such notification appearing in the town Official Newspaper shall appear once during each of the 2 weeks prior to the scheduled date of such hearing, the last of which shall be at least one week before the hearing. The town shall also mail notice of the hearing to the parties of interest at least 10 days prior to the date of the hearing.

### **E. Findings and Recommendations**

1. The Planning Commission shall make written findings of fact and shall submit the same together with its recommendations to the Town Board prior to the public hearing.
2. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the Planning Commission shall make findings based

upon the evidence presented to it in each specific case with respect to the following matters:

- a. Existing uses of property within the general area of the property in question.
  - b. Zoning classification of property within the general area of the property in question.
  - c. Suitability of the property in question to the uses permitted under the existing zoning classification.
  - d. Trend of development, if any in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification.
  - e. Adequate public facilities to serve the development are present or will be provided.
  - f. Providing these facilities will not be an unreasonable burden to the Town of Rockland.
  - g. The land is suitable for development and development will not cause unreasonable air and water pollution, soil erosion or adverse effects on rare or irreplaceable natural areas.
  - h. The Planning Commission may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant.
  - i. The Planning 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.
3. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property out of the AG-FP zoning district, the Planning Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:
- a. Adequate public facilities to accommodate development either exist or will be provided within a reasonable time.
  - b. Provision of public facilities to accommodate development will not place an unreasonable burden the ability of affected local units of government to provide them.
  - c. The land proposed for rezoning is suitable for development and development will not result in undue water or air pollution, cause unreasonable soil erosion or have an unreasonably adverse effect on rare or irreplaceable natural areas.

## **F. Town Board Action**

1. The Town Board shall not act upon a proposed amendment to this ordinance until it shall have received a written report and recommendation from the Planning Commission on the proposed amendment.
2. The Town Board may grant or deny any application for an amendment, provided however, that in the event of a written protest against any proposed amendment to this ordinance, be duly signed and acknowledged by the owners of 20 percent or more either of the areas of the land included in such proposed change, or by the owners of 20 percent or more of the land immediately adjacent, extending 100 feet there from, or by the owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the street

frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of the full Town Board membership.

3. 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 to have been denied.

#### HISTORY

Amended by Ord. [2013-7](#) on 12/16/2013

### **18-10.11 Conditional Uses**

#### **A. Purpose**

1. To place unique land use characteristics within favorable zoning districts to ease conflicts on neighboring lands and public need, Conditional uses shall be of two types.
  - a. Uses publicly operated or traditionally affected with a public interest.
  - b. Private uses in character, or an unusual nature that their operation may give use to unique problems with respect to their impact upon neighboring property as public facilities.

#### **B. Initiation**

1. Any person having a freehold interest in land, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest or an exclusive possessory interest, and which is specifically enforceable; may file an application to use such land for one or more of the conditional uses provided for in this ordinance in the zoning district in which the land is located.

#### **C. Application**

1. The application for a conditional use shall be filed with the Rockland Planning Commission on a form so prescribed by the Town of Rockland. The application shall be accompanied by such plans and/or data prescribed by the Planning Commission and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use will conform to the standards set forth in the respective zone districts. Such application shall be reviewed by the Planning Commission and a written recommendation submitted thereon to the Town Board.

#### **D. Hearing on Application**

1. Upon receipt in proper form of the written recommendation referred to in RCO 18-10.11(C), the Town Board shall hold a public hearing on the proposed conditional use. Time, place, and purpose of the hearing shall be noticed by publication of a Class 2 Notice pursuant to Wisconsin State Statute 985. Such notification appearing in the Town Official Newspaper shall appear once during each of the two weeks prior to the scheduled date of such hearing, the last notice which shall be at least one week before the hearing. The town shall also mail notice of the hearing to the parties of interest at least 10 days prior to the date of the hearing.

#### **E. Authorization**

1. For each application for a conditional use, the Planning Commission shall direct to the Town Board its findings and recommendation including the stipulation of additional

conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. If an application for a proposed conditional use is not acted upon within 90 days of the date upon which such application is received by the Rockland Town Board, it shall be deemed to have been denied.

## **F. Standards**

1. No conditional use shall be recommended by the Planning Commission unless said Commission shall find that the conditions comply with RCO 18-01.05 Purpose.
2. In the AG-FP zoning district conditional uses must be found to be necessary in light of alternative locations available for that use.

## **G. Review Criteria**

1. When reviewing an application for a conditional use, the Town of Rockland Planning Commission and Town Board shall consider the following criteria:
  - a. The statement of purposes of this ordinance and specific zoning district.
  - b. Consistency with the Town of Rockland Comprehensive Plan.
  - c. The potential conflict with agricultural use.
  - d. The availability of alternative locations.
  - e. Compatibility with existing or permitted uses on adjacent lands.
  - f. The impact of the proposed use on the Town's natural resources.
  - g. Proposed plans for the storage and disposal of animal wastes, exclusive of the AG-FP zoning district.
  - h. Proposed stormwater management plans.
2. The Town of Rockland Planning Commission and Town Board may attach the following conditions to conditional use permits:
  - a. Increased setbacks and yards
  - b. Specifications for water supply facilities
  - c. Liquid waste and solid waste facilities, exclusive of the AG-FP zoning district
  - d. Landscaping and planting screens
  - e. Operational controls
  - f. Sureties
  - g. Pollution controls
  - h. Erosion prevention measures
  - i. Locations, remediation, and removal of the use.
  - j. Any other requirements found necessary to fulfill the purpose of this ordinance.

## **H. Conditions and Guarantees**

1. Before issuing a conditional use, the Planning Commission may recommend and the Town Board shall stipulate, such conditions and restriction upon the establishment, location, construction, maintenance, and operation of the conditional use as is deemed

necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in RCO 18-10.10(G). In all cases in which conditional uses are granted, the Town Board 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.

#### HISTORY

Amended by Ord. [2013-7](#) on 12/16/2013

### **18-10.12 Land Use Permit**

- A. **PERMIT REQUIRED:** Unless a structure or parcel of land has received prior approval from the Town, no structure may be built, moved or structurally altered and no land or land use substantially altered until a Land Use Permit application has been reviewed by the Planning Commission and approved by the Town Board and issued by the Zoning Administrator. The Town Zoning Administrator shall not issue said permit for a structure or a land use not in conformity with the requirements of the Town of Rockland Code of Ordinances, nor shall the Zoning Administrator issue a permit for a structure designed or intended for human use or occupancy until a Certified Soil Test is filed in the office of the Brown County Planning Department and said test is approved by said office.
- B. The fee for filing applications for Land Use Permits shall be established by the Town Board. A copy of the current fee schedule is posted on the Town's website at [www.townofrockland.org](http://www.townofrockland.org).
- C. **Application Procedure:** Applications for Land Use Permits shall be submitted on a form provided by the Zoning Administrator and accompanied by the documents listed therein.
- D. **Expiration:** A Land Use Permit shall expire twelve (12) months from the date of issuance if no substantial progress has been made on the permitted project within that time. In any event, the permit shall expire twenty-four (24) months from the date of issuance.

#### HISTORY

Adopted by Ord. [2015-6](#) on 10/19/2015

### **18-10.13 Fees**

- A. Any application for an amendment, conditional use, variance, appeal, or building permit, filed by or on behalf of the owner or owners of the property affected, shall be accompanied by a fee which has been set by resolution of the Rockland Town Board and is available from the Rockland Town Clerk, website [TownofRockland.org](http://TownofRockland.org), or Zoning Administrator. All fees shall be paid to the Town according to the fee schedule.

#### HISTORY

Renumbered by Ord. [2015-6](#) on 10/19/2015

### **18-10.14 Enforcement And Penalty Provision**

- A. This section shall apply to all ordinances within the Town of Rockland Code of Ordinances as though it were separately listed in each ordinance and in accordance with RCO Citation Ordinance 01-01.00. Where an ordinance within this code of ordinances has a separately identified penalties section, the more severe penalties shall apply.
- B. Any building or structure hereinafter erected, moved or structurally altered or any use hereinafter established in violation of the provisions of this ordinance by any person, firm, association, corporation (including building contractors) or his or their agent shall be deemed an unlawful structure or use.



- C. The Zoning Administrator shall report all such violations to the town attorney, who shall bring action to enjoin the erection, moving or structural alteration of such building or the establishment of such use or to cause such building, structure or use to be vacated or removed.
- D. Any person, partnership, corporation, or other legal entity that violates, disobeys, neglects, omits, or refuses to comply with or resists the enforcement of the Rockland Code of Ordinances shall be subject to the enforcement of this section and all other laws and ordinances relating to this section by imposition of forfeitures and injunctive action in accordance with RCO Citation Ordinance 01-1.00. Each day a violation exists or continues constitutes a separate offense under this ordinance.
- E. This section shall not preclude the Town of Rockland from maintaining any appropriate action to prevent or remove a violation of this section.

#### HISTORY

Renumbered by Ord. [2015-6](#) on 10/19/2015

### **18-11.00 THE LARGE, MEDIUM, AND SMALL WIND ENERGY ORDINANCE**

[18-11.01 Title](#)

[18-11.02 Applicability](#)

[18-11.03 Purpose](#)

[18-11.04 Findings Of Fact](#)

[18-11.05 Definitions](#)

[18-11.06 Regulatory Framework](#)

[18-11.07 General Requirements For Wind Energy Systems](#)

[18-11.08 Setbacks](#)

[18-11.09 Sound And Vibration](#)

[18-11.10 Minimum Ground Clearance](#)

[18-11.11 Signal Interference](#)

[18-11.12 Shadow Flicker](#)

[18-11.13 Ice Shedding And Debris Throw](#)

[18-11.14 Avian Risk](#)

[18-11.15 Waste Management](#)

[18-11.16 General Safety](#)

[18-11.17 Stray Voltage](#)

[18-11.18 Complaint Process](#)

[18-11.19 Decommissioning](#)

[18-11.20 Forfeiture](#)

[18-11.21 Review](#)

[18-11.22 Fees](#)

[18-11.23 Impact Fees](#)

[18-11.24 Tax Hold Harmless](#)

[18-11.25 Defense Of Land Use Decision](#)

[18-11.26 Time Is Of The Essence](#)

[18-11.27 Severability](#)

[18-11.28 Effective Date](#)

#### **18-11.01 Title**

- A. This ordinance shall be known as, referred to, or cited as The Large, Medium, and Small Wind Energy Ordinance, Town of Rockland, Brown County, Wisconsin.

#### **18-11.02 Applicability**

- A. The requirements of this Ordinance shall apply to all Wind Energy Systems (Large, Medium, and Small) for which an application for a conditional use permit has been determined complete by the Town of Rockland after the effective date of this ordinance.
- B. Wind Energy Systems for which a required permit has been properly issued prior to the effective date of this Ordinance shall not be required to meet the requirements of this ordinance; provided, however, that any such pre-existing Wind Energy System which does not provide energy for a continuous period of twelve (12) months shall meet the requirements of this Ordinance prior to recommencing conversion of energy. However, no modification or alteration to an existing Wind Energy System shall be allowed without full compliance with this Ordinance.

### **18-11.03 Purpose**

- A. The purpose of this ordinance is to provide a regulatory means for the siting, construction and operation of Large, Medium, and Small Energy Systems in the Town of Rockland, subject to reasonable restrictions, which will preserve the public health and safety.

### **18-11.04 Findings Of Fact**

- A. These regulations are adopted under the authority granted pursuant to Wisconsin Statute § 66.0401 (2009) which provides regulation relating to solar and wind energy systems
  1. Sec. 66.0401 Wis. Stats: Authority to Restrict Systems Limited. No political subdivision may place any restriction, either directly or in effect, on the installation or use of a solar energy system, as defined in § 13.48(2)(h)1.g. Wis. Stats, or a wind energy system, as defined in § 66.0403(1)(m), unless the restriction satisfies one of the following conditions:
    - a. Serves to preserve or protect the public health or safety
    - b. Does not significantly increase the cost of the system or significantly decrease its efficiency
    - c. Allows for an alternative system of comparable cost and efficiency.
- B. The operation of Large, Medium, and Small Wind Energy Systems can provide significant negative health and safety issues if not governed by reasonable restrictions and regulations.
- C. The best way to enforce the reasonable restrictions on the planning, installation, operation, location, and removal of Wind Energy Systems is to require a conditional use permit for any of the foregoing activities.
- D. It is necessary and appropriate to protect the unique natural resources and geological features of the Town of Rockland, including the Niagara Escarpment.
- E. The public health, safety, and welfare are best served by providing reasonable restrictions on Wind Energy Systems in the area of the Niagara Escarpment, a unique natural resource.
- F. The Town of Rockland recognizes that groundwater supply is susceptible to contamination due to karsts and other geological features located in the town.
- G. It is not the intent of this ordinance to significantly increase the cost or significantly decrease the efficiency of any Wind Energy System proposed to be located in the Town.

