

**TOWN OF BUCHANAN  
ORDINANCE NO. 2024-01**

**AN ORDINANCE REPEALING AND REPLACING CHAPTER 525  
ZONING OF THE MUNICIPAL CODE OF THE TOWN OF BUCHANAN**

The Town Board of the Town of Buchanan does hereby ordain as follows:

1. Chapter 525 Zoning of the Municipal Code of the Town of Buchanan is hereby repealed and replaced in its entirety as shown on the attached document:


The Town of Buchanan Plan Commission has made a recommendation to the Town of Buchanan Town Board and the Town of Buchanan Town Board hereby finds the proposed amendment to Chapter 525 Zoning is consistent with its Comprehensive Plan.

If this conflicts with any section within the Town of Buchanan Municipal Code, this ordinance shall prevail.


This Ordinance shall take effect upon passage and publication.

Adopted this 19th day of March 2024

**TOWN OF BUCHANAN:**

  
\_\_\_\_\_  
Joseph Coenen  
Town Chairperson

Attest:

  
\_\_\_\_\_  
Cynthia Sieracki  
Town Clerk/Treasurer

# Town of Buchanan

## Chapter 525 - Zoning Ordinance

*Draft as proposed with comprehensive amendments.  
February 15, 2024*



# Acknowledgments

## Town of Buchanan, WI

### **Town Board**

Joe Coenen, Town Chairperson  
Karen Lawrence, Town Supervisor I  
Paul Knuppel, Town Supervisor II  
Chuck Kavanaugh, Town Supervisor III  
Tom Walsh, Town Supervisor IV

### **Plan Commission**

Ted Erdmann, Commission Chairperson  
Joe Coenen (Town Board Chairperson)  
Chuck Kavanaugh (Town Board Supervisor Representative)  
Michael Jensema  
Jon Lamers  
Erik Schultz  
Keith Hooyman

### **Board of Appeals**

Linda Olson, Chairperson  
Kati Stahmann  
Mark Lenz  
Ryan Ferguson  
Jennifer Rottier  
Seat Vacant, Alternate Member #1  
Seat Vacant, Alternate Member #2

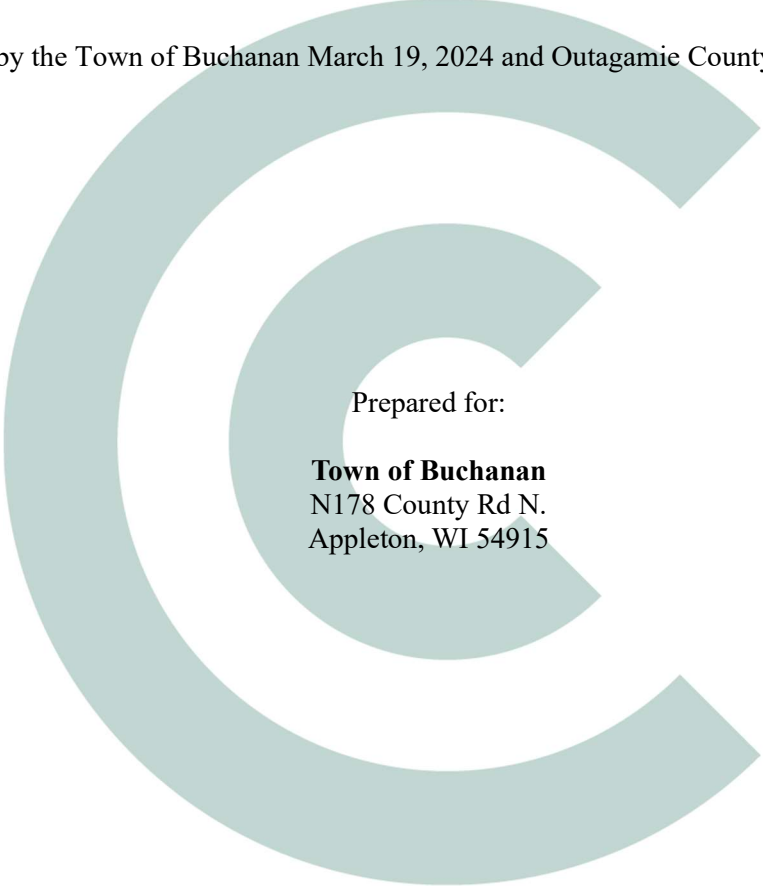
### **Town Staff**

Michael J.D. Brown, Town Administrator  
Cynthia Sieracki, Clerk/Treasurer  
Nichole Nielsen, Deputy Clerk/Deputy Treasurer  
Dennis Jandrey, Engineering Technician  
Paul Hermes, Town Building Inspector

# Town of Buchanan

## Chapter 525 – Zoning Ordinance

Adopted by the Town of Buchanan March 19, 2024 and Outagamie County May 28, 2024



Prepared for:

**Town of Buchanan**  
N178 County Rd N.  
Appleton, WI 54915

Prepared by:

Cedar Corporation  
1695 Bellevue Street  
Green Bay, Wisconsin 54311  
Cedar Corporation Project Number: 04916-0120





## CHAPTER ORGANIZATION

<b>Article I</b>	
<b>Introduction</b>	<b>1</b>

- § 525-1 Statutory authority.
- § 525-2 Purpose.
- § 525-3 Applicability and extent of power.
- § 525-4 Severability.

<b>Article II</b>	
<b>Administration and Enforcement</b>	<b>3</b>

- § 525-5 Town Zoning Administrator.
- § 525-6 Administrator duties and powers.
- § 525-7 Town Building Inspector.
- § 525-8 Plan Commission.
- § 525-9 Board of Appeals
- § 525-10 Building Permits.
- § 525-11 Site Plan Review
- § 525-12 Comprehensive Plan
- § 525-13 Special Exceptions.
- § 525-14 Amendments.
- § 525-15 Fee schedule.
- § 525-16 Remedies.
- § 525-17 Violations and penalties.
- § 525-18 Notice of violation.

<b>Article III</b>	
<b>General Provisions</b>	<b>17</b>

- § 525-19 Reserved
- § 525-20 Establishment of zoning districts.
- § 525-21 Official Zoning Atlas.
- § 525-22 Interpretation of district boundaries.
- § 525-23 Application of regulations.
- § 525-24 Interpretation.
- § 525-25 Other regulations

<b>Article IV</b>	
<b>Definition of Terms and Non-Conformities</b>	<b>21</b>

- § 525-26 Word usage.
- § 525-27 Definition of terms.
- § 525-28 Nonconformities

<b>Article V</b>	
<b>Schedule of District Regulations</b>	<b>41</b>

- § 525-29 Interpretation and organization.
- § 525-30 District Purposes
- § 525-31.1 Principal and Special Exception District Uses, Definitions, and Additional Regulations.
- § 525-31.2 Principal and Exception, Dimensional Standards and Additional Regulations.
- § 525-32 Accessory uses and structures.
- § 525-33 Accessory use dimensional standards.
- § 525-34 Accessory use design standards.
- § 525-35 Fences, walls, hedges.
- § 525-36 Accessory Parking and Storage.

<b>Article VI</b>	
<b>Schedule of Special and Overlay District Regulations</b>	<b>93</b>

- § 525-37 Interpretation and organization.
- § 525-38 Special and overlay district purposes
- § 525-39 Special and overlay district principal and special exception uses and dimensional standards.
- § 525-40 Reserved
- § 525-41 PUD Planned Unit Development.

<b>Article VII</b>	
<b>Performance Standards</b>	<b>97</b>

- § 525-42 General application.
- § 525-43 Lots, yards and access.
- § 525-44 Building and construction design standards and requirements
- § 525-45 Dumpster and dumpster enclosures.
- § 525-46 Landscaping.
- § 525-47 Outdoor lighting.
- § 525-48 Building material and architectural requirements.
- § 525-49 Industrial development.
- § 525-50 Corner visibility.
- § 525-51 Off-street parking.
- § 525-52 Solar Energy Systems (SES)
- § 525-53 Electric Vehicle Charging Stations (EVCS).

<b>Article VIII</b>	
<b>Signs</b>	<b>131</b>

- § 525-54 Purpose.
- § 525-55 Authorization.
- § 525-56 Permits and construction specifications.
- § 525-57 Sign Type Definitions.
- § 525-58 General Definitions.
- § 525-59 Legal nonconforming signs.
- § 525-60 Removal and disposition of signs.
- § 525-61 Prohibited signs.
- § 525-62 Signs not requiring a permit.
- § 525-63 Permitted Temporary signs
- § 525-64 Permitted permanent signs.
- § 525-65 Lighting of Signs.
- § 525-66 Electronic messaging signs.





## Article I Introduction

### § 525-1 **Statutory authority.**

This chapter is established pursuant to the provisions of § 60.62, Wis. Stats., and shall be known as "the Town of Buchanan Zoning Ordinance."

### § 525-2 **Purpose.**

It is the purpose of this chapter to promote the public health, safety, convenience and general welfare; to protect property values and the property tax base; to permit the careful planning and efficient maintenance of highway systems; to ensure adequate highway, utility, health, educational and recreational facilities; to promote the construction of affordable housing; to recognize the needs of agriculture, forestry, industry and business in future growth; to encourage uses of land and other natural resources which are in accordance with their character and adaptability; to provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems; to encourage the protection of groundwater resources; to preserve wetlands; to conserve soil, water and forest resources; to protect the beauty and amenities of landscape and man-made developments; to provide healthy surroundings for family life; and to promote the efficient and economical use of public and private lands.

### § 525-3 **Applicability and extent of power.**

This chapter is designed to determine, establish, regulate and restrict:

- A. The areas within which agriculture, forestry, industry, mining, trades, business and recreation may be conducted.
- B. The areas in which residential uses may be regulated or prohibited.
- C. The areas in or along natural watercourses, channels, streams and creeks in which trades or industries, filling or dumping, erection of structures and the location of buildings may be prohibited or restricted.
- D. Trailer camps or tourist camps and motels, or both, and mobile home parks.
- E. Designate certain areas, uses or purposes which may be subjected to special regulation.
- F. The location of buildings and structures designed for specific uses and designation of uses for which buildings and structures may not be used or altered.
- G. The location, height, bulk, number of stories and size of buildings and other structures.
- H. The location of roads, parks, and schools.
- I. Building setback lines.
- J. The density and distribution of population.





- K. The percentage of lot which may be occupied, size of yards, courts and other open spaces.
- L. Places, structures or objects with a special character, historic interest, aesthetic interest or other significant value, historic landmarks and historic districts.
- M. Burial sites, as defined in § 157.70(1)(b), Wis. Stats.

**§ 525-4 Severability.**

This article and its individual provisions are declared to be severable. If any section, clause, provision, or portion of this article is declared invalid or unconstitutional by a court of competent jurisdiction, this decision shall not affect the validity of the ordinance as a whole. All parts of the ordinance not declared invalid or unconstitutional shall remain in full force and effect.



## Article II Administration and Enforcement

### § 525-5 Town Zoning Administrator.

The provisions of this chapter shall be administered and enforced by the Town Zoning Administrator (hereinafter referred to as the "Administrator"). The Town Administrator, or designee, shall act as the Zoning Administrator. The Administrator is authorized to act through aides and assistants. In the performance of the duties of the office of Zoning Administrator, the Administrator may request the assistance of any appropriate officer or agency of the County or State of Wisconsin.

### § 525-6 Administrator duties and powers.

The Administrator shall have the following duties and powers:

- A. Coordinate with the Town Building Inspector and review applicable permits to verify compliance with the Zoning Ordinance prior to issuance of building permits.
- B. Examine all applications for special exceptions and building permits which require submittal and approval of a site plan under § 525-11.
- C. Receive all applications for a zoning amendment (text and map), special exception, interpretation, appeal and/or variance and refer such applications to the Plan Commission or Board of Appeals. A variance shall only be issued upon order of the Board of Appeals.
- D. Conduct inspections to determine compliance or noncompliance with the provisions of this chapter.
- E. Issue stop-work, cease and desist orders, and orders requiring the correction of all conditions found to be in violation of the provisions of this chapter. Such written orders shall be posted on the property in a conspicuous place and/or served personally or by certified mail upon persons deemed by the Administrator to be in violation of the provisions of this chapter. It shall be unlawful for any persons to violate any such order issued by the Administrator.
- F. Institute in the name of the Town any appropriate action or proceedings to prevent violations of this chapter.
- G. Revoke by order any building permit approved under a misstatement of fact or contrary to the provisions of this chapter.
- H. Maintain maps of all special exceptions and maintain a file on each.
- I. Upon request of the Town Board, Plan Commission, or Board of Appeals, present to such persons or bodies facts, records or reports which they may request to assist them in making decisions or assist them in any other way as requested.
- J. Maintain a map or maps showing the current zoning classification of all lands under the jurisdiction of this chapter. The Administrator shall also ensure that a current copy of the Official Zoning Atlas is available for public inspection.



**§ 525-7 Town Building Inspector.**

- A. Upon adoption of this chapter, the Town shall appoint a Town Building Inspector.
- B. Town Building Inspector's duties and powers.
  - (1) Receive and examine all applications for building permits and forthwith transmit copies of all such applications to the Administrator.
  - (2) Issue building permits only where there is compliance with the provisions of this chapter. Building permits for structures requiring connection to a private domestic sewage treatment and disposal system shall be issued only where there is compliance with applicable sanitary codes. Building permits for development in the floodplain, shoreland and wetland jurisdiction of the Town of Buchanan may be issued contingent upon permits being obtained or verified permits aren't necessary from applicable permitting agencies (County, State, Federal etc.).
  - (3) Receive and forthwith transmit to the Administrator all applications for building permits which require site plan approval under § 525-11 of this chapter.
  - (4) Conduct inspections to determine compliance or noncompliance with the provisions of this chapter and report any violations of this chapter to the Administrator.

**§ 525-8 Plan Commission.**

- A. Refer to Chapter 114 of the Town of Buchanan Code for information on the Plan Commission's roles and responsibilities.

**§ 525-9 Board of Appeals**

- A. Establishment of Board. In order that the objectives of this chapter may be more fully and equitably achieved and a means for interpretation provided, there is established a Board of Appeals (hereinafter referred to as "the BOA") for the Town of Buchanan. Membership and terms of office shall be as follows:
  - (1) Board members. The Board BOA shall consist of five members. The highest elected officer shall appoint the members subject to confirmation by the Town Board. The members of the BOA shall all reside within the Town of Buchanan. The highest elected officer shall designate one of the members as Chairperson.
  - (2) Terms. The terms of the first appointed shall be for one year, two for two years and two for three years. Successors shall be appointed in such manner at the expiration of each term, and their terms of office shall be three years in all cases, beginning April 30 in the year in which they were appointed and until their successors are appointed.
  - (3) Vacancies and removal. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant. Members shall be removable by the Town Chairperson for cause upon written charges and after a public hearing.



- (4) Compensation. The actual and necessary expenses incurred by the BOA in the performance of its duties shall be paid and allowed by the Town Board as in cases of other claims against the Town. The members of the BOA and their assistants may also be compensated as may be authorized by the Town Board.

B. Rules, meetings, decisions and records.

- (1) Rules. The BOA shall adopt rules for the conduct of the business of the BOA in accordance with the provisions of this chapter. The BOA may adopt further rules, as necessary. No rule may be changed without the concurring vote of a majority of the BOA.
- (2) Meetings. Meetings of the BOA shall be held at the call of the Chairperson and at such other times as the BOA may determine. Such Chairperson or, in his or her absence, the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the BOA shall be open to the public.
- (3) Records and decisions. The BOA 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 Town Clerk and shall be a public record.
- (4) Votes Required. If a quorum is present, a majority vote of the members of the BOA present shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass or to effect a variation. The grounds of every such determination shall be stated.

C. Jurisdiction of Zoning Board of Appeals. The BOA is hereby vested with the following jurisdiction and authority:

- (1) Appeals. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Administrator or designee in the enforcement of this Chapter.
- (2) Variances. To hear and act upon applications for specific variances from the terms provided in this Chapter.
- (3) Other matters. To hear and act upon all other matters referred to it upon which it is required to act under this Chapter.
- (4) Assistance. The BOA may request assistance from other Town officers, departments, commissions, and boards.
- (5) Oaths. The Chairperson, or in his/her absence the acting Chairperson, may administer oaths and compel the attendance of witnesses.

D. Powers and duties regarding appeals.



- (1) Powers. The BOA shall have the power to hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Administrator in the enforcement of this chapter. The BOA may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit.
- (2) Procedures. Appeals to the BOA may be taken by any person aggrieved or by any officer, department, board or bureau of Buchanan affected by any decision made by an administrative officer. Such appeal shall be taken within 60 days of the order, requirement, decision or determination appealed from by filing with the Administrator and with the BOA a notice of appeal specifying the grounds thereof. The Administrator shall forthwith transmit to the BOA all the papers constituting the record upon which the action appealed from was taken. The BOA may request the applicant to provide additional information as may be needed to determine the case. A Class 2 notice pursuant to Chapter 985, Wis. Stats. shall be published specifying the date, time, and place of the hearing and the matters to come before the BOA.
- (3) Stays. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken shall certify to the BOA after the notice of appeal shall have been filed with him/her that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the BOA or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.
- (4) Withdrawal or amendment.
  - (a) If the applicant elects to withdraw the appeal any time before final determination is made by the BOA, this fact shall be noted on the application, with the signature of the applicant attesting withdrawal. Copies of the withdrawn application shall be returned to the files of the BOA, to the Administrator and to the applicant.
  - (b) Amendment of an appeal by the applicant may be permitted at any time prior to or during the public hearing, provided that no such amendment shall be such as to make the case different from its description in the notice of public hearing. If the amendment is requested by the applicant after public notice of the hearing has been given, and such amendment is at variance with the information set forth in the public notice, the applicant shall pay an additional fee to cover the cost of amending the public notice. If the amended notice can be published within the time frame specified for the public hearing, the hearing on the amended appeal may be held on that date, otherwise the Chairperson shall announce that the hearing originally scheduled on the case will be deferred to a future meeting, before which appropriate public notice will be given, and will state the reasons for deferral.



E. Powers and duties regarding variances.

- (1) Powers. The BOA shall have the power to authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest; where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship; and so that the spirit of this chapter shall be observed, and substantial justice done.
- (2) Procedures. Upon filing with the Town Clerk an application for variance, a reasonable time (not more than 60 days from the filing date) shall be set for a public hearing. A Class 2 notice pursuant to Chapter 985, Wis. Stats., shall be published specifying the date, time, and place of the hearing and matters to come before the BOA.
- (3) Requirements for a variance. In general, the power to authorize a variance from the requirements of the Zoning Ordinance shall be sparingly exercised and only under peculiar and exceptional circumstances. No variance shall be granted for actions which require an amendment to this chapter or for use variances. Dimensional/Area variances shall only be granted when the BOA finds that:
  - (a) The variance is not contrary to the public interest and that such a variance will be in general harmony with the purposes and intent of this Chapter.
  - (b) The variance will not permit the establishment of a use which is not permitted or permissible in the district; a use variance is not permitted, only dimensional.
  - (c) Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district.
  - (d) The literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district.
  - (e) The hardship is not shared generally by other land or buildings in the area.
  - (f) The hardship results from the strict application of this chapter and is not the result of self-created or self-imposed circumstances.



F. Powers and duties regarding interpretations.

- (1) The BOA shall have the power to hear and decide applications for interpretations of the zoning regulations and the boundaries of the zoning districts.

G. Appeals from BOA decisions. Any person or persons, jointly or severally, aggrieved by any decision of the BOA or any taxpayer, or any officer, department, board or bureau of the municipality may, within 30 days after the filing of the decision in the office of the Town Clerk, commence an action seeking the remedy available by certiorari.

**§ 525-10 Building Permits.**

- A. Applicability. No building or structure (except signs exempt from the provisions of this chapter) shall be erected, constructed, reconstructed, altered, moved or enlarged until a building permit has been obtained from the Administrator or Town Building Inspector and a fee has been paid as listed in the Town Fees and Licenses Schedule.
- B. Application for building permit. Application for a building permit shall be made in writing upon a form furnished by the Town of Buchanan and shall include the following information:
  - (1) Name and address of the owner of the land and the owner of the building or structure, if different.
  - (2) Plot and construction plans drawn to scale, showing the actual shape and dimensions of the lot to be built upon and the exact sizes and locations on the lot of buildings or structures already existing, if any, and the exact sizes and locations on the lot of buildings or structures proposed to be erected, constructed, reconstructed, altered or enlarged.
  - (3) The existing and/or proposed use of all buildings or parts thereof on the lot.
  - (4) The number of families the building is designed to accommodate, the gross leasable floor space of the building, or the number of employees the building is designed to accommodate.
  - (5) The location and number of required off-street parking and loading spaces.
  - (6) Such other information with regard to the lot and existing or proposed buildings or structures as may be necessary to determine compliance with and provide enforcement of this chapter, including, but not limited to, a detailed plan of any existing private domestic sewage treatment and disposal system and any requirements deemed necessary as listed in **§ 525-11**.
- C. Approval and issuance of building permit. If the Administrator or Town Building Inspector determine that the proposed structure or building will comply with the provisions of this chapter, he/she shall officially approve and sign one set of plans and return it to the owner or applicant and shall issue a building permit which shall be kept on display at the site of the proposed building or structure.



- D. Construction to be as provided in applications. Building permits issued on the basis of applications and plans approved by the Administrator or Town Building Inspector authorize only the use, arrangement and construction set forth in such approved applications and plans. Use, arrangement and construction at variance with that authorized shall be deemed a violation of this chapter.
- E. Expiration of permit. Construction under a general building permit shall be completed within 12 months of the date of issuance or it shall expire and be null and void; extensions may be granted at the discretion of the Building Inspector. New residential home construction shall comply with the Uniform Dwelling Code. Non-residential construction shall comply with the State Commercial Code.
- F. Improper issuance. A building permit which was issued in error or under a misstatement of fact by the applicant shall not create any right in such permit, and the Town shall be entitled to revoke such permit.
- G. Prior permits. No building permit lawfully issued by the Administrator or Town Building Inspector prior to the effective date of adoption or amendment of this chapter shall be invalidated by the adoption or amendment of this chapter. Such permit shall remain valid and subsisting, subject only to its own terms.

§ 525-11 **Site Plan Review**

- A. Application. An application for a site plan is required to be submitted to and approved by the Administrator prior to:
  - (1) Performing site work and installation of applicable improvements as required by this Chapter and the Buchanan Municipal Code.
  - (2) Obtaining an erosion control/stormwater permit as required by this Chapter and the Buchanan Municipal Code.
  - (3) Obtaining a building permit or other required permit as required by this Chapter and the Buchanan Municipal Code. Interior or exterior remodels, or work considered maintenance that does not expand the existing footprint of a building or structure, does not require a site plan unless otherwise required by this Chapter.
- B. Site Plan requirements. The following plans, documents, and information, if applicable as determined by the Administrator or designee, shall be submitted to the Administrator before it shall be considered an official site plan application submittal.
  - (1) An application on a form provided by the Town.





- (2) Plan set to include the following plan sheets unless otherwise waived by the Administrator (a simple building permit for a residential accessory structure/building may not require the same information/plan sheets as a commercial/industrial construction project). Each plan sheet shall provide adequate information to verify all requirements have been met. Plans may be required to be prepared and stamped by a licensed engineer or architect.
- (3) Existing conditions sheet to include all existing structures, buildings, utilities, easements, and natural features such as rivers/streams/lakes/wetlands/forested areas, etc. (topographic survey/CSM/Plat).
- (4) Standard notes sheet.
- (5) Site plan sheet which shall meet the requirements of this Chapter to include but not limited to the applicable zoning district uses, dimensional requirements Access and Visibility and Parking Requirements.
- (6) Utility plan sheet.
- (7) Erosion control plan sheet, which shall meet the requirements of the Buchanan Municipal Code.
- (8) Grading/drainage/stormwater plan sheet, which shall meet the requirements of the Buchanan Municipal Code.
- (9) Landscape plan sheet, which shall meet the requirements of this Chapter.
- (10) Lighting/photometric plan sheet, which shall meet the requirements of this Chapter.
- (11) Sign plan sheet, which shall meet the requirements of this Chapter.
- (12) Building elevation sheet in color and black and white, which shall meet the requirements of this Chapter.
- (13) Standard details plan sheet(s).
- (14) Stormwater Management Report, which shall meet the requirements of the Buchanan Municipal Code and State/County/Federal requirements.
- (15) Erosion Control Application.
- (16) County, State, and Federal permits and/or approvals if available at the time of submittal. Final approval of the site plan and issuance of erosion control/stormwater/site and building permits to construct may require applicable approvals be submitted to Buchanan.



(17) Any other information that may be required to demonstrate all applicable requirements have been complied with and is consistent with the Comprehensive Plan.

C. Approval. Upon site plan approval, Buchanan shall issue an erosion control and/or stormwater permit as required by the Buchanan Municipal Code, for site work to begin; building permits may be issued once the erosion control permit, if required, has been issued.

D. Inspection and completion.

(1) All improvements required as part of the site plan approval shall be complied with and completed/installed within three months of occupancy of the building or structure unless occupancy/completion occurs between November 1<sup>st</sup> and May 1<sup>st</sup> in which case improvements shall be completed no later than July 1<sup>st</sup> of the following year.

(2) If no building or structure is constructed as part of the project, all improvements required in this Chapter shall be completed/installed within 12 months of issuance of an erosion control/stormwater permit.

(3) If no erosion control/stormwater permit is required, all improvements shall be completed within 12 months of approval of the site plan approval.

(4) Within 30 days of the completion, the owner/developer shall request an inspection of the improvements to verify compliance with the approved site plan and record drawings shall be submitted showing proposed and final grades, utilities, stormwater facilities and any other special features that may need to be identified.

E. Expiration.

(1) If a building permit is required, the site plan approval shall expire if the building permit is not obtained within 12 months of site plan approval.

(2) If a building permit is not required, but an erosion control/stormwater permit is required, the site plan approval shall expire if the erosion control/stormwater permit is not obtained within 12 months of site plan approval.

(3) If a building permit and erosion control/stormwater permit are not required, the site plan approval shall expire if all required improvements are not installed/met within 12 months of site plan approval.

F. Amendments. Changes to site plans shall be reviewed and approved by the Administrator or designee prior to making any changes to the approved site plan or field changes. If it is determined it is a minor change, no fee shall be charged. If it is determined it is a major change, the site plan fee shall be charged.



