

CHAPTER 12

ZONING

An ordinance to promote the health, safety, morals and general welfare; to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot which may be occupied, the size of yards, courts and other open spaces, the density of population, the location and use of buildings, structures and land for trade, industry, residence and other purposes; and for the said purposes to divide the Village of Rockland, Wisconsin, into districts of such number, shape and area as are deemed best suited to carry out the said purposes; to provide a method for its administration and enforcement and to provide penalties for its violation. These regulations are adopted under authority granted by Sections 61.35, 62.23 and 87.30 of the Wisconsin Statutes.

The village board of the Village of Rockland, Wisconsin, do ordain as follows:

I. INTERPRETATION, PURPOSE

A. Intent:

1. The provisions of this ordinance shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the Village of Rockland, Wisconsin.
2. It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing easements, covenants or agreements between parties or with any rules, regulations, or permits previously adopted or issued pursuant to laws; provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises, or upon the height of a building or requires larger open spaces than are required by other rules, regulations or permits or by easements, covenants or agreements, the provisions of this ordinance shall govern.

II. DISTRICTS

A. District: For the purposes of this ordinance, the Village of Rockland, Wisconsin, is hereby divided into districts, as follows:

1. Residence District (R)
2. Mobile Home Residence District (MH)
3. Business District (B)
4. Industrial District (I)
5. Light Industrial District (LI)
6. Agriculture District (A)
7. Conservancy District (C)
8. Planned Unit Development District (PUD)

B. District Boundaries: The boundaries of the aforesaid districts are hereby established as shown on the map entitled "District Map, Village of Rockland, Wisconsin," dated October, 1973, as updated April 1982, which map accompanies and is made a part of this ordinance. All notations and references shown on the district map are as much a part of this ordinance as though specifically described herein.

1. The district boundaries are either streets, alleys, lot lines, or natural features such as streams, unless otherwise shown, and where the designation on the district map indicates that the various districts are approximately bounded by a street, alley, lot line or stream, such lot line or the center line of such street or

alley, or the main channel of such stream shall be construed to be the district boundary line.

2. In unsubdivided property, the location of the district boundary lines shown on the district map shall be determined by use of the scale shown on such map.

C. District Map: There shall be a certified copy of the district map described above. A copy of such map shall be kept in the office of the village clerk, and shall be available for inspection by any person during regular office hours. Such copy shall bear on its face the notation that it is the certified copy of the district map, the certificate to be signed by the village president and attested by the village clerk, and it shall show the number and title of this ordinance and the date of its adoption. Thereafter no amendment of this ordinance which causes a change in the boundaries of any district shall become effective until such change, together with a certificate describing the change, has been shown on the certified copy. Such certificate of amendment shall likewise be signed by the village president attested by the village clerk, and shall show the number of the amending ordinance and the date of its adoption.

D. Description and uses of districts:

1. Residence District (R)

- a) Purpose: To provide a quiet, pleasant living area protected from traffic hazards and intrusion of incompatible land uses.
- b) Principal Permitted Uses:
 - (1) One and two family dwellings.
 - (2) Churches and all affiliated uses, all graded schools, libraries and hospitals, water storage facilities and related structures and cemeteries.
 - (3) Municipal buildings, except sewage plants, garbage incinerators, warehouses, garages, shops, and storage yards.
 - (4) Public parks, playgrounds, recreational and community center buildings and grounds.
 - (5) Telephone buildings, exchanges and lines and transformer stations, excepting service garages and storage yards, and excepting microwave radio relay structures unless their location is approved by the Plan Commission.
 - (6) Unlighted signs and bulletin boards of up to four square feet for advertisement for a lease or sale of the premises, and eight square feet for public or religious announcements; provided all such signs must be located directly on the premises involved.
- c) Accessory Uses:
 - (1) Uses customarily incident to any of the above uses: provided that no such use generates traffic or noise that would create a public or private nuisance.
 - (2) Customary home occupation.
- d) Conditional Uses:
 - (1) Three or more family dwellings, lodging and boarding houses.
 - (2) Mobile homes provided their location is approved and a license granted (by the Village Plan Commission after a public hearing before the Plan Commission). The conditions for individual mobile homes on individually owned lots prescribed in the "MH" district shall apply.

(3) A planned mobile home development which is intended to be exclusively for residential use of mobile homes and shall comply with the conditions described in Section V.

(4) Mini-Storage building that is built in residential fashion with shingles and siding. Said permit would be attached to the property and be transferable. (06/2009)

e) Prohibited Uses: All uses not specifically permitted.

f) Lot and Building Requirements

(1) Maximum building Height: 35 feet

(2) Minimum Side Yard:

(a) Principal Buildings: 6 feet minimum, total 15 feet

(b) Accessory Buildings: 3 feet on each side

(3) Minimum Front Yard Setback: 25 feet

(4) Minimum Rear Yard Setback: 25 feet

(5) Minimum Lot Area Per Family:

(a) Single Family Structures: 7,000 square feet

(b) Two Family Structures: 4,000 square feet

(c) Three or more Family Structures: 3,000 square feet

(6) Minimum Lot Width (measured at rear of front yard): 50 feet

(7) Parking, Off Street Residential: 1 space per family

(8) Parking, Places of Public Gathering: 1 space per 5 seats

(9) Average Setback: Where 50 percent or more of a frontage is occupied by buildings having setbacks which are less than the setback required by this ordinance for the district in which such frontage is located, the setback on the remainder of such frontage shall be the average setback of such buildings. Where less than 50 percent of a frontage is occupied by buildings, the following setbacks shall apply:

(a) Where a vacant lot abuts an occupied lot having a setback greater than is required by this ordinance, the setback on the abutting vacant lot shall be the average of the setback required by this ordinance for the district in which such lot is located and the setback on the occupied lot, or the average of such required setback and the lesser of the setbacks on the occupied lots, if the vacant lot abuts more than one occupied lot in the same frontage.

(b) Where a vacant lot abuts a lot occupied by a building which has a setback less than is required by this ordinance, the setback on the vacant lot shall be the setback required by this ordinance for the district in which such lot is located.

2. Mobile Home Residence District (MH)

a) Purpose: To provide a quiet, pleasant single family mobile home residential area, protected from traffic hazards and intrusion of incompatible land use.

b) Principal Permitted Uses:

(1) Single family mobile home dwellings, as defined in Section III definitions. The lots upon which the mobile homes are located

will be separate legal parcels and ownership will be transferable individually.