### **18-11.05 Definitions**

- A. As used in this Ordinance, the following terms shall have the meanings indicated:

1. **Ambient Sound.** The lowest sound level present at a location for which ninety per cent of the time louder sounds were measured during the nighttime hours between 10 p.m. and 4 a.m.
2. **Commission.** The Town of Rockland Planning Commission.
3. **Decommissioning.** The process of Use Termination and removal of all or part of a Large or Medium Wind Energy System by the owner or assigns of the Large or Medium Wind Energy System.
4. **FAA.** The Federal Aviation Administration.
5. **Hub Height.** When referring to a Wind Turbine, the distance measured from ground level to the center of the turbine hub.
6. **Karst Feature.** An area or surficial geologic feature subject to bedrock dissolution so that it is likely to provide a conduit to groundwater, and may include areas with soils less than 60 inches thick over bedrock, caves, enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps, swallets, and depressional areas with no surface drainage.
7. **MET Tower.** A meteorological tower used for the measurement of wind speed and/or direction.
8. **Non-Participating Property.** Real property on which there is no Wind Energy System as part of the subject project.
9. **Owner.** The person or entity who develops, operates or owns a Wind Energy System, whether an individual, proprietorship, corporation, association, partnership, limited liability entity or any other legal entity. For purposes of this ordinance, Owner also includes the applicant and any assignees.
10. **Participating Property.** Real property on which there exists or is a proposal to site a Wind Energy System within its property lines and the Wind Energy System is owned by the Landowner of the property, or is subject to an agreement between the Landowner and the Owner of the Wind Energy System, allowing the construction and operation of the Wind Energy System.
11. **Shadow Flicker.** Moving shadows caused by the rotation of the turbine blades passing in front of the sun.
12. **Total Height.** When referring to a wind turbine, the distance measured from ground level to the blade end tip extended at its highest point.
13. **Town.** Town of Rockland, Brown County, Wisconsin.
14. **Use Termination.** The point in time at which a Wind Energy System Owner provides notice to the Town of Rockland or the Town determines that the Wind Energy System or an individual Wind Turbine is no longer used to convert energy unless due to a temporary shutdown for repairs. Such notice of Use Termination by the Owner shall occur no less than 30 days prior to actual Use Termination.
15. **Wind Energy System.** Equipment and associated facilities that convert and then store or transfer energy from the wind into usable forms of energy.
16. **Wind Energy System, Large (LWES).** A Wind Energy System that generates electricity or performs other work consisting of one or more Wind Turbines in which any one turbine has a Total Height of more than 170 feet or nameplate capacity of more than 100 kilowatts or equivalent power units under common ownership or operating control and includes substations, MET towers, cables/wires and other buildings accessory to such

system, whose main purpose is to supply electricity to off-site customers or convert wind to other energy forms.

17. **Wind Energy System, Medium (MWES).** A Wind Energy System that generates electricity or performs other work consisting of one or more Wind Turbines in which any one turbine has a Total Height of 170 feet or less but more than 110 feet, or has a nameplate capacity of 100 kilowatts or equivalent power units or less but more than 25 kilowatts or equivalent power units. Any Wind Energy System which total more than 300 kilowatts or equivalent power units in one project shall be deemed a LWES.
18. **Wind Energy System, Small (SWES).** A Wind Energy System that generates electricity or performs other work consisting of one or more Wind Turbines in which each turbine has a Total Height of 110 feet or less but more than 25 feet, or has a nameplate capacity of 25 kilowatts or equivalent power units or less but more than 1 kilowatt. Any Wind Energy System which total more than 300 kilowatts or equivalent power units shall be deemed a LWES.
19. **Wind Energy System, Partially Exempt.** A Wind Energy System consisting of no more than three Wind Turbines in which each turbine has a Total Height of no more than 25 feet and has a nameplate capacity of 1 kilowatt or equivalent power units or less.
20. **Wind Turbine.** A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator or other power converter, and includes the turbine, blade, tower, base, and pad transformer, if any.

## **18-11.06 Regulatory Framework**

### **A. Zoning**

1. LWES may only be constructed in areas that are zoned for agriculture with an approved conditional use permit and building permit from the Town of Rockland provided all setbacks and other restrictions for public health and safety are met.
2. MWES may only be constructed in areas zoned for agriculture and in the ER-10 zoning district with an approved conditional use permit and building permit from the Town of Rockland provided all setbacks and other restrictions for public health and safety are met.
3. SWES may be constructed in areas zoned for agriculture and in the ER-5 and ER-10 zoning districts with an approved conditional use permit and building permit from the Town of Rockland provided all setbacks and other restrictions for public health and safety are met.
4. Partially Exempt Wind Energy Systems may be constructed in any areas in which they are a permitted use. Requirements for setbacks specified for other structures shall apply to Exempt Wind Energy Systems as determined by the Zoning Administrator. A conditional use permit is not required but a building permit is required.
5. No Wind Energy System consisting of a Wind Turbine with a Total Height of 500 feet or more shall be constructed in the Town. The Town may provide a waiver if no landowners of property within one mile object to the construction, if the Public Service Commission of Wisconsin approves the Wind Energy System, if the FAA issues a "Determination of No Hazard to Air Navigation" and if all conditional use requirements considered necessary by the Town for safety, health, and general welfare of the residents, including those over and above the provisions contained in this ordinance, are met.

### **B. Process**

1. At least 90 days before an Owner files an application to construct a Wind Energy System, an Owner shall hand-deliver or use commercially reasonable methods with an acknowledged receipt to provide written notice of the planned Wind Energy System with a project description and construction timeline to all of the following:
  - a. For LWES
    - (1) Landowners and political subdivisions within one mile of a planned Wind Energy System host property that is referred to as the Participating Property in this Chapter. In addition, an Owner shall provide any landowner with whom the Owner may be seeking an agreement to use or affect the landowner's property or be seeking waivers for impacting the landowner with written information describing the landowner's rights and considerations for negotiating land use and the possible effects of Wind Energy System as prescribed by the Town. This information shall be provided at least twenty business days prior to the Owner negotiating the terms of any agreement or waiver. A landowner who agrees to a waiver does not waive any rights or protections granted to a Non-participating landowner unless specifically waived in the agreement.
    - (2) Town of Rockland
    - (3) Emergency first-responders and air ambulance service providers serving a political subdivision within one mile of where the Wind Energy System may be located.
    - (4) Wisconsin Department of Transportation.
    - (5) Public Service Commission of Wisconsin, if required.
    - (6) Wisconsin Department of Natural Resources.
    - (7) Wisconsin Department of Agriculture, Trade and Consumer Protection.
    - (8) The office of the deputy undersecretary of the U.S. Department of Defense.
    - (9) Electric utility serving the area.
    - (10) All public libraries in the county and adjacent counties within one mile of the Wind Energy System.
  - b. For MWES
    - (1) All landowners of real property adjacent to the Participating Property along with those with property within 1500 feet of the Wind Energy System.
    - (2) Town of Rockland
    - (3) Electric Utility serving the area if the Wind Turbine generates electricity.
  - c. For SWES
    - (1) All landowners of real property adjacent to the Participating Property along with those with property within 600 feet of the Wind Energy System.
    - (2) Town of Rockland
    - (3) Electric Utility serving the area if the Wind Turbines generate electricity.
  - d. For Partially Exempt Wind Energy Systems

- (1) Town of Rockland
  - (2) Electric Utility serving the area if the Wind Turbines generate electricity
2. An applicant for a LWES shall schedule, at applicant's expense, a pre-application public meeting with the Town Board and Planning Commission, at which no official Town action shall be taken. Notice of the meeting shall be sent by the Owner to all landowners within one mile of the proposed boundary of the Wind Energy System. If the Owner does not contact each landowner directly but instead sends the notice by mail, the Owner shall provide the Town with a certificate of mailing for each landowner. The Owner shall send the notice twenty business days prior to the date of the meeting. A pre-application public meeting shall be held in order for the applicant to accomplish the following:
- a. Inform Town residents of the project and provide answers to Town residents with questions.
  - b. Provide informational displays of the areas of the Town that meet the requirements of the Town ordinance and are likely locations for a LWES including the Wind Turbines, service roads, trenches, and appurtenances.
  - c. Town residents who are not able to attend the meeting shall have the option to provide written comments or questions to the applicant and/or Town.
  - d. In no instance shall this meeting take the place of a formal public hearing for the conditional use permit.
3. Twelve copies of the application for a conditional use permit for a Large, Medium, or Small Wind Energy System shall be submitted to the planning commission secretary with information as follows:
- a. Name, address, any legal corporate status and telephone number of the applicant, which by definition herein is the Owner, responsible for the accuracy of the application and site plan.
  - b. Name, address, legal corporate status and telephone number of the future Owner of the proposed Wind Energy System if it is known that the future Owner will be different from the Owner making the application.
  - c. For a LWES, a signed statement indicating that the Owner has legal authority to develop, construct, and operate the LWES under state, federal and local laws and regulations, including Federal Aviation Administration (FAA). The FAA will issue a signed "Determination of No Hazard to Air Navigation" when the precise location has been determined and evaluated. Building permits will not be issued prior to receiving all signed statements, but a conditional use permit may be granted.
  - d. For a LWES, an applicant shall also provide copies of the Proof of a Certificate of Authority or Certificate of Public Convenience and Necessity from the Public Service Commission of Wisconsin and the Public Service Commission of Wisconsin Environmental Impact Assessment, if applicable and when available.
  - e. Description of the number and kind of Wind Energy System(s) to be installed.
  - f. Description of the Wind Energy System's Total Height and design, including a cross section, elevation, and diagram of how the Wind Energy System will be anchored to the ground.
  - g. Site plan, drawn to a scale of not less than 1 inch to 100 feet, showing the parcel boundaries and a legal description, 2 foot contours for the subject site and 100

feet beyond the subject site, specific location of each Wind Turbine, karst features, support systems, access, and proposed landscaping or fencing. An Owner of a Medium or SWES may provide less detail as determined by the Town.

- h. Photo exhibits visualizing the proposed Wind Energy System.
  - i. Statement from the Owner that all Wind Energy System(s) will be installed in compliance with manufacturer's specifications and a copy of those manufacturer's specifications.
  - j. Information regarding the impact of the Wind Energy System as to local infrastructure, anticipated sound, anticipated shadow flicker, line-of-sight communication, airports, aircraft landing fields and airspace, including aerial spraying.
  - k. A site grading, erosion control and storm water drainage plan shall be submitted to the Town. If not available in its final form, the final approved plan shall be submitted to the Zoning Administrator prior to issuing a building permit. At the Town's discretion, these plans may be reviewed by the Town's engineering firm. The cost of this review will be the responsibility of the Owner of the Wind Energy System.
  - l. Information regarding use and modifications of roads and other public property during construction, operation, and decommissioning.
  - m. For LWES, copy of all emergency plans prepared in collaboration with appropriate first-responders.
  - n. Plan for decommissioning and site restoration.
  - o. Evidence (a signed statement from the Owner and countersigned by the Participating Property Landowner) that the Owner has negotiated with adjacent Landowners and has obtained written agreements with all Landowners whose wind rights may be affected by the Wind Energy System's conditional use or who could otherwise potentially interfere with the Owner's wind access.
  - p. Copy of the Wisconsin Distributed Generation Application Form and the Wisconsin Distributed Generation Interconnection Agreement
  - q. Copy of the Statement indicating what hazardous materials will be used and stored on the site, and how those materials will be stored and disposed.
  - r. A statement indicating how the LWES will be lit with the latest technology to minimize the on-time, if lighting is required.
  - s. A list of all potential permits or approvals the Owner anticipates may be necessary for construction of the Wind Energy System.
4. After the Owner notifies the Town in writing that all application materials have been filed, the Town shall notify the Owner no later than 45 days whether or not the application is considered complete. If considered incomplete, the Town will state the reasons for that determination. The day after the Town receives responses to all items that were considered incomplete, another 45-day completeness review period begins. If the Town fails to determine whether the application is complete or incomplete within 45 days after the application is filed, the application is considered to be complete. The Town may request additional information after the application is considered complete. The Town shall approve or disapprove the application no later than 90 days after the day on which the Town notified the Owner that the application was complete. Within the 90-day approval period, the Town may authorize an extension of the approval period for reasons

allowed by Wisconsin statute § 66.0401(a)4. The Town shall make a record of its decision-making proceedings as required by § 66.0401(a)4.