### § 525-12 Comprehensive Plan

- A. Statutory authority; adoption of plan. Pursuant to the provisions of § 66.1001 and 60.22, Wis. Stats., the Buchanan Town Board does ordain its authority to prepare and adopt a comprehensive plan as defined in § 66.1001(1)(a) and 66.1001(2), Wis. Stats.
- B. Having completed the Town of Buchanan Comprehensive Plan in accordance with the requirements stipulated in Wisconsin's Smart Growth Law, 1999 Act 9, and defined in § 66.1001, Wis. Stats., the Buchanan Town Board hereby adopts the Town of Buchanan Comprehensive Plan as the guide for future land use and development decisions in the Town.
- C. All programs and actions of the Town that affect land use, including this zoning ordinance, shall be consistent with the Comprehensive Plan.

### § 525-13 Special Exceptions.

A Special Exception is a use or structure that may not be appropriate generally or without restriction throughout a district but, if controlled as to number, area, location, or relation to neighborhood, would promote the public health, safety, welfare, comfort, convenience or the general welfare. Such uses or structures may be permissible in a zoning district as a Special Exception only if specific provision for such use or structure is made in the district. A Special Exception shall not be issued for any use or structure without compliance of this Chapter.

#### A. Procedure.

- (1) Applications for a Special Exception shall be submitted to the Administrator.
- (2) A site plan, in compliance with this Chapter, is required for applications for a Special Exception, and it shall be submitted simultaneously with the application. There may be instances where a site plan is not required; in those instances, the Administrator shall have the discretion to determine if a site plan is required and to what level of detail is required to be submitted based on existing site conditions and if physical site or building improvements are required or being proposed.
- (3) The application may also be accompanied by any other material or information necessary to demonstrate the grant of a Special Exception will be in harmony with the general intent and purpose of these zoning regulations and will not be injurious to the neighborhood or otherwise detrimental to the public interest. The Administrator shall refer all applications and accompanying materials to the Plan Commission.



- B. Public Hearing. A public hearing shall be set within 60 days of filing a complete application to come before the Plan Commission. A Class 2 notice pursuant to Chapter 985, Wis. Stats. shall be published specifying the date, time, and place of the hearing and the matters to come before the Plan Commission.
- C. Approval, conditions, and safeguards. Standards for granting Special Exceptions. Special Exceptions shall be recommended by the Plan Commission and approved by the Board when all of the following conditions prevail.
- (1) The establishment, maintenance, or operation of the Special Exception will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community.
  - (2) The Special Exception will not be injurious to the uses of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood in which it is to be located.
  - (3) The proposed use will not create a look of clutter, garishness, glare, or create an obnoxious noise level, or would generate any other incompatibility with the surrounding neighborhood.
  - (4) The impact of the use is furthering the purposes of this Chapter or the purposes of the zoning district in which the use is proposed or the adopted Comprehensive Plan.
  - (5) The establishment of the Special Exception will not impede the normal and orderly development and improvement of the surrounding property.
  - (6) Adequate facilities, access roads, drainage, and/or necessary services will be provided.
  - (7) Adequate measures have been or will be taken to provide ingress and egress designed as to minimize traffic congestion in the public streets.
  - (8) If the Special Exception involves a public use or a use providing public utility service, such use or service shall meet a demonstrable public need and provide a public benefit.
  - (9) The requirements of this Chapter are met.
  - (10) It is consistent with the Comprehensive Plan.



D. Conditions, guarantees, and validity period.

- (1) Prior to the granting of any Special Exception, the Plan Commission may recommend, and the Board may place such conditions and restrictions as is deemed necessary for the protection of the public interest and to secure compliance with the standards specified in §525-13 C. Where Special Exceptions are subject to conditions, the Plan Commission may recommend, and the Board may require evidence and guarantees as it may deem necessary (as proof the stipulated conditions are being and will be complied with).
- (2) A Special Exception shall become effective upon approval by the Board and all conditions shall be complied with. A record of the Special Exception shall be kept in the Clerk's files.
- (3) If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in this Chapter or those imposed by the Board, the Board shall grant the Special Exception. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence. Substantial evidence is defined in § 62.23(7)(de)(2)(a) of the Wisconsin Statutes as facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.
- (4) The requirements and conditions must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal. The applicant must demonstrate that the application and all requirements and conditions established by Buchanan relating to the Special Exception are or shall be satisfied, both of which must be supported by substantial evidence. Buchanan's decision to approve or deny the permit must be supported by substantial evidence.

E. Inspection and completion.

- (1) All conditions and improvements required as part of the Special Exception approval shall be complied with and completed/installed within three months of occupancy of the building or structure unless occupancy/completion occurs between November 1<sup>st</sup> and May 1<sup>st</sup> in which case improvements shall be completed no later than July 1<sup>st</sup> of the following year.
- (2) If no building or structure is constructed as part of the project, all improvements required in this Chapter shall be completed/installed within 12 months of issuance of an erosion control/stormwater permit.
- (3) If no erosion control/stormwater permit is required, all conditions shall be completed within 12 months of approval of the Special Exception approval.
- (4) Within 30 days of the completion, the owner/developer shall request an inspection of the improvements to verify compliance with the approved Special Exception and record drawings shall be submitted in a format as required by Buchanan.



F. Expiration.

- (1) If a building permit is required, the Special Exception approval shall expire if the building permit is not obtained within 12 months of Special Exception approval.
- (2) If a building permit is not required, but an erosion control/stormwater permit is required, the Special Exception approval shall expire if the erosion control/stormwater permit is not obtained within 12 months of Special Exception approval.
- (3) If a building permit and erosion control/stormwater permit are not required, the Special Exception approval shall expire if all required improvements and/or conditions are not installed/met within 12 months of Special Exception approval.
- (4) Once granted, a Special Exception shall remain in effect as long as the conditions upon which the permit was issued are followed, but Buchanan may impose conditions such as the permit's duration, transfer, or renewal, in addition to any other conditions specified in the zoning ordinance or by the Plan Commission or Board.

G. Amendments. A minor change to a Special Exception shall be requested by the applicant in writing to be reviewed and voted on by the Plan Commission; no fee shall be charged. If it is determined the modification is a major change, the applicant shall be required to file a new Special Exception permit application with applicable fees.

H. Existing Special Exceptions. Any use or structure existing on the effective date of adoption or amendment of this Chapter which is classified as a Special Exception in the district it is located in shall be deemed to have been granted approval, subject to maintaining the character and extent of such use or structure existing on that date. Any extension, enlargement, or change in such use or structure shall require approval according to the terms of this Chapter.

I. Records and decisions. The Plan Commission and Board shall keep a record of its proceedings under this section and shall be filed immediately as public records. Every final decision under this section shall be in a written Resolution approved by the Board accompanied by findings of fact based on the record.

J. Appeal. If a Special Exception request is denied the decision may be appealed to the Circuit Court.



**§ 525-14 Amendments.**

- A. Authority. The Town Board may amend the regulations and requirements of this chapter or change the district boundaries of the Official Zoning Atlas. A petition for the amendment may be made by any property owner in the area to be affected by the amendment, by the Town Board or by any member of the Town Board or Town Plan Commission.
- B. Amendments. Amendments to the Official Zoning Atlas shall be approved by the Outagamie County Board of Supervisors in accordance with the provisions of this chapter and § 60.62, Wis. Stats. Amendments shall be effective as provided in § 60.62, Wis. Stats. Amendments shall promptly be portrayed on the appropriate map page and include the ordinance number and effective date of the amendment.
- C. Petition and procedures. The petition shall be filed with the Administrator, who shall immediately refer it to the Plan Commission for its consideration, report and recommendations. Procedures shall be in accordance with § 62.23(7), Wis. Stats. A petition filed by a property owner shall be accompanied by a fee as contained in the Town of Buchanan Fees and Licenses Schedule.

**§ 525-15 Fee schedule.**

Fees required under this chapter shall be established in the Town of Buchanan Fees and Licenses Schedule from time to time by resolution of the Town Board. No action shall be taken prior to payment of the required fee.

**§ 525-16 Remedies.**

Compliance with the provisions of this chapter shall be enforced by appropriate fines and penalties. Compliance may also be enforced by injunctive suit of the Town or by the owner or owners of real estate within the district affected by the regulation.

**§ 525-17 Violations and penalties.**

Any person who violates any provision of this chapter or any order, rule or regulation made hereunder shall, upon conviction, forfeit not less than \$10 nor more than \$500 for such offense, together with the costs of prosecution. Each day that a violation continues to exist shall constitute a separate offense.

**§ 525-18 Notice of violation.**

- A. If the Zoning Administrator finds that any of the provisions of this chapter are being violated, he/she shall notify, in writing by registered or certified mail, the person(s) responsible, indicating the nature of the violation and ordering the action necessary to correct the violation. Whenever a person shall have been notified in writing that he/she is in violation of the provisions of this chapter, such person shall commence correction of all violations within five days of notice. If such corrections are not corrected within five days of written notice, each day that a violation continues shall be considered a separate offense.



### Article III General Provisions

#### § 525-19 **Reserved**

#### § 525-20 **Establishment of zoning districts\***.

To achieve the purposes of this chapter, the Town is hereby divided into the following districts as set forth in this chapter.

AGD	General Agricultural District
RR	Rural Residential District
RSF	Single Family Residential District
RSTF	Single and Two-Family Residential District
RTF	Two-Family Residential District
MDR	Medium Density Residential District
RMF	Multifamily Residential District
CL	Local Commercial District
CR	Regional Commercial District
CP	Planned Commercial District
IND	Industrial District
PI	Public & Institutional District

*\* Refer to Article VI - Schedule of Special and Overlay Districts for additional district regulations as applicable.*

#### § 525-21 **Official Zoning Atlas.**

- A. Establishment. The location and boundaries of the districts shall be as shown in a map atlas entitled "the Official Zoning Atlas of Town of Buchanan, Outagamie County, Wisconsin." The district symbol as set out in § 525-20 above and **Article V** of this chapter shall be used to designate each district. The Official Zoning Atlas with all notations, dimensions, designations, references and other data shown shall accompany and be part of this chapter, and upon adoption by the Town of Buchanan Board, each map page shall be signed by the Town Chairperson and attested by the Town Administrator, bearing the date of adoption.
- B. Final authority as to zoning status. Regardless of the existence of purported copies of all or part of the Official Zoning Atlas which may from time to time be made or published, the Official Zoning Atlas, which shall be located in the Administrator's office, shall be the final authority as to the current zoning status of any lands.





- C. Replacement of Official Zoning Atlas. If the Official Zoning Atlas, or any page or portion thereof, becomes damaged, lost, destroyed or difficult to interpret, the Town Board may by resolution adopt a new Official Zoning Atlas or any page or pages thereof, which shall supersede the prior Official Zoning Atlas, or page or pages thereof. The new Official Zoning Atlas, or page or pages thereof, may correct drafting or other errors or omissions, but no such correction shall have the effect of amending the original Official Zoning Atlas or page or pages thereof. If, in the process of correcting drafting or other errors or omissions, district boundaries are changed or altered, then action may be taken in the form of an amendment.
- D. Retention of earlier maps. All zoning maps which have had the force and effect of official zoning maps for the Town of Buchanan prior to the effective date of adoption of this chapter shall be retained as a public record and as a guide to the zoning status of lands prior to such date.

**§ 525-22 Interpretation of district boundaries.**

- A. Except as otherwise specifically provided, a district symbol or name shown within district boundaries on the Official Zoning Atlas indicates that the district regulations pertaining to the district extend throughout the whole area surrounded by the boundary line.
- B. Where uncertainty exists as to the boundaries of districts shown on the Official Zoning Atlas, the following rules apply:
  - (1) Boundaries indicated as approximately following the center lines of streets, highways, alleys or rights-of-way shall be construed as following such center lines as they exist on the ground.
  - (2) Boundaries indicated as approximately following lot lines shall be construed as following such lines; provided, however, that where such boundaries are adjacent to the dedicated street, highway or right-of-way and the zoning status of the street, highway or right-of-way is not indicated, the boundaries shall be construed as running to the middle of the street, highway or right-of-way.
  - (3) Boundaries indicated as approximately following the limits of incorporated municipalities shall be construed as following such limits.
  - (4) Boundaries indicated as following railroad tracks shall be construed as being midway between the main tracks.
  - (5) Where boundaries do not follow property lines and distances are not specified, boundaries shall be determined by the use of the scale on the Official Zoning Atlas.
  - (6) Where the property layout existing on the ground is at variance with that shown in the Official Zoning Atlas, the Administrator shall interpret the Official Zoning Atlas. The determination by the Administrator may be appealed as provided in § 525-9 E.



**§ 525-23 Application of regulations.**

The regulations set by this chapter shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

- A. No land, building or structure shall hereafter be used or occupied, and no building, structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.
- B. No sign shall hereafter be erected, hung, placed, painted, altered, or moved except in conformity with the regulations of the district in which it is located.
- C. No part of a yard, open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this chapter shall be included as part of a yard, open space, off-street parking or loading space similarly required for any other building.
- D. No lot or yard existing at the effective date of adoption of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Lots or yards created after the effective date of adoption of this chapter shall meet the minimum requirements established by this chapter.
- E. No accessory building, structure or use shall be constructed, erected, moved, or commenced upon a lot until a permit has been issued for the construction of the principal building or use. No accessory building shall be used unless the principal building on the lot is under construction. No cellar or basement shall be used as a dwelling prior to substantial completion of the dwelling of which it is part. If the principal building permit expires prior to construction completion the accessory building shall no longer be allowed to be used until the permit is extended or construction is completed.

**§ 525-24 Interpretation.**

In their interpretation and application, the provisions of this chapter shall be considered minimum requirements, except where a maximum requirement is noted. Where the provisions of this chapter impose greater restrictions than any statutes, other regulations, ordinances or covenants, the provisions of this chapter shall prevail. Where the provisions of any statute, other regulation, ordinance or covenant impose greater restrictions than the provisions of this chapter, the provisions of such statute, other regulation, ordinance or covenant shall prevail.

**§ 525-25 Other regulations**

In addition to the applicability of this chapter, certain lands and structures in the Town of Buchanan are also subject to, without limitation, regulations pertaining to floodplains, subdivisions, erosion control, stormwater management, shorelands and wetlands.



*Page intentionally left blank.*



## Article IV Definition of Terms and Non-Conformities

### § 525-26 **Word usage.**

For the purpose of this chapter, the following shall apply as indicated throughout the chapter:

- A. The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
- B. The present tense includes the future tense, and the singular includes the plural.
- C. The word "shall" is mandatory; the word "may" is permissive.
- D. The words "used" or "occupied" also mean "intended, designed or arranged to be used or occupied."

### § 525-27 **Definition of terms.**

For the purpose of this chapter, the following terms are defined as follows. Additional definitions associated with specific land uses are contained in subsequent Articles and Subsections of this Chapter, most related to those particular uses.

#### **ACCESS**

A means of providing vehicular or non-vehicular egress from or ingress to a property, public right-of-way, or private roadway.

#### **ADAPTIVE REUSE**

Adapting an existing building originally designed for an institutional, quasi-public, public or other specific/special purpose to a new use.

#### **ADDITION**

Any construction that increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.

#### **ALLEY**

A public or approved private way which affords only a secondary means of access to abutting property.

#### **ALTERATION**

A change or rearrangement in the structural parts of a structure, an enlargement of a structure, whether by extending on the side or by increasing the height, or the movement of a structure from one location to another.

#### **BERM**

An earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise, or fulfill other such purposes.



## **BLOCK**

The property abutting the street between the two nearest intersecting or intercepting streets. A railroad right-of-way, the boundary line of un-subdivided acreage, or a body of water shall be regarded the same as an intersecting or intercepting street for the purpose of defining a “block.”

## **BUILD TO LINE**

The line parallel to the street along which the primary mass of the front façade should be set. It is measured as a perpendicular distance from the street line to the nearest point of the building facade.

## **BUILDING**

A structure having one or more stories that is fully enclosed with walls/windows/doors and a roof which is used or intended to be used for shelter or enclosure for persons, property or animals.

## **BUILDING ENVELOPE**

The area of a lot or tract formed by lot lines and minimum setback and yard requirements within which an allowed building or structure may be placed.

## **BUILDING FACADE**

The exterior face of a building extending from one corner of the building to another from the ground to the top of the parapet, wall, or eaves, but not including any elements which extend beyond the roof.

## **BUILDING HEIGHT**

A building's vertical measurement from the average grade to the highest point on the roofline of a flat roof or a roof having a pitch ratio of less than 4:12 from the horizontal, and to a point midway between the peak and the eaves of a roof having a pitch ratio of more than 4:12. Height limitations do not apply to belfries, cupolas, water tanks, elevator bulkheads, chimneys, spires, flagpoles, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

## **BUILDING FOOTPRINT**

The total horizontal area covered by a building's perimeter at the ground level or cantilevered or a maximum of 24 inches of overhang; overhangs in easements are prohibited.

## **COMMON OPEN SPACE**

A parcel or parcels of land or an area of water or combination of land and water designated and intended for either the recreational use and enjoyment of residents of the development for which it was established and for the general public or for the exclusive recreational use and enjoyment of residents of the development for which it was established. No yard required in connection with any principal use or structure shall be designated or intended for use as common open space.

## **COMPREHENSIVE PLAN**

The long-range plan for the desirable use and development of land in the Town as officially adopted and as amended from time to time by the Plan Commission and certified to the Town Board.



**CONDOMINIUM**

An estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with separate interest in space. A condominium may include, in addition, separate interest in other portions of such property.

**COUNTY**

Outagamie County, Wisconsin.

**COVENANT**

A contract between two or more parties which constitutes a restriction of a particular parcel of land.

**DEVELOPMENT**

Any man-made change to improved or unimproved real estate, including but not limited to construction or additions or substantial improvements to buildings, other structures or accessory uses, mobile homes, mining, dredging, filling, grading, paving, excavation or drilling operations, and deposition of materials.

**EASEMENT**

Written authorization, recorded in the Register of Deeds office, from a landowner authorizing another party to use any designated part of the land owner’s property for a specified purpose.

**ELEVATION (BUILDING)**

The view of any building or other structure from any one of four sides regardless of the configuration or orientation of a building. Each elevation will generally be identified as a north, south, east or west building elevation. Also see “facade.”

**ESSENTIAL SERVICES**

Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electricity, steam, water, sanitary sewage, stormwater drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings.

**FAIR MARKET VALUE**

Assessed value adjusted for equalized value.

**FACADE**

The wall planes of a building visible from one side or perspective (e.g., front, side, rear).

**FAMILY**

One or more persons living together in a single dwelling unit as a traditional family or the functional equivalent of a traditional family. It shall be a rebuttable presumption that four or more persons living together in a single dwelling unit who are not related by blood, adoption or marriage do not constitute the functional equivalent of a traditional family. In determining the functional equivalent of a traditional family, the following criteria shall be present:

- A. The group shares the entire dwelling unit.



- B. The group lives and cooks together as a single housekeeping unit.
- C. The group shares expenses for food, rent, utilities or other household expenses.
- D. The group is permanent and stable and not transient or temporary in nature.
- E. Any other factor reasonably related to whether the group is the functional equivalent of a family.

**FLATWORK**

Any flat or horizontal system of construction, such as concrete/asphalt/gravel slabs, pavers, flat stepping stones, sidewalks, patios, driveways, parking lots, etc. installed, placed or laid down to form the surface.

**FLOOR AREA**

The sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings, excluding public corridors, common rest rooms, attic area, unenclosed stairways, elevator structures, heating or other building machinery or equipment, or basement space.

**FRONT PLANE**

The forward most plane, as related to the parcel frontage, of the main or accessory structure façade on any above grade floor.

**GRADE, AVERAGE**

The mean level of the finished grade of the ground adjacent to the exterior facade of a building or structure measured to the property lines. If there is an approved grading plan for the lot it shall be used, if there is no approved grading plan then the existing grade of the site shall be used. Grades shall not be altered without applying for a permit and receiving approval from the Administrator.

**GRADE, EXISTING**

The surface elevation of the ground or pavement at a stated location as it exists prior to disturbance in preparation for a project regulated by the ordinance.

**GRADE, FINISHED**

The final elevation of the ground surface after man-made alteration, such as grading, grubbing, filling or excavating have been made and is part of an approved grading and drainage plan.

**IMPERVIOUS SURFACE**

Is a surface that doesn't allow water to seep into the ground and releases as runoff all or a large portion of the precipitation that falls on it, except for frozen soil. Rooftops, sidewalks, driveways, parking lots and streets are examples of surfaces that typically are impervious. Gravel surfaces are considered impervious, unless specifically designed to encourage infiltration.

**INFILL SITE**

Any vacant lot or parcel within developed areas of the Town, where at least 80 percent of the land within a 300-foot radius of the site has been developed; and where water, sewer, streets, schools, and fire protection have already been developed and are provided.



## **LANDSCAPING**

Landscaping shall consist of, but not be limited to, grass, ground covers, shrubs, vines, hedges, trees, berms and complementary structural landscape architectural features, such as rock, fountains, sculpture, decorative walls and tree wells.

## **LOT**

A parcel of land used or set aside and available for use as the site for one or more buildings and buildings accessory thereto or for any other purpose, in one ownership and not divided by a street nor including any land within the limits of a public or private street right-of-way. The term "record lot" shall mean land designated as a distinct and separate parcel on a legally recorded deed or plat in the Register of Deeds office. Reference **Diagram 525-27-1**.

### **LOT AREA, GROSS**

The total horizontal area within the lot lines of the lot.

### **LOT AREA, NET**

The total area of a lot, tract, or parcel excluding existing and proposed streets and rights-of-way, land under navigable water bodies, and land within the floodway.

### **LOT COVERAGE**

The percentage of the gross lot area covered by all buildings and structures, including flatwork.

### **LOT DEPTH**

Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost point of the side lot lines in the rear.

### **LOT FRONTAGE**

The uninterrupted linear or curvilinear extent of a lot measured along the street right-of-way from the intersection of one side lot line to the intersection of the other side lot line. The measurement of lot frontage shall not include irregularities in the street line and, in the case of a corner lot, shall extend to the point of intersection of the side line of the rights-of-way. If a lot has frontage on more than one street, frontage on one street only may be used to satisfy the minimum lot frontage.

### **LOT LINE**

The property line bounding a lot.

### **LOT LINE, CORNER SIDE**

A lot line abutting a public street but is not a front or rear lot line. There may be multiple corner side lot lines per lot.

### **LOT LINE, FRONT**

The lot line along a public street which is not a corner side lot line and is adjacent to the street for which it has been issued an address.





**LOT LINE, INTERIOR SIDE**

A lot line not abutting a public street and is not a rear lot line. There may be multiple interior side lot lines per lot.

**LOT LINE, REAR**

The lot line most distant from, and is, or most nearly is, parallel to the front lot line. There shall only be one rear lot line per lot.

**LOT LINE, ZERO**

An interior side lot line which has no side setback or yard requirements. Buildings are constructed directly on the zero lot line and may be attached to buildings located on lots adjacent to the zero lot line.

**LOT TYPES**

Reference **Diagram 525-27-1**.

**CORNER LOT**

A lot abutting two (2) or more streets at their intersection provided that the corner of such intersection shall have an angle of one hundred thirty five degrees (135°) or less, measured on the lot side.

**CORNER LOT, REVERSED**

A corner lot oriented so it has its rear lot line coincident with or parallel to the side lot line of the interior lot immediately to its rear.

**FLAG/IRREGULAR LOT**

An irregular shaped lot where access to a public or private street is provided by means of a narrow access strip between two abutting lots and make the shape of a flag or other irregular shape that has more than four lot lines.

**INTERIOR LOT**

A lot situated on a single street which is bounded by adjacent lots along each of its other lines and is not a corner lot.

**LEGAL NONCONFORMING LOT**

A lot lawfully existing at the effective date of this chapter, or any subsequent amendment, which is not in conformance with all provisions of this chapter.

**THROUGH LOT**

A lot that has a pair of opposite lot lines along two (2) substantially parallel streets and which is not a corner lot. If there are varied front yards and/or setbacks on either side of the through lot, then the deeper front yard and setback requirements shall be used. Structures in the rear yard of a through lot shall be located no closer to the street than structures on adjacent lots.



### **LOT OF RECORD**

Land designated as a distinct and separate lot on a legally recorded deed, Certified Survey Map (CSM) or plat in the Register of Deeds' office.

### **LOT WIDTH**

The minimum horizontal distance between the side lot lines as measured at the required front setback. Reference **Diagram 525-27-2**.

### **NAVIGABLE WATER(WAY)**

All natural inland lakes, rivers, streams, ponds, sloughs, flowages, and other waters within the territorial limits of Wisconsin, including the Wisconsin portion of boundary waters. All bodies of water with a bed differentiated from adjacent uplands and with levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. For the purposes of this Chapter, rivers and streams will be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps until such time that the Wisconsin Department of Natural Resources has made a determination that the waterway is not, in fact, navigable.

### **NET ACRES**

The total acreage of a lot, tract or parcel of land, excluding land in existing and proposed streets and street rights-of-way, land under navigable water bodies, wetlands and floodplain.

### **NET / GROSS DENSITY**

The term "net density" refers to the number of residential dwelling units permitted per net acre of land and is determined by dividing the number of units by the total area of land within the boundaries of a lot or parcel not including street rights-of-way, outlots, and other public lands. In the determination of the number of dwellings to be permitted on a specific parcel of land, a fractional unit shall not entitle the applicant to an additional unit. The term "gross density" refers to the number of residential dwelling units permitted per gross acre of land and is determined by dividing the number of units by the total area of land within the boundaries of a lot or parcel including street rights-of-way, outlots, and other public lands. In the determination of the number of dwellings to be permitted on a specific parcel of land, a fractional unit shall not entitle the applicant to an additional unit.

### **NON-CONFORMING USE**

Any use of land or structure(s) or any lot or structure(s) which lawfully existed at the effective date of adoption or amendment of this chapter which would not be permitted or permissible by the provisions of this chapter as adopted or amended.

### **OCCUPANCY**

The residing of an individual or individuals overnight in a dwelling unit, or the installation, storage or use of equipment, merchandise or machinery in any public, commercial or industrial building.