- (2) One and two family dwellings of the type permitted in the "R" district in accordance with lot sizes and setbacks prescribed in that district.
 - (3) Public parks, playgrounds, recreational and community center buildings and grounds.
 - (4) Churches and all affiliated uses. All graded schools, libraries and hospitals, water storage facilities and related structures.
 - (5) Telephone buildings, exchanges and lines and transformer stations, excepting service garages and storage yards, and excepting microwave radio relay structures, unless their location is approved by the Plan Commission. Telephone lines shall be located underground.
 - (6) Unlighted signs and bulletin boards of up to four square feet for advertisement for a lease or sale of the premises, and eight square feet for public or religious announcements; provided all such signs must be located directly on the premises involved.
- c) Accessory Uses:
- (1) Customary home occupation.
 - (2) Uses customarily incident to any of the above uses; provided that no such use generates traffic or noise that would create a public or private nuisance.
- d) Conditional Uses:
- (1) A planned mobile home development which is intended exclusively for residential use of mobile homes and shall comply with the conditions described in Section V.
 - (2) Office for the owner, administrator, or manager of any mobile home development within the district.
- e) Prohibited Uses: All uses not specifically permitted.
- f) Lot and Building Requirements:
- (1) Minimum lot size per mobile home shall be no less than the square feet specified in the Residential Zoning Ordinance of the Village.
 - (2) All lots shall abut upon a public street or highway.
 - (3) Fire hydrants shall be located in positions and numbers and be of a type recommended by the chief of the Rockland Fire Department.
 - (4) All plumbing building, and electrical installations, alterations or repairs in the MH Residence District shall be made in accordance with the regulations of the Village of Rockland.
 - (5) Minimum lot size per mobile home shall be no less than the square feet specified in the Residential Zoning Ordinance of the Village.
 - (6) Minimum width of mobile home - twelve (12) feet and at least 720 square feet of living floor space.
 - (7) Structural additions or alteration to the exterior of mobile home shall be no less than the same type of construction or materials as the mobile home affected.

- (8) Mobile home must be permanently attached to a full foundation no less than laid blocks five (5) courses below grade and two and one-half (2 ½) courses above grade (or the equivalent in a poured wall).
 - (9) Front yard setback shall be twenty (20) feet. Back yard setback shall be twenty (20) feet. A corner lot has two "front yard" setbacks. All other requirements shall be the same as the "R" District.
 - (10) All mobile home residences shall be connected to and served by the public water and sewerage systems.
 - (11) No mobile home sales office or other commercial use for same shall be located or permitted in the MH District.
 - (12) No mobile home dwelling shall be brought into the MH District unless a Building Permit is first obtained from the Building Inspector.
 - (13) One and two family dwellings not defined as mobile homes shall meet the lot and setback requirements prescribed in the "R" District.
 - (14) Where 50 percent or more of a frontage is occupied by buildings having setbacks which are less than the setback required by this ordinance for the district in which such frontage is located, the setback on the remainder of such frontage shall be the average setback of such buildings.
 - (15) Where less than 50 percent of a frontage is occupied by buildings, the following setbacks shall apply:
 - (a) Where a vacant lot abuts an occupied lot having a setback greater than is required by this ordinance, the setback on the abutting vacant lot shall be the average of the setback required by this ordinance for the district in which such lot is located and the setback on the occupied lot, or the average of such required setback and the lesser of the setbacks on the occupied lots, if the vacant lot abuts more than one occupied lot in the same frontage.
 - (b) Where a vacant lot abuts a lot occupied by a building which has a setback less than is required by this ordinance, the setback on the vacant lot shall be the setback required by this ordinance for the district in which such lot is located.
- g) Minimum Standards for Mobile Homes: All mobile homes hereinafter installed, placed, or erected within the Village Limits shall conform to the code promulgated by the American National Standards Institute (ANSI) insulation standards for Zone 2 as described in Wis. Stats. 101.94, except where the date of manufacture was December 31, 1973, or before. Mobile homes constructed prior to the mandatory implementation of ANSI standards shall be made to conform to the greatest extent practicable before sale, placement, or replacement within the Village Limits is permitted, except where a temporary permit, not to exceed 120

days, is granted for placement while the unit is being altered to most practicably conform to ANSI standards.

3. Business District (B)

a) Purpose: To provide an area for the business and commercial needs of the village.

b) Principal Permitted Uses:

- (1) Appliance dealers.
- (2) Art, gift, jewelry, and notion shops.
- (3) Bakeries (retail) and candy, confectionery and ice cream stores.
- (4) Barber shops, beauty parlors, and other personal business or repair services (non-automotive).
- (5) Banks and other financial institutions.
- (6) Offices including clinics (medical) and other professional offices, real estate, insurance, utilities, telephone and telegraph offices and post offices.
- (7) Clothing and dry goods stores.
- (8) Drug stores and pharmacies.
- (9) Florist shops.
- (10) Retail fruit, vegetable, meat and fish markets, grocery stores, delicatessens and supermarkets.
- (11) Furniture, hardware, and department stores.
- (12) Hotels.
- (13) Liquor stores, lunchrooms, cafes and restaurants.
- (14) Music, radio and television stores.
- (15) Newsstands and soda fountains .
- (16) Parking lots.
- (17) Photography studios.
- (18) Sport shops, seed, feed and farm supply sales.
- (19) Temporary structures.
- (20) Variety stores.
- (21) Clubs, fraternal organizations.
- (22) Other uses similar to or customarily incident to any of the above uses.
- (23) Residential facilities as an incidental or secondary use to the primary business use.
- (24) Any existing home in the Business District that may be destroyed as a result of a natural disaster may be rebuilt by its owner at the time of the disaster without a conditional use permit, if a building permit is applied for within ninety (90) days following the building's destruction.

c) Conditional Uses:

- (1) Drive-in establishments serving food or beverages for consumption on the premises.
- (2) Motels, motor lodges, inns, apartment complexes, lodging and boarding houses.
- (3) Vehicle sales, services, washing and repair stations and garages. All gasoline pumps are to be at least 12 feet from any existing or proposed street line.
- (4) Automotive and farm implement sales and service.

- (5) Uses clearly similar in character to any of the above.
- (6) Exclusive residential uses in a building or on a lot if a commercial use is not also conducted on that building or lot.
- (7) Mini-storage sheds.

d) Requirements:

- (1) Maximum building Height: 35 feet
- (2) Minimum Side Yard:
 - (a) Fireproof Construction: None
 - (b) Non-fireproof Construction: 9 feet
- (3) Minimum Front Yard Setback: None
- (4) Minimum Rear Yard Setback: 25 feet
- (5) Minimum Lot Width:
 - (a) Fireproof Construction: 25 feet
 - (b) Non-fireproof Construction: 45 feet
- (6) Parking:
 - (a) 1 space for every 200 square feet of floor area
 - (b) Places of Public Gathering: 1 space per 5 seats
 - (c) Parking may be provided on site or on an adjacent lot or the equivalent improved space may be donated to the village for a municipal parking lot subject to approval by the Village Board.
- (7) Truck Unloading Area: Sufficient space so that no streets or alleys need be blocked.