5. The applicant shall acquire all other permits, including driveway/culvert permits and permits for work done in right-of-ways prior to construction.
6. The Wind Energy System may not include offices, vehicle storage, or other outdoor storage. One accessory storage building may be permitted per Wind Turbine at Town Board's discretion. The size and location of any proposed accessory building shall be shown on the site plan. No other structure or building is permitted unless used for the express purpose of the generation, conversion, storage or distribution of the converted energy.
7. An applicant may submit one conditional use permit application for an entire Large, Medium, or SWES project located in the Town of Rockland, provided that a detailed map identifying parcel locations for all proposed Wind Turbines is provided to the Town of Rockland at the time a conditional use application is submitted. Each Wind Turbine's characteristics and specific siting will be considered individually but not independently as to its impact on health and safety.
8. No grading, filling, or construction may begin until the Town of Rockland Zoning Administrator issues a building permit. A separate building permit is required for each Wind Turbine to be constructed.
9. All Owners shall maintain insurance coverage commencing upon construction of the system and continuing in effect for the life of the project as follows:
  - a. The LWES Owner shall, at its expense, maintain a broad-form comprehensive coverage policy of public liability insurance insuring Applicant and Participating Landowners against loss or liability caused by Owner's occupation and use of the Property under the Lease, in an amount not less than five million dollars (\$5,000,000) of combined single limit liability coverage per occurrence, accident or incident, which has a commercially reasonable deductible. The Town shall be named as an additional insured on the policy. For SWES and MWES, the Owner shall have an insurance policy rider for the Wind Energy System for personal liability in the amount deemed appropriate by the Owner's insurance provider with the Town named as an additional insured.
  - b. For LWES, the Owner shall have worker's compensation coverage in an amount required by Wisconsin law. The Owner shall require subcontractors and others not protected under its insurance to obtain and maintain worker's compensation and employers' liability insurance.
  - c. Certificates of insurance evidencing compliance with these requirements shall be provided to the Town. The insurer will provide notice to the Town in the event there is any change in the policies' owner(s), provisions, terms or conditions. All policies other than worker's compensation shall be written on an occurrence and not on a claim-made basis.
  - d. Upon each renewal of any of these insurance policies, proof of continuous liability insurance as required above shall be submitted to the Town of Rockland indicating coverage for potential damages or injury to Landowners, occupants, Town property and Town roads, and other third parties. The Town shall be named as an additional insured on the policy.
10. For a LWES or MWES, the Town of Rockland shall require an irrevocable letter of credit, bond, cash escrow, and/or personal guarantee, held in trust in favor of the Town of Rockland to recover the costs associated with removal of a use-terminated Wind Energy



System and appurtenant systems. The amount of the irrevocable letter of credit, bond, cash escrow, and/or personal guarantee shall be negotiated by the Town of Rockland prior to conditional use permit approval and shall remain in effect until released by the Town. The Rockland Town Board will determine which method of financial security will be allowed. The Town may solicit estimates from consultants or construction entities to determine the dollar amount required to dismantle and dispose of the Wind Energy System. Every five years the Town may evaluate whether the dollar amount of the decommissioning funds are still adequate and, if necessary, require an adjustment to the amount by requiring additional funds from the Owner.

11. On-site construction of a Wind Energy System authorized by conditional use permit shall be started within twenty- four (24) months of issuance of the conditional use permit and completed within thirty-six (36) months of issuance of the conditional use permit, or in accordance with a timeline approved by the Town Board. Upon request of an Owner and for good cause, the Town Board may grant an extension of time.
12. The Owner of a LWES or MWES shall submit a copy of all “as-built” plans including structural engineering and electrical plans for all towers following construction to the Town to use for decommissioning of LWES or MWES, if Owner or its assigns fail to meet the requirements of this ordinance.
13. The Town may require additional conditions to ensure safety and proper land use fit to the surrounding area.
14. The Town of Rockland will periodically review any conditional use permits. The first review will be one (1) year after operation commences. Thereafter, a review will take place every five (5) years. The purpose of the review is to determine whether the Owner has complied with the terms and conditions of the conditional use permit. There will be a charge at the Owner’s expense for the review process. The Town may alter the frequency of these reviews for SWES and MWES.
15. An Owner shall not make any material changes in an approved design, location, construction, or operation of a Wind Energy System without the prior written approval of the Town.
16. The conditional use permit issued to the Owner is not assignable (except as collateral to obtain financing) or transferable to any other person, firm or corporation, whether by operation of law or otherwise, without the express prior written consent of the Town, for which consent is not to be unreasonably withheld. In addition to any other requirement imposed by the Town with regard to a proposed assignment, the assignee must submit an affidavit demonstrating its agreement to assume all of the Owner’s rights, duties and obligations under the conditional use permit, including, without limitation, the financial security provisions.
17. The Owner shall cooperate with any study of the effects of Wind Energy System coordinated by a state agency.
18. The conditional use permit issued to the property shall be recorded with the Brown County Register of Deeds.
19. A “Determination of No Hazard to Air Navigation” from the Wisconsin Department of Transportation, Bureau of Aeronautics (Wis. Stat. § 56.04) and from the FAA (14CFR Part 77)
20. The Town may require additional conditions to ensure public health and safety.

### **C. Principal or Accessory Use**

1. Wind Energy Systems may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of a Wind Energy System or a part of such system on such lot. Wind Energy Systems that are constructed and installed in accordance with the provisions of this Ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.
2. A building permit, issued by the Town of Rockland Zoning Administrator, shall be required for each individual Wind Turbine prior to construction of said Wind Turbine.

## **18-11.07 General Requirements For Wind Energy Systems**

### **A. Design and Installation**

1. Wind Turbines shall be painted a non-reflective, non-obtrusive color, such as grey, white, or off-white.
2. At LWES sites, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the LWES to the natural setting and existing environment.
3. All landscaping must be properly maintained, including grass cutting.
4. Minimum lighting necessary for safety and security purposes shall be permitted. Techniques shall be implemented to prevent casting glare from the site, except as otherwise required by the FAA or other applicable authority. Technology which turn-on lighting only when aircraft approaches the area shall be used by the Owner unless specifically not permitted by the FAA.
5. No form of advertising shall be allowed on the pole, turbine, blades, or other buildings or facilities associated with the use, except for reasonable identification of the manufacturer or contact information of the Owner of the Wind Energy System.
6. All Wind Energy Systems shall be equipped with a redundant braking system. This includes both aerodynamic over-speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over-speed protection.
7. To the extent applicable, all Wind Energy Systems shall comply with all applicable building, mechanical, electrical and industry codes and standards. To ensure the integrity of the Wind Turbines which are part of a LWES, the owner shall maintain the Wind Turbines in compliance with Good Utility Practice for Wind Turbines. If, upon inspection by and advice to such effect from a qualified expert in Good Utility Practice, the Town reasonably concludes that any of the Wind Turbines fail to comply with Good Utility Practice or constitute a danger to persons or property, then upon notice being provided to the Owner, the Owner shall have 30 days to bring the non-compliant Wind Turbines into compliance with such standards, or if the 30 days is insufficient time to cure the non-compliance, the Owner shall present a plan to the Town describing the reason for the delay and the timeframe for the cure to be put in place. The Town shall determine whether the plan is acceptable or has to be redone to avoid the decommissioning process as provided for in this Chapter.
8. Electrical controls, control wiring, and power lines shall be wireless or not above ground except where wiring is brought together for connection to the transmission or distribution network, adjacent to that network.

9. All electrical components of the Wind Energy System shall conform to relevant and applicable local, state, and national codes, and relevant and applicable international standards, including IEEE1547, UL 1741 and PSC 114. At the discretion of the Town, the Town may hire a licensed Professional Engineer or other expert as an electrical consultant to oversee the installation of the Wind Energy System. The cost of the consultant will be the responsibility of the owner of the Large or Medium Wind Energy System.
10. The Owner of a Wind Energy System shall defend, indemnify, and hold harmless the Town of Rockland and their officials from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses, and liabilities whatsoever including attorney fees arising out of the acts or omissions of the Owner or the Owner's contractors concerning the construction or operation of the Wind Energy System without limitation, whether said liability is premised on contract or tort.
11. The Owner of a Wind Energy System (applicant) shall reimburse the Town and/or County for any and all repairs and reconstruction to the public roads, culverts, and natural drainageways resulting directly from the construction of the Wind Energy System. For a LWES, a qualified independent third party, agreed to by the Town and/or County and applicant, and paid for by the applicant, shall be hired to inspect the roadways to be used during construction. This third party shall be hired to evaluate, document, videotape, and rate road conditions prior to the construction of the LWES and again within 30 days after the LWES project is complete. Any road damage done by the Owner or subcontractors shall be repaired or reconstructed at the Owner's expense. The Town of Rockland may require a bond or cash escrow, held in trust in favor of the Town of Rockland to recover the costs associated with the repair of roadways damaged by the construction of any Wind Energy System.
12. Where Wind Energy System construction cuts through a private or public drain tile field, the drain tile must be repaired and reconnected to properly drain the site to the satisfaction of the landowner.
13. Any recorded access easement across private lands to a Wind Energy System shall in addition to naming the Wind Energy System Owner as having access to the easement shall also name the Town of Rockland as having access to the easement for purposes of inspection or decommissioning with 24-hour advance notice to the property owners and Wind Energy System Owner, if different.
14. The owner of a MWES or LWES shall reimburse the Town of Rockland for any and all legal notices, meeting fees, and reasonable fees for consulting, legal advice, and engineering. The Town shall submit copies of all related Town-paid invoices to the MWES or LWES Owner for repayment to the Town.
15. Any Wind Turbine or Wind Energy System that does not produce energy or do work for a continuous period of twelve months shall be considered abandoned and shall be removed in accord with the removal provisions of RCO 18-11.19.
16. A LWES Owner and operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project. This information shall be supplied to the Town Clerk.
17. No blasting shall occur in connection with the construction of the Wind Energy System unless the Owner has provided prior notification to the property owner, any abutting property owners, property owners within 1500 feet of the blasting site, and the Town Board. All blasting shall be done in accordance with all applicable laws, regulations and ordinances.

18. At the discretion of the Town, the Town may consult with the Land Conservation Office of Brown County to review site plans prior to construction to ensure the least amount of impact on farm fields and sensitive areas. The LWES Owner will be responsible for all costs associated with this.
19. The Owner shall cooperate with the Brown County Land Conservation and/or the DNR to identify sensitive areas as defined by either agency during the construction. The Wind Energy System Owner will be responsible for any costs.

### **18-11.08 Setbacks**

A. The following setbacks and separation requirements shall apply to all Wind Turbines.

#### **1. Inhabited Structures**

- a. Each Wind Turbine associated with a LWES shall be set back from the nearest residence, school, hospital, church, public library, place of business or other human-occupied structure a distance of no less than the greater of 3.3 times its total height or one thousand (1,000) feet.
- b. The Rockland Town Board may grant a waiver to this requirement for a participating and/or non-participating landowner to decrease the setback after reviewing site-specific study data for shadow flicker, sound and other safety and health impacts. In no instance shall the setback be decreased to less than 1.5 times the Total Height of the Wind Turbine. This waiver shall be signed by the impacted property owner(s) and recorded with the property with the Brown County Register of Deeds.
- c. Each Wind Turbine associated with a Small or Medium Wind Energy System shall be set back from the nearest residence, school, hospital, church, public library, place of business or other human-occupied structure a distance of no less than 1.5 times Total Height of the Wind Turbine.

#### **2. Property Lines**

- a. Each Wind Turbine that is part of a LWES shall be setback from the nearest non-participating landowner's property line a distance no less than 2640 feet. Each Wind Turbine that is part of a MWES or SWES shall be setback no less 1.5 times the Total Height of the Wind Turbine.
- b. The Rockland Town Board may grant a waiver to this provision where strict enforcement would not serve the public interest. In no instance shall the setback be decreased to less than 1.5 times the Total Height of the Wind Turbine for a LWES or 1.3 times for a MWES or SWES. This waiver shall be signed by the impacted property owner(s) and recorded with the property with the Brown County Register of Deeds.