Diagram 525-27-1: Lot Types, Lot Lines, Setback Lines, and Yard Definitions

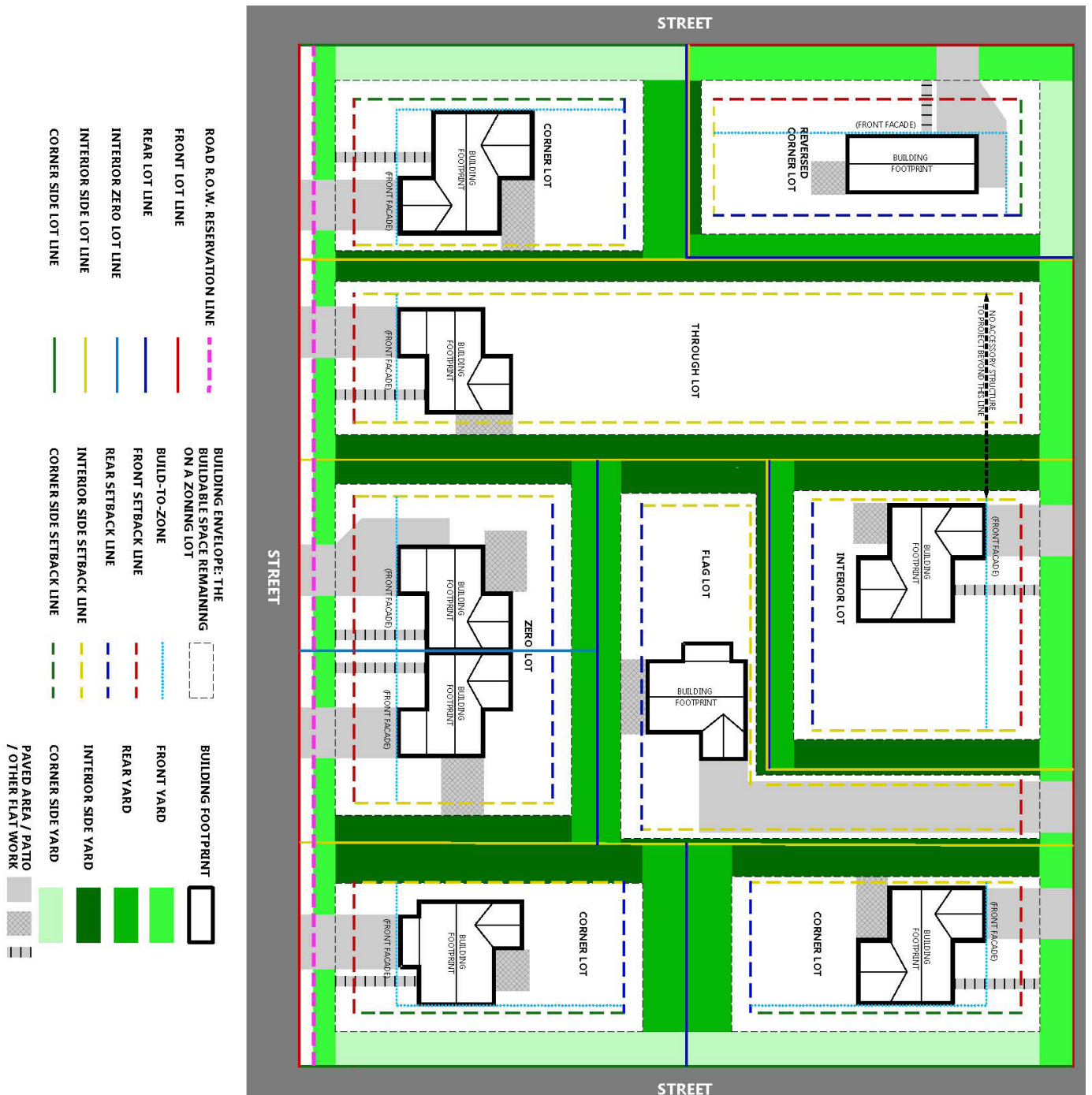
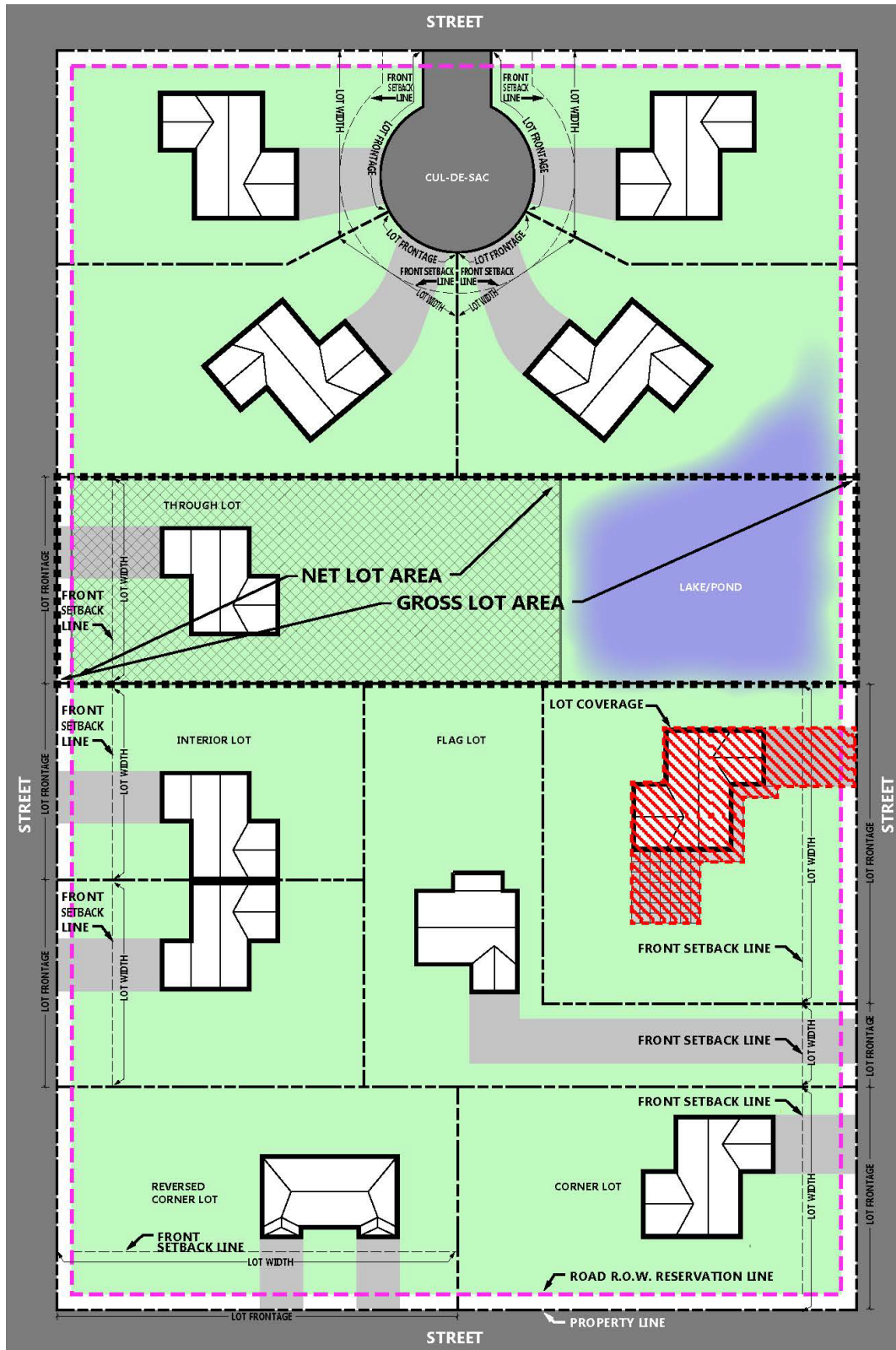


Diagram 525-27-2: Setback Lines, Lot Width, and Lot Area Definitions



**OCCUPANT**

The individual or individuals in actual possession of a premises.

**OFFICIAL MAP**

The map adopted pursuant to Section 62.23 of the Wis. Stats. which shows existing and proposed streets, highways, parkways, parks and playgrounds, school sites, etc.

**OUTDOOR LIGHTING**

A light fixture, permanent or portable, used or for use out of doors, including search lights, spotlights and floodlights but not including internally illuminated signs. See also Section **Article VIII Outdoor Lighting** for additional related terms and definitions.

**ORDINARY HIGH WATER MARK**

A mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The ordinary high water mark is commonly that point where natural vegetation changes from predominately aquatic to predominately terrestrial. In areas where the ordinary high water mark is not evident, setbacks shall be measured from the stream bank of the following water bodies that have permanent flow or open water: the main channel, adjoining side channels, back waters, and sloughs.

**OVERLAY ZONING DISTRICT**

A zoning district which imposes uniform restrictions on all properties within its area which are in addition to the restrictions specific to the underlying or base zoning districts.

**PARKING AREA**

An area other than a street used for the temporary parking of motor vehicles.

**PLAN COMMISSION**

The agency or commission designated by the Town Board pursuant to § 62.23 Wis. Stats.

**PLANNED UNIT DEVELOPMENT**

A residential land development comprehensively planned as an entity via a unitary plan which permits flexibility in building siting, mixtures of housing types, usable open spaces and the preservation of significant natural features.

**PUBLIC IMPROVEMENT**

Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs, such as: streets, roads, alleys, or pedestrian walks or paths; storm sewers; flood control improvements; water supply and distribution facilities; sanitary sewage disposal and treatment; parks, and public utility and energy services.



**RIGHT-OF-WAY RESERVATION LINE**

A line designating future right-of-way on a property. The lot area between this line and the front/corner side lot line is reserved for use as right-of-way in the future. For properties with a right-of-way reservation line, required setbacks and yards shall be measured from the right-of-way reservation line instead of the front/corner side lot line.

**ROOF**

A structural covering over any portion of a building or structure including eaves or similar projections beyond the walls or supports of the building or structure. Refer to **Diagram 525-27-3** for illustrations associated with specific roof types.

**SETBACK LINE, BUILDING/YARD**

The building setback is the minimum required distance between any buildings and structures and the lot lines of the lot on which it is located. The yard setback is the minimum distance between any flatwork and the lot lines of the lot on which it is located. Flatwork is permitted to extend beyond the building setback up to the yard setback. Reference **Diagrams 525-27-1 and 525-27-2**.

**SETBACK LINE, CORNER SIDE (BUILDING/YARD)**

A line parallel to the corner side lot line extending between the front building setback line and rear lot line, behind which a building may be constructed. Flatwork is permitted to extend beyond the building setback up to the yard setback .

**SETBACK LINE, FRONT (BUILDING/YARD)**

A line parallel to the front lot line extending between the interior side lot lines and/or corner side lot line, behind which a building may be constructed. Flatwork is permitted to extend beyond the building setback up to the yard setback.

**SETBACK LINE, INTERIOR SIDE (BUILDING/YARD)**

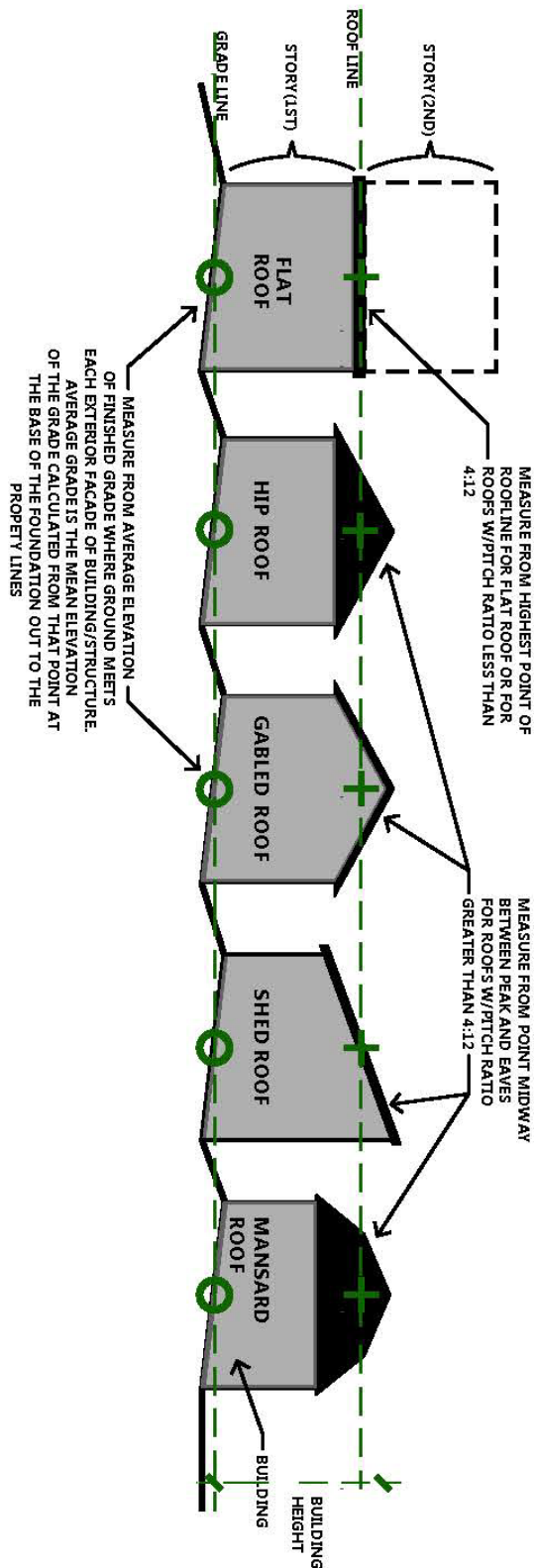
A line parallel to the interior side lot line extending between the front setback line and the rear setback line, behind which a building may be constructed. Flatwork is permitted to extend beyond the building setback up to the yard setback.

**SETBACK LINE, REAR (BUILDING/YARD)**

A line parallel to the rear lot line extending between the interior side lot lines and/or corner side setback line, behind which a building may be constructed. Flatwork is permitted to extend beyond the building setback up to the yard setback.



Diagram 525-27-3: Building and Roof Types



## **SIGN**

See **Article VIII, Signs**

## **STORY**

That portion of a building, other than a basement, which is between the surface of any floor and the surface of the next floor above it or, if there is not a floor above, then the space between such floor and the ceiling next above it.

## **STREET LINE**

The dividing line between the street and the lot. The street line shall be the same as the legal right-of-way line.

## **STREET TERRACE**

The space between the sidewalk and the curb, or the equivalent space where sidewalk or curb are not installed.

## **STRUCTURE**

Anything constructed or erected with a fixed location on the ground or attached to something with a fixed location on the ground. Among other things, structures include buildings, decks, signs, fences, mobile homes and flat work.

## **STRUCTURE, ACCESSORY**

A structure (including buildings) on the same lot with the principal use or structure, and of a nature customarily incidental and subordinate to the principal use or structure. See 525-23E for additional regulations.

## **STRUCTURE, PRINCIPAL**

The primary structure on a lot which is not an accessory structure.

## **STRUCTURAL ALTERATIONS**

Any change in the supporting members of a building or any substantial change in the roof structure or in the exterior walls.

## **SUBSTANDARD LOT**

A lot of record which lawfully existed prior to this Chapter and would not conform to the applicable regulations if the lot were to be created under the current provisions of this Chapter.

## **UNNECESSARY HARDSHIP**

The circumstance where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height, or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.

## **USE, ACCESSORY**

A use on the same lot with the principal use or structure, and of a nature customarily incidental and subordinate to the principal use or structure. See 525-23E for additional regulations.





**USE, PRINCIPAL**

The primary use on a lot that is not an accessory use or Special Exception.

**USE, SPECIAL EXCEPTION**

Reference §525-13.

**USE, TEMPORARY**

A use that is temporary and not permanent and may be allowed without a Principal or Special Exception Use.

**VARIANCE**

A relaxation of the terms of this chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. Variances may be granted only if they meet the requirements of Article II of this chapter.

**WETLAND**

An area that is saturated by surface water or groundwater, with vegetation adapted for life under those soil conditions. See also Section 23.32(1), Wis. Stats.

**YARD**

The minimum green space area parallel to a lot line and extending into the lot for a distance as required by this Chapter. Buildings and structures shall be prohibited in all yards unless otherwise permitted. Customary accessory flatwork, lawn ornaments, furniture, fences/walls, pedestrian facilities and signs are permitted within the yard setback.

**YARD, CORNER SIDE**

A yard extending into the lot from the corner side lot line.

**YARD, FRONT**

A yard extending into the lot from the front lot line.

**YARD, INTERIOR SIDE**

A yard extending into the lot from the interior side lot line.

**YARD, REAR**

A yard extending into the lot from the rear lot line.

**ZONING ATLAS, OFFICIAL**

The map adopted and designated by the Town of Buchanan as being the “Official Zoning Map.”



## § 525-28 Nonconformities

A. **Applicability and intent.** Any use of land or structures, or any lot or structure which lawfully existed at the effective date of adoption or amendment of this Chapter which would not be permitted or permissible by the provisions of this Chapter as adopted or amended, shall be deemed nonconforming. Reference **Diagrams 525-28-1 and 525-28-2**. It is the intent of this Chapter to permit such nonconformities to continue, subject to certain restrictions listed within this section unless otherwise noted within this Chapter.

### B. Nonconforming uses.

The continued lawful use of a building, premises, structure, or fixture existing at the time of the adoption or amendment of a zoning ordinance may not be prohibited although the use does not conform with the provisions of the ordinance. The nonconforming use, building, premises, structure or fixture may not be extended. The total structural repairs or alterations in such a nonconforming building, premises, structure, or fixture shall not during its life exceed 50 percent of the assessed value of the building, premises, structure, or fixture unless permanently changed to a conforming use. If the nonconforming use is discontinued for a period of 12 months, any future use of the building, premises, structure, or fixture shall conform to the ordinance.

### C. Repair, rebuilding, and maintenance of certain nonconforming structures.

In this Section:

- (1) Development regulations means the part of this Chapter that applies to elements including setback, height, lot coverage, yards and bulk regulations.
- (2) Nonconforming structure means a dwelling or other building that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform with one or more of the development regulations in the current zoning ordinance.
- (3) An ordinance may not prohibit, or limit based on cost, the repair, maintenance, renovation, or remodeling of a nonconforming structure.



**D. Restoration or replacement of certain nonconforming structures.**

- (1) Restrictions that are applicable to damaged or destroyed nonconforming structures and that are contained in an ordinance enacted under this subsection may not prohibit the restoration or replacement of a nonconforming structure if the structure will be restored to, or replaced at, the size, subject, location, and use that it had immediately before the damage or destruction occurred, or impose any limits on the costs of the repair, reconstruction, or improvement if all of the following apply:
  - (a) The nonconforming structure was damaged or destroyed on or after March 2, 2006.
  - (b) The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.
- (2) An ordinance enacted under this subsection to which restrictions above apply shall allow for the size of a structure to be larger than the size it was immediately before the damage or destruction if necessary for the structure to comply with applicable state or federal requirements.
- (3) When a structure becomes nonconforming as to setback from a public right-of-way because the public right-of-way was dedicated, reserved, widened, or relocated, such structure shall not be considered a nonconforming structure under this section. However, no such structure shall thereafter be added to or rebuilt closer to the public right-of-way.

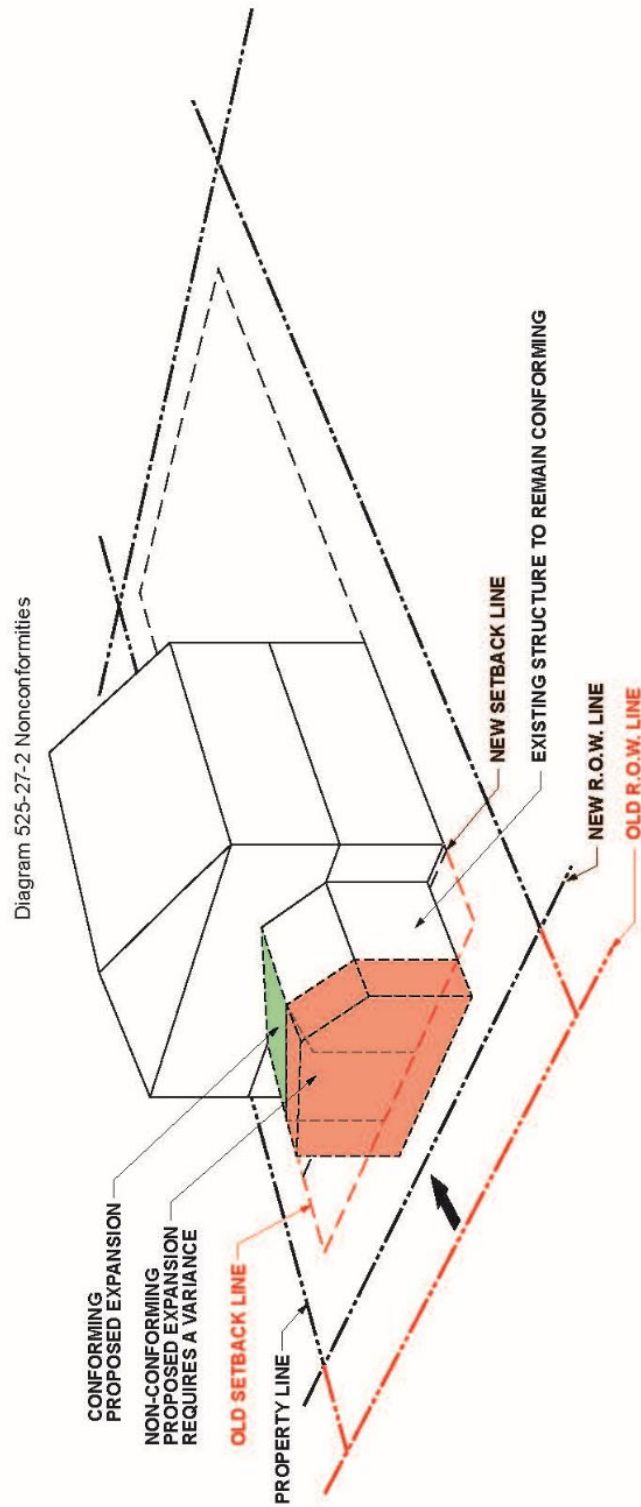
**E. Nonconforming characteristics of use.**

If characteristics of use such as lighting, parking, noise or other matters pertaining to the use of land, structures, and premises are made nonconforming by the provisions of this Chapter as adopted or amended, no change shall thereafter be made in such characteristics of use which increases the nonconformity; provided, however, changes may be made which decrease such nonconformity.

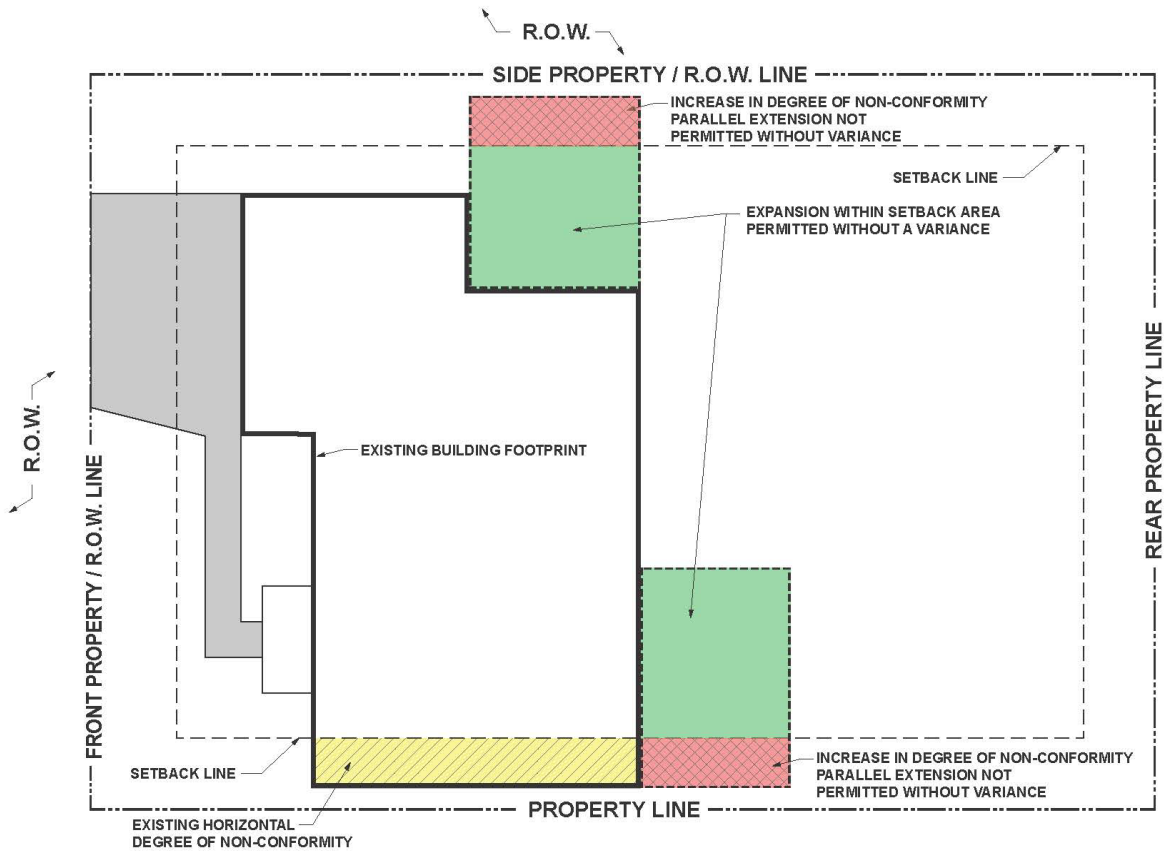
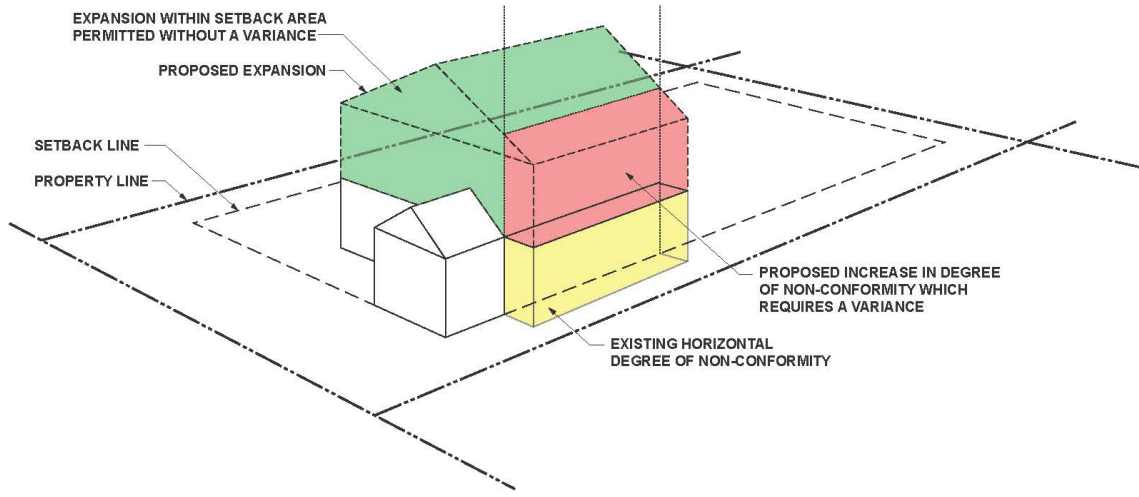
- (1) Nonconforming design of structures. If characteristics of the design of a structure such as walls, roofs, equipment, entrances, facades or building materials are made nonconforming by the provisions of this Chapter as adopted or amended, the structure may be altered or enlarged; provided the alteration or enlargement complies with such requirements and does not increase the nonconformity.