4. Industrial District (I)

- a) Purpose: To provide land for all industrial uses including those industries which normally include the use of heavy machinery and may require outdoor storage areas for raw materials and/or finished products, provided such storage is enclosed by a suitable screening fence. residential and commercial uses prohibited except that a dwelling unit may be provided for a caretaker or superintendent if the industrial use requires constant supervision. All uses proposed for this district are subject to the provisions of Section V of this section.
- b) Principal Permitted Uses: Manufacturing, processing, repairing, or warehouse use, wholesale establishments. All industries requiring connection to the municipal waste water treatment system will be "conditional uses".
- c) Accessory Uses: Essential services to service the principal permitted uses.
- d) Conditional Uses: All industrial process uses requiring connection to the municipal waste water treatment system will be "conditional uses". Such conditions shall be determined in consultation with the village's waste water design engineer and other technical assistance as necessary to insure the village waste water treatment facilities are adequate to handle the industrial load plus the anticipated residential increases. Towers, such as cellular towers, are also conditional uses to be approved by the board.
- e) Lot and Building Requirements:
 - (1) Maximum Building Height: 35 feet
 - (2) Minimum Side Yard:

- (a) Principal Buildings: 20 feet on each side
 - (b) Accessory Buildings: 5 feet on each side
 - (3) Minimum Front Yard Setback: 25 feet
 - (4) Minimum Rear Yard Setback: 30 feet
 - (5) Minimum Lot Width (measured at rear of front yard): 100 feet
 - (6) Parking: 1 space per 3 employees
 - (7) Truck unloading area: Sufficient space so that no streets or alleys need be blocked.
- 5. Light Industrial District (LI)
 - a) Purpose: To provide an area for those industrial uses which do not require the use of heavy machinery and the related factors associated with this type of industrial fabrication, and industries which do not require water and sewer service demands beyond those normally associated with a residential district. Outdoor storage and covered warehousing is permitted provided such warehousing is enclosed by a suitable screening fence. All uses proposed for this district are subject to the provisions of Section V of this ordinance.
 - b) Principal Permitted Uses: Assembly of components, processing, repairing, warehousing, storage, and wholesaling uses that do not involve water or sewer service use, or deposit of materials into the sewage system, which exceeds that required by residential uses occupying the same land area. All uses which deposit toxic or inert materials exceeding those normally deposited by residential use are required to have suitable pretreatment facilities.
 - c) Accessory Uses: Essential services to service the principal permitted uses. Residential and commercial uses which are subordinate to the principal use will be considered on a conditional basis.
 - d) Conditional Uses: All other industrial uses.
 - e) Lot and Building Requirements
 - (1) Maximum Building Height: 35 feet
 - (2) Minimum Side Yard:
 - (a) Principal Buildings: 20 feet on each side
 - (b) Accessory Buildings: 5 feet on each side
 - (3) Minimum Front Yard Setback: 25 feet
 - (4) Minimum Rear Yard Setback: 30 feet
 - (5) Minimum Lot Width (measured at rear of front yard): 100 feet
 - (6) Parking: 1 space per 3 employees
 - (7) Truck unloading area: Sufficient space so that no streets or alleys need be blocked.
- 6. Agricultural District (A)
 - a) Purpose: To provide exclusively for agricultural uses. The intent is to help conserve good farming areas and prevent uncontrolled, uneconomical spread of residential development which results in excessive costs to the community for premature provision of essential public improvements and services (such as sewer and water lines). The following uses are permitted.
 - b) Principal Permitted Uses:

- (1) Farming and dairying provided that buildings in which farm animals are kept shall be at least 100 feet from the nearest residential or business district.
 - (2) Forestry, grazing, hatcheries, nurseries, orchards, paddocks, poultry raising, stables and truck farming.
 - (3) In-season roadside stands for the sale of farm products produced on the premises, and up to two unlighted signs not larger than eight square feet each advertising such sale.
 - (4) Fur farms, kennels, insect breeding facilities, greenhouses, and other agricultural uses that may cause noxious odors or noise, or create health or sanitation hazards are permitted but only with written permission of the Village Board on the recommendations of the Plan Commission.
 - (5) Farm dwellings for those resident owners and workers actually engaged in the principal permitted uses.
 - (6) Mobile homes provided that only one mobile home will be permitted in conjunction with an established farmstead and that the occupant of said mobile home must be in some way related to the farmstead owner.
- c) Accessory Uses: Uses customarily incident to any of the above uses, including residential use incident to any of the above uses.
- d) Conditional Uses:
- (1) Churches, schools, cemeteries, community parks and recreation areas, public and semi-public buildings, water storage and sewage disposal facilities and power stations (provided they are enclosed by an eight foot or more protective, screened fence).
 - (2) Single family residences subject to conditions of the "R" District.
 - (3) Dumping grounds, sanitary landfill and related operations provided sufficient setback, screening and protective fencing are provided.
- e) Prohibited Uses: Uses not specifically permitted.
- f) Lot and Building Requirements
- (1) Maximum Building Height: 35 feet residential structures, No maximum on other structures
 - (2) Minimum Side Yard:
 - (a) Principal Buildings: 20 feet on each side
 - (b) Accessory Buildings: 5 feet on each side
 - (3) Minimum Front Yard Setback: 50 feet
 - (4) Minimum Rear Yard Setback: 50 feet
 - (5) Minimum Lot Area Per Family (residential): 5 acres
7. Conservancy District (C)
- a) Purpose: To preserve the natural state of scenic areas in the Village and to prevent uncontrolled, uneconomical spread of residential development, to act as a buffer or dividing strip between incompatible land uses, and to help discourage intensive development of marginal lands so as to prevent potential hazards to public and private property. The following uses are permitted.
 - b) Principal Permitted Uses:
 - (1) Management of forestry, wildlife and fish.

- (2) Harvesting of wild crops, such as marsh hay, ferns, moss, berries, tree fruits and tree seeds.
 - (3) Fishing and trapping.
 - (4) Dams, power stations and transmission lines, and open water reservoir facilities.
 - (5) Parks and general recreational areas.
 - (6) Uses similar and customarily incident to any of the above uses.
 - c) Accessory Uses: Uses essential to the above uses.
 - d) Conditional Uses:
 - (1) Sewage disposal plants, water storage and pumping facilities, golf courses and seasonal camping grounds.
 - (2) Gravel or sand pits and quarries, and the necessary facilities to wash, grade, store, and ship the products obtained.
 - (3) All structures except those serving essential services accessory to the principal or permitted uses. Uses involving the dumping, filling, cultivation, mineral, soil, or peat removal or any other use that would disturb the natural fauna, flora, water regimen, natural landforms, or topography.
 - e) Prohibited Uses: All uses not stated as permitted or conditional.
 - f) Lot and Building Requirements: There are no setback, lot size or other dimensional requirements applicable to the "C" District.
8. Planned Unit Development District (PUD)
- a) Purpose: The district is intended to provide for higher density and innovative development. This district shall have no definite and measurable boundaries until such are approved by the Village Board on the recommendation of the Plan Commission in accordance with procedures prescribed for zoning amendments by Wisconsin Statutes, Section 62.23. Plans for the proposed development shall be submitted in duplicate, and shall show the location, size and proposed use of all structures and land included in the areas involved. The plans may provide for a combination of single and multi-family development as well as related commercial and industrial uses, provided that the plans indicate that:
 - b) Principal Permitted Uses: Negotiable as stated in the Planned Unit Development Plan.
 - c) Conditional Uses: All uses in the district, as well as designation of the district boundaries will be determined in a manner similar to conditional use determination.
 - d) Lot and Building Requirements:
 - (1) Paved streets and sidewalks adequate to serve the needs of the area involved will be provided.
 - (2) Adequate access to public streets and proper internal circulation will be provided.
 - (3) Adequate sewer and water facilities will be provided.
 - (4) The development will constitute a reasonable extension of the living areas in the city and will be compatible with surrounding land uses.