#### **3. Public Roads**

- a. Each Wind Turbine shall be set back from the nearest public road right-of-way a distance of no less than 1.5 times its Total Height.
- b. The Rockland Town Board may grant a waiver to this provision where strict enforcement would not serve the public interest. In no instance shall the setback be decreased to less than 1.3 times the Total Height of the Wind Turbine.

#### **4. Communication and Utility Lines**

- a. Wind Energy Systems must meet all utility setbacks and/or easements. The Owner of the Wind Energy System is responsible for contacting the appropriate utility or private owner to determine location of all above and underground utility lines on the site including, but not limited to, electricity, natural gas, petroleum, propane, water, cable television, and communication.
- b. Utility line and/or easement locations shall be provided to the Town of Rockland for verification.

## **5. Niagara Escarpment Ledge Face**

- a. The Town of Rockland recognizes the limitations imposed on it by § 66.0401 Wis. Stats to require a setback from the Niagara Escarpment Ledge Face. However, due to the significance of the Niagara Escarpment Ledge Face to the character of the Town, the karst features (sinkholes, fractured bedrock, etc.) associated with the Niagara Escarpment, the potential for groundwater contamination and impact on nearby wells from excavating or blasting, and the potential impact on endangered plants and animals, each Wind Turbine in a LWES should be set back a minimum of 1,500 feet from the Niagara Escarpment ledge face. A map depicting the recommended setback from the ledge face is on file with the Town of Rockland.

## **6. Karst features and Ground Water**

- a. The Town of Rockland recognizes how susceptible our ground water supply is to contamination due to karst features located in the Town.
- b. The Town may require consultation with the Brown County Land and Water Conservation Department, the Wisconsin Department of Natural Resources and/or any appropriate government agency. The Town may require the Owner to develop an excavation design and procedure plan which shall include, but not limited to, identification of bedrock areas within twenty-four inches of any excavation, determination of slope gradients, mapping of sensitive geological features, evaluation of trench and road access path options. The excavation design and procedure plan shall include avoidance of karsts, sinkholes, and other sensitive geological features and specify procedures for minimizing soil compaction, mixing of soil types, and damage to drainage systems. The plan shall include special design specifications and construction procedures for all excavations to prevent any possible migration of contamination via these excavations, including consideration of trench breakers and trench liners. The Town may hire a consultant, at the expense of the Wind Energy System Owner, to review the excavation design and procedure plan and may require changes based upon this review. In addition, the Town may hire an inspector to monitor that all excavations, material laying, backfilling and surface restorations are done according to the plan accepted by the Town.
- c. The Owner shall complete a storm water and soil erosion control plan to prevent contamination of wetlands via surface runoff and groundwater via karsts, sinkholes, and other geological features during the construction and operation of any Wind Energy System. If state regulations do not require State approval of the plan, the Town may hire a consultant to review the plan at the Owner's expense.
- d. At the request of the Town, the Owner of the LWES may be required to run water tests on wells where wind turbines and cable trenches will be located, both prior and after construction of the turbine. The Owner of the LWES will be financially responsible for any costs associated with the testing of wells. The Town Board will determine how large the test area needs to be based on factors such as where

bedrock is located. The State Board of Health has recommended that well-testing be done within one mile of pathways which includes excavations within 24 inches of bedrock. The Owner of the LWES will be financially responsible for any contamination to wells, which tested acceptable prior to construction but are not acceptable after construction. The Town Board will determine the time period when the testing will take place. The Town may hire a consultant to develop and oversee the testing process. Any associated costs to the Town shall be reimbursed by the Owner.

### **18-11.09 Sound And Vibration**

- A. The Owner shall provide the sound level specifications of the Wind Energy System's manufacturer. Sound modeling, pre-construction baseline testing and post-construction testing may be required by the Town. When required, any modeling or testing shall be performed by an independent qualified acoustical consultant selected by the Town Board at the Owner's expense. Results of the pre-construction modeling shall be submitted with the conditional use permit application. The Owner may be required to submit their own modeling study and test results for review by the Town's consultant. If the Owner submits their own study, data showing the historical accuracy of their modeling shall also be submitted. If any of the modeling shows that sound levels will exceed stated design limits listed below, setback must be adjusted to conform to the sound level limits. The sound modeling required will be determined by the Town and may include, but not be limited to, infra-sound, low frequency sound, broad spectrum and full spectrum testing at various wind speed conditions below turbine cut-in speed and between turbine cut-in speed and maximum sound speed, usually 6 mph and 13 mph, respectively, at five feet above ground level.
- B. Ambient Sound levels shall be measured at the closest exterior wall of all potentially affected inhabited structures and at the property line of all Non-Participating Properties adjacent to all of the Participating Properties. Ambient Sound level measurement techniques shall employ all practical means of reducing the effect of wind-generated sound at the microphone. Ambient Sound level measurements shall be performed before construction of a LWES. If and when Ambient Sound measurements are also performed after construction, the LWES shall be shutdown during the test period. Ambient Sound measurements may be taken when wind velocities at a proposed or existing project site are at sufficient levels which would allow operation of a LWES without the actual operation of such LWES, provided that the wind velocity does not exceed thirteen (13) mph at the ambient sound level measurement location.
- C. When sound testing is required, sampling shall include LAeq, L10, and L90 metrics in both dB(A) and dB(C) scales. If the difference between dB(C) and dB(A) sound level measurements is more than 10 dB at any instance, a frequency analysis shall be required.
- D. If the project consists of more than one Wind Turbine, the sound modeling and testing shall analyze the effects of the compounding of sound caused by multiple turbines and this effect upon inhabited structures and the property lines of adjacent Non-Participating Properties.
- E. Sound testing, when required, shall conform to the applicable industry standards as provided by the American National Standards Institute such as, but not limited to, ANSI/ASA S12.9, S12.18, and S12.19 and by the International Electrotechnical Commission. Data sampling and sound level evaluations should consider the analysis outlined in "Baseline Environmental Sound Levels for Wind Turbine Projects" by George F. Hessler and David M. Hessler, published November 2006.
- F. If a pre-construction baseline sound study was required, then within twelve (12) months after the Wind Energy System is operational and within four (4) weeks of the one-year anniversary date of the pre-construction baseline sound study, the Owner shall perform post-construction sound

studies. If complaints are received prior to the one-year anniversary, the Town may determine there is the necessity to require the Owner to conduct sound studies before, and in addition to, the one-year post-construction study. The Town may decide to have any study data reviewed by an independent acoustical consultant at the Owner's expense.

- G. Pre-construction and post-construction sound studies shall be filed with the Town Clerk. Findings shall be forwarded to the Town Board as soon as possible.
- H. Audible sound due to Wind Energy System operations shall not exceed the lesser of 40 dB(A) or ambient sound level for L90 plus 5 dB(A), when measured at any residence, school, hospital, church, public library, or place of business existing on the date of approval of a LWES building permit. In addition, low frequency sound levels shall not exceed the lesser of 50 dB(C) L(90) or exceed a 20-dB difference between Leq(C) and L90(A) levels when Leq(C) is higher than L90(A).
1. If audible sound exceeds 40 dBA for ten percent of the time over any continuous 24 hour period, the offending wind turbine must be inoperable until repairs are completed, or a waiver is obtained from affected property owners in accordance with subsection (M).
  2. The Town of Rockland reserves the right to review the repair plan and evaluate its effectiveness.
- I. In the event audible sound due to the Wind Energy System operations contains or causes a steady pure tone, such as a whine screech, or hum, the audible sound due to Wind Energy System operations shall not exceed forty-five (45) dBA for any period of time, when measured at the property line of any residence, school, hospital, church, public library, or place of business existing on the date of approval of any Wind Energy System building permit. A steady pure tone is defined to exist if the sound level of any one-third (1/3) octave band exceeds the sound levels of the two (2) contiguous one-third (1/3) octave bands by five (5) or more dB for any period of time.
- J. In the event the Ambient Sound level measured when the Wind Energy System is not operating exceeds the applicable standard given above, the applicable standard shall be adjusted so as to equal the Ambient Sound level. The Ambient Sound level shall be expressed in terms of the highest whole number sound pressure level in dB(A) and dB(C) for L90A. Ambient Sound levels shall be measured at the exterior of potentially affected existing residences, schools, hospitals, churches, and public libraries. Ambient Sound level measurement techniques shall employ all practical means of reducing the effect of wind-generated sound at the microphone.
- K. Any sound level emanating from a Wind Energy System falling between two whole decibels shall be determined to be the higher of the two.
- L. Any sound monitoring or measurements, with need determined by the Rockland Town Board, shall be paid for by the Wind Energy System Owner.
- M. In the event the sound levels resulting from the Wind Energy System exceed the criteria listed above, a waiver to said levels may be granted by the Town provided that the following has been accomplished:
1. Written consent from the affected property owners has been obtained stating that they are aware of the LWES and sound limitations imposed by this ordinance, and that consent is granted to allow sound levels to exceed the maximum limits otherwise allowed; and,
  2. A permanent sound impact easement has been recorded in the Brown County Register of Deeds which describes the benefited and burdened properties and which advises all subsequent owners of the burdened property that sound levels in excess of those permitted by this Ordinance may exist on or at the burdened property. Any continuing installment payment required per a remuneration agreement stays with the property and shall be paid to whoever is the landowner at the time of payment.

### **18-11.10 Minimum Ground Clearance**

- A. The blade tip of any Wind Turbine in a LWES shall, at its lowest point, have ground clearance of no less than seventy-five (75) feet.
- B. The blade tip of any Wind Turbine in a MWES shall, at its lowest point, have ground clearance of no less than forty-five (45) feet.
- C. The blade tip of any Wind Turbine in a SWES shall, at its lowest point, have ground clearance of no less than thirty (30) feet.

### **18-11.11 Signal Interference**

- A. The Owner of a LWES shall provide a pre-construction critical communication study prepared by an independent Wisconsin-licensed Professional Engineer selected by the Town at the Owner's expense.
- B. A Wind Energy System shall not interfere with electromagnetic communications, such as, but not limited to, radio, telephone, computers, communication devices, microwave or television signals, including any public agency radio systems. However, in no case shall any Wind Energy System be located within the microwave path of an emergency communication tower or negatively effect adequate emergency communication.
- C. The Owner of a Wind Energy System shall be responsible for the full cost of any remediation necessary to provide equivalent or better alternate service or correct any interference problems for the life of the project. Should remediation not be completed in five business days of the first report of interference, the Owner shall cease operations until remediation is completed.
- D. If the Owner is a public utility, s. PSC 113.0707 also applies.

### **18-11.12 Shadow Flicker**

- A. The Wind Energy System Owner shall make reasonable efforts, including the use of automatic shadow sensors to stop the operation of an offending Wind Turbine, to eliminate shadow flicker effects upon any inhabited structure on Non-Participating Property. This requirement also applies to an inhabited structure built on Non-Participating Property after construction of the Wind Energy System.
- B. The Owner of a LWES shall provide a shadow flicker assessment utilizing the latest technology with the conditional use permit application. Also, an engineering analysis of the historical accuracy of the modeling program shall be provided. The Town may hire a professional consultant to evaluate the quality of the assessment at the Owner's expense.
- C. Whenever an inhabited structure on a Non-Participating Property experiences shadow flicker and the Landowner files a complaint with the Owner and/or the Town, all reasonable mitigation techniques shall be offered to the Landowner and provided as chosen by the Landowner at the Owner's expense.

### **18-11.13 Ice Shedding And Debris Throw**

- A. The Wind Energy System Owner shall make reasonable efforts to prevent ice or debris from the Wind Turbine from impacting any non-participating landowners' property.

### **18-11.14 Avian Risk**



- A. The LWES Owner shall make reasonable efforts to minimize avian mortality from the operation of a LWES. The Town of Rockland may require an avian risk study prior to issuance of a conditional use permit for a LWES.
- B. The Owner of the LWES may submit for consideration an Avian Risk study from another community in the state as long as the avian populations are similar and the study was not completed more than five (5) years prior to the conditional use permit request. The owner is responsible for the cost of the study.