### Diagram 525-28-1: Nonconformities



### Diagram 525-28-2: Nonconformities



**F. Nonconforming lots of record.**

In any district, any permitted or permissible use may commence, or structure may be erected on a single lot of record at the effective date of adoption or amendment of this Chapter. This provision shall apply even though such lot fails to meet the requirements of lot area, lot width, lot frontage or all three for the district in which it is located, and provided all other requirements for the district are met.

**G. Casual, temporary, or illegal use.**

The casual, temporary, or illegal use of land or structures, or land structures in combination, shall not be sufficient to establish the existence of a nonconforming use or to create rights in the continuance of such use.



*Page intentionally left blank.*



## Article V Schedule of District Regulations

### § 525-29 Interpretation and organization.

- A. All uses and structures, dimensional, access/visibility, off-street parking, lighting, landscaping/screening, signage, and architectural regulations and district regulations shall be as set forth in the following articles and as modified and supplemented by this Chapter.
- B. Permitted principal and accessory uses and structures listed for any district shall be permitted by right subject to the conditions as specified. Any use or structure not listed for the district shall be prohibited except as provided in **§525-29 E**.
- C. Special Exception uses and structures listed for any district are permissible only upon approval as required by the Special Exception Section of this Chapter. Any use or structure not listed for the district shall be prohibited except as provided in **§525-31** of this section.
- D. New Compatible Uses and Structures: The Administrator may allow a land use to be considered as a permitted, Special Exception or an accessory use or structure while not identified by name in a zoning district, is deemed to be similar in nature, and clearly compatible with the listed uses. The Administrator may consult with the Plan Commission.
- E. Addition of Non-listed Uses to Zoning Ordinance: All non-listed uses and structures eligible for approval may be added to the appropriate use table at the time of periodic updating or upon request by the Plan Commission or Board.
- F. No land, building or structure shall hereinafter be used or occupied, and no building, structure, or part thereof shall hereinafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.
- G. No lot or yard existing at the effective date of adoption of this Chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Lots or yards created after the effective date of adoption of this Chapter shall meet the minimum requirements established by this Chapter.
- H. A site plan is required in compliance with Site Plans as required by this Chapter and must be approved before installation of improvements, issuance of an erosion control/stormwater permit, and/or issuance of a building permit.





§ 525-30 **District Purposes.**

- A. **AGD General Agricultural District.** The intent of this district is to maintain highly productive agricultural lands in agricultural production by effectively limiting encroachment of nonagricultural development; by minimizing land use conflicts between agricultural and nonagricultural uses; and by minimizing public service and facility costs associated with nonagricultural development.
- B. **RR Rural Residential District.** The intent of this district is to allow for large-lot rural residential uses generally located outside of the NR-121 defined Sewer Service Area. It is anticipated that the intensity of development will be limited due to a lack of urban facilities and services.
- C. **RSF Single Family Residential District.** This district is intended to provide for single-family detached residential development generally located within the NR-121 defined Sewer Service Area. The density of development is based on the availability of public facilities and the extent of coordination and planning as indicated by whether the development is part of an approved and recorded subdivision plat.
- D. **RTF Two-Family Residential District.** This district is intended to provide primarily for two-family attached residential development and single-family detached residential as a secondary land use generally located within the NR-121 defined Sewer Service Area. The density of development is based on the availability of public facilities and the extent of coordination and planning as indicated by whether the development is part of an approved and recorded subdivision plat.
- E. **RSTF Single and Two-Family Residential District.** This district is intended to provide for single-family detached and two-family attached residential development generally located within the NR-121 defined Sewer Service Area. The density of development is based on the availability of public facilities and the extent of coordination and planning as indicated by whether the development is part of an approved and recorded subdivision plat.
- F. **MDR Medium Density Residential District.** This district is intended to provide for higher density, well-designed residential development between three (3) and six (6) dwelling units with allowances for single and two-family residential dwellings generally located within the NR-121 defined Sewer Service Area. The density of development is based on the availability of public facilities and the extent of coordination and planning.



- G. **RMF Multifamily Residential District.** This district is intended to provide for high-density residential areas with emphasis on multifamily or apartment development with 7 or more dwelling units. This district requires access to public sewer and shall be located within the NR-121 defined Sewer Service Area.
- H. **CL Local Commercial District.** This district is intended to apply to commercial establishments located to serve primarily localized commercial markets throughout the Town. It is the intent of this district to encourage grouping of such commercial establishments. The district is not intended to apply to major or large-scale commercial establishments of a regional character.
- I. **CR Regional Commercial District.** This district is intended to apply to areas which are now intensely developed or are expected to be intensely developed for commercial uses serving a regional commercial market.
- J. **CP Planned Commercial District.** This district is intended to apply to large-scale commercial developments with either single or multiple buildings on a single lot or parcel designed and managed as a single entity. This district should be located such that there is direct access to major arterial streets and highways.
- K. **IND Industrial District.** This district is intended primarily for manufacturing and closely related uses. It is intended to preserve such lands for the functions of industrial activity, wholesaling, warehousing and distribution but may also allow for commercial activity. It is further the intent of this district that it be so located in relation to major thoroughfares that resulting traffic generated by industrial activity will not be channeled through residential areas.
- L. **PI Public & Institutional District.** This district is intended to eliminate the ambiguity of maintaining, in unrelated use districts, areas which are under public or quasi-public institutional organizations (such as government, schools, non-profits, and other similar uses) and where the use is anticipated to be permanent.

**§ 525-31.1 Principal and Special Exception District Uses, Definitions, and Additional Regulations.**

- A. **Principal and special exception uses and structures.** Allowed principal and special exception uses and structures for each district are listed in **Table 525-31-1**



**Table 525-31-1: Principal and Special Exception Uses and Structures**

P = Permitted Principal Use

SE = Special Exception Use

Grey Shading = Prohibited Use

Use Category	See for Additional Regulations	AGD General Agricultural	CON Conservancy Overlay	RR Rural Residential	RSF Single Family Residential	RTF Two Family Residential	STFR Single and Two-Family Residential	MDR Medium Density Residential	RMF Multifamily Residential	CL Local Commercial	CR Regional Commercial	CP Planned Commercial	IND Industrial	PI Public/Institutional
Adult entertainment establishments	Ch. 185 & 525-31.1B												SE	
Agricultural / Agribusiness	525-31.1B	P								SE	SE		P	
Agricultural / Agribusiness adjunct uses		SE												
Agritourism	525-31.1B	P												
Airports, public or private	525-31.1B	SE												P
Automobile filling stations	525-31.1B									SE	SE			
Automobile salvage yards	Ch. 492 & 525-31.1B	SE											SE	
Automobile use, sales and service	525-31.1B									P	P		P	
Bed and breakfast	525-32									P	P			
Boathouse		SE	SE	SE						SE				
Brewery (mfg./wholesale only)	525-31.1B												P	
Brewery/Brewpub (w/restaurant)	525-31.1B									P	P			
Business, retail	525-31.1B									P	P	P	P	
Business, retail shopping center	525-31.1B										P	P		
Business, service	525-31.1B									P	P	P	P	
Business, vocational	525-31.1B									SE	SE	P		P
Certified Survey Map (CSM)	Chapter 460	P	P	P	P	P	P	P	P	P	P	P	P	P
Cemeteries and crematory service buildings	525-31.1B	SE												P
Clinic, health/medical	525-31.1B									P	P	P		
Clubs and organizations										P	P	P		
Communications towers and antennas	Chapter 478													SE
Community living arrangements (CBRFs)	525-31.1B					P	P	P						
Convalescent homes and nursing homes	525-31.1B							SE						P
Convention or exposition center	525-31.1B									SE	SE	SE		

**Table 525-31-1: Principal and Special Exception Uses and Structures**

P = Permitted Principal Use

SE = Special Exception Use

Grey Shading = Prohibited Use

Use Category	See for Additional Regulations	AGD General Agricultural	CON Conservancy Overlay	RR Rural Residential	RSF Single Family Residential	RTF Two Family Residential	STFR Single and Two-Family Residential	MDR Medium Density Residential	RMF Multifamily Residential	CL Local Commercial	CR Regional Commercial	CP Planned Commercial	IND Industrial	PI Public/Institutional
Day care, family (8 or less children)	525-31.1B						P	P						P
Day care, group (9 or more children)	525-31.1B						SE	SE						P
Drive-In restaurant	525-31.1B									P	P	P		
Dwellings existing before the effective date of adoption of this chapter which are not necessary to or associated with agricultural uses	525-31.1B	P		P										
Dwelling, Existing and new farm residence dwellings	525-31.1B	P		P										
Existing dwellings.				P	P	P	P	P	P	P	P	P		
Dwelling, Multi-family Dwellings (7 or more units)	525-31.1B								P					
Dwelling, Single-family attached dwellings	525-31.1B					P		P	P					
Dwelling, Single-family detached dwellings	525-31.1B			P	P	P	P	P	P					
Dwelling, Two-family	525-31.1B					P	P	P	P					
Entertainment use indoor	525-31.1B									P	P			
Equipment rental	525-31.1B									P	P	P		
Farm/Construction equipment and machinery sales and service	525-31.1B	SE								SE	SE		P	
Funeral parlors and mortuaries	525-31.1B									P	P			
Fur farming	525-31.1B	SE												
Garden center, plant nursery	525-31.1B	P								P	P			
Government use	525-31.1B	SE												P
Hospitals	525-31.1B											P		P



**Table 525-31-1: Principal and Special Exception Uses and Structures**

P = Permitted Principal Use

SE = Special Exception Use

Grey Shading = Prohibited Use

Use Category	See for Additional Regulations	AGD General Agricultural	CON Conservancy Overlay	RR Rural Residential	RSF Single Family Residential	RTF Two Family Residential	STFR Single and Two-Family Residential	MDR Medium Density Residential	RMF Multifamily Residential	CL Local Commercial	CR Regional Commercial	CP Planned Commercial	IND Industrial	PI Public/Institutional
Recreational use, indoor	525-31.1B									P	P			
Recreational use, outdoor	525-31.1B	SE	SE							SE	SE	SE		
Religious use	525-31.1B													SE
Resource extraction	525-31.1B	SE	SE											
Restaurants	525-31.1B									P	P	P		
School	525-31.1B													P
Solar Energy Systems (Large Scale)	§ 525-52	SE												
Solar Energy Systems (Mid Scale)	§ 525-52	SE								SE	SE	SE	SE	SE
Storage establishment	525-31.1B									P			P	
Stormwater facility			P											P
Tavern/drinking establishments	525-31.1B									P	P			
Truck freight terminal													P	
Utility, public or private	525-31.1B													P
Veterinary clinic/animal hospital	525-31.1B	SE								P	P			
Warehouse distribution, industrial	525-31.1B	SE											P	
Warehouse, accessory to retail or service business	525-31.1B									P	P			
Wind Energy Systems (Utility scale)	Ch. 513	SE												
Winery	525-31.1B	SE								P	P			

- B. Principal and Special Exception Use Definitions and additional regulations.** For the purpose of this chapter, the following terms and uses are defined as follows. Additional regulations pertaining to specific uses shall apply as listed.

**ADULT ENTERTAINMENT ESTABLISHMENTS**

A. Purpose: The purpose is to control through zoning regulations certain adult-oriented entertainment uses that have a direct and detrimental effect on the character of the Town's residential neighborhoods and commercial areas. The Town shall not impose a limitation on the content of any communication materials, including sexually oriented materials as protected by the First Amendment.

B. Definitions.

**ADULT-ORIENTED ENTERTAINMENT BUSINESS**

An adult bookstore, adult theater, adult massage parlor, adult sauna, adult entertainment center, adult cabaret, adult health/sport club, adult steam room/bathhouse facility, or any other business whose primary business activity is characterized by emphasis on matters depicting, describing, or relating to nudity, sexual conduct, sexual excitement or sadomasochistic abuse as defined herein.

**NUDITY**

The showing of the human male or female genitals or pubic area with less than a fully opaque covering or the depiction of covered male genitals in a discernibly turgid state and/or the appearance of bare buttocks, anus, or female breast.

**SEXUAL CONDUCT**

Acts of masturbation, sexual intercourse, or physical contact with a person's unclothed genitals, pubic area, buttocks, or, if such person be a female, her breast.

**SEXUAL EXCITEMENT**

The condition of human male or female genitals when in a state of sexual stimulation or arousal.

- C. Applicability. These provisions shall apply to all existing and future adult-entertainment-oriented businesses. However, any such existing business that does not meet the zoning district restrictions or the distance limitations may continue its existence as a nonconforming use; provided, however, that no such business may be enlarged or increased in size or be discontinued for a period of no more than 180 days.



D. General Regulations.

- (1) Zoning district. Adult-use-only bookstores, adult theaters, adult massage parlors, adult saunas, adult entertainment centers, adult cabarets, adult health/sport clubs, adult steam room/bathhouse facilities, and other adult-oriented entertainment businesses sexual in nature may be operated or maintained only within the IND Industrial District with a valid special exception as required by this Chapter; and provided that it is located on a minor or major arterial road and subject to the distance limitations noted below.
- (2) Distance limitations. No adults-only bookstore, adult theaters, adult massage parlor, adult cabaret, health/sport club, adult steam room/bathhouse facility, or other adult-oriented entertainment businesses as defined shall:
  - (a) Be operated or maintained within 1,000 feet of the boundary of any residential district.
  - (b) Be operated or maintained within 1,000 feet of a church, recreational site, licensed day care facility, public library, public or private educational facility which serves persons aged 17 or younger, elementary school, high school, place of worship, or elderly housing facility;
  - (c) Be operated or maintained so that there are no more than two such businesses within 2,500 feet as measured by the radius from each business;
  - (d) Be set forth herein shall be measured in a straight line from the main public entrances of said premises or from the lot lines of properties in any residential district.
  - (e) Be located in the same building or upon the same property as another such use.
  - (f) Be permitted more than one sign advertising its business, which shall be wall sign only. All such signs shall meet the following criteria:
    - i. Have no merchandise or pictures of the products or entertainment on the premises displayed in window areas or any area where they can be viewed from the sidewalk in front of the building;
    - ii. No sign shall be placed in any window. A one-square-foot sign may be placed on the door to state hours of operation and admittance to adults only;
    - iii. No sign shall contain any flashing lights, moving elements, or mechanically changing messages;
    - iv. No sign shall contain any depiction of the human form or any part thereof nor shall it contain sexually explicit language such as "nude dancing" or "Girls, Girls, Girls," etc.;
    - v. No sexually-oriented business may have any off-premises sign;
    - vi. In order to allow currently operating adult-oriented entertainment businesses to recover their financial investment in current signage, any currently operating adult-oriented entertainment business shall bring its signage into conformity with the provisions of this subsection within one year from the date of passage of these regulations.





- (3) Operating standards. All such adult-oriented entertainment businesses shall operate in accordance with the following:
  - (a) No employee shall solicit business outside the building in which the business is located;
  - (b) No male or female person, while on the premises, shall impose to public view his or her genitals, pubic area, anus, or anal cleft. Full nudity is prohibited;
  - (c) No person on the premises shall engage in sexual conduct, sadomasochistic abuse or in any way fondle their genitals;
  - (d) Nudity is prohibited for any employee of an adult-oriented business where such person is in direct, personal contact with another person.
  
- (4) Building's exterior appearance. The building's exterior shall meet the following criteria:
  - (a) Colors to be earth or neutral tones with primary accent colors to be within the same color family;
  - (b) Stripes and geometric patterns are prohibited;
  - (c) A color scheme which is directly inherent to a unique recognized architectural style but not otherwise compliant with this article may be reviewed and approved by the Town Board;
  - (d) The exterior shall be adequately maintained in good condition.

#### **AGRICULTURE/AGRIBUSINESS USE**

Shall be defined as agricultural business where the property owner earns a substantial (\$6,000/yr. or \$18,000 over three years) part of his or her livelihood from farming operations on the farm parcel by performing the operations themselves or through a lease to a separate operator; uses including but not limited to beekeeping, dairying, floriculture, aquaculture, poultry and livestock raising, stables, and orchards, raising of grain and seed crops, raising of grass and mint, raising of nuts and berries, raising of fruits and vegetables, viticulture, and forest and game management (incidental hunting is an accessory use), sod production, the sale of products produced on-premises and agricultural processing, centralized bulk collection, storage or distribution.

#### **AGRICULTURE/AGRIBUSINESS ADJUNCT USE**

Shall be defined as business use which is adjunct to an existing agricultural business where the property owner earns a substantial (\$6,000/yr. or \$18,000 over three years) part of his or her livelihood from farming operations on the farm parcel by performing the operations themselves or through a lease to a separate operator; provided the owner or proprietor resides on the premises. Uses may include: automobiles, farm equipment, and small engine repair shops; offices and/or shops in connection with skilled tradesmen, including plumbers, electricians, carpenters, welders and the like; and production and/or sales of crafts produced on the premises, provided mechanical or chemical processes are incidental or nonexistent.



### **AGRITOURISM**

Shall be defined as recreational, educational, and entertainment activities in an agricultural setting such as a farm or ranch where the public is able to participate in and experience agricultural uses and activities. Agritourism is differentiated from traditional agriculture in the following ways: customers come to the farm for the “product” rather than the product being taken off the farm to a purchase location; the “product” can be an experience, and; the farm environment is an essential part of what the customer is seeking and would not be the same without the farm setting.

### **AIRPORT (PUBLIC OR PRIVATE)**

Any airport which complies with the definition contained in Ch. 114, Wis. Stats., or any airport which serves or offers to serve common carriers engaged in air transport.

### **AUTOMOBILE FILLING STATION**

Buildings and premises where gasoline, oil, grease, batteries, tires and automobile accessories and convenience retail goods may be supplied, dispensed and sold and where minor repair or maintenance work may be performed, such as ignition service, tire repair, repair and replacement of minor parts such as pumps and filters and the like. A filling station is not a repair or body shop.

### **AUTOMOBILE SALES, USE AND SERVICES**

Shall be defined as a use that buys, sells, trades, rents or services vehicles (including motorcycles and boats) and equipment including but not limited to vehicle dealerships, vehicle rentals, car washes and repair shops; all vehicle and equipment repair shall be conducted indoors, and all vehicles and equipment that are in disrepair or require bodywork shall be stored indoors or screened with landscaping or fencing to provide 100% solid screen. A principal building is required on the same lot for all uses, sales, and service. Maintenance/repair operations of vehicles/equipment for non-automotive uses (i.e., a business repairing its own fleet/equipment) are considered accessory permitted uses and are not included in this definition.

### **AUTOMOBILE SALVAGE YARD**

Premises used for the storing, dismantling, crushing, shredding or disassembly of used motor vehicles or their parts.

- A. Automobile salvage yards involving storage of less than 50 vehicles and where no crushing or processing of parts and materials is conducted on the premises, and provided all vehicles and parts are effectively screened from view from any residential lot or public highway.
- B. Automobile wrecking or salvage yards provided such use shall not be located closer than 250 feet to any property zoned residential and no portion of the lot within 25 feet of a public street or highway shall be used for any purpose other than off-street parking for employees or patrons. All activities and storage shall be completely enclosed pursuant to the landscaped buffer requirements of § 525-46.



**BREWERY/BREW PUB/RESTAURANT**

Means an establishment or facility that manufactures fermented malt beverages for sale which may include a tap room, tasting facilities, and/or an independently operated restaurant, and has a permit under current Wisconsin Statutes.

**BREWERY/MANUFACTURING AND WHOLESALE**

Means an establishment or facility that manufactures, packages, and distributes fermented malt beverages for sale and does not include a tap room, tasting facilities, or an independently operated restaurant, and has a permit under current Wisconsin Statutes.

**BUSINESS, RETAIL**

A use that sells or rents goods and commodities to consumers.

**BUSINESS, RETAIL SHOPPING CENTER**

Means a group of retail or service establishments planned, developed, owned or managed as a unit whereby all businesses operate in an enclosed space.

**BUSINESS, SERVICE**

A use that provides service to customers either on-premises or at the customer's location; this excludes automobile service.

**BUSINESS, VOCATIONAL**

Vocational, trade or business schools, both public and private.

**CEMETERY**

Shall be defined as a premise for burying the dead. Includes crematory service buildings.

**CLINIC, HEALTH/MEDICAL**

An office or group of offices relating to the health care professions, including physicians, dentists and the like engaged in the treatment of persons.

**COMMUNITY LIVING ARRANGEMENT**

Facilities defined in § 46.03, Wis. Stats. subject to the provisions and limitations of § 62.23(7)(i), Wis. Stats.

**CONVALESCENT HOME and NURSING HOME**

A place where regular care is provided to three or more infirmed persons, children or aged persons who are not members of the family which resides on the premises.

**CONVENTION / EXPOSITION CENTER**

Means a commercial facility used for assemblies or meetings of the members or representatives of groups, including exhibition space. This term does not include banquet halls, clubs, lodges or other meeting facilities of private or nonprofit groups that are primarily used by group members.



**DAY CARE, FAMILY**

A place where regular day care is provided to not more than eight children and is licensed pursuant to Ch. 48, Wis. Stats.

**DAY CARE, GROUP**

A place where regular day care is provided to nine or more children and is licensed pursuant to Ch. 48, Wis. Stats.

**DRIVE-IN RESTAURANT**

Any establishment dispensing or serving food in automobiles, including those establishments where customers serve themselves and may eat or drink in the building or in their automobiles on the premises.

**DWELLING, EXISTING AND NEW FARM RESIDENCE**

Existing and new farm residence dwellings within agriculturally zoned property shall be defined as a residential dwelling unit farm owners/operators reside in located on the land being farmed and existed prior to the effective date of adoption of this Chapter.

- A. For purposes of farm consolidation, farm residences or structures that existed prior to the effective date of adoption of this Chapter may be separated from the larger parcel by CSM only, and new dwellings may be built and occupied by a person or a family who earns a substantial part of their livelihood from farming operations on the farm parcel or is the parent or child of the farm operator.
- B. Transfer of property shall only be permitted if it meets the family requirements unless the farmland use/operation ceases, the property is rezoned to residential, the property is platted for a residential subdivision development, or the property is rezoned and used for non-residential purposes. A note to this effect shall be placed on the CSM.
- C. Dimensional regulations shall apply per **Table 525-31-2**.

**DWELLING, MULTI:** Shall be defined as a building containing seven or more dwelling units. The term "multifamily dwelling" shall include cooperative apartments, condominiums, apartments, and the like. Regardless of how rental units are equipped, any multifamily dwelling in which units are available for rental periods of less than one week shall be considered a motel.

**DWELLING, SINGLE FAMILY ATTACHED:** Shall be defined as a building containing three to six dwelling units attached at the side or "side-by-sides" in a series or group of buildings. Each building shall be separated from the adjoining building or buildings by a party wall or walls extending from footings to underside of roof deck. The term "attached dwelling" is intended to imply townhouses, patio, or atrium houses or any form conforming to this definition.



### **DWELLING, SINGLE-FAMILY DETACHED**

A building containing not more than one dwelling unit, entirely separate from structures on adjacent lots. The term "detached dwelling" shall not include mobile homes, travel trailers, or other forms of portable or temporary housing but shall include manufactured homes. All single-family dwellings shall:

- A. Contain not less than 1,200 square feet of living area.
- B. Be covered by a roof pitched at a minimum slope of five inches in 12 inches which is permanently covered with nonreflective material.
- C. Have overhanging eaves of not less than 18 inches.
- D. Be a minimum of 25 feet in width. Attached garages, carports and open decks shall not be included in the measurement of the width.

### **DWELLING, TWO-FAMILY**

One building containing not more than two dwelling units or two buildings, attached at the side, with no more than one dwelling unit per building. The term "two-family dwelling" is intended to imply single-family semidetached buildings and duplexes or any form which conforms to this definition.

### **ENTERTAINMENT, INDOOR**

Shall be defined as a use selling or providing entertainment on-site indoors. Examples include but are not limited to arcades, amusement rides, laser tag, go-carts, movie theaters, bowling alleys, skating rinks, etc.

### **EQUIPMENT RENTAL**

Means an establishment providing the rental of tools, lawn and garden equipment, party supplies and similar goods and equipment, including storage and incidental maintenance. This term does not include a motor vehicle rental facility.

### **FARM/CONSTRUCTION EQUIPMENT AND MACHINERY SALES AND SERVICE**

Shall be defined as a use that buys, sells, trades, rents or services farm and/or construction related vehicles and equipment including but not limited to vehicle dealerships, vehicle rentals, wash and repair shops; all vehicle and equipment repair shall be conducted indoors, and all vehicles and equipment that are in disrepair or require bodywork shall be stored indoors or screened with landscaping or fencing to provide 100% solid screen. A principal building is required on the same lot for all uses, sales, and service. Maintenance/repair operations of vehicles/equipment for non-automotive uses (i.e., a business repairing its own fleet/equipment) are considered accessory permitted uses and are not included in this definition.

### **FUR FARM**

Land, buildings or structures used for the purpose of raising or harboring fur-bearing animals including those defined in § 29.001, Wis. Stats., and also including chinchillas, whether the animals are kept for breeding, slaughtering or petting.



**FUNERAL PARLOR/MORTUARY**

Means an establishment providing services involving the care, preparation or disposition of human dead. This term includes, but is not limited to, a crematorium or a mortuary.

**GARDEN CENTER / PLANT NURSERY**

Means an establishment providing the retail sale of plants and the sale or rental of garden and landscape materials and equipment. This term includes outdoor storage of plants, materials or equipment.

**GOVERNMENT USE**

Shall be defined as any local, county, regional, state, federal, or international governmental use or political unit, including offices, libraries, community centers, facilities (such as public works, wastewater treatment facilities, water storage tanks, well pump houses, and outdoor storage), and utilities providing a service or product for public benefit.

**HOSPITAL**

Shall be defined as a use where the sick or injured are given medical or surgical care including capacity for overnight and long term care.

**HOTEL/MOTEL**

An establishment where sleeping accommodations are offered to the public and intended primarily for rental to transients, with daily charge, as distinguished from multifamily dwellings and boardinghouses where rentals are for periods of a week or longer and occupancy is generally by residents rather than transients. Hotels may serve meals to both occupants and others. The term "hotel" is also intended to imply motel, motor court, motor lodge, tourist court or any form which conforms to this definition.