III. DEFINITIONS: For the purposes of this ordinance, certain words and terms are defined as follows: Words used in the present tense include the future; the singular number includes the

plural number and the plural number includes the singular number; the word "building" includes the word "structure"; the word "shall" is mandatory and not directory. Any words not herein defined shall be construed as defined in the state and village building codes.

- A. Accessory Use or Building: A use or building on the same lot with and subordinate to the main use or building and customarily incidental thereto. An automobile trailer or other vehicle or part thereof, or other building used as a temporary or permanent dwelling or lodging place is not an accessory use or building for the purposes of this ordinance.
- B. Automobile Wrecking Yard: Any premises on which more than one automotive vehicle not in running or operating condition is stored in the open.
- C. Basement: A story partly or wholly underground.
- D. Boarding House: A building other than a hotel where meals, or lodging and meals, are furnished for compensation for persons not members of the resident family.
- E. Building: Any structure used, designed or intended for the protection, shelter, enclosure or support of persons, animals or property. When a building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building, except for side yard requirements where manifestly inappropriate.
- F. Building, Height of: The vertical distance from the average curb level in front of the lot or the finished grade at the front building line, whichever is higher, to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height of the highest gable of a gambrel, hip or pitch roof.
- G. Building Main: A building constituting the principal use of a lot.
- H. Conditional Use: Uses of a special nature as to make impractical their predetermination as a principal use in a district.
- I. Exception: The use of property, including the use and location of buildings, the size of lots and the dimensions of yards, otherwise not allowable under the terms of this ordinance, for which a special permit may be issued under the conditions specified in this ordinance.
- J. Family: One or more persons living together in 1 dwelling unit as a single housekeeping entity; provided that a family may consist of not more than 6 such persons when not related by blood or marriage.
- K. Frontage: All the property abutting on one side of a street between 2 intersecting streets or all of the property abutting on one side of a street between an intersecting street and the dead end of a street.
- L. Home Occupation: A gainful occupation or profession, such as dressmaking, laundering, home cooking, handicraft, insurance and real estate sales, and the like, conducted by members of the family only, within their place of residence.
- M. Junk Yard: Any premises on which there is an accumulation of scrap metal, paper, rags, glass, scrap lumber or other scrap materials stored or customarily stored for salvage or sale, unless such accumulation shall be housed in a completely enclosed building.
- N. Less Restricted: The use of land or buildings first permitted in a certain district is less restricted than other uses first permitted in districts appearing earlier in the numerical order in which such districts are numbered in this ordinance.
- O. Loading Space: An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, and abutting on or affording direct access to a public street or alley, for the temporary parking of a commercial vehicle while loading or unloading cargo. A loading space is not a parking space for the purposes of this ordinance.
- P. Lodging House: A building other than a hotel where rooms without board or kitchen facilities either in or in connection with such rooms are provided for compensation for persons not members of the resident family.

- Q. Lot: A parcel of land having a width and depth sufficient to provide the space necessary for one main building and its accessory buildings, together with the open spaces required by this ordinance and abutting on a public street or officially approved place.
- R. Lot, Corner: A lot abutting on 2 or more streets at their intersection, provided that the interior angle of such intersection is less than 135 degrees.
- S. Lot, Depth Of: The mean horizontal distance between the front and rear lot lines.
- T. Lot, Interior: A lot other than a corner lot.
- U. Lot, Through: An interior lot having frontage on 2 non-intersecting streets.
- V. Lot Lines: The lines bounding a lot as defined herein.
- W. Lot, Width of: The shortest distance between the side lines of a lot, measured at the rear of the required front yard.
- X. Mobile Home: A manufactured unit which is, or was, as originally constructed, designed to be transported or towed, as a single unit by a motor vehicle upon a public highway, and designed, equipped, and used, or intended to be used primarily for permanent, long-term human habitation. It includes any additions, attachments, annexes, foundations, and appurtenances, and arrives at the site complete and ready for occupancy except for minor and incidental unpacking, assembly, and utility connection operations. This definition is not intended to include those vehicles less than eight (8) feet by thirty-five (35) feet intended primarily for nonpermanent, recreational use as camper trailers, or pick-up campers. Any self-propelled unit or motor home is excluded from this definition of "mobile home." Factors within the definition which serve to distinguish a Mobile Home from a Trailer or a Prefabricated Home are:
1. That a Mobile Home is designed for long-term, permanent occupancy versus the short-term, recreational use of what is defined as a trailer.
 2. That a Mobile Home arrives at the site complete, usually with major appliances and furniture, and requires only minor work before occupancy versus a prefabricated home which may arrive on a trailer, but requires substantial effort at the site to prepare it for occupancy. (Units delivered to the site in halves and assembled on the site, obviously requiring substantial preparatory effort, would, therefore, be considered conventional single family residences and not mobile homes.)
 3. That the addition of foundations, annexes, etc., are included as part of the definition of a mobile home if so attached and do not have the effect of creating a conventional single family residence.
- Y. More Restricted: The use of land or buildings first permitted in a certain district is more restricted than other uses first permitted in districts appearing later in the numerical order in which such districts are numbered in this ordinance.
- Z. Motel: A building or group of buildings in which lodging, with or without meals, is offered to transient guests for compensation, with no kitchen facilities in any individual room or apartment, and with not less than 1 off-street parking space provided for each such room or apartment.
- AA. Nonconforming Use: A building or premises lawfully used or occupied at the time of the passage of this ordinance or amendments thereto, which use or occupancy does not conform to the regulations of this ordinance or any amendments thereto.
- BB. Parking Lot: A building or premises off the public street containing 1 or more parking spaces, open to the public free or for a fee, and providing access from a public street or alley to each parking space within such parking lot.
- CC. Parking Space: An unobstructed piece of ground or floor space sufficient for the temporary storage of 1 automobile. Each such parking space shall be not less than 9 feet

wide and 180 square feet in area exclusive of maneuvering space and access from or to a public street or alley. A loading space is not a parking space for the purposes of this ordinance.