### **18-11.15 Waste Management**

- A. All solid waste whether generated from supplies, equipment, parts, packaging, or operation or maintenance of the system, including old parts and equipment, shall be removed from the site in a timely manner consistent with industry standards and any Town, County, or State of Wisconsin regulations.
- B. All hazardous waste generated by the operation and maintenance of the system, including, but not limited to lubricating materials, shall be handled in a manner consistent with all local, state, and federal rules and regulations.

### **18-11.16 General Safety**

- A. All wiring between Wind Turbines and the Wind Energy System's collector facilities and substation shall be underground, if applicable.
- B. Wind Turbine towers shall not be climbable up to fifteen (15) feet above ground level and all large Wind Turbine tower access ladders must be located inside of the tower. If the structure is a lattice design or such that it cannot be easily made unclimbable, a fence to prevent access shall be installed.
- C. All access doors to Wind Turbine towers and electrical equipment shall be locked when unattended.
- D. Any accessory structures on site shall have a concrete roof to protect the structure from snow and ice shedding.
- E. Appropriate warning and caution signage shall be placed on Wind Turbine towers, electrical equipment, and Wind Energy System entrances.
- F. A LWES site and all structures shall have an annual inspection report of structural stability by a Professional Engineer licensed in the State of Wisconsin, at cost to the LWES Owner, with a report filed with the Rockland Town Clerk. Any deficiencies found shall be repaired in a timely manner.
- G. All substations shall be fenced to prevent public access. Chain link fencing shall include vinyl or aluminum slats or other landscaping to create an opaque visual barrier.
- H. The Owner of a LWES shall post and maintain at each system a clearly posted 24-hour a day manned telephone number in case of an emergency.
- I. The Owner of a LWES shall provide qualified personnel to conduct training sessions to emergency responders whenever requested.
- J. The Owner of a LWES shall provide a company representative to accompany the local Fire Department Fire Inspector during site visits. The Owner of a LWES shall comply with all applicable laws regarding those inspections.

- K. The Owner of a LWES shall be responsible for the total cost of any incident(s) that occur on or at their facilities and/or properties.

### **18-11.17 Stray Voltage**

- A. The Owner of the LWES shall work with the local electric distribution company to test for stray voltage at all dairy and confined animal operations within 0.5 mile of a Wind Energy System pursuant to the stray voltage protocol established by the Public Service Commission of Wisconsin (PSCW) before any LWES construction activity, which may interfere with testing, commences and again after construction of the Wind Energy System is completed.
- B. The Town may hire a qualified consultant to review the stray voltage prevention plan with the expense paid by the Owner.
- C. The Owner shall work with the electric distribution company and any farm owner to rectify any stray voltage problems attributable to the construction and operation of the LWES in compliance with the Public Service Commission's stray voltage protocol.
- D. If corrections of problems affecting farm operations cannot be completed in 5 calendar days, the Wind Turbines or grid interconnections shall be shut down or disconnected as necessary until the proper repair is completed.

### **18-11.18 Complaint Process**

#### **A. Making a complaint**

1. An aggrieved person may make a complaint regarding failure by an Owner to comply with an obligation under this ordinance
2. A complaint shall be made first to the Owner of the Wind Energy System and, if the complaint relates to a LWES, pursuant to a complaint resolution process developed by the Owner and accepted by the Town.
3. A complainant may petition the Town for review of a complaint that is not resolved within 45 days of the day that the Owner receives the original complaint.

#### **B. Complaint Process**

1. An Owner shall use reasonable efforts to resolve complaints regarding a Wind Energy System and shall investigate complaints regarding a Wind Energy System at the Owner's expense.
2. Upon receipt of a complaint, an Owner shall provide the complainant with a verbal acknowledgement of receipt of the complaint within two business days and a written acknowledgement and response describing the proposed solution within five business days. Within 10 days of receiving a complaint, or sooner if required elsewhere in this ordinance, an Owner shall provide the complainant an explanation as to what was done to resolve the complaint or explain why it has not been resolved and what is the schedule for resolving the complaint.
3. An Owner shall make a good faith effort to resolve complaints within 30 days of receiving a complaint or sooner if required elsewhere in this ordinance. An Owner shall notify the town of complaints that have not been resolved within 30 days of the date when the Owner received the original complaint.
4. An Owner of a LWES shall maintain a log of all complaints received regarding the LWES. The Owner shall include the name and address of each complainant in the log, the nature

of each complaint, and the steps taken to resolve each complaint. The Owner shall provide a copy of a complaint log monthly, at no cost, to the Town or designated monitoring committee contact.

### **C. Monitoring Committee**

1. The town may establish a monitoring committee to oversee resolution of complaints regarding a LWES. A monitoring committee shall include on the committee a member who is a local employee of an Owner of a LWES and, if available, at least one Non-Participating Property landowner residing in the Town within 0.5 mile of a LWES that is located in the Town.
2. The monitoring committee, when established, may do any of the following:
  - a. Maintain a record of all complaints brought to it.
  - b. Require the Owner to provide the committee with information regarding the Owner's response to any complaint forwarded to the Owner by the committee.
  - c. Recommend to the Town a reasonable resolution to a complaint based upon the information gathered by the committee.

### **18-11.19 Decommissioning**

- A. All LWES, MWES and their respective appurtenances shall be removed from the site within seven (7) calendar months of the date of receipt of a Use Termination notice to the Town Board of Rockland by the Owner of the system or its assigns or the date that the Town determines the Use Termination was established. Upon request of the Owner or assigns of the LWES, and for good cause, the Rockland Town Board may grant a reasonable extension of time.
- B. The site shall be stabilized, graded, and cleared of any debris by the Owner of the LWES or MWES or its assigns. If site is not to be used for agricultural practices following removal, site shall be seeded to prevent soil erosion.
- C. Any foundation for a LWES or a MWES shall be removed to a minimum depth of four (4) feet below grade, or to the level of the bedrock if less than four (4) feet below grade, by the Owner of the system or its assigns. Following removal, the location of any remaining LWES's foundation shall be identified on a map as such and recorded with the deed to the property with the Brown County Register of Deeds.
- D. Upon abandonment of underground cables, the locations where cables were severed or disconnected from the aboveground systems shall be sealed in a way to prevent migration of storm water runoff or contaminates into the trench areas.
- E. Any access roads shall be removed, cleared, and graded by the Owner of the LWES or MWES or its assigns at the Owner's expense, unless the Participating Property Landowner wants to keep the access road. The Town of Rockland will not be assumed to take ownership of any access road unless through official action of the Town Board.
- F. Decommissioning shall conform to the contract between Participating Property Landowner and the Owner of the Wind Energy System, subject to the requirements set forth in this ordinance.

### **18-11.20 Forfeiture**

- A. Any Wind Energy System, its turbine or appurtenant facilities hereinafter significantly erected, moved or structurally altered in violation of the provisions of this ordinance by any person, firm,

association, corporation (including building contractors) or his or their agent shall be deemed an unlawful structure.

- B. Any Wind Energy System that does not meet the requirements of this ordinance, including but not limited to, those dealing with sound or visual appearance, or does not meet the conditions attached to an approved conditional use permit shall provide grounds for revocation of the conditional use permit, thereby deeming the system an unlawful structure.
- C. The Zoning Administrator shall report all such violations to the Town Board who may then refer the matter to the town attorney to bring action to enjoin the erection, moving or structural alteration of such system or to cause such system to be vacated or removed.
- D. Any person, firm, corporation, agent, employee, or contractor of such, who violates, destroys, omits, neglects, or refuses to comply with, or who resists enforcement of any provision of this ordinance; shall upon conviction thereof forfeit no less than \$1,000 and not more than \$5,000 per offense together with the costs of prosecution, and in default of payment of such forfeiture and cost shall be imprisoned in the county jail until payment of said forfeiture and costs of prosecution are made. Confinement to the county jail shall not exceed 30 days for each offense. Each violation and each day of violation shall constitute a separate offense.
- E. This section shall not preclude the Town of Rockland from maintaining any appropriate action to prevent or remove a violation of this section.

#### **18-11.21 Review**

- A. Nothing in this ordinance shall be construed as limiting an aggrieved person's right to a Certiorari Review in Circuit Court as permitted by Wisconsin Law.

#### **18-11.22 Fees**

- A. Owner shall reimburse the Town's actual reasonable fees and costs incurred in the preparation, negotiation, administration, and enforcement of the conditional use permit as per the Town of Rockland's Fee Schedule, including, without limitation, the Town's attorneys' fees, engineering consultant fees, meeting/hearing fees, inspection fees and the costs of public notices. The preceding fees are payable within 30 days of invoice. Unpaid invoice shall bear interest at the rate of 1% per month until paid. The town may recover all reasonable cost of collection, including attorney's fees.

#### **18-11.23 Impact Fees**

- A. The Town of Rockland retains the right to negotiate an Impact Fee on Wind Turbines with the Owner of a LWES.

#### **18-11.24 Tax Hold Harmless**

- A. The parties acknowledge that the shared revenue payments payable to the Town under current state law may be revised or revoked by future legislators. If the shared revenue payments payable to the Town are eliminated or reduced, the Owner will pay to the Town an amount not less than the amount payable at the time of the issuance of the conditional use permit. The Owner's obligation to make such payments shall cease if the state adopts or implements a new mechanism to replace the shared revenue payments, to the extent that the new payment mechanism produces revenue not less than the revenue payable under the predecessor program.

- B. The parties further acknowledge that the shared revenue payments are paid to the Town directly by the State of Wisconsin, not the Owner. Regardless, the Owner agrees to supplement the Town's annual shared revenue payments actually received by an amount equal to the annual percentage change of the Consumer Price Index as of January 1 of each calendar year beginning on the first of January following the date that the Town receives its first payment from the State. For purposes of this escalator clause, the Consumer Price Index means the U.S. Department of Labor, Bureau of Statistics, Consumer Price Index for the United States, All Urban Consumers, all Items, unadjusted Index.

### **18-11.25 Defense Of Land Use Decision**

- A. In addition to the indemnification described above, the Owner shall reimburse the Town its reasonable attorneys' fees incurred in defending any legal actions brought by third parties challenging the legality or enforceability of the conditional use permit. If the Town seeks reimbursement, it shall notify the Owner in writing promptly upon discovering any claim entitling it to a land use defense reimbursement, but in no event later than sixty (60) days after receiving written notice of any action, lawsuit, proceeding, investigation or other claim against it which may give rise to a claim for a land use defense reimbursement.

### **18-11.26 Time Is Of The Essence**

- A. Time is of the essence in the performance of the requirements of the conditional use permit.

### **18-11.27 Severability**

- A. If a court of competent jurisdiction adjudges any section, clause, provision, or portion of this ordinance unconstitutional or invalid, the remainder of this ordinance shall not be affected thereby.
- B. If any application of this ordinance to a particular structure, use, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, use, land, or water not specifically included in said judgment.

### **18-11.28 Effective Date**

- A. This ordinance shall take effect immediately upon passage and posting (or publication) as provided by law.

## **18-12.00 ANIMAL ORDINANCE**

[18-12.01 Keeping Of Animals And Fowl](#)

[18-12.02 Purpose](#)

[18-12.03 Authority](#)

[18-12.04 Definitions](#)

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[18-12.06 Calculation For The Number Of Livestock Allowed, Not Including Dogs And Cats](#)

[18-12.07 Wild, Dangerous, Or Exotic Animals](#)

[18-12.08 Keeping Of Pigeons](#)

[18-12.09 Animals To Be Confined](#)

[18-12.10 Enforcement And Penalty Provision](#)

### **18-12.01 Keeping Of Animals And Fowl**

- A. The following regulations shall apply to all domestic animals, livestock, and exotic animals as defined in this ordinance, within the Town of Rockland, subject to the exceptions listed within this ordinance.

### **18-12.02 Purpose**

- A. The purpose of this Ordinance is to provide a regulatory means for the keeping of domestic animals and livestock in the Town of Rockland, subject to reasonable restrictions, which will preserve the public health, safety, and welfare.

### **18-12.03 Authority**

- A. The Town board of the Town of Rockland has the specific authority under Wis. Stats. § 169.43 and general authority under its village powers under Wis. Stats. § 60.22 to adopt this ordinance.