**INSTITUTIONAL USE** Shall be defined as:

- A. Any profit or nonprofit organization that provides services to the public for free or through membership. Examples of organizations include but are not limited to YMCAs, Boys and Girls Clubs, Boy Scouts/Girl Scouts, Lions/Kiwanis/Rotary Clubs, and similar uses.
- B. Public and semipublic nonprofit institutional uses, including churches, schools, colleges and universities, and the like, provided principal access shall be directly onto a collector or arterial street.

**JUNKYARD**

Premises or land, buildings or structures where junk, waste, discarded, salvaged or similar materials such as old metals, wood, lumber, glass, paper, rags, cloth, cordage, barrels, containers, etc., are brought, bought, sold, exchanged, baled, packed, stored or handled, including used lumber and building materials, equipment, wrecking yards and the like. This definition shall not include automobile salvage or wrecking yards or pawnshops and establishments for the sale, storage or purchase of secondhand vehicles, clothing, furniture, appliances or similar household goods, all of which shall be usable, nor shall it apply to the processing of used, discarded or salvageable materials incident to manufacturing activity on the same site.



### **KENNEL AND PET SHOP**

Any establishment for the raising, training, boarding or selling of dogs, cats, birds, mice, rats or other small animals, for hire or profit, or where more than three dogs, cats or other small animals are harbored or kept.

### **LANDFILL/RECYCLING FACILITY**

Shall be defined as a public or private use that accepts yard waste, compost, garbage, and recycling material. This definition includes resource recovery operations which may occur on site.

### **MANUFACTURING USE**

Shall be defined as a use or process including assembling, fabricating, altering, converting, printing, publishing, cleaning, testing, finishing, bottling, processing, treating and packaging, except any use or process specifically excluded and providing such as will not be hazardous, offensive, or objectionable by reason of odor, dust, cinders, gas, fumes, noise, vibrations, radiation, refuse mater or wastewater. Includes woodworking and cabinetmaking. All manufacturing uses are subject to the provisions of § 525-49.

### **MANUFACTURING USE, LIGHT**

Shall be defined as a use or process including uses and structures such as packaging, bottling, storage facilities, and laboratories, provided all activities are conducted within completely enclosed buildings, not involving odor, noise, smoke or other noxious effects detectable to normal senses from off the premises. All manufacturing uses are subject to the provisions of § 525-49.

### **MANUFACTURING USE, SPECIAL**

Shall be defined as uses that require special consideration as a Special Exception in compliance with § 525-13 **Special Exceptions** and include the following uses: manufacturing and storage of flammable liquids, fertilizer, chemicals, and processes including canneries, sawmills, and slaughterhouses. All manufacturing uses are subject to the provisions of § 525-49.

- A. These uses shall have a setback of 1,000 feet from all residential zoning districts and from the right-of-way line closest to the use of all State and County Highways rights-of-way. The 1,000 foot buffer includes all buildings, outdoor vehicles, and parking/pavement areas.

### **MARINA / HARBOR**

Means a facility providing mooring of recreational boats in water, or piers, anchorage areas, launching facilities, boat storage areas or boat sales and service. This term does not include a ship terminal or docking facility or a passenger terminal but does include individual private boathouses.



### **MODULAR HOME**

Per §101.7(6)(a) Wis. Stats. any structure or component thereof which is intended for use as a dwelling and is of closed construction and fabricated or assembled on-site or off-site in manufacturing facilities for installation, connection or assembly and installation at the building site or is a building of open construction which is made or assembled in manufacturing facilities away from the building site for installation, connection, or assembly and installation on the building site and where certification is sought by the manufacturer. "Modular home" does not mean any manufactured home under §101.91 of the Wis. Stats. or any building of open construction, which is not subject to this definition.

### **MANUFACTURED HOME**

A structure certified and labeled as a manufactured home under 42 U.S.C. §§ 5401 to 5426, which, when placed on the site:

- A. Is set on an enclosed continuous foundation in accordance with § 70.43(1), Wis. Stats., and Ch. Comm 21, Subchapters III, IV, and V, Wis. Adm. Code, or is set on a comparable enclosed continuous foundation system approved by the Building Inspector, who may require a plan for such foundation to be certified by a registered architect or engineer to ensure proper support for such structure;
- B. Is installed in accordance with the manufacturer's instructions.
- C. Is properly connected to utilities;
- D. Is without any hitch, wheel or axle; and
- E. Meets other applicable standards of this chapter.

### **MOBILE HOME**

A vehicle manufactured or assembled prior to June 15, 1976, designed to be towed as a single unit or in sections on a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid uncollapsible construction, which has an overall length in excess of 45 feet. "Mobile home" includes a structure which has been certified and labeled as a manufactured home under 42 U.S.C. §§ 5401 to 5426, or which has been certified and labeled as a manufactured home under §§ 101.91 to 101.96, Wis. Stats., and Ch. Comm 26, Wis. Adm. Code, if the structure:

- A. Is not set upon an enclosed permanent foundation upon land owned by the mobile home owner;
- B. Is on wheels;
- C. Is not properly connected to utilities;
- D. Has tow bars, wheels or axles attached to it; or
- E. Has not been installed in accordance with the manufacturer's instructions or a plan certified by a registered architect or engineer so as to ensure proper support for the structure.





**NURSING HOME**

Shall be defined as a place where regular care is provided to three or more infirmed persons, children, or aged persons, who are not members of the family who resides on the premises.

**OFFICE**

A use conducting the affairs of a business, profession or service.

**OUTDOOR STORAGE, ACCESSORY TO PRINCIPAL/SPECIAL EXCEPTION**

Shall be defined as a use that stores products or goods outside accessory to the principal or approved special exception use of a lot.

- A. Residential zoning district. All outdoor storage on residentially zoned property shall be behind the front building face line.
- B. Non-Residential District (excluding Agricultural Districts)
- C. Outdoor storage shall be prohibited within 250 feet of a residential zoning district.
- D. All outdoor storage shall be screened as required in **§525-46 D.(4)**.
- E. Outdoor storage may be stored on gravel if the following conditions can be met:
  - (1) Implementation of dust mitigation techniques to keep the site free from dust.
  - (2) Implementation of mitigation techniques to eliminate fines, aggregate and debris from discharging into stormwater facilities.
  - (3) If these conditions cannot be maintained once installed and being used the Board may require the surface to be paved.

**OUTDOOR MOVIE THEATER**

Means an establishment or facility for presenting motion pictures or live performances for observation by patrons in an outdoor environment.

**PARK / COMMON OPEN SPACE**

A parcel or parcels of land or an area of water or combination of land and water designated and intended for either the recreational use and enjoyment of residents of the development for which it was established and for the general public or for the exclusive recreational use and enjoyment of residents of the development for which it was established. No yard required in connection with any principal use or structure shall be designated or intended for use as common open space.

**RADIO / TELEVISION BROADCASTING STUDIO**

Means an establishment containing one or more broadcasting studios for over-the-air, cable or satellite delivery of radio or television programs, or studios for the audio or video recording or filming of musical performances, radio or television programs or motion pictures. This term does not include a transmission tower.

**RECREATIONAL CAMP**

Premises and facilities used occasionally or periodically for the accommodation of members of groups or associations for outdoor recreational activities.



**RECREATIONAL USE, INDOOR**

Shall be defined as any private indoor commercially operated activities where the public is able to participate in activities including but not limited to sports fields/courts/facilities, skating facilities, swimming pools, golf, archery and shooting ranges, and uses of similar nature.

**RECREATIONAL USE, OUTDOOR**

Shall be defined as any private outdoor commercially operated activities where the public are able to participate in activities including but not limited to camps, golf courses, campgrounds, golf, archery and shooting ranges, sledding/skiing/skating facilities, sports fields/courts/facilities, swimming pools, and lakes, and uses of similar nature.

**RELIGIOUS USE**

Shall be defined as any use that offers religious services and a location to assemble for religious purposes.

**RESOURCE EXTRACTION**

Either (a) the breaking of the surface soil to facilitate or accomplish the extraction or removal of ores or mineral solids for sale or processing or consumption in the regular operation of a business, AND/OR (b) the removal of overburden lying above natural deposits of ore or mineral solids and removal of the mineral deposits exposed, or by removal of ores or mineral solids from deposits lying exposed in their natural state. Resource extraction sites are commonly referred to as mines, pits, or quarries. Removal of overburden and the mining of limited amounts of ores or mineral solids are not considered mining when done only for the purpose of determining location, quantity, or quality of a natural deposit if no ores or mineral solids removed during exploratory excavation or mining are sold, processed for sale, or consumed in the regular operation of a business and if the affected land does not exceed two acres in area. Mining does not include plants engaged in processing minerals except as the plants are an integral on-site part of the removal of ores or mineral solids from natural deposits. Mining does not include excavation or grading when conducted solely in aid of on-site farming or of on-site construction. It is the intent of this definition to permit resource extraction uses in outlying areas as a temporary or transitional use with assurances that later reuse for other permissible uses and structures is possible.

- A. Existing operations. The requirements of this section shall not apply to existing operations only where more than 50% of the area (excluding setbacks required herein) of a parcel of record has been excavated at the time of adoption of this chapter. Where less than 50% of the area has been excavated, any extension of operations within the parcel or on adjacent parcels shall comply with the requirements of this section including restoration for the entire parcel(s).



- B. Uses and operations. Permitted uses or operations shall include the removal for sale or processing of timber, natural vegetation, topsoil, fill, sand, gravel, rock or any mineral. Processing may include crushing, washing or refining. Storing or stockpiling of such materials on the site is permissible. Permissible uses may also include concrete or asphalt manufacturing.
- C. Area and setback requirements. The parcel shall consist of a minimum of five acres with dimensions sufficient to adequately accommodate the proposed uses with minimum adverse effects on adjacent lands. No operations shall be permitted within 100 feet of any exterior boundary of the tract or within 250 feet of any building intended for human occupancy existing at the time of permit application. For operations involving blasting, processing or manufacturing, the Plan Commission may increase required setbacks as a condition of approval.
- D. Location. Location shall be appropriate to existing development and development which may reasonably be expected within the time period specified herein for permits. The site shall be so located as to make it unnecessary to conduct trucking operations on any platted street in a residential subdivision.
- E. Plan of operation. Each application for a special exception shall be accompanied by a plan of operation for the site including the following information:
  - (1) Statement of ownership of the parcel and control of the operations.
  - (2) Extent of the area to be excavated.
  - (3) Location, width and grade of all easements or rights-of-way on or abutting the parcel.
  - (4) Existing topography by five-foot contour intervals; existing watercourses and drainageways; existing vegetation and soils; depth to groundwater as indicated by at least four borings; and existing buildings or structures.
  - (5) Cross section showing extent of sand/gravel deposits and water table.
  - (6) Estimated type and volume of excavations; method(s) of extracting and processing; and the sequence of operations.
  - (7) Proposed equipment and proposed locations of equipment; proposed areas for ponding; proposed drainage modifications; proposed processing and storage areas; proposed interior roads and ingress and egress to the site; and proposed areas for the disposition of overburden of topsoil.
- G. Plan of reclamation. Each application for a special exception shall be accompanied by a plan of reclamation for the site consistent with Wis. Adm. Code NR-135 and the Outagamie County Code of Ordinances, Chapter 38, Division 4, Sec. 38-111:



- H. Time limitations. No special exception permit shall be issued for a period exceeding eight years, consisting of not more than six years for the operational phase and not more than two years for the reclamation phase. Upon expiration of the operational phase, the applicant may request and receive extensions of this phase for three-year periods unless changing conditions indicate the extension will be detrimental to the public health, safety and welfare. Any extension shall require the submission of a new plan of reclamation whether the operation is extended or enlarged. If such extension is denied, the applicant shall complete the reclamation phase within the two-year time period specified.
- I. Financial assurance. To ensure completion of the reclamation phase, as proposed within the two-year time period, each applicant shall submit a performance bond or other financial guarantee as required by Wis. Adm. Code NR-135 and the Outagamie County Code of Ordinances, Chapter 38, Division 5, in an amount sufficient to cover the reclamation expense relative to the proposed operation or extension thereto.

**RESTAURANT**

Shall be defined as any use that prepares, dispenses and serves food for consumption on-site or for carrying out; alcohol may also be served as long as the establishment serves food.

**SCHOOL**

Shall be defined as a public or private school for pre-school age children through high school. It shall also include public or private colleges, universities, and technical/trade/vocational schools.

**SOLAR ENERGY SYSTEM**

Reference §525-52

**STORAGE ESTABLISHMENT**

Shall be defined as a building or premises where individuals store their personal possessions for a fee. All possessions stored on-premises shall be within completely enclosed buildings except for motor vehicles, recreational vehicles or boats, and other similar motorized equipment may be stored outdoors on the premises.

**TAVERN/DRINKING ESTABLISHMENT**

Shall be defined as business whose primary use is serving alcoholic beverages.

**TRUCK FREIGHT TERMINAL**

Means a facility for truck-based freight service and operations, including but not limited to local pickup, local sorting and terminal operations, line-haul loading and unloading, destination sorting and terminal operations and local delivery.



**UTILITY, PUBLIC OR PRIVATE**

Shall be defined as an entity that provides a service or product such as water, sewer, electric, gas, and any similar related service or product and includes an above-ground structure or building to operate the utility (i.e., electrical sub-station, utility plant, etc.). Standard underground and above ground lines used to transfer/distribute said utility are exempt from this and shall be permitted on all property. Telephone, television, natural gas, and power transmission lines and similar utilities may be constructed within the setback line, and additions to and replacements of existing lines may be made, provided the utility owner first file with Outagamie County, in the case of a County Highway, and Buchanan, in the case of a local road, an agreement in writing they will remove at their expense all new lines, additions, and replacements constructed after the effective date of this amendment, when such removal is necessary for the improvement of the highway/road or municipal utility.

**VETERINARY CLINIC / ANIMAL HOSPITAL**

Veterinary clinic, small animal hospital means a place for the medical treatment of common household pets with no provisions made for boarding, outside runs or kennels, except that overnight care incidental to medical treatment and short-term boarding is permitted. This use may be incidental to pet store services.

**WAREHOUSING, ACCESSORY TO RETAIL OR SERVICE USE**

Shall be defined as building attached to or part of a retail or service use where goods/products, parts, or equipment are stored to be sold on-premises or used for the purpose of the service provided.

**WAREHOUSING AND DISTRIBUTION, INDUSTRIAL**

Shall be defined as a building where raw material or manufactured goods may be transported to and from and stored before their export or distribution for sale and includes distribution facilities and transportation terminals.

**WINERY**

See definition for Brewery/Brewpub/Restaurant

**§ 525-31.2 Principal and Special Exception Dimensional Standards and Additional Regulations.**

Dimensional standards for all principal and special exception uses are contained in **Table 525-31-2**.

**§ 525-32 Accessory uses and structures.**

- A. **Accessory uses and structures.** Accessory uses and structures for each district are listed in **Table 525-32-1**
- B. **Accessory use definitions and additional regulations.** For the purpose of this chapter, the following terms and uses are defined as follows. Additional regulations pertaining to specific uses shall apply as listed.



Table 525-31-2: District Dimensional Standards

District / Dimensional Standards	AGD General Agricultural District		
Use Type	Principal agricultural uses	Preexisting dwellings and accessory dwellings on a separate parcel unrelated to agricultural uses	Other permitted Principal and Special Exception uses and structures
Maximum Number of Uses Per Lot	Unlimited	n/a	Unlimited
Maximum Number of Buildings Per Lot	Unlimited	n/a	Unlimited
Maximum Number of Dwellings Per Lot	One	One	n/a
Min. Lot Size	4 acres	20,000 sq. ft.	1 acre
Min. Lot Width	200 feet	100 feet	150 feet
Min. Lot Street Frontage	200 feet / 180 feet for cul-de-sacs	100 feet / 80 feet for cul-de-sacs	150 feet / 130 feet for cul-de-sacs
Federal/State and County Highway Minimum Building Setback	50 feet / 35 feet	50 feet / 35 feet	50 feet / 35 feet
Front Building Setback	25 feet	25 feet	25 feet
Corner Side Building Setback	25 feet	25 feet	25 feet
Side Building Setback	None	15 feet	30 feet
Rear Building Setback	None	25 feet	50 feet / 35 feet
Yard/Green Space Setbacks	None	Same as Front/Corner Side Building Setback. 3 Feet for Side and Rear	
Maximum Height of Building	None	None	45 ft.
Maximum Lot Coverage (incl. accessory buildings and structures)	50%	50%	50%
Other Requirements			Minimum Lot Size and front and rear building setback minimum requirements may be increased as a condition for a special exception permit

**Table 525-31-2: District Dimensional Standards**

District / Dimensional Standards	CON Conservancy Overlay District
Use Type	All permitted and special exception uses and structures
Maximum Number of Uses Per Lot	Unlimited
Maximum Number of Buildings Per Lot	Unlimited
Maximum Number of Dwellings Per Lot	n/a
Min. Lot Size	None
Min. Lot Width	None
Min. Lot Street Frontage	None
Federal/State and County Highway Minimum Building Setback	50 feet / 35 feet
Front Building Setback	25 feet
Corner Side Building Setback	25 feet
Side Building Setback	None
Rear Building Setback	None
Yard/Green Space Setbacks	None
Maximum Height of Building	35 ft.
Maximum Lot Coverage (incl. accessory buildings and structures)	25%
Other Requirements	

Table 525-31-2: District Dimensional Standards

District / Dimensional Standards	RR Rural Residential District	
Use Type	Rural residential single-family detached dwellings and mobile homes on individual lots	Other permitted Principal and Special Exception uses and structures
Maximum Number of Uses Per Lot	n/a	Unlimited
Maximum Number of Buildings Per Lot	n/a	Unlimited
Maximum Number of Dwellings Per Lot	One	n/a
Min. Lot Size	1 acre	1 acre
Min. Lot Width	150 feet	150 feet
Min. Lot Street Frontage	150 feet / 130 feet for cul-de-sacs	150 feet / 130 feet for cul-de-sacs
Federal/State and County Highway Minimum Building Setback	50 feet / 35 feet	50 feet / 35 feet
Front Building Setback	30 feet	30 feet
Corner Side Building Setback	30 feet	30 feet
Side Building Setback	20 feet	20 feet
Rear Building Setback	30 feet	30 feet
Yard/Green Space Setbacks	Same as Front/Corner Side Building Setback. 3 Feet for Side and Rear	
Maximum Height of Building	45 ft.	45 ft.
Maximum Lot Coverage (incl. accessory buildings and structures)	50%	50%
Other Requirements		



Table 525-31-2: District Dimensional Standards

District / Dimensional Standards	RSF Residential Single-Family District	
Use Type	Single-family detached dwellings (w/in approved & recorded subdivision plat and served by public sewer)	Other permitted Principal and Special Exception uses and structures served by public sewer
Maximum Number of Uses Per Lot	n/a	Unlimited
Maximum Number of Buildings Per Lot	n/a	Unlimited
Maximum Number of Dwellings Per Lot	One	n/a
Min. Lot Size	10,000 sq. ft.	10,000 sq. ft.
Min. Lot Width	90 feet	90 feet
Min. Lot Street Frontage	70 feet / 50 feet for cul-de-sacs	70 feet / 50 feet for cul-de-sacs
Federal/State and County Highway Minimum Building Setback	50 feet / 35 feet	50 feet / 35 feet
Front Building Setback	25 feet	25 feet
Corner Side Building Setback	25 feet	25 feet
Side Building Setback	6 feet	15 feet
Rear Building Setback	25 feet	30 feet
Yard/Green Space Setbacks	Same as Front/Corner Side Building Setback. 3 Feet for Side and Rear	
Maximum Height of Building	35 ft.	35 ft.
Maximum Lot Coverage (incl. accessory buildings and structures)	50%	50%
Other Requirements		

Table 525-31-2: District Dimensional Standards

District / Dimensional Standards	RTF Residential Two Family District		
Use Type	Single-family detached dwellings	Single-family attached dwellings	Two-family dwellings
Maximum Number of Uses Per Lot	Dimensional requirements as provided in RSF District	n/a	n/a
Maximum Number of Buildings Per Lot		n/a	n/a
Maximum Number of Dwellings Per Lot		1 building/3-6 units	1 building/2 units
Min. Lot Size		12,000 sq. ft.	9,000 sq. ft (4500 sq. ft. per family)
Min. Lot Width		100 feet	75 feet
Min. Lot Street Frontage		80 feet / 60 feet for cul-de-sacs	55 feet / 35 feet for cul-de-sacs
Federal/State and County Highway Minimum Building Setback		50 feet / 35 feet	50 feet / 35 feet
Front Building Setback		25 feet	25 feet
Corner Side Building Setback		25 feet	25 feet
Side Building Setback		10 feet	8 feet
Rear Building Setback		25 feet	25 feet
Yard/Green Space Setbacks		Same as Front/Corner Side Building Setback. 3 Feet for Side and Rear	
Maximum Height of Building		35 ft.	35 ft.
Maximum Lot Coverage (incl. accessory buildings and structures)		50%	50%
Other Requirements		<p>Not more than six dwelling units shall be contiguous or in one series or group and not more than two contiguous dwelling units in one group or series shall have the same or approximately the same roofline or building line. Not less than 40% of the total site area shall be landscaped in lawns, gardens, decorative plantings or wooded areas. A site plan under Article XII is required for all single-family attached dwelling developments.</p>	

Table 525-31-2: District Dimensional Standards

District / Dimensional Standards	RTF Residential Two Family District	
Use Type	Exception for Zero-Lot Line single-family attached dwellings (2-6 units)	Other permitted Principal and Special Exception uses and structures
Maximum Number of Uses Per Lot	n/a	Dimensional requirements as provided in RSF District
Maximum Number of Buildings Per Lot	n/a	
Maximum Number of Dwellings Per Lot	1	
Min. Lot Size	4,500 sq. feet	
Min. Lot Width	50 feet	
Min. Lot Street Frontage	50 feet / 25 feet for cul-de-sacs	
Federal/State and County Highway Minimum Building Setback	50 feet / 35 feet	
Front Building Setback	25 feet	
Corner Side Building Setback	25 feet	
Side Building Setback	8/0 feet	
Rear Building Setback	25 feet	
Yard/Green Space Setbacks		
Maximum Height of Building	35 ft.	
Maximum Lot Coverage (incl. accessory buildings and structures)	50%	
Other Requirements	<p>1. A note shall be placed on the face of all certified survey maps and subdivision plats creating zero-lot-lines which states: "When attached dwelling units are created, matters of mutual concern to the adjacent property owners due to construction, catastrophe and maintenance shall be guarded against by private covenants and deed restrictions, and the approving authorities shall not be held responsible for same.</p> <p>2. A restrictive covenant shall be placed on the face of all certified survey maps and subdivision plats creating zero-lot-line lots which states: "Building permits are limited to the development of zero-lot-lines on Lots ____ through ____, inclusive, unless two adjoining lots are combined and used as a single lot for the construction of a single-family dwelling unit. In this case, an odd number of lots may not be left as a series of consecutive lots.</p> <p>3. There shall be a common wall. Wherever improvements abut on the common boundary line between adjoining units there shall be a one-hour fire wall running from the lowest floor level, including the basement if it is the common wall, to the underside of the roof sheathing. Such basement wall, if any, shall be waterproofed masonry.</p> <p>4. When attached dwelling units are created, the plans, specifications and construction of such building shall require the installation and construction of separate sewer, water and other utility services to each dwelling unit.</p>	

Table 525-31-2: District Dimensional Standards

District / Dimensional Standards	STFR Single and Two-Family Residential District		
Use Type	Single-family and two-family detached dwellings within or outside of an approved and recorded subdivision plat served by public sewer.	Other permitted Principal and Special Exception uses and structures within or outside of an approved and recorded subdivision plat served by public sewer.	Exception for Zero-Lot Line duplex attached dwellings.
Maximum Number of Uses Per Lot	n/a	Unlimited	n/a
Maximum Number of Buildings Per Lot	n/a	Unlimited	n/a
Maximum Number of Dwellings Per Lot	Single = 1 Duplex = 1 building/2 units	n/a	One
Min. Lot Size	5,000 sq. ft.	5,000 sq. ft.	2,500 sq. feet
Min. Lot Width	50 feet	50 feet	40 feet
Min. Lot Street Frontage	40 feet / 35 feet for cul-de-sacs	40 feet / 35 feet for cul-de-sacs	30 feet / 25 feet for cul-de-sacs
Federal/State and County Highway Minimum Building Setback	50 feet / 35 feet	50 feet / 35 feet	50 feet / 35 feet
Front Building Setback	25 feet	25 feet	25 feet
Corner Side Building Setback	25 feet	25 feet	25 feet
Side Building Setback	5 feet	5 feet	5/0 feet
Rear Building Setback	10 feet	10 feet	5 feet
Yard/Green Space Setbacks	Same as Front/Corner Side Building Setback. 3 Feet for Side and Rear		
Maximum Height of Building	35 ft.	35 ft.	35 ft.
Maximum Lot Coverage (incl. accessory buildings and structures)	60%	60%	60%
Other Requirements	<p>1. A note shall be placed on the face of all certified survey maps and subdivision plats creating zero-lot-lines which states: "When attached dwelling units are created, matters of mutual concern to the adjacent property owners due to construction, catastrophe and maintenance shall be guarded against by private covenants and deed restrictions, and the approving authorities shall not be held responsible for same.</p> <p>2. A restrictive covenant shall be placed on the face of all certified survey maps and subdivision plats creating zero-lot-line lots which states: "Building permits are limited to the development of zero-lot-lines on Lots ___ through ___, inclusive, unless two adjoining lots are combined and used as a single lot for the construction of a single-family dwelling unit. In this case, an odd number of lots may not be left as a series of consecutive lots.</p> <p>3. There shall be a common wall. Wherever improvements abut on the common boundary line between adjoining units there shall be a one-hour fire wall running from the lowest floor level, including the basement if it is the common wall, to the underside of the roof sheathing. Such basement wall, if any, shall be waterproofed masonry.</p> <p>4. When attached dwelling units are created, the plans, specifications and construction of such building shall require the installation and construction of separate sewer, water and other utility services to each dwelling unit.</p>		

Table 525-31-2: District Dimensional Standards

District / Dimensional Standards	MDR Medium Density Residential			
Use Type	Single-family dwellings	Two-family dwellings	Three-plex dwellings	Four-plex dwellings
Maximum Number of Uses Per Lot	Dimensional requirements as provided in STFR District	Dimensional requirements as provided in STFR District	n/a	n/a
Maximum Number of Buildings Per Lot			n/a	n/a
Maximum Number of Dwellings Per Lot			Three	Four
Min. Lot Size			7,500 sq. ft.	10,000 sq. ft.
Min. Lot Width			50 feet	50 feet
Min. Lot Street Frontage			30 feet / 25 feet for cul-de-sacs	30 feet / 25 feet for cul-de-sacs
Federal/State and County Highway Minimum Building Setback			50 feet / 35 feet	50 feet / 35 feet
Front Building Setback			15 feet	15 feet
Corner Side Building Setback			15 feet	15 feet
Side Building Setback			10 feet	10 feet
Rear Building Setback			10 feet	10 feet
Yard/Green Space Setbacks			Same as Front/Corner Side Building Setback. 3 Feet for Side and Rear	
Maximum Height of Building			45 ft.	45 ft.
Maximum Lot Coverage (incl. accessory buildings and structures)			70%	70%
Other Requirements				