- DD. Professional Office: The office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician or other recognized profession.
- EE. Setback: The depth of the front yard, measured horizontally on a lot from and at right angles to the front lot line or the right-of-way line of a proposed street on the official map, whichever results in the greater front yard depth.
- FF. Sign: Any structure or device, except those placed by the public authorities for public purposes, on which advertising is displayed, or attention is directed to advertising on the same or any other structure, by any means visible to the eye.
- GG. Story: That portion of a building included between the surface of a floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.
- HH. Story, Half: The space under any roof except a flat roof, the wall plates of which on at least 2 opposite exterior walls are not more than 4 feet above the floor of such story.
- II. Street: All property dedicated or intended for public or private street purposes or subject to public easements therefore, which affords the principal means of vehicular access to abutting property.
- JJ. Street Line: A dividing line between a lot, tract or parcel of land and a contiguous street.
- KK. Street, Side: A street bounding the longer side of a corner lot.
- LL. Structural Alterations: Any change in the supporting members of a building or any change in the roof structure or in the exterior walls.
- MM. Structure: Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having a permanent location on the ground.
- NN. Trailer: A portable vehicle designed and used for temporary sleeping purposes while its occupants are engaged in camping.
- OO. Trailer Camp: A tract or parcel of land on which accommodations are provided for 2 or more automobile trailers, camp cabins, house cars or other mobile homes.
- PP. Variance: A departure from the terms of this ordinance as applied to a specific building or lot, which the board of appeals may permit, contrary to the regulations of this ordinance for the district in which such building or lot is located, when the board finds that a literal application of such regulations will cause 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 to the public health, safety or welfare.
- QQ. Vision Clearance: A space at the street corner of a corner lot which is bounded by the street lines and a setback line connecting points located on each street line at specified distances from the corner.
- RR. Yard: An open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.
- SS. Yard, Front: A yard extending the full width of a lot between the nearest wall of the main building and the front lot line or the right-of-way line of a proposed street on the official map, whichever requires the greater front yard depth, excluding only such projections as are permitted hereinafter.
- TT. Yard, Rear: A yard extending the full width of the lot between the rear lot line and the nearest wall of the main building, excluding only such projections as are permitted hereinafter. In the case of irregular or triangular lots, where none of the lines bounding

the rear of the lot are parallel or approximately parallel to the front lot line, the rear lot line for the purposes of this ordinance shall be a line 15 feet long, wholly within the lot, parallel to the front lot line or the main chord thereof, and at the maximum distance from the front lot line.

UU. Yard, Side: A yard extending from the front yard to the rear yard, between the side lot line and the nearest wall of the main building, excluding only such projections as are permitted hereinafter.

IV. GENERAL PROVISIONS: Except as specifically provided otherwise in this ordinance, the following regulations shall apply to all districts.

A. Buildings and Uses:

1. No provision of this ordinance shall be construed to bar an action to enjoin or abate the use or occupancy of any land or structure as a nuisance under the appropriate laws of the State of Wisconsin.
2. No provision of this ordinance shall be construed to prohibit the customary and necessary construction, reconstruction or maintenance of overground or underground public utility neighborhood service lines and mechanical appurtenances thereto, where reasonably necessary for the preservation of the public health, safety, convenience and welfare.
3. The use of buildings hereafter erected, converted, enlarged or structurally altered and the use of any land shall be in compliance with the regulations established herein for the district in which such land or building is located.
4. Every building hereafter erected shall be located on a lot and in no case shall there be more than 1 main building on one lot.
5. Nothing herein contained shall require any change in the plans, construction, size or designated use of any building or part thereof for which a building permit has been issued before the effective date of this ordinance and the construction of which shall have been started within 6 months from the date of such permit.

B. Nonconforming Uses:

1. The existing lawful use of a building or premises at the time of the enactment of this ordinance or any amendment thereto may be continued although such use does not conform with the provisions of this ordinance for the district in which it is located, but no building or premises containing a nonconforming use shall be enlarged or extended.
2. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of a more restricted classification. Whenever a nonconforming use has been changed to a more restricted nonconforming use or a conforming use, such use shall not thereafter be changed to a less restricted use. A nonconforming use shall not be changed to another nonconforming use of the same classification unless and until a permit therefor shall first have been secured from the board of appeals.
3. If the 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.
4. When a building containing a nonconforming use is damaged by fire, explosion, act of God or the public enemy to the extent of more than 60 percent of its current assessed value, it shall not be restored except in conformity with the regulations of the district in which it is located. The total structural repairs or alterations in any nonconforming use shall not during its life exceed 50 percent of

the assessed value of the building at the time of its becoming a nonconforming use unless permanently changed to a conforming use.

5. Accessory buildings which are not a part of the main building shall not occupy more than 30 percent of the area of the required rear yard, shall not be more than 15 feet high and shall not be nearer than 3 feet to any lot line, except that where a private garage has an entrance on an alley, such entrance shall be located not less than 10 feet from the nearest alley line. The above height and area restrictions shall not apply to accessory buildings on farms of 10 or more acres in area, but such accessory buildings shall not be closer than 100 feet to any side lot line. Where an accessory building is not located entirely within the rear yard, the side yard requirements for the district in which the premises are located shall be applied to such accessory buildings.
6. The Board of Appeals, after investigation and public hearing, may authorize the change of a nonconforming use to another of the same classification, provided that the board shall find that the proposed change of use will be no more harmful to the character of the neighborhood than the existing nonconforming use.

C. Area Regulations

1. No lot area shall be so reduced that the yards and open spaces shall be smaller than is required by this ordinance, nor shall the density of population be increased in any manner except in conformity with the area regulations hereby established for the district in which a building or premises is located.
2. Where a lot has an area less than the minimum number of square feet per family required for the district in which it is located and was of record as such at the time of the passage of this ordinance, such lot may be occupied by 1 family.

D. 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. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the mean level of the adjoining ground is more than 5 feet.
3. Churches, schools, hospitals, sanatoriums and other public and quasi-public buildings may be erected to a height not exceeding 60 feet not 5 stories, provided the front, side and rear yards required in the district in which such building is to be located are each increased at least 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. Ornamental structures, radio and television broadcasting and receiving towers, telephone, telegraph and power transmission poles, towers and lines, microwave radio relay structures and necessary mechanical appurtenances, and accessory structures essential to the use or protection of a building or to a manufacturing process carried on therein, are hereby exempted from the height regulations of this ordinance and may be erected in accordance with other local regulations or ordinances; provided that any such structure which is accessory to a building in a residential district shall be located not less than 25 feet from any lot line.
5. Residences may be increased in height by not more than 10 feet when all yards and other required open spaces are increased by 1 foot for each foot by which such building exceeds the height limit of the district in which it is located.