### **18-12.04 Definitions**

- A. As used in this Ordinance, the following terms shall have the meanings indicated:

1. **Animal Unit Equivalent.** A unit of measure used to determine the total number of single animal types or combination of animal types, as specified in Wisconsin Administrative Code NR243, which are fed, confined, maintained, or stabled. The following animal unit equivalents; except for horses, are from the Wisconsin Administrative Code NR243.05 Table 2A effective April 2007 and the horse unit equivalent is from the Brown County Code of Ordinances 26.08:

DAIRY CATTLE	EQUIVALENT
Milking and Dry Cows	1.400 units
Heifers (800 to 1200 lbs)	1.100 units
Heifers (400 to 800 lbs)	0.600 units
Calves (under 400 lbs)	0.200 units
VEAL CALVES	
Per animal	0.500 units
BEEF CATTLE (Including Bison)	
Steers or Cows (400 lbs to Mkt)	1.000 units
Calves (under 400 lbs)	0.200 units
Bulls	1.400 units
SWINE	
Pigs (55 lbs to Mkt)	0.400 units
Pigs (up to 55 lbs)	0.100 units
Sows	0.400 units
Boars	0.500 units

SHEEP (Llama, alpaca, goat)	
Per Animal	0.100 units
HORSES	
Per Animal	1.000 units
DUCKS	
Per Bird	0.200 units
CHICKENS	
Per Bird	0.010 units
TURKEYS	
Per Bird	0.018 units

2. **At Large.** To be off the premises of the owner and not under the control of some person, either by leash or otherwise, but a dog within an automobile of its owner, or in an automobile of any other person with the consent of the dog's owners shall be deemed to be upon the owners premise.
3. **Bovine animal.** Means domestic cattle and American bison of any age or sex.
4. **Cattle:** Means any of the various animals of the domesticated genus Bos.
5. **Dangerous (Vicious) dogs (or other animals). Any dog (animal) which:**
  - a. Without provocation, while not under the control of its owners, chases, confronts or approaches a person in a menacing fashion while off its owner's property and it is clear that the dog or animal is not merely being protective in a particular set of circumstances.
  - b. When unprovoked and while off its owner's property approaches a domestic animal in a menacing fashion.
  - c. When unprovoked and while off its owner's property causes an injury in a menacing fashion to any person or domestic animal.
6. **Domestic Animal.** Any animal that has been bred or raised to live in or about the habitation of humans and is dependent on people for food and shelter including, but not limited to dogs, cats, birds, rabbits, hamsters, turtles, and the like. See also "Livestock."
7. **Exotic Animal.** Any member of a species of animal, reptile, or bird, warm or cold-blooded, that is not indigenous to the environs of the State of Wisconsin or is not classified or considered as wildlife, livestock, or domestic animal. Exotic animals include, but are not limited to, animals belonging to any or all of the orders and families on the Prohibited Animal List, RCO 18-12.07 as adopted by the Rockland Town Board. No exotic animals are allowed in Rockland.
8. **Livestock.** Grazing animals or poultry kept either in open fields or structures for training, boarding, home use sales, or breeding and production, including but not limited to cattle, bison, riding and draft horses, hogs, sheep, goats, miniature horses, llamas, emus, alpacas, chickens or turkeys.
9. **Menacing Fashion.** Demonstrating an intent or desire to cause injury by one or more of the following actions:

- a. An attempt to bite or claw a person or another animal in such a fashion to show plainly to a reasonable person an unfriendly intent and put them in fear of attack.
  - b. Growling or barking in an unfriendly manner while approaching or chasing a person or another animal.
  - c. Growling or barking in an unfriendly manner while making physical contact with a person or another animal.
10. **Owner.** Any person owning, harboring, or keeping a domestic animal and the occupant of any premises on which a domestic animal remains or to which it customarily returns daily for a period of 10 days, is presumed to be harboring or keeping the domestic animal within the meaning of this section.
11. **Person.** Any owner, person, firm, partnership, association, corporation, company, or organization of any kind.
12. **Possess.** To own, keep, harbor, bring into the town, act as a custodian, or have custody or control of an animal.
13. **Provoked.** Any attack by an animal or physical injury caused by an animal shall be considered provoked if at the time the attack occurs or the injury is inflicted:
- a. The person who was attacked or injured was teasing, tormenting, abusing, or assaulting the animal; or
  - b. The animal was protecting a person, itself, its young or another domestic animal from an attack by a human being or another animal; or
  - c. The person who was attacked or injured was committing a crime on the property of the animal's owner or caretaker.

## **18-12.05 Dogs And Cats**

### **A. License required**

1. It shall be unlawful for any person in the Town of Rockland to own, harbor, or keep any dog more than five months of age, without complying with the provision of WSA § 174.07.
2. The fact that a dog is without a license attached to a collar shall be presumptive evidence that the dog is unlicensed. No action shall be maintained for an injury to or the destruction of a dog without a tag unless it shall appear that a tag has been properly attached to the collar of the dog and has been lost or removed without the knowledge of the owner.
3. The Pound Master or Constable, or a duly authorized humane society officer shall seize, impound, or restrain any dog found running at large.

### **B. Restrictions on keeping dogs**

1. It shall be unlawful for any person in the Town or Rockland to own, harbor, or keep any dog which:
  - a. Habitually pursues any vehicle upon any public street, alley, or highway of the town.
  - b. Assaults or attacks any person



- c. Is at large within the limits of the town.
- d. Habitually barks or howls.
- e. Kills or wounds any domestic animal.
- f. Is known by such person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies.
- g. Is considered dangerous as defined in RCO 18-12.04.

### **C. Duty of owners in cases of dog bite**

1. Every owner, or person harboring or keeping a dog, who knows that such dog has bitten any person shall immediately report such fact to the Brown County Health Officer, and shall keep such dog confined for not less than 14 days or for such period of time as the Brown County Health Officer shall direct. The owner or keeper of any such dog shall surrender the dog to the Brown County Health officer or any town police officer upon demand for examination.

### **D. Limiting number of dogs and cats on residential lots in Zones RS-1, RR-1, and ER-2**

1. The keeping of a large number of dogs and cats in a residential district for a considerable period of time detracts from and, in many instances, is detrimental to the healthful and comfortable life for which such areas were created. The keeping of a large number of dogs and cats is, therefore, declared to be a public nuisance.
2. "Dog" shall mean any canine, regardless of age or sex and "cat" shall mean any feline, regardless of age or sex.
3. For the purpose of this section, any vacant parcel or parcels adjoining a dwelling and under the same ownership shall constitute one lot.
4. No person shall own, harbor or keep in his possession more than three (3) dogs or three (3) cats on any lot zoned as residential as defined in RCO 18-12.05, with the exception that a litter of pups or a portion of a litter may be kept for a period of time not exceeding three (3) months from birth. If more than one family resides on any particular lot, then the party exceeding the limitation imposed by this section is in violation thereof.
5. Any owner who owns, harbors, or keeps four (4) or more dogs on his premises is presumed to be operating a dog kennel and shall be subject to the provisions of the Town of Rockland Code of Ordinances.

## **18-12.06 Calculation For The Number Of Livestock Allowed, Not Including Dogs And Cats**

### **A. Minimum Acres**

1. No livestock or equivalent stated in RCO 18-12.06(D)(8) will be allowed on less than 2 acres in the Town of Rockland.

B. The provisions of RCO 18-12.05 shall apply to all parcels of land zoned ER-2, ER-5, ER-10, and NPWLI, and AB, within the Town of Rockland.

### **C. Exception**

1. Parcels of land zoned ER-2, ER-5, ER-10, and NPWLI having a larger number of livestock at the time of adoption of this ordinance may continue to maintain that number of animals;

provided that expansion of the grandfathered number of livestock would require a conditional permit from the Town of Rockland.

2. Parcels of land zoned AG-FP are exempt from this ordinance.

**D. Calculation**

1. (Total acres less 1.99 acres minimum) \*livestock multiplier in RCO 18-12.06(D)(8)
2. For young livestock after 1 year of age, the livestock must be in compliance with the equivalent calculation in RCO 12.06(D)(8).
3. All contiguous lands as defined in the Town of Rockland Code of Ordinances can be included in the total acreage and/or those parcels as defined in RCO 18-12.05(D)(3).
4. The total number of livestock permitted is cumulative, regardless of the species of livestock.

**5. Examples:**

a. Residence is on 4 acres and would like horses: (4 acres – 1.99 acres) = 2.01 acres

(1) Then 2.01 acres \* 1.000 horse multiplier = 2 horses

b. Residence is on 4 acres and would like alpacas: (4 acres – 1.99 acres) = 2.01 acres

(1) Then 2.01 acres \* 10 sheep multiplier = 20 alpacas

c. Residence is on 4 acres and would like a horse and alpacas: (4 acres – 1.99 acres) = 2.01 acres

(1) Then 1 acre for horse (1 acre \* 1.000 horse multiplier = 1 horse

(2) Then 1.01 acres for alpacas (1.01 \* 10 sheep/alpaca multiplier = 10 alpacas or any acreage/animal combination thereof allowable under the formula

6. Rounding: Less than .50 livestock round down to whole number and .50 or greater, round up to the whole number.

7. A conditional use permit will be required for excess livestock as calculated in this section.

8. **Livestock Multiplier Table** (\*Multiplier = 1.0/Equivalent)

DAIRY CATTLE	MULTIPLIER*	EQUIVALENCY
Milking and Dry Cows	.714	1.400 units
Heifers (800 to 1200 lbs)	.909	1.100 units
Heifers (400 to 800 lbs)	1.667	0.600 units
Calves (under 400 lbs)	5.000	0.200 units
VEAL CALVES		
Per Animal	2.000	0.500 units
BEEF CATTLE (Including Bison		

Steers or Cows (400 lbs to Mkt)	1.000	1.000 units
Calves (under 400 lbs)	5.000	0.200 units
Bulls	.714	1.400 units
SWINE		
Pigs (55 lbs to Mkt)	2.500	0.400 units
Pigs (up to 55 lbs)	10.000	0.100 units
Sows	2.500	0.400 units
Boars	2.000	0.500 units
SHEEP (Llama, alpaca, goat)		
Per Animal	10.000	0.100 units
HORSES		
Per Animal	1.000	1.000 units
DUCKS		
Per Bird	5.000	0.200 units
CHICKENS		
Per Bird	100.000	0.010 units
TURKEYS		
Per Bird	56.000	0.018 units

## HISTORY

Amended by Ord. [2013-7](#) on 12/16/2013  
Amended by Ord. [2015-2](#) on 4/6/2015

**18-12.07 Wild, Dangerous, Or Exotic Animals**

- A. It shall be unlawful for any person to keep, maintain or have in his possession or under his control within the Town any poisonous reptile or any other dangerous or carnivorous wild animal, insect, arachnid, or reptile, any vicious or dangerous domesticated animal or any other animal or reptile of wild, vicious or dangerous propensities.
- B. The following orders and families, whether bred in the wild or in captivity, and any or all hybrids shall be defined as "Exotic Animals" pursuant to RCO 18-12.04 and the Town of Rockland Code of Ordinances. The animals listed in parentheses are intended to act as examples and are not to be construed as an exhaustive list or limit the generality of each group of animals, unless otherwise specified.
- C. No person shall possess an exotic, poisonous, or dangerous animal in the Town of Rockland.

**1. Prohibited Animal List****a. Class Mammalia**

- (1) Order Chiroptera. (Any bat species).

- (2) Order Artiodactyla. (Hippopotamuses, giraffes). Excludes domestic cattle, swine, sheep, goats, alpaca, and llama, buffalo, and bison.
- (3) Order Carnivora.
- (A) Family Felidae. (Lions, tigers, cougars, leopards, ocelots, servals). Excluding domestic cats.
  - (B) Family Canidae. (Wolves, coyotes, foxes, jackals). Excluding domestic dogs.
  - (C) Family Ursidae. (All bears).
  - (D) Family Mustelidae. (Weasels, skunks, martins, minks). Excluding ferrets.
  - (E) Family Procyonidae. (Raccoons, coatis).
  - (F) Family Hyaenidae. (Hyenas).
  - (G) Family Viverridae. (Civets, genets, mongooses).
- (4) Order Edentata. (Anteaters, armadillos, sloths)
- (A) Order Marsupialia. (Opossums, kangaroos, wallabies, sugar gliders).
  - (B) Order Perissodactyla. (Rhinoceroses, tapirs). Excluding horses, donkeys, mules).
  - (C) Order Primates. (Lemurs, monkeys, chimpanzees, gorillas).
  - (D) Order Proboscidea. (Elephants)
  - (E) Order Rodentia. (Squirrels, beavers, porcupines, prairie dogs.) Excluding guineas pigs, mice, gerbils, and hamsters.