Table 525-31-2: District Dimensional Standards

District / Dimensional Standards	MDR Medium Density Residential			
Use Type	Six-Plex dwellings	Other permitted Principal and Special Exception uses and structures	Exception for Zero-Lot Line attached dwellings.	
Maximum Number of Uses Per Lot	n/a	Unlimited	n/a	
Maximum Number of Buildings Per Lot	n/a	Unlimited	n/a	
Maximum Number of Dwellings Per Lot	Six	n/a	One	
Min. Lot Size	15,000 sq. ft.	Dimensional requirements as provided in SIFER District	2,500 sq. feet	
Min. Lot Width	50 feet		40 feet	
Min. Lot Street Frontage	30 feet / 25 feet for cul-de-sacs		30 feet / 25 feet for cul-de-sacs	
Federal/State and County Highway Minimum Building Setback	50 feet / 35 feet		50 feet / 35 feet	
Front Building Setback	15 feet		15 feet	
Corner Side Building Setback	15 feet		15 feet	
Side Building Setback	10 feet		10/0 feet	
Rear Building Setback	10 feet		10 feet	
Yard/Green Space Setbacks	Same as Front/Corner Side Building Setback. 3 Feet for Side and Rear		Same as Front/Corner Side Building Setback. 3 Feet for Side and Rear	
Maximum Height of Building	45 ft.		45 ft.	
Maximum Lot Coverage (incl. accessory buildings and structures)	70%		70%	
Other Requirements				<p>A restrictive covenant shall be placed on the face of all certified survey maps and subdivision plats creating zero-lot-line lots which states: "Building permits are limited to the development of zero-lot-line duplexes on Lots ___ through ___, inclusive, unless two adjoining lots are combined and used as a single lot for the construction of a single-family dwelling unit. In this case, an odd number of lots may not be left as a series of consecutive lots."</p>

Table 525-31-2: District Dimensional Standards

District / Dimensional Standards	RMF Residential Multifamily Residential District					
Use Type	Single-family detached dwellings	Single-family attached dwellings	Two-family dwellings	Multi-family dwellings NOT exceeding three stories or 45 feet in height	Multi-family dwellings exceeding three stories or 45 feet in height	Other permitted or permissible uses and structures
Maximum Number of Uses Per Lot	Dimensional requirements as provided in STRR District	Dimensional requirements as provided in MMRR District	Dimensional requirements as provided in STRR District	n/a	n/a	Dimensional requirements as provided in STRR District
Maximum Number of Buildings Per Lot				Unlimited	Unlimited	
Maximum Number of Dwellings Per Lot				20	30	
Min. Lot Size				10,000 sq. ft.	20,000 sq. ft.	
Min. Lot Width				90 feet	100 feet	
Min. Lot Street Frontage				70 feet / 50 feet for cul-de-sacs	80 feet / 60 feet for cul-de-sacs	
Federal/State and County Highway Minimum Building Setback				50 feet / 35 feet	50 feet / 35 feet	
Front Building Setback				25 feet	25 ft. provided that for every 2 feet in building height above 45 feet, yard width or depth shall increase one foot	
Corner Side Building Setback				25 feet	25 ft. provided that for every 2 feet in building height above 45 feet, yard width or depth shall increase one foot	
Side Building Setback				20 feet	20 ft. provided that for every 2 feet in building height above 45 feet, yard width or depth shall increase one foot	
Rear Building Setback				25 feet	25 ft. provided that for every 2 feet in building height above 45 feet, yard width or depth shall increase one foot	
Yard/Green Space Setbacks				Same as Front/Corner Side Building Setback. 3 Feet for Side and Rear	Same as Front/Corner Side Building Setback. 3 Feet for Side and Rear	
Maximum Height of Building				45 ft.	60 ft.	
Maximum Lot Coverage (incl. accessory buildings and structures)				70%	70%	
Other Requirements						

Table 525-31-2: District Dimensional Standards

District / Dimensional Standards	CL Local Commercial District	CR Regional Commercial District	CP Planned Commercial District
Use Type	All permitted and Special Exception uses and structures	All permitted and Special Exception uses and structures	All permitted and Special Exception uses and structures
Maximum Number of Uses Per Lot	Unlimited	Unlimited	Unlimited
Maximum Number of Buildings Per Lot	Unlimited	Unlimited	Unlimited
Maximum Number of Dwellings Per Lot	n/a	n/a	n/a
Min. Lot Size	No Minimum	No Minimum	No Minimum
Min. Lot Width	No Minimum	No Minimum	No Minimum
Min. Lot Street Frontage	No Minimum	No Minimum	No Minimum
Federal/State and County Highway Minimum Building Setback	50 feet / 35 feet	50 feet / 35 feet	50 feet / 35 feet
Front Building Setback	35 feet	35 feet.	25 feet
Corner Side Building Setback	35 feet	35 feet.	25 feet
Side Building Setback	20 feet	20 feet.	25 feet
Rear Building Setback	50 feet	50 feet.	25 feet
Yard/Green Space Setbacks	5 feet for all lot lines unless otherwise required	5 feet for all lot lines unless otherwise required	5 feet for all lot lines unless otherwise required
Maximum Height of Building	50 feet	50 feet	There are no maximum height requirements except that, for every two feet in height above four stories or 50 feet, the width or depth of yards adjacent to exterior lot lines shall be increased one foot.
Maximum Lot Coverage (incl. accessory buildings and structures)	Unlimited	Unlimited	Unlimited
Other Requirements	A site plan is required per § 525-11 and applicable requirements of Article VII and VIII	A site plan is required per § 525-11 and compliance with applicable requirements of Article VII and VIII	A site plan is required per § 525-11 and compliance with applicable requirements of Article VII and VIII



**Table 525-31-2: District Dimensional Standards**

District / Dimensional Standards	IND Industrial District	PI Public/Institutional District
Use Type	All permitted and Special Exception uses and structures	All permitted and Special Exception uses and structures
Maximum Number of Uses Per Lot	Unlimited	Unlimited
Maximum Number of Buildings Per Lot	Unlimited	Unlimited
Maximum Number of Dwellings Per Lot	n/a	n/a
Min. Lot Size	No Minimum	No Minimum
Min. Lot Width	No Minimum	No Minimum
Min. Lot Street Frontage	No Minimum	No Minimum
Federal/State and County Highway Minimum Building Setback	50 feet / 35 feet	50 feet / 35 feet
Front Building Setback	35 feet	25 feet
Corner Side Building Setback	35 feet	25 feet
Side Building Setback	20 feet	10 feet
Rear Building Setback	25 feet	20 feet
Yard/Green Space Setbacks	5 feet for all lot lines unless otherwise required	5 feet for all lot lines unless otherwise required
Maximum Height of Building	50 feet	50 feet
Maximum Lot Coverage (incl. accessory buildings and structures)	Unlimited	Unlimited
Other Requirements	A site plan is required per § 525-11 and compliance with applicable requirements of Article VII and VIII	A site plan is required per § 525-11 and compliance with applicable requirements of Article VII and VIII



Table 525-32-1: Accessory Uses, Buildings and Structures

P = Permitted Accessory Use;

S = Special Exception Accessory Use

Grey Shading = Prohibited Use

Accessory Use, Buildings and Structures	See for Additional Regulations	Is Permit Required?	Zoning District												
			AGD General Agricultural	CON Conservancy Overlay	RR Rural Residential	RSF Residential Single Family	RTF Residential Two Family	STFR Single and Two-Family Residential	MDR Medium Density Residential	RMF Multifamily Residential	CL Local Commercial	CR Regional Commercial	CP Planned Commercial	IND Industrial	PI Public/Institutional
Residential (single-family) dwellings shall be considered accessory to agricultural uses, provided such dwellings are occupied by a person or a family at least one member of which earns a substantial part of his or her livelihood from farming operations on the farm parcel or is the parent or child of the farm operator.		Yes	P												
Residential quarters for caretakers or clergy.		Yes													P
Roadside Stand (farm produce, etc.)		No	P								P	P	P		P
Sheds (detached)	§ 525-32B	Yes	P		P	P	P	P	P	P	P	P	P	P	P
Stockpile/Construction Stockpile	§ 525-32B	No	P	P	P	P	P	P	P	P	P	P	P	P	P
Swimming Pools, private	§ 525-32 / § 525-11	Yes	P		P	P	P	P	P	P					
Signs	§ 525 Article VIII	Yes	P	P	P	P	P	P	P	P	P	P	P	P	P
Signs, electronic messaging	§ 525 Article VIII	Yes									P	P	P	P	P
Solar energy systems (Small Scale) for private use not associated with a public or private utility. Includes solar canopies in parking lots.	§ 525-52	Yes	P	P	P	P	P	P	P	P	P	P	P	P	P
Solar energy systems (Mid Scale) for private use not associated with a public or private utility. Includes solar canopies in parking lots.	§ 525-52	Yes	SE							SE	SE	SE	SE	SE	SE
Stormwater Facility		Yes	P	P	P	P	P	P	P	P	P	P	P	P	P
Towers	Ch. 478	Yes if >20 ft / >70 ft amateur radio/receive only	P		P	P	P				P	P	P	P	P
Wind turbines for private use not associated with a public or private utility	Ch. 513	Yes	P								P	P	P	P	P

### **ACCESSORY DWELLING UNIT (ADU)**

Shall be defined as a secondary dwelling unit on a lot and include a room or rooms connected together, constituting a separate, independent housekeeping establishment for one family only, for rental, lease or other occupancy on a weekly or longer basis, physically separated from any other rooms or dwelling units, and containing independent cooking and sleeping facilities.

- A. Mandatory owner occupancy. The owner of the single-family residence must occupy either the principal residence or the accessory residence.
- B. Nature and scale of accessory unit. An accessory dwelling may be a separate building/structure not attached to the principal building or may be incorporated into the principal building, complete housekeeping unit; provided, however, that it is substantially contained within the subordinate part thereof. Permissible modifications to the structure are a limited extension of the structure to the rear and the creation of a separate entrance at the side or rear.
- C. The accessory apartment dwelling unit shall not exceed 900 square feet of floor area or 25% of the entire floor area of the principal dwelling, whichever is greater. Any external modification shall be done with a design and materials similar in appearance to the principal structure such that, to the maximum extent possible, the external appearance of the dwelling will remain as a single-family the principal dwelling.
- D. Dimensional requirements. Dimensional requirements shall meet those of the zoning district it is in. **Reference Tables 525-32-1 and 525-31-2.**

### **BED AND BREAKFAST**

Shall be defined as an establishment offering overnight accommodations and breakfast in a private home or homestead. The property owner must reside on premises.

### **BERM**

An earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise, or fulfill other such purposes.

### **DRIVEWAY**

Shall be defined as areas on private property vehicles and equipment park and use to access private property and public right-of-way.

### **GARAGE**

An accessory building greater than 500 sq. ft. designed or used for the parking of personal vehicles, storage of personal property and personal residential uses excluding living quarters unless an ADU is permitted.





## HEATING DEVICES, OUTDOOR

Shall be defined as a detached energy systems using fuel such as wood, coal, or other solid fuel, liquid fuel, or waste oil burners, boilers, or furnaces associated with the production of usable heat or energy, which is located outside of the structure for which the heat is to be supplied either directly or indirectly into the principal or accessory structures on site and in compliance with the following. Outdoor heating devices exclude recreational uses such as fire places, fire pits, portable patio/deck heaters and similar uses.

- A. They shall only be allowed outside of the NR-121 Sewer Service Area.
- B. They shall be located on a lot greater than one (1) acre.
- C. They shall be a minimum of 50 feet from all property lines.
- D. No person shall burn fuel in any outdoor heating units other than the fuel recommended by the manufacturer. The following fuels are prohibited: trash, plastics, gasoline, naphtha, household garbage, material treated with petroleum products, particle board, railroad ties, telephone poles, pressure-treated wood, leaves, paper products and cardboard, or any other material that may cause offensive or noxious odors, smoke, airborne ash or debris.
- E. The exterior of any outdoor heating unit shall be maintained and kept in good working condition in accordance with the manufacturer's maintenance recommendation. Any storage buildings related to the outdoor heating device will need an additional permit.
- F. No detached energy system shall create an undesirable impact upon adjacent property or otherwise create a public nuisance as defined in **Chapter 404 Nuisances** of the Buchanan Municipal Code. Enforcement actions may be taken by the Town to determine if any device is in conflict with the public nuisance ordinance.

## HOME OCCUPATION

Means any business, profession, trade or employment conducted in a person's residential dwelling which may involve that person's immediate family and/or household who reside in that residential dwelling. It is the intent of this section to permit home occupations in various zoning districts provided that such use conforms to the standards and conditions set forth in this definition. In general, a home occupation is an accessory use so located and conducted that the average neighbor would not be aware of said use other than for signage as herein permitted. The standards and conditions for home occupations in this section are intended to ensure compatibility with other permitted uses and with the residential character of the neighborhood.

### A. Standards for home occupations.

- (1) The home occupation shall be clearly incidental to the residential use of the building and parcel and shall not change the essential residential character of the dwelling and parcel.
- (2) The home occupation shall not be detrimental to the public health, safety and welfare.



- (3) No chemical, mechanical or electrical equipment that is not normally a part of domestic or household equipment shall be used in connection with the home occupation, and no machinery or equipment shall be used in connection with the home occupation that causes noise or other interference in radio or television reception.
- (4) No home occupation shall create smoke, odor, glare, noise, dust, vibration, fire hazard or any other nuisance not normally associated with the average residential use in the district.
- (5) In no case shall the public have physical access to the home occupation from 10:00 p.m. to 7:00 a.m.
- (6) Home occupations may be permitted in the principal or accessory buildings or structures, but no more than 25% of the building or structure shall be used to conduct the home occupation.
- (7) The principal person conducting the home occupation must reside at the location of the home occupation. The home occupation can only be performed by members of the immediate family; thus there is no outside employment of individuals.
- (8) No traffic shall be generated by a home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in the required front yard.
- (9) There shall be no exterior storage of equipment, materials, merchandise, or inventory used for the home occupation, and there shall be no more than two vehicles so marked for the home occupation not contained in a structure at any time.
- (10) Deliveries accepted shall be by United States mail, United Parcel Service (UPS), Federal Express or other similar mail carrier. Semi-truck deliveries shall not be accepted.

D. Permitted home occupations.

- (1) The following are hereby declared to be home occupations as intended by this section:
  - (a) Artists, sculptors, photographers, arts and crafts.
  - (b) Bookkeeping, accountant or tax preparer.
  - (c) Classes of instruction in areas such as music and dance, provided that no more than eight students are on the premises at any one time.
  - (d) Child or adult care with eight or fewer children or adults.
  - (e) Dressmaker or seamstress.



- (f) Hair dresser or pet groomer, provided that no more than two patrons are on the premises at any one time.
  - (g) Manicure/pedicure, provided that no more than two patrons are on the premises at any one time.
  - (h) Office facilities of a salesperson, sales representative, or manufacturer representative, provided that no retail or wholesale transactions are made in person on the premises.
  - (i) Office facilities of an architect, writer, attorney, broker, financial consultant, engineer, insurance agent, medical professional, interior designer, land surveyor, marketing analyst, transcriber, word processor or real estate sales.
  - (j) Office facilities of a minister, rabbi, priest or other clergy.
  - (k) Office facilities to repair electronic, computer and communication equipment.
  - (l) Telephone, telemarketing, internet or mail order.
  - (m) Sales and distribution of products manufactured on or off the premises where the marketing of said products is through home-oriented sales on an appointment-only basis.
- (2) It is recognized that it is neither possible nor practicable to list all of the home occupations that are compatible with those listed, and therefore it is intended that the aforementioned list of home occupations be illustrative only. Any individual aggrieved by a failure to list a particular home occupation in this section shall have the right to file a petition with the Administrator for a determination as to the similarity of the intended home occupation with the home occupations listed.
- E. Prohibited home occupations.
- (1) The following are hereby declared to be prohibited home occupations: any permitted use or special exception use as identified in CL - Local Commercial, CP – Planned Commercial, CR - Regional Commercial or IND - Industrial Zoning Districts except for uses identified in Subsection D as a permitted home occupation.
  - (2) All other uses shall be declared prohibited.
- F. Signs. One sign shall be allowed not exceeding three square feet in area, nonilluminated and mounted flat against the wall of the principal building.





### **HUNTING BLIND**

Shall be defined as a structure that is used for hunting. It shall be a maximum of 100 square feet and may be located on the ground or be elevated. It shall not be used as a dwelling unit.

### **OUTDOOR STORAGE, TEMPORARY**

The storage of materials and products outdoors, excluding vehicles, for a limited period of time.

- A. Storage area shall be enclosed by a fence of solid material not less than six feet in height.
- B. Storage shall be limited to no more than 60 consecutive days and a maximum of 90 days annually.

### **PATIO**

Shall be defined as a flat structure that is constructed with brick, block, concrete, asphalt, or another similar surface.

### **PORTABLE STORAGE UNIT**

An individual, self-enclosed movable storage container used for temporary storage, typically during construction or the act of moving. The following, including, but not limited to, truck, truck tractor, truck trailer, canopy, bus, railroad car, camper, camping trailer, utility trailer, motorhome or similar vehicle or structure, or portion thereof, are not considered to be portable storage units and such vehicles shall not be used for storage purposes, as a principal use and/or structure or an accessory use and/or structure in any zoning district.

- A. Portable storage units shall be allowed on all zoned property. All property zoned or used for residential purposes shall not be allowed for no more than 30 consecutive days and no more than 60 total days per calendar year. If a building permit for a new home has been issued, the portable storage units shall be removed within 30 days of occupancy.
- B. The unit may be placed on pervious surface; however, it shall meet current stormwater management regulations.

### **SHED**

Shall be defined as an accessory building designed or used for inside parking of private motor vehicles, recreational vehicles or boats, storage of personal property, and commonly accepted accessory uses related to and by the occupant of the principal building/use. Sheds shall be 500 square feet or less. Metal storage containers (shipping containers) or Portable Storage Units for residential use shall be prohibited.

### **STOCKPILE / CONSTRUCTION STOCKPILE**

An accumulation of maintained useable materials on a construction or business site that are: (1) segregated by type, and (2) specifically intended for particular on-site uses as part of the permitted construction or business activities taking place thereon. Temporary stockpiles may only be allowed during permitted construction activity. Permanent stockpiles must be screened as required by § 525-46 and must follow setback standards per the underlying zoning district.



### **SWIMMING POOL, PRIVATE**

Means any depression in the ground, either temporary or permanent, or a container of water, either temporary or permanent and either above or below the ground, in which water more than 18 inches deep is contained and which is used primarily for the purpose of bathing or swimming.

- A. No person shall construct, install or enlarge a residential swimming pool not enclosed in a permanent building in the Town except in accordance with the following regulations.
- B. Provide a site plan drawn to scale showing the following:
  - (1) Location of pool on lot, distance from lot lines and distance from structure.
  - (2) Location of any septic tank, filter bed and sewer and water lines.
  - (3) Pool dimensions and volume of water in gallons.
  - (4) Location of proposed fence, and type, size and gate location.
  - (5) Existing overhead wiring relative to proposed pool.
  - (6) Underground utilities.
- C. Construction requirements.
  - (1) No pool shall be located, erected, constructed or maintained closer to any side or rear lot line than allowed by this chapter for permitted accessory building uses, and the waterline of any pool shall not be less than 10 feet from any lot line or building.
  - (2) No connection shall be made to the sanitary sewer or septic system.
  - (3) Where topography requires, a permanent wall of concrete, masonry or material approved by the Building Inspector shall be constructed to prevent ground and fill from spilling onto adjoining property.
  - (4) Gaseous chlorination systems shall not be used for disinfecting pool waters.
  - (5) No above ground pool shall be less than 15 feet from any septic system.



D. Swimming Pool Fences.

(1) All in-ground swimming pools not enclosed within a permanent building shall be completely enclosed by a fence of sufficient strength to prevent access to the pool, not less than four feet in height and so constructed as not to have void, holes or openings more than four inches in one dimension. Gates or doors shall be constructed so as to be capable of being locked, and shall be closed and secured so as to prevent unlatching by persons outside the pool at all times when the pool is not in actual use.

(a) A pool dome or pool-top fencing attached to the pool to extend not less than four feet in height or a pool cover capable of supporting 100 pounds per square foot of cover area are acceptable substitutes for fencing. The pool cover shall be secured at all times when the pool is not in actual use.

E. Utility sheds and other outbuildings shall not be located closer than five feet to the pool waterline area.

F. Electrical requirements.

(1) To comply with electrical codes. All electrical installations shall require separate permits and shall be governed by the Town Electrical Code.

(2) Pool lights. If overhead floor or other artificial lights are used to illuminate the pool at night, such lights shall be shielded to direct light only on the pool.

**§ 525-33 Accessory use dimensional standards.**

Accessory use dimensional standards are listed in **Table 525-33-1**.

**§ 525-34 Accessory use design standards.**

The overall intent is to promote and encourage a variety of architectural styles. However, basic harmony with the principal building is intended to prevail so that no one structure detracts from the other; the accessory buildings and structures shall be consistent in design and material as to the principal building.

**§ 525-35 Fences, walls, hedges.**

A. Definitions.

**FENCES/WALLS**

Constructed barriers intended to enclose, screen, or separate areas and constructed out of traditional fence/wall material and require a permit.

**GARDEN FENCES**

Fences six feet in height or less enclosing gardens. A permit is not required.



**Table 525-33-1: Detached Accessory Use Dimensional Standards**

Zoning District -->	AGD General Agricultural (Not within recorded subdivision)	AGD General Agricultural (Within recorded subdivision)	CON Conservancy Overlay
<b>Maximum Lot Coverage (incl. principal and Special Exception buildings and structures)</b>	50%	50%	25%
<b>Maximum Number of detached accessory buildings</b>	Unlimited	Unlimited	Unlimited
<b>Maximum Number of detached accessory structures</b>	Unlimited	Unlimited	Unlimited
<b>Maximum Building area</b>	Unlimited	Unlimited	Unlimited
<b>Maximum Structure area</b>	Unlimited	Unlimited	Unlimited
<b>Accessory Structure Maximum Height (except for allowed towers and antennae)</b>	24 feet	18 feet	24 feet
<b>Easements</b>	Buildings and Structures are prohibited in all easements unless approval is granted by entity controlling the easement	Buildings and Structures are prohibited in all easements unless approval is granted by entity controlling the easement	Buildings and Structures are prohibited in all easements unless approval is granted by entity controlling the easement
<b>Front and Corner Side Building Setback</b>	On lots of 3+Acres, not within a recorded subdivision plat and outside the Darboy Sanitary District detached accessory structures may be placed on the lot in a manner so that the accessory structure's front plane is no closer than 60% of the distance between the existing or planned principal structure's front plane and the established principal structure front yard setback as measured from the closest point of the principal structure. <b>See Diagram 525-32-1</b>	Shall not be placed closer to the front/corner side lot line than the principal structure	Shall not be placed closer to the front/corner side lot line than the principal structure
<b>Rear Building Setback</b>	25 feet	8 feet	5 feet
<b>Side Building Setback</b>	25 feet	8 feet	5 feet
<b>Yard/Green Space Setbacks</b>	Same as Front/Corner Side Building Setback. 3 Feet for Side and Rear	Same as Front/Corner Side Building Setback. 3 Feet for Side and Rear	Same as Front/Corner Side Building Setback. 3 Feet for Side and Rear

**Table 525-33-1: Detached Accessory Use Dimensional Standards**

Zoning District -->	RR Rural Residential	SFR Single Family Residential	RTF Two Family Residential	STFR Single and Two-Family Residential
<b>Maximum Lot Coverage (incl. principal and Special Exception buildings and structures)</b>	50%	50%	50%	60%
<b>Maximum Number of detached accessory buildings</b>	Unlimited	Unlimited	Unlimited	Unlimited
<b>Maximum Number of detached accessory structures</b>	Unlimited	Unlimited	Unlimited	Unlimited
<b>Maximum Building area</b>	Unlimited	Unlimited	Unlimited	Unlimited
<b>Maximum Structure area</b>	Unlimited	Unlimited	Unlimited	Unlimited
<b>Accessory Structure Maximum Height (except for allowed towers and antennae)</b>	18 feet	18 feet	18 feet	24 feet
<b>Easements</b>	Buildings and Structures are prohibited in all easements unless approval is granted by entity controlling the easement	Buildings and Structures are prohibited in all easements unless approval is granted by entity controlling the easement	Buildings and Structures are prohibited in all easements unless approval is granted by entity controlling the easement	Buildings and Structures are prohibited in all easements unless approval is granted by entity controlling the easement
<b>Front and Corner Side Building Setback</b>	Shall not be placed closer to the front/corner side lot line than the principal structure except on lots of 3+Acres, not within a recorded subdivision plat and outside the Darboj Sanitary District detached accessory structures may be placed on the lot in a manner so that the accessory structure's front plane is no closer than 60% of the distance between the existing or planned principal structure's front plane and the established principal structure front yard setback as measured from the closest point of the principal structure. See <b>Diagram 525-32-1</b>	Shall not be placed closer to the front/corner side lot line than the principal structure	Shall not be placed closer to the front/corner side lot line than the principal structure	Shall not be placed closer to the front/corner side lot line than the principal structure
<b>Rear Building Setback</b>	8 feet	8 feet	8 feet	5 feet
<b>Side Building Setback</b>	8 feet	8 feet	8 feet	5 feet
<b>Yard/Green Space Setbacks</b>	Same as Front/Corner Side Building Setback. 3 Feet for Side and Rear	Same as Front/Corner Side Building Setback. 3 Feet for Side and Rear	Same as Front/Corner Side Building Setback. 3 Feet for Side and Rear	Same as Front/Corner Side Building Setback. 3 Feet for Side and Rear

**Table 525-33-1: Detached Accessory Use Dimensional Standards**

Zoning District -->	MDR Medium Density Residential	RMF Multifamily Residential	CL Local Commercial	CR Regional Commercial	CP Planned Commercial
Maximum Lot Coverage (incl. principal and Special Exception buildings and structures)	70%	70%	Unlimited	Unlimited	Unlimited
Maximum Number of detached accessory buildings	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited
Maximum Number of detached accessory structures	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited
Maximum Building area	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited
Maximum Structure area	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited
Accessory Structure Maximum Height (except for allowed towers and antennae)	24 feet	24 feet	50 feet	50 feet	50 feet
Easements	Buildings and Structures are prohibited in all easements unless approval is granted by entity controlling the easement	Buildings and Structures are prohibited in all easements unless approval is granted by entity controlling the easement	Buildings and Structures are prohibited in all easements unless approval is granted by entity controlling the easement	Buildings and Structures are prohibited in all easements unless approval is granted by entity controlling the easement	Buildings and Structures are prohibited in all easements unless approval is granted by entity controlling the easement
Front and Corner Side Building Setback	Shall not be placed closer to the front/corner side lot line than the principal structure	Shall not be placed closer to the front/corner side lot line than the principal structure	Shall not be placed closer to the front/corner side lot line than the principal structure	Shall not be placed closer to the front/corner side lot line than the principal structure	Shall not be placed closer to the front/corner side lot line than the principal structure
Rear Building Setback	5 feet	8 feet	10 feet	10 feet	10 feet
Side Building Setback	5 feet	8 feet	10 feet	10 feet	10 feet
Yard/Green Space Setbacks	Same as Front/Corner Side Building Setback. 3 Feet for Side and Rear	5 Feet from all lot lines	5 Feet from all lot lines	5 Feet from all lot lines	5 Feet from all lot lines

Zoning District -->	IND Industrial	PI Public/Institutional
Maximum Lot Coverage (incl. principal and Special Exception buildings and structures)	Unlimited	Unlimited
Maximum Number of detached accessory buildings	Unlimited	Unlimited
Maximum Number of detached accessory structures	Unlimited	Unlimited
Maximum Building area	Unlimited	Unlimited
Maximum Structure area	Unlimited	Unlimited
Accessory Structure Maximum Height (except for allowed towers and antennae)	50 feet	50 feet
Easements	Buildings and Structures are prohibited in all easements unless approval is granted by entity controlling the easement	Buildings and Structures are prohibited in all easements unless approval is granted by entity controlling the easement
Front and Corner Side Building Setback	Shall not be placed closer to the front/corner side lot line than the principal structure	Shall not be placed closer to the front/corner side lot line than the principal structure
Rear Building Setback	10 feet	10 feet
Side Building Setback	10 feet	10 feet
Yard/Green Space Setbacks	5 Feet from all lot lines	5 Feet from all lot lines

## SECURITY GATES

Movable fence structures installed at a driveway to allow ingress and egress through a controlled means and shall be eight feet in height or less and not wider than the driveway and require a permit.