6. Where a lot abuts on 2 or more streets or alleys having different average established grades, the higher of such grades shall control only for a depth of 120 feet from the line of the higher average established grade.
7. On through lots which extend from street to street, the height of the main building may be measured from the mean elevation of the finished grade along the end of the building facing either street.

E. Front, Side and Rear Yard Regulations

1. No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this ordinance shall be included as part of a yard or other open space required for another building.
2. Any side yard, rear yard or court abutting a district boundary line shall have a minimum width and depth in the less restricted district equal to the average of the required minimum widths and depths for such yards and courts in the 2 districts which abut the district boundary line.
3. Where 50 percent or more of a frontage is occupied by buildings having setbacks which are greater or less than the setback required by this ordinance for the district in which such frontage is located, the setback on the remainder of such frontage shall be the average setback of such buildings.
4. Where less than 50 percent of a frontage is occupied by buildings, the following setbacks shall apply:
 - a) Where a vacant lot abuts an occupied lot having a setback greater than is required by this ordinance, the setback on the abutting vacant lot shall be the average of the setback required by this ordinance for the district in which such lot is located and the setback on the occupied lot, or the average of such required setback and the lesser of the setbacks on the occupied lots, if the vacant lot abuts more than one occupied lot in the same frontage.
 - b) Where a vacant lot abuts a lot occupied by a building which has a setback less than is required by this ordinance, the setback on the vacant lot shall be the setback required by this ordinance for the district in which such lot is located.
5. No part of any building which has a setback less than is required by this ordinance shall be enlarged or structurally altered within the front yard established by the setback required by this ordinance for the district in which such building is located.
6. 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 be complied with.
7. Every part of a required yard shall be open and unoccupied by any structure from the ground upward, except as follows:
 - a) Detached accessory buildings may be located in a required rear yard or in a side yard having excess width, but not in any part of such yard that is required by this ordinance.
 - b) Sills, belt courses, cornices, awnings, canopies, eaves and ornamental architectural features may project into any required yard not more than 30 inches; provided that this regulation shall not apply to architectural features which may extend over a street line to a point not less than one

foot from the curb line if such feature is more than 7 feet above the ground.

- c) Bay windows, balconies and chimneys may project into any required yard not more than 3 feet, or into any side yard which does not abut on a street 3 feet, or into any side yard which does not abut on a street 3 feet or 20 percent of the width of such yard, whichever is the lesser amount; provided that the total length of such projections on any one building wall shall not exceed one-third the length of such building wall.
- d) Fire escapes may project into any required yard not more than 5 feet, or into any side yard which does not abut on a street 5 feet or 20 percent of the width of such side yard, whichever is the lesser amount; provided that this regulation shall not be construed to require or permit a fire escape of less width than the minimum established by the state building code.
- e) Uncovered steps, stoops and landings may project into any required yard not more than 6 feet, or into any side yard which does not abut on a street 6 feet or 20 percent of the width of such side yard, whichever is the lesser amount; provided that no such steps, stoops or landings shall extend above the main or principal entrance floor, except for a railing or wall not more than 3 feet in height.
- f) Platforms, walks and drives extending not more than 6 inches above the average ground level at their margins, and retaining walls when the top of any such wall is not more than 6 inches above the average level of the abutting ground on one side, may be located in any required yard.
- g) Fences, hedges and walls, except retaining walls, shall not exceed 2½ feet in height when located in a vision clearance triangle.

F. Motor Vehicles, Parking and Traffic Visibility

- 1. In any Business or Industrial District, wherever a lot abuts upon a public or private alley, sufficient loading space shall be provided on the lot or adjacent thereto in connection with any business or industrial use so that the alley shall at all times be free and unobstructed to the passage of traffic.
- 2. Parking Space:
 - a) All theaters, arenas, auditoriums, churches or other places of public gathering hereafter erected shall provide an accessible parking space off the public street of sufficient size to accommodate at least 1 car for every 5 seats provided.
 - b) Every dwelling hereafter erected shall provide parking space on the same lot, off the public street and accessible thereto, in the ratio of not less than 1 such parking space for each family which the building is intended to accommodate.
 - c) Every building hereafter erected for any industrial use shall provide not less than 1 parking space for each 4 employees on the premises at any one time, plus not less than 1 additional parking space for each vehicle operated in connection with the use of such building.
- 3. No obstructions, such as structures, parking or vegetation, shall be permitted in any residential district between the heights of two and one-half (2-1/2) feet and ten (10) feet above the plane through the mean curb-grades within the triangular space formed by any two existing or proposed intersecting street (or alley) right-of-way lines and a line joining points on such lines located a minimum of

twenty (20) feet from their intersection.

In the case of arterial streets intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to fifty (50) feet.

V. **CONDITIONAL USES**

- A. **Permit:** All applications for conditional use permits will be reviewed by the Plan Commission. The Plan Commission will then make its recommendation to the Village Board, the Board will make the final decision and that decision will be executed by the Building Inspector.
- B. **Plan:** Application for conditional use permits shall be submitted to the Building Inspector on forms provided by the Inspector and shall be accompanied by a plan showing the location, size and shape of the lot(s) involved and of any proposed structures, and the existing and proposed use of each structure and lot. The cost of land use permits shall be established by the Village Board.
- C. **Review:** The Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation. Conditions related to landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, operational control, hours of operation, traffic circulation, deed restriction, access restrictions, increased yards, and parking requirements, may be required by the Village Board upon its finding that such conditions are necessary to fulfill the purpose and intent of this ordinance. Conditional uses shall comply with all other provisions of this ordinance such as lot width and area, yards, height, parking and loading.
- D. **Conditional Uses:** The following are conditional uses in the specific districts:
 - 1. **Residence Districts:** Three or more unit residences, mobile homes, lodging and boarding houses, and mobile home parks.

Mobile Home Park Conditions:

USE: Only the following uses and buildings shall be permitted.

- a) Single family mobile homes.
- b) Office and dwelling for the owner or administrator of the mobile home development.
- c) Buildings including toilets, bathing, clothes washing facilities and similar services for residents of the mobile home development.

HEIGHT: No mobile home or building shall exceed one story or 15 feet in height.

YARDS: Every mobile home development shall have minimum front, side and rear yard setbacks of 40 feet.

SPACING OF UNITS: Mobile homes shall not be placed closer than 20 feet apart, or within ten feet of the roadway serving such units.

AREAS: Each mobile home development shall have a minimum area of one acre. Each mobile home lot shall have a minimum lot area of 3,000 square feet and a minimum lot width of 40 feet.