## b. Class Reptilia

- (1) Order Squamata.
- (A) Family Helodermatidae. (Gila monsters and Mexican beaded lizards).
  - (B) Family Varanidae. (Any monitor which will normally grow over two feet in length).
  - (C) Family Iguanidae. (Only green iguanas and rock iguanas).
  - (D) Family Boidae. (All species whose adult length may exceed eight feet).
  - (E) Family Colubridae. (Boomsnakes and African twig snakes).
  - (F) Family Elapidae. (Coral snakes, cobras, mambas).
  - (G) Family Natricidae. (Only keelback snakes).
  - (H) Family Viperidae. (Copperheads, cottonmouths, rattlesnakes).
- (2) Order Crocodylia. (Crocodiles, alligators, caimans, gavials).

## c. Class Aves

- (1) Order Falconiformes. (Eagles, hawks, vultures).
- (2) Order Rheiformes. (Rheas).
- (3) Order Casuariiformes. (Cassowaries).
- (4) Order Strigiformes. (Owls).

**d. Class Arachnida**

- (1) Order Scorpiones, Family Buthidae.
  - (A) Arabian fat-tailed scorpion—*Androctonus crassicauda*
  - (B) Arizona centruroides scorpion—*Centruroides exilicauda*
  - (C) Death Stalker—*Leiurus quinquestriatus*
  - (D) Egyptian yellow scorpion—*Androctonus amoreuxi*
  - (E) Israeli black scorpion—*hottentotta judaicus*
  - (F) S. A. giant fat-tailed scorpion—*Parabuthus transvaalicus*
  - (G) Sinai desert scorpion—*Androctonus bicolor*
  - (H) Yellow desert scorpion—*Androctonus Australia*
- (2) Order Araneae, Family Therididae.
  - (A) Argentina red widow spider
  - (B) Brown widow spider—*Latrodectus geometricus*
  - (C) Red-black widow spider—*Latrodectus hasselti*
  - (D) Red-widow spider—*Latrodectus bishopi*
  - (E) Southern black widow spider—*Latrodectus mactans*
  - (F) Western widow spider—*Latrodectus Hesperus*

**e. Class Chilopoda**

- (1) Order Scolopendromorpha, Family Scolopendridae.
  - (A) Amazon giant banded centipede—*Scolopendra giganea*.
  - (B) Arizona tiger centipede—*Scolopendra viridis*
  - (C) Florida Keys centipede—*Scolopendra alternans*

f. Any federal or state endangered or threatened species

**18-12.08 Keeping Of Pigeons**

A. "Fowl" shall include pigeons. Homing or carrier pigeons are exempt when such birds fly for training purposes and races. The harboring of pigeons other than in an approved pen or coop is a public nuisance. The person in charge of any building or structure harboring pigeons other than under approved conditions shall remove such pigeons from the structure in a humane manner.

## **18-12.09 Animals To Be Confined**

- A. No person, owner, or custodian shall permit any animal (including fowl) to be at large within the Town. Any animal shall be deemed to be at large when it is off the premises owned or leased by its owner or custodian unless crated, penned, or under the control of a person able to control the animal by means of a leash of sufficient strength to control the action of the animal, or such other personal attention will reasonably control the conduct and actions of the animal.
- B. No person, owner, or custodian shall permit any animal (including fowl) to be left unattended within 5' of a public right-of-way.
1. Such public rights-of-way included, but are not limited to, sidewalks, streets, alleys, and parking lots in the RS-1 District.

## **18-12.10 Enforcement And Penalty Provision**

- A. Any person, firm or corporation, or agent, employee, or contractor of such, who violates, destroys, omits, neglects, or refuses to comply with, or who resists enforcement of any provision of this ordinance shall be subject to the enforcement of this ordinance and all other laws and ordinances relating to this section by the imposition of forfeitures and injunctive action in accordance with RCO Citation Ordinance 01-01.00.
- B. Each day a violation exists or continues constitutes a separate offense under this ordinance.

## **18-13.00 SOLAR PANELS AND SOLAR FARMS**

### [18-13.01 Title](#)

### [18-13.02 Purpose](#)

### [18-13.03 Findings Of Fact](#)

### [18-13.04 Definitions](#)

### [18-13.05 General Requirements](#)

### [18-13.06 Accessory Solar Energy Systems \(ASES\)](#)

### [18-13.07 Principal Solar Energy Systems \(PSES\)](#)

#### HISTORY

Repealed by Ord. [2013-4](#) on 12/16/2013

### **18-13.01 Title**

This section shall be known as, referred to, or cited as the Solar Panel Ordinance, Town of Rockland Brown County, Wisconsin.

#### HISTORY

Adopted by Ord. [2019-02](#) on 5/6/2019

### **18-13.02 Purpose**

- A. The purpose of this ordinance is to provide a regulatory means for the siting, construction and operation of both small and large scale solar installations in the Town of Rockland, subject to reasonable restrictions, which will preserve the public health and safety.

#### HISTORY

Adopted by Ord. [2019-02](#) on 5/6/2019

### **18-13.03 Findings Of Fact**

- A. These regulations are adopted under the authority granted pursuant to Wisconsin Statute 66.0401 (2009) which provides regulation related to solar and wind energy systems.
1. Sec. 66.0401 Wis. Stats: Authority to Restrict Systems Limited. No political subdivision may place any restriction, either directly or in effect, on the installation or use of a solar energy system, as defined in Wis Statutes 13.24 (2)(h).g. Wis Stats, unless it satisfies one of the following conditions:
    - a. Serves to preserve or protect the public health or safety
    - b. Does not significantly increase the cost of the system or significantly decrease its efficiency
    - c. Allows for an alternative system of comparable cost and efficiency.

#### HISTORY

Adopted by Ord. [2019-02](#) on 5/6/2019

### **18-13.04 Definitions**

A. As used in this Ordinance, the following terms shall have the meanings indicated:

1. **Accessory Solar Energy System (ASES).** An area of land or other area used for a solar collection system used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for on-site use. An accessory solar energy system consists of one (1) or more free-standing ground, or roof mounted solar arrays or modules, or solar related equipment and is intended to primarily reduce on-site consumption of utility power or fuels.
2. **Glare.** The effect produced by light with intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.
3. **Habitable Structure.** Any structure designed to provide shelter for animal or human use.
4. **Onsite.** The power generated on a parcel to be used on this same parcel.
5. **Principal Solar Energy System (PSES).** An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use. Principal solar energy systems consist of one (1) or more free-standing ground, or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures.
6. **R.C.O.** represents ROCKLAND CODE OF ORDINANCES
7. **Stand Alone Energy System.** Any solar system that does not tie into the power grid or to a habitable structure.
8. **Solar Easement.** A solar easement means a right, expressed as an easement, restriction, covenant, or condition contained in any deed, contract, or other written instrument executed by or on behalf of any landowner for the purpose of assuring adequate access to direct sunlight for solar energy systems.
9. **Solar Energy.** Radiant energy (direct, diffuse and/or reflective) received from the sun.
10. **Solar Panel.** That part or portion of a solar energy system containing one or more receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating and/or for electricity.

11. **Solar Related Equipment.** Items including a solar photovoltaic cell, module, panel, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations or other structures used for or intended to be used for collection of solar energy.
- a. **Solar Array.** A grouping of multiple solar modules with purpose of harvesting solar energy.
  - b. **Solar Cell.** The basic solar device which collects solar energy.
  - c. **Solar Module.** A grouping of solar cells with the purpose of harvesting solar energy.

#### HISTORY

Adopted by Ord. [2019-02](#) on 5/6/2019

### **18-13.05 General Requirements**

- A. Both ASES and PSES shall heretofore be referred to as a "solar energy system".
- B. Small scale solar energy systems will only require a permit if the system is affixed to a permanent structure.
- C. Structural and electrical engineering is required for both ASES, PSES and any other solar energy system that co-mingles with utility power.
  1. The solar layout, design, installation, and ongoing maintenance shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC), National Electrical Code (NEC), and State of Wisconsin Electrical Code or other similar certifying organizations, and shall comply with the WI Uniform Construction Code as enforced by the Town of Rockland, and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application. Upon completion of installation, the solar system shall be maintained in good working order in accordance with standards of the Town of Rockland codes under which the solar array was constructed. Failure of the property owner to maintain the solar energy system in good working order is grounds for appropriate enforcement actions by the Town of Rockland in accordance with applicable ordinances.
  2. Solar energy system installers must certify they are listed as a certified installer on the WI Department of Environmental Protection's approved solar installer list or that they meet the criteria be a DEP approved installer by meeting or exceeding one of the following requirements:
    - a. Is certified by the North American Board of Certified Energy Practitioners.
    - b. Has completed an Interstate Renewable Energy Council Institute of Sustainable Power Quality accredited PV training program or a PV manufacturer's training program and successfully installed a minimum of three PV systems.
  3. Permit Requirements
    - a. A solar energy system may be allowed as a conditional use in the Town. Because of the vast nature of the possible combinations and placements of potential solar



energy systems, a thorough review must be conducted to ensure a successful and safe site and structure.

- b. Zoning /building permit applications shall document compliance with this Section and shall be accompanied by drawings showing the location of the system on the building or property, including property lines.
  - (1) Permits must be kept on the premises where the solar energy system is constructed.
  - (2) Setbacks are fifty (50) feet from any property line for ground mounted systems, unless applicant can provide proof of a hardship through a conditional use application, with a final review to be conducted by the Town Board.
- c. The zoning/building permit shall be revoked if the solar energy system, whether new or pre-existing, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the solar energy system not to be in conformity with this Ordinance.
- d. The solar energy system must be properly maintained according to industry standards as needed to keep the solar energy system in good repair and operating condition, and that it shall be kept free from all hazards, including but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare. In the event of a violation of any of the foregoing provisions, the Zoning Officer shall give written notice specifying the violation to the owner of the solar energy system to conform or to remove the solar energy system.
- e. If the power is to mingle with the existing utility grid, a contract with utility company shall be provided to the Town.
- f. A certified plan must be stamped and approved by a Professional Engineer and on file with the Town of Rockland to ensure safety of all wiring and energy transference.

#### 4. Decommissioning & Demolition

- a. A permit is required for all decommissioning/demolition.
- b. Any foundations, equipment or wiring must be removed at the close of the decommissioning.
- c. Any easement created for the construction or use of a solar energy system, will cease to be in effect upon the completion of the decommissioning/demolition. It is the responsibility of the owner of the solar energy system to record the cessation of the easement.

#### HISTORY

Adopted by Ord. [2019-02](#) on 5/6/2019

### **18-13.06 Accessory Solar Energy Systems (ASES)**

#### A. Regulations Applicable to All Accessory Solar energy systems:

1. ASES shall be permitted as a use in all zoning districts.
2. Exemptions

- a. ASES constructed prior to the effective date of this Section shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to an existing ASES whether or not existing prior to the effective date of this Section that materially alters the ASES shall require approval under this Ordinance. Routine maintenance or like-kind replacements do not require a permit.
3. All on-site utility, transmission lines, and piping/plumbing shall be placed inside the structure or underground to the extent feasible.
4. The owner of an ASES shall provide the Town of Rockland written confirmation that the public utility company to which the ASES will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection. Off-grid systems shall be exempt from this requirement.
5. The display of advertising is prohibited except for reasonable identification of the manufacturer of the system.
6. Glare
  - a. All ASES shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways.
  - b. The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.
7. Solar Easements
  - a. Where a subdivision or land development involves the use of solar energy systems, solar easements shall be provided. Said easements shall be in writing, and shall be subject to the same conveyance and instrument recording requirements as other easements.
  - b. Any such easements shall be appurtenant; shall run with the land benefited and burdened; and shall be defined and limited by conditions stated in the instrument of conveyance. Instruments creating solar easement shall include but not be limited to:
    - (1) A description of the dimensions of the easement including vertical and horizontal angles measured in the degrees or the hours of the day, on specified dates, during which direct sunlight to a specified surface or structural design feature may not be obstructed;
    - (2) Restrictions on the placement of vegetation, structures, and other objects which may impair or obstruct the passage of sunlight through the easement;
    - (3) Enumerate terms and conditions, if any, under which the easement may be revised or terminated;
    - (4) Explain the compensation for the owner of the real property subject to the solar easement for maintaining the easement and for the owner of the real property benefiting from the solar easement.
  - c. If required, an ASES owner and/or operator must obtain any solar easements necessary to guarantee unobstructed solar access by separate civil agreement(s) with adjacent property owner(s).