- A. Purpose. The purpose of this subsection is to provide guidance for landowners wishing to construct a fence. The intention is to allow landowners to construct fences for the purpose of enhancing their privacy, increasing or maintaining property value, or improving the aesthetics of the property. At the same time, it is important that these structures do not infringe upon safety, or nearby current or future neighbors, by unreasonably restricting their view or quality of life or negatively impacting property value. Additionally, fences allowed to be constructed must be maintained to preserve the quality originally intended.
- B. General regulations.
- (1) Athletic fields/courts fences/walls are exempt from height restrictions and permit requirements.
  - (2) Fences and walls on lots and parcels zoned for residential uses may be permitted in any required yard or along the edge of any required yard, unless prohibited by other restrictions. No fence or wall may exceed a height of four feet within the building setback limits adjacent to a street right-of-way, except, in “back yards” adjacent to collector or arterial street right-of-way (i.e., double frontage or corner side lots) where there is no access to a street right-of-way, the maximum height may be six feet. No fence or wall may exceed a height of six feet in any other required yard or along the edge of any required yard. Height shall be measured from the average grade. Changing the grade or installing a berm to make the fence taller is not permitted unless required by this Chapter for screening purposes.
  - (3) Fences and walls on lots and parcels zoned and being used for agricultural, commercial, industrial, institutional and open space purposes may not exceed a height of eight feet; provided, however, that a security topper not to exceed two feet may be added to any fence along any property line except a property line adjoining a road. Height shall be measured from the average grade. Changing the grade or installing a berm to make the fence taller is not permitted unless required by this Chapter for screening purposes.
  - (4) The finished or decorative side of a fence or wall shall face the adjoining property, and no part of a fence or wall shall project over the property line.
  - (5) No fence or wall is permitted within any storm water, water or sanitary sewer easement. Other utility easements may also have restrictions.
  - (6) All fences and walls must provide for natural surface water flow.
  - (7) Height limitations shall be referenced to any town-approved drainage and grading plan.





- (8) Temporary fences for short-term planting, construction, hazard, or temporary event shall be marked with colored streamers or other warning devices at four-foot intervals. Temporary fences shall comply with all fence requirements of this section and shall be removed upon completion of the temporary activity.
- (9) Electric, barbed wire and razor wire fences are prohibited in all residential districts and residential uses.
- (10) See § 525-50 for corner visibility requirements.

§ 525-36 **Accessory Parking and Storage.**

A. These regulation apply to properties used for residential.

- (1) Definitions. For the purpose of this subsection, the following terms are defined. All other words and phrases shall be given their common, ordinary meaning, unless the context requires otherwise. Words and phrases not defined but defined elsewhere in this chapter shall be given the meaning set forth therein.

**BOAT**

Any description of watercraft used or capable of being used as a means of transportation on water.

**RECREATIONAL VEHICLE**

Recreational vehicle means any of the following:

- A. Travel Trailer. A vehicular, portable structure built on a chassis and on wheels; that is, between 10 and 36 feet long, including the hitch, and 8 feet or less in width; designated to be used as a temporary dwelling for travel, recreation, vacation or other uses and towed by a car, station wagon or truck. It includes so-called fifth-wheel units.
- B. Pick-up Coach. A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, vacation or other uses.
- C. Motor Home. A portable, temporary dwelling to be used for travel, recreation, vacation, or other uses, constructed as an integral part of a self-propelled vehicle.
- D. Camping Trailer. A canvas or folding structure mounted on wheels and designed for travel, recreation, vacation or other uses.
- E. Chassis Mounts, Motor Homes and Mini-Motor Homes. Recreational structures constructed integrally with a truck or motor van chassis and incapable of being separated therefrom.
- F. Converted and Chopped Van. Recreational structures which are created by altering or changing an existing auto van to make it a recreational vehicle.
- G. Boat. Every description of watercraft used or capable of being used as a means of transportation on water.



H. Boat, Snowmobile or All-Terrain, Utility Trailer. A vehicle on which a boat, ATV or snowmobile may be transported and is towable by a motor vehicle. When removed from the trailer, a boat or snowmobile, for purposes of this section is termed an unmounted boat or snowmobile.

**TRAILER**

An unpowered utility, storage, or transport vehicle designed to be towed by another vehicle. When a trailer is being used to hold a boat or recreational vehicle it shall not be counted as a separate unit for the purposes of this section.

- (2) Permitted parking or storage of boats, recreational vehicles and trailers. In all residential districts provided for in this Chapter, it is permissible to park or store one boat or recreational vehicle or trailer on private property in the following manner:
  - (a) Within all yards on a paved or gravel surface only. Further restrictions shall also apply as follows:
    - [1] Parking or storage between the front/corner side lot line and the plane of the house shall be only allowed for the time period of April 1 to October 31, except for snowmobiles.
    - [2] All paved parking or storage areas shall be surfaced with a dustless all-weather material capable of carrying a wheel load of 4,000 pounds (normally, a two-inch blacktop on a four-inch base or five inches of cement will meet this requirement). Gravel surfaces which can also meet this requirement are allowed.
    - [3] Parking or storage in side yards shall be subject to a minimum setback of three feet from all lot lines and five feet from the rear lot line.
  - (b) Only vehicles owned by a resident on whose property the unit is parked or stored may be stored thereon. No storage or parking shall be allowed on any vacant parcel of land without a principal structure.
  - (c) No part of the boat, vehicle or trailer may extend or be located in the public right-of-way, within a drainage easement or beyond the paved or gravel portion of a parking or storage area if located in the front or side yard.
  - (d) Notwithstanding the restrictions in this section, a unit may be parked anywhere on the premises during active loading or unloading, and the use of electricity or propane fuel is permitted when necessary to prepare a vehicle for use not to exceed 24 consecutive hours.
  - (e) Trailers which are not used to tow, hold or store a boat or recreational vehicle that have a hauling gross weight of less than 3,000 pounds and have single axles shall be exempt from restrictions except for **Subsection I(2)(a)[3], (b) and (c)**.



- (f) Parking is permitted only for storage purposes. Vehicles shall not be:
- [1] Used for dwelling purposes, except for overnight sleeping for a maximum of two consecutive days. Cooking is not permitted at any time in any parked or stored vehicle.
  - [2] Permanently connected to sewer lines, water lines or electricity. The vehicle may be connected to electricity temporarily for charging batteries and other purposes.
  - [3] Used for storage of goods, materials or equipment other than those items considered to be part of the unit or essential for its immediate use.



## Article VI Schedule of Special and Overlay District Regulations

### § 525-37 Interpretation and organization.

- A. District regulations shall be as set forth in this article and as modified and supplemented by Articles **VII** and **VIII**.
- B. Permitted principal and accessory uses and structures listed for any district shall be permitted by right subject to the conditions as specified.
- C. Special exception uses and structures listed for any district are permissible only upon approval by the Town of Buchanan Plan Commission after notice and hearing subject to the conditions as specified and any other conditions as may be imposed by the Plan Commission to promote the general health, safety and welfare.
- D. In those instances where district regulations set forth a list of permitted or permissible uses followed by the phrase "and uses of a similar nature," it is understood that the list of permitted or permissible uses is not exhaustive or all-inclusive but that other uses of a like or similar nature are also permitted or permissible. Determination of whether a specific use, not enumerated, is of a like or similar nature shall be made by the Administrator. The determination by the Administrator may be appealed as provided in § 525-9.
- E. All uses and structures, dimensional, sign and off-street parking regulations shall be subject to Articles **V**, **VI**, **VII** and **VIII**.
- F. All uses and structures, as specified in the Schedule of Special and Overlay District Regulations shall be subject to the regulations and requirements for the use as provided in **Articles V, VI, VII, and VIII**.

### § 525-38 Special and overlay district purposes

- A. **CON Conservancy Overlay District.** The Conservancy District is established as an overlay district to preserve and perpetuate in an open state certain areas such as lowland swamps, marshes and wetlands, floodplains and stream beds, slopes, bluffs, wooded areas and other areas of aesthetic value which, because of their unique physical features, are deemed desirable to be retained for the benefit of this and future generations. The regulations of the Conservancy District are intended not only to preserve and perpetuate open space land and water areas consistent with the intent and purpose of this chapter, but also to protect the community and the Town from costs and **consequences** which may be incurred when unsuitable development occurs in such areas. For the purposes of this ordinance, the Conservancy District shall include all mapped floodways, delineated wetlands, a 50-foot wetland buffer, navigable stream buffers consistent with the Outagamie County Shoreland Protection Ordinance, and all wooded lands over five (5) acres in size.



§ 525-39 **Special and overlay district principal and special exception uses and dimensional standards.**

- A. **Principal and special exception uses and structures.** Principal and special exception uses and structures within Special and Overlay Districts are listed in **Table 525-31-1.**
- B. **Principal and special exception dimensional standards.** Principal and special exception dimensional standards within Special and Overlay Districts are listed in **Table 525-31-2.**

§ 525-40 **Reserved**

§ 525-41 **PUD Planned Unit Development.**

- A. Intent. This overlay is intended to encourage quality and desirable development by allowing for greater flexibility and design freedom than permitted under other zoning district regulations. These regulations are established to permit and encourage mixed-use; create diversification, variation and imagination in the layout of development; to encourage the preservation of open space; and to encourage more rational, economic development with respect to the provision of public services.
- B. Definition. Mixed-Use shall be defined as a development practice blending two or more land uses either within a single building (vertical mixed-use) or multiple buildings/uses across a single parcel, a street/block or entire neighborhood (horizontal mixed-use) and is considered pedestrian-friendly and walkable when at a street/block or neighborhood level and incorporates common neighborhood design principals.
- C. Applicability and procedure.
  - (1) A pre-application meeting shall be required with the Administrator.
  - (2) Once the pre-application meeting has been held a Planned Unit Development Concept Plan application shall be submitted to the Administrator. Upon plan submittal, the Administrator or designee shall schedule a meeting with the Plan Commission to review the plan. The plan shall be reviewed against the requirements of the Municipal Code, this Chapter, and consistency with the Comprehensive Plan.
  - (3) The Plan Commission shall review the plan and either recommend approval or denial to the Board or postpone action until the plan has been modified based on the recommendations of the Plan Commission.
  - (4) Upon the Board receiving a recommendation from the Plan Commission the Board shall approve or deny the plan or postpone action on the plan until it has been modified.
  - (5) Upon approval of the concept plan, the applicant shall submit an application for a Special



Exception for Planned Unit Development, in compliance with **§525-13 Special Exceptions**, along with any other applicable zoning/development application requests that may be required.

- (6) Expiration. The concept plan shall expire if required approvals (Special Exception, rezoning, platting/CSM and/or site plan or any other applicable approvals) aren't obtained within 12 months of the concept plan approval.

D. Regulations.

(1) Planned Unit Developments. Planned Unit Developments shall meet the following standards.

- (a) Meet the Planned Unit Development intent per **§525-41A**.
- (b) Meet the definition of Mixed-Use per §525-41B.
- (c) Have at least two (2) or more land uses as permitted in **Table 525-31-1**.
- (d) Be a minimum of five (5) acres in size.
- (e) Be consistent with the Comprehensive Plan.

(2) All regulations within the Buchanan Municipal Code shall be complied with except Article V Schedule of District Regulations, Article VII Performance Standards and Article VIII Signs of this Chapter which may be modified and shall be proposed during the concept plan approval process and shall be approved as part of the Special Exception approval for the Planned Unit Development.

(3) Conditions and Safeguards. The Plan Commission may recommend to the Board, and the Board may require additional conditions and safeguards be established through the Special Exception approval to ensure the protection and safety of the public interest.

- E. Expiration. The Planned Unit Development Special Exception shall expire consistent with the requirements of **§ 525-13 F**. for Special Exceptions.

*Page intentionally left blank.*



## Article VII Performance Standards

### § 525-42 General application.

The regulations set forth herein shall supplement or modify the regulations set forth in Articles V, Schedule of District Regulations and VI, Schedule of Special and Overlay District Regulations. Requirements for uses and structures specified in this article shall apply to such uses and structures whether permitted by right or by special exception.

### § 525-43 Lots, yards and access.

- A. Development in mapped streets. Where an official line has been established for the future widening or opening of a street, per the Town of Buchanan Official Map, the depth of a front yard or the width of a side yard shall be measured from such official line to the nearest line of the building.
- B. Access. Every building housing a principal use hereafter erected or moved shall be on a lot with access to a public street and all such buildings shall be so located as to provide safe and convenient access for servicing and off-street parking, unless otherwise specified in Articles V and VI.
- C. Building groups. In any nonresidential district, a group of buildings separated only by common or party walls shall be considered as one building.
- D. Yard encroachments. Every part of every required front and side yard shall be open and unobstructed by structures from 30 inches above the general ground level of the graded lot upward to the sky, except as hereinafter provided or as otherwise permitted in this chapter.
  - (1) Roof eaves may project into a required side yard not more than three feet where the required side yard is eight feet or more in width. Roof eaves may project into a required side yard not more than two feet where the required side yard is less than eight feet.
  - (2) Sills, belt courses, cornices, vertical solar blocking/filtering screens and other ornamental features may project not over one foot into a required yard.
  - (3) Fire escapes, stairways and balconies, whether unroofed, open and unenclosed or enclosed, shall not intrude into required yards.





**§ 525-44 Building and construction design standards and requirements**

A. Applicability. This following sections shall be applicable to any new commercial and industrial buildings in the CL, CR, CP, and IND Districts; multi-family buildings in the MF and MDR Districts; and public/institutional buildings in the PI District, as well as additions to commercial and industrial buildings and multi-family buildings in which a site plan review is required in accordance with § 525-11.

**§ 525-45 Dumpster and dumpster enclosures.**

A. Intent. The intent of this section is to establish rules for enclosed dumpster areas in order to:

- (1) Prevent accumulations of garbage and rubbish from spreading throughout the Town and endangering health of citizens.
- (2) Enhance the aesthetic appearance of the community.

B. Screening requirements for existing dumpsters. This section is intended to regulate existing dumpsters located on the property.

- (1) Existing dumpsters which, in the judgment of the Administrator, meet the intent of this section shall be exempt from the specific requirements herein. Existing dumpsters located within the Industrial District shall be exempt from requirements unless the dumpster is located within 100 feet of an existing residential land use.
- (2) Existing dumpsters which, in the judgment of the Administrator, do not meet the intent of this section shall either be removed or the owner shall cause the following improvements to be made:
  - (a) Installation of any screening needed to prevent the dumpster from being seen from:
    - [1] Right-of-way of any public or private street; or
    - [2] Any residential structure (regardless of zoning).
  - (b) Screening may be accomplished by:
    - [1] Full dumpster enclosure;
    - [2] Partial dumpster enclosure (one, two or three sides);
    - [3] Six-foot opaque fencing located between dumpster and the viewer's location;
    - [4] Year-round landscaping (coniferous/evergreen) or berming;
    - [5] Any combination of the above.



- (3) Any person aggrieved by a decision of the Administrator under this section may appeal the same to the Board of Appeals in accordance with § 525-9

C. Screening requirements for new dumpsters. All new dumpsters placed on the property shall meet the following requirements:

- (1) All properties that utilize a dumpster shall utilize an enclosed dumpster area.
- (2) All dumpster enclosures shall be located behind the structure on the side designated as having the rear yard. If topography or other conditions will not allow the dumpster enclosure to meet this requirement, the Administrator shall approve an appropriate location.
- (3) Dumpster enclosures shall not be located any closer than five feet to a lot line.
- (4) Dumpster enclosures shall not be located on any required parking spaces or within any required easements.
- (5) Dumpsters shall be surrounded by an opaque enclosure that is compatible with the design and color of the principal building. Chain link fencing shall not be permitted as an enclosure.
- (6) Dumpster enclosures shall have a minimum height of six feet. If the dumpster is taller than four feet, the enclosure shall be two feet taller in height than the dumpster. Dumpster enclosure area shall have no overhead obstructions (wires, trees, roof overhangs, etc.).
- (7) Dumpster enclosures shall have a single or double access gate on one side only. Gates shall have a closing latch and must remain closed at all times except during service.
- (8) All dumpster enclosures shall be placed on a concrete pad with a concrete apron.

§ 525-46 **Landscaping.**

A. Intent. The intent of this section is to enhance the appearance of the Town by improving the quality of landscaping. Criteria and standards are provided to ensure building sites and off-street parking areas are sufficiently landscaped to protect and preserve the appearance, character and value of surrounding properties and public right-of-way, thereby promoting the general welfare, safety and aesthetic quality of the Town of Buchanan.



- B. Additional applicability. In addition to applicability as listed in § 525-44 A., this section shall also apply to existing occupied developments that do not conform to the provisions of this Article. These developments may be continued until such time a site plan is required by this Chapter. Where a building, parking or other site improvement is proposed, landscaping requirements in this Article shall apply to those areas on the property; if the remaining areas of the property not proposed for improvements are non-conforming they may continue as legal non-conforming, but it is recommended they be brought into conformance as much as possible. Flexibility on relief shall be allowed on a case by case basis, as approved by the Administrator, as the standards set in this Section may not be able to be applied due to existing physical or environmental constraints. It is the intent to meet the standards in this Section where practical.
- C. Landscape plan submittal and requirements. A landscape plan shall be submitted for review and shall be drawn to an appropriate scale and shall include at a minimum the following information:
- (1) The name and address of owner/developer, and name of the landscape architect/designer.
  - (2) Date of plan preparation, date and description of all plan revisions, name of project or development, scale of plan and North marker.
  - (3) The location of all lot lines, locations of all existing and proposed easements and rights-of-way, and elevation, topography, and cross-section details as determined necessary by the Administrator.
  - (4) The location of all existing and proposed structures, parking and loading areas, driveways, sidewalks, ground signs, dumpster enclosure areas, fences, freestanding electrical and other utility equipment and other related site improvement features.
  - (5) The location and contours at one-foot intervals of all proposed berms.
  - (6) The location, caliper size and species (common and/or botanical name) of all existing plant material on the site and designation of intended treatment (save, move, remove).
  - (7) The location, caliper size at planting and species (common and/or botanical name) of all proposed plant materials, and location and description of all ground cover and turf grasses.
  - (8) A schedule of all new plants proposed for planting, and those existing plants that will be saved, including planned installation date.



- (9) A schedule itemizing the total square foot area of all greenspace proposed on the lot, the total square foot area of off-street parking, the number of off-street parking spaces, the number and square foot area of each interior island and peninsula.

D. Landscape standards. Landscaping required under this section shall be of four types as specified below: lot line landscaping, interior landscaping, buffer yard landscaping and screening requirements:

- (1) Lot line landscaping. A minimum five-foot-wide area extending along the lot adjacent to all road right-of-way plus a minimum five-foot-wide area along all other lot lines shall be landscaped as described below. (Requirements shall not apply for any development with an approved zero-lot line.)
  - (a) Lot line landscaping areas shall be planted with a minimum of one shade tree and six shrubs per 40 linear feet of frontage, excluding driveway openings.
  - (b) Where it is deemed appropriate or desirable to construct a berm in the lot line landscaping area, the slope of the berm shall be planted with a minimum of one shade tree and three shrubs per 40 lineal feet of frontage, excluding driveway openings.
- (2) Buffer yard landscaping. Any commercial, industrial or other non-residential use adjacent to a residential use or zoning district shall provide a landscaped buffer yard along the full length of the affected side to afford protection to the residential uses from the glare of lights, from visual encroachment, and from the transmission of noise. Required buffer yards shall be landscaped as described below. Combinations of trees, shrubs, berms, and fences shall create screening, which is at least 50% impervious at planting to sight.
  - (a) Buffer yards required for commercial/non-residential uses zoned AGD, CL, CR, CP, IND and PI shall be a minimum 10 feet wide and shall be planted with a variety of conifer species spaced 20 feet on center and a minimum of one shade tree at fifty-foot centers (shade trees shall be defined as any tree with a mature height of 30 feet or greater).
  - (b) Buffer yards required for industrial/non-residential uses zoned IND shall be a minimum 25 feet wide and shall be planted with a double row of a variety of conifer species spaced 20 feet on center and a minimum of one shade tree at fifty-foot centers (shade trees shall be defined as any tree with a mature height of 30 feet or greater).



- (c) As an alternative to these buffer yard landscaping requirements, a six-foot-high sight-tight fence may be constructed near the lot line, except chain-link fences with or without privacy slats shall be prohibited, with the remainder of the required buffer yard planted with a minimum of one shade tree at fifty-foot centers (shade trees shall be defined as any tree with a mature height of 30 feet or greater). The required trees shall be located between the lot line and fence.
  - (d) The required buffer yard shall be a greenspace where no portion of a building, parking, and driving, loading, or storage area may be located.
  - (e) Mulch, stone or other acceptable organic material shall be placed around the base of all plant material and maintained on regular basis.
- (4) Screening requirements. The intent of these requirements is to provide a visual screen around service equipment, outdoor storage, shipping and receiving docks, and trash collections areas contained within commercial, industrial, and non-residential properties.
- (a) At the time of installation or planting, screening materials of a variety of conifer plantings must be at least 50% impervious at planting to sight and be sufficiently high and long to accomplish the desired blockage of view year-round. These plantings shall be located adjacent to the area being screened.
  - (b) As an alternative to the landscaping requirements, a six-foot-high sight-tight fence may be constructed near the lot line (chain link fences with or without privacy slats shall be prohibited), with the remainder of the required strip planted with a minimum of one shade tree at fifty-foot centers (shade trees shall be defined as any tree with a mature height of 30 feet or greater). The required strip shall be a greenspace where no portion of a building, parking, and driving, loading, or storage area may be located.
- E. Planting specifications. Plant materials provided in conformance with the requirements of this section shall be equal to or better in quality than the standards of the American Nursery and Landscape Association. The minimum sizes of plant materials that shall satisfy the requirements of this section are as follows:
- (1) Shade tree: caliper of 2 1/2 inches.
  - (2) Ornamental tree: caliper of 1 1/2 inches.
  - (3) Evergreen tree: five feet in height.
  - (4) Shrub: eighteen-to-twenty-four-inch height or spread.



F. Substitutions and modifications.

- (1) To meet unique site design conditions or to overcome obstructions, conflicts or other factors, the Administrator may approve planting substitutions as described below.
  - (a) Two ornamental trees may be substituted in place of one shade tree.
  - (b) Two evergreen trees may be substituted in place of one shade tree.
  - (c) One evergreen tree may be substituted in place of five shrubs.
  - (d) One shade tree may be substituted in place of 10 shrubs.
- (2) While plant materials should generally be distributed proportionately on the lot in accordance with the standards of this section, the Administrator can require alterations and variations in the planting pattern, on a case-by-case basis, to maximize the effectiveness of the installed landscaping.
- (3) Flexibility on relief may be provided in meeting the landscape standards in cases where quantity and location of planting material would be difficult to install due to site/environmental or life/safety reasons, including restrictions within vision triangles, or unique land uses being proposed for development. In these cases, required plant material shall be relocated elsewhere on the site. The Plan Commission shall review and may approve a reduction in plant quantity due to the circumstances listed above if there isn't room on site to relocate the required plant material. If a reduction is approved, the Plan Commission shall require fee-in-lieu, based on the market rate of the plant material being reduced, to be used for landscaping within the public right-of-way or on public property.

G. Installation/certification. All landscaping, buffering and screening improvements required under this section must be completed on a schedule approved by the Administrator. Within 30 days of the installation of plant materials, the owner/developer shall submit written certification to the Town that healthy plant materials were properly installed in accordance with the approved landscape plan and the Town shall conduct an inspection to verify conformance with the approved plans.

H. Maintenance. The owner of the lot on which landscaping has been provided shall be responsible for protecting and maintaining all plant materials and landscape areas in a healthy and growing condition and shall be responsible for keeping them free from refuse, debris and weeds. Failure to maintain or replace dead or diseased plant materials during the next appropriate planting period shall constitute a violation of the provisions of this section.