2. The following uses in the Business District:
 - a) Drive-in establishments serving food or beverages for consumption on the premises.
 - b) Motels, motor lodges and inns, apartment complexes, lodging and boarding houses.
 - c) Vehicle sales, service, washing and repair stations and garages. All gasoline pumps are to be at least twelve (12) feet from any existing or proposed street line.
 - d) Automotive and farm implement sales and service.
 - e) Uses clearly similar in character or customarily incident to any of the above uses.
3. Any use in the Industrial and Light Industrial Districts.
4. The following uses in the Agricultural District:
 - a) Churches, schools, cemeteries, community parks, and recreation areas, public and semi-public buildings, water storage. Sewage disposal facilities and power stations (provided they are enclosed by an eight (8) foot or more protective screened fence).
 - b) Single family residences provided they are located on five (5) acre or more tracts and that soils analyses indicate a suitability for private sewer and water systems.
 - c) Dumping grounds, sanitary land fill and related operations provided sufficient setback screening and protective fencing are provided.
5. The following uses in the Conservancy District:
 - a) Sewage disposal plants, water storage and pumping facilities, golf courses, and seasonal camping grounds.

VI. SIGNS

- A. Permit Required: No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a land use permit except those signs excepted below and without being in conformity with the provisions of this ordinance. The sign shall also meet all the structural requirements of the building code.
- B. Signs Permitted in (R), (A) and (C) Districts: All signs are prohibited in the Residence, Agricultural, and Conservancy districts except the following:
 1. Signs over show windows or doors of a nonconforming business establishment announcing without display or elaboration only the names and occupation of the proprietor and not to exceed two (2) feet in height and ten (10) feet in length.
 2. Real estate signs not to exceed eight (8) square feet in area which advertise the sale, rental or lease of the premises upon which said signs are temporarily located.
 3. Name, occupation and warning signs not to exceed two (2) square feet located on the premises.
 4. Bulletin boards for public, charitable or religious institutions not to exceed eight (8) square feet in area located on the premises.
 5. Memorial signs, tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
 6. Official signs, such as traffic control, parking restrictions, information and notices.

7. Temporary signs or banners when authorized by the Village Board.
- C. Signs Permitted in the (B) and (I) Districts: Signs are permitted in the Business and Industrial districts subject to the following restrictions:
1. Wall signs placed against (or painted on) the exterior walls of buildings shall not extend more than six (6) inches outside of a building's wall surface, shall not exceed two hundred (200) square feet in area or forty (40) percent of the wall surface (whichever is smaller) for any one premises, and shall not exceed twenty (20) feet in height above the mean centerline street grade.
 2. Projecting signs fastened to, suspended from, or supported by structures shall not exceed fifty (50) square feet in area for any one premises, shall not extend more than six (6) feet into any required yard, shall not extend more than three (3) feet into any public right-of-way, shall not be less than ten (10) feet from all side lot lines, shall not exceed a height of twenty (20) feet above the mean centerline street grade, and shall not be less than ten (10) feet above the sidewalk nor fifteen (15) feet above a driveway or an alley.
 3. Ground signs shall not exceed twenty (20) feet in height above the mean centerline street grade, shall meet all yard requirements for the district in which it is located, shall not exceed one hundred (100) square feet on one side nor two hundred (200) square feet on all sides for any one premises.
 4. Roof signs shall not exceed ten (10) feet in height above the roof, shall meet all yard and height requirements for the district in which it is located, and shall not exceed one hundred (100) square feet on all sides for any one premises.
 5. Window signs shall be placed only on the inside of business buildings and shall not exceed twenty-five (25) percent of the glass area of the pane upon which the sign is displayed.
 6. Combinations of any of the above signs shall meet all the requirements for the individual sign.
- D. Sign Restrictions: Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window, or fire escape, and no sign shall be attached to a standpipe or fire escape. No sign shall be placed so as to obstruct or interfere with traffic visibility.
- E. Existing Signs: Signs lawfully existing at the time of the adoption or amendment of this ordinance may be continued although the use, size or location does not conform with the provisions of this ordinance. However, it shall be deemed a nonconforming use or structure, and the provisions of Section IV, part B shall apply.

VII. BOARD OF APPEALS

- A. Establishment of the Board: The board of appeals shall consist of 5 members appointed by the village president subject to confirmation by the village board, for 3 years, except that of those first appointed, 1 shall serve for 1 year, 2 for 2 years, and 2 for 3 years. The members shall serve without compensation and shall be removable by the village president for cause upon written charges and after public hearing. The village president shall designate one of the members chairman. The village president shall appoint an alternate member for a term of 3 years, who shall act with full power only when a member of the board of appeals is absent or refuses to vote because of interest. Vacancies shall be filled for the unexpired terms of members whose terms become vacant. The board of appeals may employ a secretary and other employees.

- B. Rules: The board of appeals shall adopt rules for its government and procedure. Meetings of the board of appeals shall be held at the call of the chairman and at such other times as the board of appeals may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The board of appeals 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 keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board of appeals and shall be a public record.
- C. Appeal Procedure: Appeals to the board of appeals may be taken by any person aggrieved of by any officer, department, board or bureau of the Village of Rockland affected by any decision of the building inspector. Such appeal shall be taken within a reasonable time, as provided by the rules of the board of appeals, by filing with the building inspector and with the board of appeals a notice of appeal specifying the grounds thereof. The building inspector shall forthwith transmit to the board of appeals all the papers constituting the record upon which the action appealed from was taken. The board of appeals shall fix a reasonable time for the hearing of appeals and give public notice thereof as well as due notice to the parties in interest, and shall decide the same within a reasonable time.
- D. Powers: The board of appeals shall have the following powers:
1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the building inspector.
 2. To authorize, upon appeal in specific cases, such variances from the terms of this ordinance as will not be contrary to the public interest, where, owing to special conditions peculiar to a specific property, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done. See Section III, "Variance."
 3. Except as specifically provided, no action of the board of appeals shall have the effect of permitting in any district uses prohibited in such district.
 4. In every case where a variance from these regulations has been granted by the board of appeals, the minutes of the board shall affirmatively show in what particular and specific respects an "unnecessary hardship" or "practical difficulty" would have been created by the literal enforcement of the terms of this ordinance.
 5. The board of appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the building inspector. The concurring vote of 4 members of the board of appeals shall be necessary to reverse any order, requirement, decision, or determination appealed from or to decide in favor of the applicant on any matter in which it is required to pass or to effect any variation in the requirements of this ordinance. In all cases, refusal of the board to act favorably to the applicant on any matter shall be stated in writing, together with the reasons for such refusal. One copy thereof shall be delivered to the applicant and another shall be placed in the records of the board and shall be a public record.
 6. To hear and decide exceptions to the terms of this ordinance, as follows (see Section III, "Exception"):

- a) To grant a permit for the change of a nonconforming use to another nonconforming use of the same classification. See Section IV, Part B, 6.
- b) To approve the location of specified uses in the Industrial District as provided in Section VII of this ordinance.
- c) To grant a permit for a temporary building for commerce or industry in a Residence District which is incidental to the residential development, such permit to be issued for a period of not more than 1 year.
- d) To grant a permit for the extension of a district boundary for a distance of not more than 35 feet only where the boundary of a district divides a lot in a single ownership at the time of the adoption of this ordinance.
- e) To permit in the Residence District, in appropriate cases and subject to appropriate conditions and safeguards, the alteration or conversion into a two-family dwelling of a building which was in use as a residence on the effective date of this ordinance. Open spaces surrounding the building shall be at least equivalent to those required by this ordinance for a new building.
- f) To interpret the provisions of this ordinance in such way as to carry out the intent and purpose of the plan as shown on the district map accompanying and made a part of this ordinance, where the street layout actually on the ground varies from the street layout on the aforesaid map.