8. Prior to the issuance of a zoning permit, and in the case of no easement, applicants must acknowledge in writing that the issuing of said permit for a solar energy system shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself:
  - a. the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or
  - b. the right to prohibit the development on or growth of any trees or vegetation on such property.
9. Decommissioning
  - a. The ASES owner is required to notify the Township immediately upon cessation or abandonment of the operation. The ASES shall be presumed to be discontinued or abandoned if output falls below a continuous twenty-five (25) percent of designed output for a period of twelve (12) continuous months.
  - b. The ASES owner shall then have twelve (12) months in which to dismantle and remove the ASES including all solar related equipment or appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations and other associated facilities from the property. If the owner fails to dismantle and/or remove the ASES within the established timeframes, the Town of Rockland may complete the decommissioning at the owners expense.
  - c. The ASES owner shall, at the request of the town, provide information concerning the amount of energy generated by the ASES in the last twelve (12) months.

#### B. Roof Mounted and Wall Mounted Accessory Solar energy systems:

1. A roof mounted or wall mounted ASES may be located on a principal or accessory building.
  - a. A Professional Engineer must certify the location of the ASES and that it does not compromise the structural integrity nor interfere with proper venting, natural lighting, or egress.
  - b. A Professional Engineer must certify that the electrical of the building will not be compromised by the placement of the ASES. Off-grid systems shall be exempt from this requirement.
2. The total height of a building with an ASES shall not be exceeded by more than 2 feet above the maximum building height specified for principal or accessory buildings within the applicable zoning district.
3. Wall mounted ASES shall comply with the setbacks for principal and accessory structures in the underlying zoning districts.
4. Solar panels shall not be located closer than three (3) feet from any portion of the roofs edge.
5. Roof mounted solar panels may be located on front-facing roofs as viewed from any adjacent street when approved as a conditional use. The applicant shall demonstrate that, due to solar access limitations, no location exists other than the street-facing roof, where the solar energy system can perform effectively.

6. For roof and wall mounted systems, the applicant shall provide engineering evidence that the plans comply with the Uniform Construction Code and adopted building code of the township that the roof or wall is capable of holding the load imposed on the structure; those include, but are not limited to wind load, snow load and dead load or any additional loads that may be applied onto that structure.

C. Ground Mounted Accessory Solar energy systems:

1. Setbacks

- a. The minimum yard setbacks from side and rear property lines shall be equivalent to fifty (50) feet in all zoning districts.
  - b. Ground mounted ASES are prohibited in front yards, between the principal building and the public street. Front yards are considered to be fifty (50) feet across the entire lot from the public street.
  - c. The Town of Rockland may authorize the installation of a ground mounted ASES in front of the principal building, outside the required front yard, if the applicant demonstrates that, due to solar access limitations, no location exists on the
2. Height property other than the front yard where the solar panel can perform effectively. A vegetative screen may be required.
- a. Ground mounted ASES shall not exceed fifteen (15) feet in height above the ground elevation surrounding the systems.

3. Coverage

- a. The area beneath the ground mounted ASES is considered pervious cover. However, use of the impervious construction materials under the system could cause the area to be considered impervious.
- b. The total surface area of the arrays of ground mounted ASES on the property shall not exceed more than twenty (20) percent of the lot area.
- c. The applicant shall submit a Storm Water Management Plan that demonstrates compliance with the Brown County/Town of Rockland Storm Water Management regulations.

4. Screening

- a. Ground mounted ASES shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of plant materials which provide a visual screen. In lieu of a planting screen, a decorative fence meeting requirements of the zoning ordinance may be used.
5. Appropriate safety/warning signage concerning voltage shall be placed at ground mounted electrical devices, equipment, and structures. All electrical control devices associated with the ASES shall be locked to prevent unauthorized access or entry.
6. Ground-mounted ASES shall not be placed within any legal easement or right-of-way location, or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.

## HISTORY

Adopted by Ord. [2019-02](#) on 5/6/2019

**18-13.07 Principal Solar Energy Systems (PSES)**

## A. Regulations applicable to all principal solar energy systems

1. PSES shall be permitted by conditional use in the Institutional, Commercial, Agricultural and Agricultural Business, Non-Participating Working Land, Farmland Preservation, Limited Industrial and Heavy Industrial Zoning District(s), and any other zone which may be approved by the Town Board. The area of the PSES is not to exceed twenty (20) percent of the area of the parcel.
2. Exemptions
  - a. PSES constructed prior to the effective date of this section shall not be required to meet the terms and conditions of this ordinance. Any physical modification to an existing PSES, whether or not existing prior to the effective date of this section that materially alters the PSES shall require approval under this ordinance. Routine maintenance or like-kind replacements do not require a permit.
3. All on-site wiring, cabling and piping/plumbing lines shall be placed inside the structure or underground within the shortest practical distance.
4. The owner of a PSES shall provide the Town of Rockland with written confirmation that the public utility company to which the PSES will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection.
5. No portion of the PSES shall contain or be used to display advertising. The manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment of the PSES provided they comply with the prevailing sign regulations.
6. Glare
  - a. All PSES shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways.
  - b. The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.
7. A noise study shall be performed and included in the application. The noise study shall be performed by an independent noise study expert and paid for by the applicant. Noise from a PSES shall not exceed five (5) decibels (DBA) above ambient, as measured at the property line.
8. No trees or other landscaping required by the municipal ordinances or attached as a condition of approval of any plan, application, or permit may be removed.
9. The PSES owner and/or operator shall maintain a phone number and identify a person responsible for the public to contact with inquiries and complaints throughout the life of the project and provide this number and name to the Town of Rockland. The PSES owner and/or operator shall make reasonable efforts to respond to the public's inquiries and complaints.
  - a. Maintenance, condition and output records must be submitted to the town biannually for review. The records will be kept on file and available for public inspection.

## 10. Decommissioning/Demolition

- a. The PSES owner is required to notify the Town of Rockland immediately upon cessation or abandonment of the operation. The PSES shall be presumed to be discontinued or abandoned if output falls below a continuous twenty-five (25) percent of designed output for a period of twelve (12) continuous months.
  - b. A permit from the Town of Rockland is required for all decommissioning and demolition.
  - c. The PSES owner shall then have twelve (12) months in which to dismantle and remove the PSES including all solar related equipment or appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations and other associated facilities from the property. If the owner fails to dismantle and/or remove the PSES within the established timeframes, the Town of Rockland may complete the decommissioning at the owners expense.
  - d. At the time of issuance of the permit for the construction of the PSES, the owner shall provide financial security in the form and amount acceptable to the Town to secure the expense of dismantling and removing said PSES and restoration of the land to its original condition.
11. Prior to the issuance of zoning and conditional use permits, PSES applicants must acknowledge in writing that the agreement binds and benefits the parties and their respective heirs, executors, administrators, legal representatives, successors and assigns.
- a. The solar energy system owner has the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property according to the original use of the agreement.

## 12. Solar Easements

- a. Where a subdivision or land development proposes a PSES, solar easements may be provided. Said easements shall be in writing, and shall be subject to the same conveyance and instrument recording requirements as other easements.
- b. Any such easements shall be appurtenant; shall run with the land benefited and burdened; and shall be defined and limited by conditions stated in the instrument of conveyance. Instruments creating solar easement shall include but not be limited to:
  - (1) A description of the dimensions of the easement including vertical and horizontal angles measured in the degrees or the hours of the day, on specified dates, during which direct sunlight to a specified surface or structural design feature may not be obstructed;
  - (2) Restrictions on the placement of vegetation, structures, and other objects which may impair or obstruct the passage of sunlight through the easement
  - (3) Enumerate terms and conditions, if any, under which the easement may be revised or terminated;
  - (4) Explain the compensation for the owner of the real property subject to the solar easement for maintaining the easement and for the owner of the real property benefiting from the solar easement in the event of interference with the easement.

- c. If necessary, a PSES owner and/or operator must obtain any solar easements necessary to guarantee unobstructed solar access by separate civil agreement(s) with adjacent property owner(s).

### 13. Permit Requirements

- a. PSES shall comply with the Town's subdivision and land development requirements. The installation of PSES shall be in compliance with all applicable permit requirements, codes, and regulations.
- b. The PSES owner and/or operator shall repair, maintain and replace the PSES and related equipment during the term of the permit in a manner consistent with industry standards as needed to keep the PSES in good repair and operating condition.

### B. Ground Mounted Principal Solar energy systems:

#### 1. Minimum lot size

- a. The lot on which the PSES is being proposed shall meet the lot size requirements of the underlying zoning district.

#### 2. Setbacks

- a. PSES shall be setback fifty (50) feet from all property lines.

#### 3. Height

- a. Ground mounted PSES shall not exceed fifteen (15) feet in height.

#### 4. Impervious Coverage

- a. The area beneath the ground mounted PSES is considered pervious cover. However, use of impervious construction materials under the system could cause the area to be considered impervious and subject to the impervious surfaces limitations.
- b. The applicant shall submit a storm water management plan that demonstrates compliance with the Brown County/Town of Rockland municipal storm water management regulations.
- c. PSES owners are encouraged to use low maintenance and low growing vegetative surfaces under the system as a best management practice for storm water management.

#### 5. Ground mounted PSES shall be screened from adjoining residential uses or zones.

#### 6. Ground-mounted PSES shall not be placed within any legal easement or right-of-way location, or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.

#### 7. Security

- a. All ground-mounted PSES shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate.

- b. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence on the surrounding the PSES informing individuals of potential voltage hazards.

## 8. Access

- a. At a minimum, a twenty-two (22) feet wide access road must be provided from a state county or Town of Rockland roadway into the site. Follow R.C.O. chapter 8-03.00 to meet driveway standards.
  - b. At a minimum, a twenty-two (22) feet wide cart way shall be provided between the solar arrays to allow access for maintenance vehicles and emergency management vehicles including fire apparatus and emergency vehicles. Cartway width is the distance between the bottom edges of solar panel frames to the top edges of the solar panel frame directly across from it.
9. The ground mounted PSES shall not be artificially lighted except to the extent required for safety or applicable federal, state, or local authority.
  10. If a ground mounted PSES is removed, any earth disturbance resulting from the removal must be graded and reseeded, returning it to the condition it was in prior to the PSES installation.
  11. Any easements initiated upon the installation of the PSES, must be voided at the conclusion of decommissioning and removal of the PSES.

## C. Roof and Wall Mounted Principal Solar Energy Systems:

1. The applicant shall provide engineering plans, stamped by a Professional Engineer registered in the state of Wisconsin. The plans must be in compliance with the Uniform Construction Code and adopted building code of the Town of Rockland and must certify that the roof and/or wall is capable of holding all loads imposed on the structure; those include, but are not limited to wind load, snow load and dead load or any additional loads that may be applied onto that structure.
  - a. A Professional Engineer must certify the location of the solar energy system and that it does not compromise the structural integrity nor interfere with proper venting, natural lighting or egress.
  - b. A Professional Engineer must certify that the electrical system of the building will not be compromised by the placement of the solar energy system. Stand Alone Energy Systems shall be exempt from this requirement.
2. PSES mounted on the roof or wall of any building shall be subject to the maximum height plus two (2) feet of the underlying zoning district.
3. Decommissioning/Demolition
  - a. The PSES owner is required to notify the Town of Rockland immediately upon cessation or abandonment of the operation. The PSES shall be presumed to be discontinued or abandoned if output falls below a continuous twenty-five (25) percent of designed output for a period of twelve (12) continuous months.
  - b. A permit from the Town of Rockland is required for all decommissioning and demolition.
  - c. The PSES owner shall then have twelve (12) months in which to dismantle and remove the PSES including all solar related equipment or appurtenances related



thereto, including but not limited to structural repair of buildings, cabling, electrical components, roads, foundations and other associated facilities from the property. If the owner fails to dismantle and/or remove the PSES within the established timeframes, the Town of Rockland may complete the decommissioning at the owners expense.

- d. At the time of issuance of the permit for the construction of the PSES, the owner shall provide financial security in the form and amount acceptable to the Town to secure the expense of dismantling and removing said PSES and restoration of the land to its original condition, including forestry plantings of the same type/variety and density as the original.

#### HISTORY

Adopted by Ord. [2019-02](#) on 5/6/2019