No action of the Board of Appeals shall have the effect of permitting in any district uses prohibited in such district by this ordinance.

- 7. The board of appeals shall have the power to call on any other village department for assistance in the performance of its duties, and it shall be the duty of such other departments to render such assistance as may be reasonably required.
- 8. In exercising the foregoing powers the board of appeals may appropriate cases, establish suitable conditions and safeguards in harmony with the general purpose and intent of this ordinance.

VIII. CHANGES AND AMENDMENTS

- A. Procedure: The village board may from time to time on its own motion or on petition, amend, supplement, or change the district boundaries or the regulations herein or subsequently established upon giving at least 10 days' notice, by publication in the official paper at least 3 times in the proceeding 30 days, of the proposed amendment, supplement or change and of hearing thereon, and opportunity to any person interested to be heard.

In case of protest against such change duly signed and acknowledged by the owners of 20 percent or more of the area of land included in such proposed amendment, supplement or change, or by the owners of 20 percent or more of the area of the land immediately adjacent extending 100 feet therefrom, or by tile owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment, supplement or change shall not become effective except by the favorable vote of three-fourths of the members of tile village board.

IX. ENFORCEMENT

- A. Responsibility: It shall be the duty of the building inspector, with the aid of the police department, to enforce the provisions of this ordinance.

1. No building shall hereafter be erected, moved or structurally altered until a land use permit therefore shall have been applied for and issued.
2. All applications for a land use permit shall be accompanied by a location sketch in duplicate, drawn to scale, showing the location, actual shape and dimensions of the lot to be built upon, the exact size and location on the lot of the proposed or existing building and accessory building or buildings, the lines within which the building or buildings shall be erected, altered or moved, the existing or intended use of each building or part of a building, the number of families and main building is intended to accommodate, and such other information with regard to the lot and neighboring lots or buildings as may be necessary to determine and provide for the enforcement of this ordinance.
3. All dimensions shown relating to the location and size of the lot shall be based upon an actual survey. The lot and the location of the building thereon shall be staked out on the ground before construction is started.
4. Except as otherwise provided in this ordinance, the building inspector shall issue or refuse to issue a land use permit within 10 days after receipt of an application therefore. Refusal to issue a land use permit shall be given in writing, with the reasons for such refusal.

B. Certificate of Compliance

1. No vacant land shall be occupied or used and no building hereafter erected, altered or moved shall be occupied until a certificate of compliance shall have been issued by the building inspector. Such certificate shall show that the building or premises or part thereof and the proposed use thereof are in conformity with the provisions of this ordinance. Such certificate shall be applied for when application is made for a land use permit and shall be issued within 10 days after the completion of the work specified in such land use permit application, but only if the building or premises and the proposed use thereof conform with all the requirements of this ordinance.
2. Under such rules and regulations as may be established by the village board, the building inspector may issue a temporary certificate of compliance for part of a building.
3. Upon written request from the owner, the building inspector shall issue a certificate of compliance for any building or premises existing at the time of the adoption of this ordinance, certifying, after inspection, the extent and kind of use made of the building or premises and whether or not such use conforms to the provisions of this ordinance.

X. VIOLATIONS AND PENALTIES

- A. Violations: Any building or structure, hereafter erected, moved or structurally altered, or any use hereafter established in violation of any of the provisions of this ordinance shall be deemed an unlawful building, structure or use. The building inspector shall promptly report all such violations to the village 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.
- B. Penalties: Any person, firm or corporation who violates, disobeys, neglects, omits or refuses to comply with, or who resists the enforcement of any of the provisions of this ordinance may also be required, upon conviction, to forfeit not less than \$10.00 nor more than \$500.00 for each offense, together with the costs of prosecution, and in default of payment of such forfeiture and cost of prosecution, shall be imprisoned in the county jail of La Crosse County until said forfeiture and costs are paid, but not to exceed 30 days for

each violation. Each day that a violation continues to exist shall constitute a separate offense.

XI. ANNEXATION

All territory hereafter annexed to the Village of Rockland may pursuant to Section 66.021 (7) Wisconsin Statutes include in the annexing ordinance a provision designating temporary zoning classifications for such area; otherwise the annexed area shall retain its zoning classification in effect on the date of such annexation, and the zoning district boundaries and regulations so established shall remain until superceded by other district boundaries and regulations for such annexed territory adopted by the village board.

XII. VALIDITY

Should any section, clause or provision of this ordinance be declared by the courts to be invalid, the some shall not effect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

XIII. CONFLICTING PROVISIONS REPEALED

All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance arc hereby repealed.

XIV. WHEN EFFECTIVE

This ordinance shall be in force from and after its passage, approval, publication and recording according to law.

Adoption Date: August 10, 1982

The preparation of this ordinance was financed in part through an urban planning grant from the Department of Housing and Urban Development under the provisions of Section 701 of the Housing Act of 1954, as amended.

An ordinance to enact interim zoning to preserve existing uses in part of the Village of Rockland's extraterritorial zoning jurisdiction. (11/2007).

The Village Board of the Village of Rockland do ordain as follows:

Section 12 of the Code of Ordinances of the Village of Rockland is hereby created to read as follows:

I. EXTRATERRITORIAL ZONING

A. Purpose & Authority:

1. Purpose: The purpose of this ordinance is to preserve the Village's well recharge zone and wellhead protection area for the Village's municipal drinking water system and in accordance with sec. 62.23(7)(c), encourage the protection of the Village's groundwater resources, and to preserve existing uses within the Village's extra-territorial zoning jurisdiction, while a comprehensive plan is being prepared and finalized.
2. Authority: Statutory authority for the Village to enact this interim zoning ordinance is enacted in accordance with sec. 61.35, 63.23(7)(c) and 62.23(7a)(b) of the Wisconsin Statutes.

B. Extraterritorial Zoning Area: The part of the extraterritorial zoning jurisdiction included within the regulations of this ordinance are those areas defined in Exhibit A and Exhibit B and described therein.

C. Regulations: The regulations that apply with respect to the extraterritorial zoning area and the protection of groundwater resources provided in those areas located within the Village shall be those contained in Section 5.03 entitled "Wellhead Protection Ordinance" of the Village Code of Ordinances, and the penalties for violation of the Village's zoning regulations.

D. This ordinance is enacted while the Village prepares a Comprehensive Zoning Plan.