§ 525-47 **Outdoor lighting.**

- A. Intent. The intent of this section is to regulate outdoor lighting in order to reduce and prevent light pollution within the Town of Buchanan, promoting the public health, safety, prosperity, aesthetics and general welfare of the community. This means, to the extent reasonably possible, the reduction or prevention of glare and light trespass, the conservation of energy, and promotion of safety and security.
- B. Definitions. As used in this section, the following terms shall have the meanings indicated:

**DARK SKY CUTOFF**

Any light fixture that emits its light below 45° when measured from 0 to 180° vertical. Dark sky cutoff fixtures keep most of their light from reaching the night sky and also minimize ground reflection and reduce light scatter beyond the property line.

**DARK SKY FIXTURE / FULLY SHIELDED LUMINAIRE**

A light fixture that emits its light below 90° when measured from 0 to 180° vertical. Dark sky fixtures keep most of their light from reaching the night sky.

**DARK SKY SHADE OR SHIELD**

Anything that is used to shade or shield a light fixture so that it behaves as a dark sky fixture. These include, but are not limited to, fixtures outfitted with caps or housings or installed under canopies, building overhangs, roof eaves, or shaded by other structures, objects or devices.

**FIXTURE or LUMINAIRE**

A complete lighting unit including the lamps or bulbs, together with the parts required to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.

**FOOTCANDLE**

The unit of measure expressing the quantity of light received on a surface. One footcandle is the illuminance produced by a candle on a surface one foot square from a distance of one foot.

**FULL CUT-OFF**

A light fixture that prevents all transmissions of light above the horizontal.

**FULL SHIELD**

A fixture with housing or attachment which prevents a line of sight to the bulb when viewed from another property and which prevents a line of sight to any part of the light source at or above a horizontal plane running through the lowest portion of the fixture.

**LIGHT POLLUTION**

A general sky glow caused by the scattering of artificial light in the atmosphere and resulting in decreased ability to see the natural night sky.

**LIGHT TRESPASS**

Light emitted by a fixture that shines beyond the property on which the fixture is installed causing private nuisance to adjacent property owners.



**MOTION SENSOR**

Any device that turns a light fixture on when it detects motion and off when motion stops.

**SHIELDING**

Restricts light rays being emitted by a fixture above the horizontal plane running through the lowest point of the fixture where light is emitted.

**SWITCH**

Any device that can be manually controlled by a person to turn a light fixture on and off.

**TEMPORARY LIGHTING**

Refers to lighting as required to carry out legally approved activities for durations for those activities. These include, but are not limited to, for example, activities such as nighttime agricultural operations, construction work lighting and seasonal decorations.

- C. General prohibitions. Except as specifically permitted by this article, all non-dark-sky lights and fixtures are prohibited.
- D. Light fixtures permitted.
  - (1) Existing light fixtures. All light fixtures existing as of the effective date of this article are grandfathered, approved and permitted by this article. However, at such time as such fixture is replaced, the provisions of this article shall apply.
  - (2) Dark sky fixtures. All light fixtures that are dark sky fixtures and dark sky cutoff fixtures are approved and permitted by this article.
  - (3) Dark sky shade or shield. All light fixtures that have a dark sky shade or dark sky shield (fully shielded) are approved and permitted by this article.
  - (4) Other light fixtures encouraged but not required:
    - (a) Light fixtures with motion sensors are encouraged to minimize the duration of nighttime lighting.
    - (b) Light fixtures with soft yellow or orange lights instead of harsh white lights are encouraged to protect the view of the night sky.
    - (c) Dark sky shades and dark sky shields are encouraged for existing fixtures to protect the view of the night sky, minimize ground reflection and reduce light scatter beyond the property line.
- E. Approval procedure. A photometric plan is required in conjunction with § 525-11, Site plans, of this chapter and must be approved before installation of improvements, issuance of an erosion control/stormwater permit, and issuance of a building permit.





- F. Exterior lighting, whether freestanding or mounted on a building or structure, shall be certified by the International Dark-Sky Association (IDA) as dark-sky compliant; documentation shall be provided to verify certification. Lighting shall be fully shielded and oriented so as not to exceed the following light levels on adjacent properties:
- (1) Zero point two (0.2) horizontal footcandles on residentially zoned property or non-residentially zoned property that has a residential use.
  - (2) Two point zero (2.0) horizontal footcandles on non-residentially zoned property.
  - (3) Fifteen (15.0) horizontal footcandles on public road right-of-way; if light spills onto property across a public right-of-way, the zero-point-two (0.2) and two-point-zero (2.0) horizontal footcandle restrictions shall apply accordingly as identified in this subsection.
- G. Inspection and completion. See § 525-11 B. for inspection and completion requirements.

§ 525-48 **Building material and architectural requirements.**

- A. Intent: achieve a cohesive, aesthetically pleasing and consistent architectural character in new construction, additions and redevelopment through the use of exterior building materials and details that are similar to or compatible with adjacent buildings.
- B. Building material and facade requirements.
- (1) Materials must be selected to adequately suit the type of building and style in which it is intended to serve.
  - (2) Buildings must have the same materials, or those which are architecturally harmonious, used for all building elevations. A primary facade material must be used consistently on all building elevations to limit the number of compatible secondary facade materials.
  - (3) The sides and rear of buildings shall be as visually attractive as the front through the design of rooflines, use of similar architectural detailing and building materials.
  - (4) Examples of appropriate facade materials: brick, nonreflective glass, wood, stucco, decorative architectural tile, integrally colored textured concrete, natural or cultured stone, architectural block, architectural metal panels.
  - (5) Examples of limited facade materials for accent only: particle board, shingle siding (except for cedar shake siding), vinyl siding, wood siding (plywood paneling), highly reflective or glare-producing glass, industrial metal panels with or without exposed fasteners, concrete masonry units, exposed aggregate precast concrete, metal.



C. Architectural requirements.

- (1) Building designs shall minimize the effects of size and scale by use of variable rooflines, door and window openings, facade protrusions or recesses, and use of porticos, overhangs, arcades, arches, patios and other similar features.
- (2) Building entrances must be designed to be clearly identifiable and easily recognizable from parking lots and pedestrian access points.
- (3) Colors shall be compatible, coherent and harmonious with existing materials in the immediate area. Color schemes shall be used consistently throughout the property. Fluorescent, day-glow and/or neon colors and light tubing shall not be permitted.
- (4) For all visible roofs, roofing materials and construction must be high quality, such as but not limited to standing seam metal, slate, cedar or architectural shingles. Roofing materials and shape must be compatible with the architectural style of the building and with surrounding buildings and roofs.

§ 525-49 **Industrial development.**

A. Intent. It is the intent of this section to use performance standards for the regulation of industrial uses to facilitate a more objective and equitable basis for control, and to ensure that the community is adequately protected from potential hazardous and nuisance-like effects.

B. Standards of operations.

- (1) **Vibration.** No operation or activity shall transmit any physical vibration that is above the vibration perception threshold of an individual at or beyond the Industrial District boundaries. Vibration perception threshold means the minimum ground- or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects. Vibrations not directly under the control of the property uses and vibrations from temporary construction or maintenance activities shall be exempt from the above standard.
- (2) **External lighting.** No operation or activity shall produce any intense glare or lighting with the source directly visible beyond the Industrial District boundaries.
- (3) **Odor.** No operation or activity shall emit any substance or combination of substances in such quantities that create an objectionable odor, as defined in Ch. NR 429, Wis. Adm. Code.
- (4) **Particulate emissions.** No operation or activity shall emit any particulate matter into the ambient air which exceeds the limitations as established in Ch. NR 415, Wis. Adm. Code.
- (5) **Visible emissions.** No operation or activity shall emit into the ambient air from any direct or portable source any matter that will affect visibility in excess of the limitations established in Ch. NR 431, Wis. Adm. Code.



- (6) Hazardous pollutants. No operation or activity shall emit any hazardous substances in such a quantity, concentration or duration as to be injurious to human health or property, and all emissions of hazardous substances shall not exceed the limitations established in Ch. NR 445, Wis. Adm. Code.
- (7) Noise.
  - (a) No activity in an Industrial District shall produce a sound level outside the district boundary that exceeds the following sound level measured by a sound level meter and associated octave band filter as shown in **Table 525-49-1**:

**Table 525-49-1: Sound Level Limitations**

Octave Band Frequency (cycles per second)	Sound Level (decibels)
0 to 75	79
75 to 150	74
150 to 300	66
300 to 600	59
600 to 1,200	53
1,200 to 2,400	47
2,400 to 4,800	41
Above 4,800	39

- (b) All noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittence, duration, beat frequency, impulse character, periodic character or shrillness.
- C. Administration. Determinations necessary for the administration and enforcement of these standards range from those which can be made by a reasonable person using normal senses and no mechanical equipment to those requiring substantial technical competence and complex equipment. It is the intent of this section that the methods to be used in determining compliance shall be the responsibility of the Building Inspector and Administrator, subject to the following procedures:
  - (1) Approval of building permits. Prior to approving a building permit for any industrial use or any change thereof, the Building Inspector and Administrator shall have received from the applicant evidence or assurance that the proposed use or changing use will satisfy the air quality, vibration, noise and exterior lighting standards of this chapter.

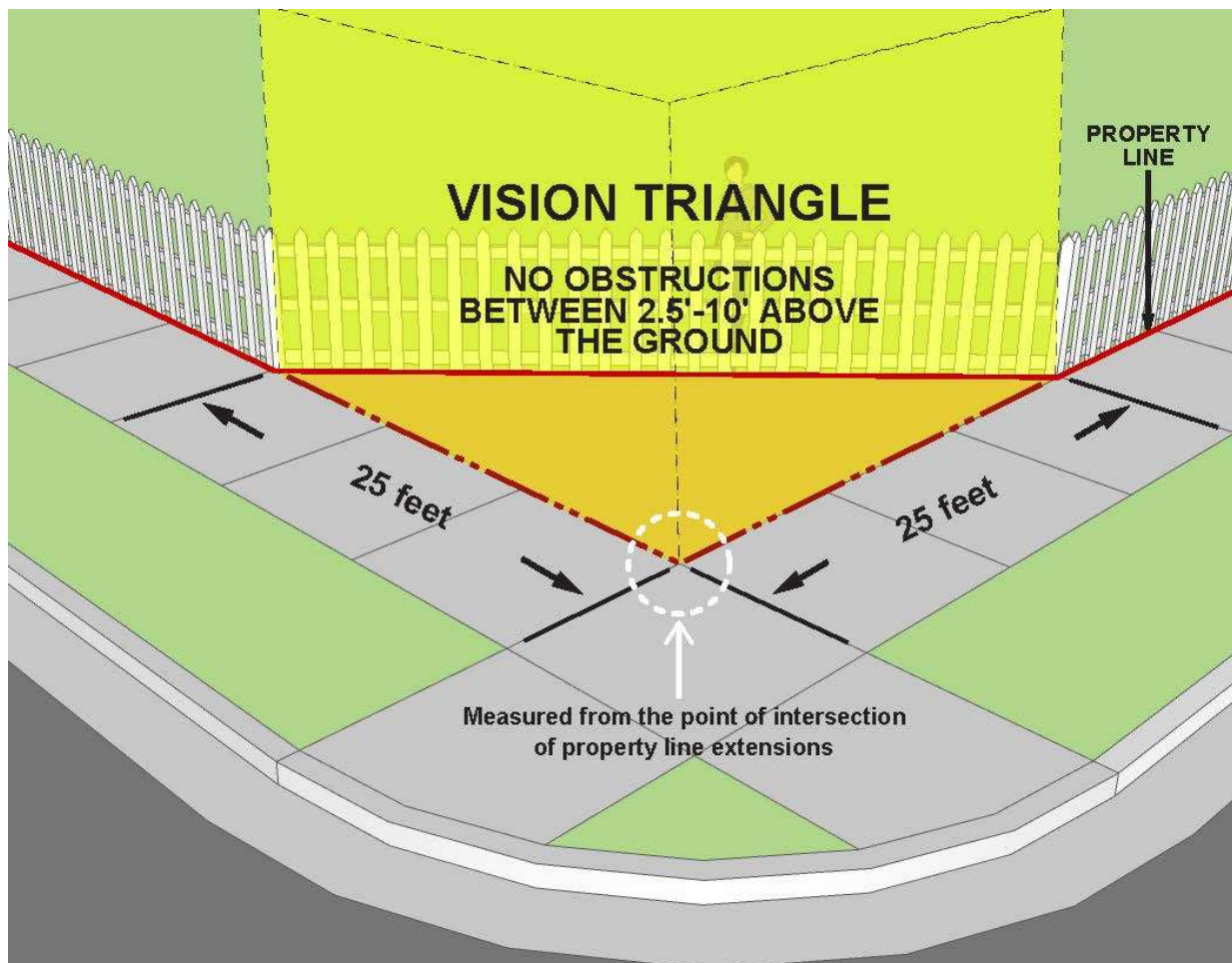


- (2) Violation of standards. Whenever the Building Inspector or Administrator have reason to believe the air quality, vibration, noise and exterior lighting standards of this chapter have been violated, written notice shall be made by certified mail to the person or persons responsible for the alleged violation. Such notice shall describe the alleged violation and shall require an answer or correction of the alleged violation within 30 days. Failure to reply or correct the alleged violation within 30 days may cause lawful action to be taken to cause correction as provided in this chapter or referral of the alleged violation to the Wisconsin Department of Natural Resources.

§ 525-50 **Corner visibility.**

On any corner lot in all zoning districts, no fence, wall, hedge, planting or structure shall be erected, placed, planted or allowed to grow in such a manner as to obstruct the vision clearance triangle between a height of 2 1/2 feet and 10 feet above the center-line grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining the points along said right-of-way lines 25 feet from the point of intersection. See **Diagram 525-50-1.**

**Diagram 525-50-1: Vision Clearance Triangle**



§ 525-51 Off-street parking.

A. Requirements not specified. Minimum parking standards are not required for all non-residential uses in the CL, CR, CP, IND and PI districts except as shown in **Table 525-51-1**. However, when off-street parking facilities are provided, such facilities shall be provided in accordance with the design provision of this subsection, except in respect to the required number of spaces.

**Table 525-51-1: Off Street Parking Requirements**

Zoning District	AGD General Agricultural	CON Conservancy Overlay	RR Rural Residential	RSF Single Family Residential	RTF Two Family Residential	STFR Single and Two-Family Residential	MDR Medium Density Residential	RMF Multifamily Residential	CL Local Commercial	CR Regional Commercial	CP Planned Commercial	IND Industrial	PI Public/Institutional
Minimum Off Street Parking Spaced Required	None	None	1.5 spaces per dwelling unit	1.5 spaces per dwelling unit	1.5 spaces per dwelling unit	1.5 spaces per dwelling unit	1.0 space per dwelling unit	1.0 space per dwelling unit.	None	None	None	None	Churches: 1 per 3 fixed seats. High schools: 1 per 3 students plus 1 per employee. Elementary school, junior high school, day nurseries: 1 per employee. Libraries, exhibits, community centers: 1 per 3 persons of maximum capacity. Convalescent home, children's home, nursing home: 1 per 4 beds plus 1 per employee.

- B. Parking requirements for a use not specified shall be the same as required for a use of similar nature, or sufficient off-street parking shall be provided such that no public street shall be used for parking.
- C. Fractional spaces. Where computation of the required parking spaces results in a fractional number, only the fraction of 1/2 or larger shall be counted as one.
- D. Changes in buildings or use. Whenever a building or use is enlarged to the extent of 50% or more in floor area, such spaces shall be provided on the basis of the enlargement or change.



- E. Joint use. Two or more uses may provide required off-street parking spaces in a common parking facility less than the sum of the spaces required for each use individually, provided such uses are not operating during the same hours. A written agreement shall accompany any joint use arrangement.
- F. Off-lot parking. Required off-street parking spaces shall be located on the same lot with the principal use or, when this requirement cannot be met, such parking spaces may be located off lot, provided the parking spaces are located in the same district. Off-lot parking spaces must also be held in fee simple ownership by the owner of the use requiring such parking or be leased or rented through a written agreement. Off-lot parking spaces for residential uses shall be within 200 feet of the principal entrance or the entrance for the individual occupants for whom the spaces are reserved.
- G. Design standards. Parking lots shall be designed using the standards contained in **Table 525-51-2**.

**Table 525-51-2: Parking Lot Design Standards**

Design Standard	30°	45°	60°	90°
Stall width perpendicular to parking stall: Surface Parking	9 ft.	9 ft.	9 ft.	9 ft.
Stall depth	18 ft.	19 ft.	20.5 ft.	18 ft.
One-way drive aisle width	12 ft.	13 ft.	18 ft.	24 ft.
Two-way drive aisle width	22 ft.	22 ft.	24 ft.	24 ft.
Parallel parking	9 ft. x 22 ft.			
<i>Note: All parking areas shall be surfaced with a durable, dustproof surface consisting of concrete or bituminous concrete unless otherwise permitted.</i>				



**§ 525-52 Solar Energy Systems (SES)**

A. **Purpose.** The purpose of this Section is to provide a regulatory scheme through a Solar Energy System (SES) permit application process to review the construction and operation of all Solar Energy Systems in the Town of Buchanan, Outagamie County, Wisconsin. All regulations contained herein are adopted to preserve and protect the public health and safety. The Town understands that local restrictions on Large-Scale Solar Energy Systems may be limited as they may be affected by State Statute provisions, project details, and necessary Wisconsin Public Service Commission project approvals.

B. **Definitions.** As used in this section, the following terms shall have the meanings indicated:

**AGRIVOLTAICS**

A solar energy system co-located on the same parcel of land as agricultural production, including crop production, grazing, apiaries, or other agricultural products or services.

**BATTERY ENERGY STORAGE SYSTEM**

A system of battery devices that enable energy from renewables, like solar and wind, to be stored and then released when customers need power most.

**COMMUNITY SOLAR GARDEN**

A solar energy system that provides retail electric power (or a financial proxy for retail power) to multiple community members or businesses residing or located off-site from the location of the solar energy system. Also referred to as shared solar.

**EXISTING SOLAR ENERGY SYSTEMS**

A solar energy system lawfully existing at the time of the adoption or amendment of this ordinance may be continued even if such a system does not conform to the provisions of this chapter. However, it shall be deemed a nonconforming use or structure, and the provisions of § 525-28 **Nonconformities** of this ordinance shall apply.

**GRID-INTERTIE SOLAR ENERGY SYSTEM**

A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.

**MICROGRID**

A self-sufficient energy system that serves individual or multiple buildings and/or a discrete geographic footprint, such as a college campus, medical center, business center or neighborhood. Microgrids must be local, independent, and intelligent. Microgrids may include the use of Battery Energy Storage Systems.

**PASSIVE SOLAR ENERGY SYSTEM**

A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.



### **PHOTOVOLTAIC SYSTEM**

A solar energy system that converts solar energy directly into electricity.

### **RENEWABLE ENERGY EASEMENT, SOLAR ENERGY EASEMENT**

An easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land, consistent with Wis. Stats.700.35.

### **ROOF-MOUNT**

A form of building-mounted solar energy system in which solar panels are mounted on a rack that is fastened to or ballasted on a structure's roof. Roof-mount systems are accessory to the principal use.

### **ROOF PITCH**

The final exterior slope of a roof calculated by the rise over the run, typically but not exclusively expressed in twelfths such as 3/12, 9/12, 12/12.

### **SOLAR ACCESS**

Unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

### **SOLAR CARPORT**

A solar energy system of any size that is installed on a carport structure that is accessory to a parking area, and which may include electric vehicle supply equipment or energy storage facilities.

### **SOLAR COLLECTOR**

A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy. The collector does not include frames, supports, or mounting hardware.

### **SOLAR DAYLIGHTING**

Capturing and directing the visible light spectrum for use in illuminating interior building spaces in lieu of artificial lighting, usually by adding a device or design element to the building envelope.

### **SOLAR ENERGY**

Radiant energy received from the sun which can be collected in the form of heat or light by a solar collector.





**SOLAR ENERGY SYSTEM (SES)**

A device, array of devices, or structural design feature, the purpose of which is to provide for generation or storage of electricity from sunlight, or the collection, storage and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating. “Solar Energy Systems” are further defined in this section, but exclude the following which are permitted accessory uses in all districts:

- A. Solar powered light fixtures that are ground or wall mounted.
- B. Solar powered electric fences.

**SOLAR ENERGY SYSTEM, LARGE SCALE (100MW+)**

A commercial solar energy system that converts sunlight into electricity for the primary purpose of wholesale sales of generated electricity. A large-scale solar energy system is the principal land use for a parcel(s) generating 100MW or more and will require approval by the Wisconsin Public Service Commission.

**SOLAR ENERGY SYSTEM, MID-SCALE (30kW to 100MW)**

Either a privately owned solar energy system that converts sunlight into electricity for the purpose of providing power to structures and facilities on the same site, or a commercial solar energy system that converts sunlight into electricity for the primary purpose of wholesale sales of generated electricity. A mid-scale solar energy system can be a principal or accessory land use for a parcel(s) generating between 30kW to 100MW and does not require approval by the Wisconsin Public Service Commission. These may be allowed as an accessory use if a Special Exception is granted.

**SOLAR ENERGY SYSTEM, SMALL-SCALE (Less than 30kW)**

A privately owned solar energy system that converts sunlight into electricity for the primary purpose of providing power to structures and facilities on the same site. A small-scale solar energy system is an accessory land use for a parcel(s) generating less than 30kW and does not require approval by the Wisconsin Public Service Commission. A small-scale SES may be ground-mounted or building mounted.

**SOLAR ENERGY SYSTEM, BUILDING INTEGRATED**

A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

**SOLAR ENERGY SYSTEM, BUILDING MOUNTED**

A form of small-scale or mid-scale SES considered as an accessory use which consists of the installation of equipment mounted on a building or incorporated into exterior building materials that uses sunlight to produce electricity or provide heat or water to a building: These systems require a building permit that shall be reviewed and issued by the Building Inspector.



### **SOLAR ENERGY SYSTEM, GROUND-MOUNTED**

A form of SES mounted on a rack or pole that rests or is attached to the ground. Ground-mount systems can be either accessory or principal uses depending on its scale classification.

### **SOLAR HOT AIR SYSTEM, SOLAR AIR HEAT, OR SOLAR FURNACE**

A solar energy system that includes a solar collector to provide direct supplemental space heating by heating and re-circulating conditioned building air. The most efficient performance includes a solar collector to preheat air or supplement building space heating, typically using a vertically mounted collector on a south-facing wall.

### **SOLAR HOT WATER SYSTEM**

A system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

### **SOLAR MOUNTING DEVICES**

Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.

### **SOLAR RESOURCE**

A view of the sun from a specific point on a lot or building that is not obscured by any vegetation, building, or object for a minimum of four hours between the hours of 9:00 AM and 3:00 PM Standard time on all days of the year and can be measured in annual watts per square meter.

C. **Permit Required.** No Solar Energy System (SES) may be installed or maintained in the Town of Buchanan without a building permit, or a Solar Energy System Permit granted pursuant to this ordinance based on the type of system as described below:

- (1) **Large-Scale SES (100 MW+).** The Town understands that local restrictions on Large-Scale Solar Energy Systems may be limited as they may be affected by State Statute provisions, project details, and necessary Wisconsin Public Service Commission project approvals. Given that, such systems are allowed only as a special exception use in the AGD district and requires a building permit from the Town. The Town will require a special exception permit and/or developer's agreement as long as no conditions, in the opinion of the SES developer, inhibit or preclude the project, per Section 196.491(3)(i), Wis. Stats. An Outagamie County Shoreland/Floodplain Zoning permit, if applicable, may also be required.
- (2) **Mid-Scale SES (< 100 MW and > 30 kW)** – Are subject to the special exception permit conditions set forth in Article VIII of this ordinance and the requirements set forth in the Town's building permit requirements, the County's applicable Shoreland/Floodplain requirements, and any other applicable state or federal requirements. Such systems are allowed only in the AGD, RMF, CL, CR, CP, PI and IND districts.



- (3) **Small-Scale SES (30 kW or less)** – Are considered to be permitted accessory use in all districts, whether they be ground-mounted, building-integrated, or building-mounted systems. Such systems are allowed whether or not a principal structure exists on the parcel. A building permit from the Town is required, and an Outagamie County Shoreland/Floodplain Zoning permit may also be required, if applicable.

D. **Application Required.** Every application for a Solar Energy System Permit shall be made in writing and shall include the following information:

- (1) Name and address of the applicant and the name and contact information for a designated representative of the applicant.
- (2) Listing of affected parcel ID numbers and evidence that the applicant is the owner of the property involved or has the written permission of the owner to make such an application.
- (3) All materials identified in **§525-11. Site Plan Submittal Requirements.**
- (4) Solar Energy System Permit applications and associated fees for must be submitted to the Town Clerk.
- (5) Applications for Small-Scale Building-Mounted or Building-Integrated systems meeting the design standards of this ordinance shall be granted administrative approval of their Solar Energy Permit by the Building Inspector within 60 days of complete application submittal and shall not require Plan Commission review.
- (6) Applications for Large-Scale Ground-Mounted and Mid-Scale SESs will be addressed by the Plan Commission within 60 days of complete application submittal.

F. **Applicant Fees.** Application fees shall be paid consistent with the Town’s Annual Fee Schedule.

- (1) An application fee shall be charged as set in the Fee Schedule by the Town Board.

G. **Site Plan Approval Required.** All solar energy systems requiring a building permit from the Town shall seek a Solar Energy System Permit and shall provide a site plan for review in accordance with **§525-11.**

- (1) Site Plan Submittal Requirements:
  - (a) Site layout maps and drawings which show the location of the system on the building or on the property for a ground-mount system, including: surrounding land uses, property lines, existing structures, the SES, as well as the total extent of system components, and the interconnection points with the electrical grid. For Mid-Scale and Large-Scale SESs, a map indicating neighboring lots within 1,000 feet of the perimeter of the subject site shall be provided.



- (b) To-scale horizontal and vertical (elevation) drawings illustrating the SES’s dimensions, its height above ground level, orientation, and slope from horizontal.
  - (c) For Mid-Scale and Large-Scale SESs, a landscape plan and/or agrivoltaics plan that includes proposed topography, grubbing and clearing along with plantings and final vegetation.
  - (d) Solar energy system specifications, including the manufacturer and model, generating capacity, total height, collector square footage, wiring plan, means of interconnecting with the electrical grid, and any agreements with public utilities with regard to connecting to their systems.
  - (e) Installers’ qualifications and signatures certifying that the SES will be installed in compliance with all Town ordinances and any other applicable codes.
  - (f) Calculations showing the percentage of land (lot) coverage by the SES when panels are in the position that has the largest horizontal area.
  - (g) For Mid and Large-Scale Systems only, a decommissioning plan as established in Section **§526-52 J**.
- (2) **Small-Scale Solar Uses & Design Standards.** Permitted accessory use Small-Scale SESs are subject to the requirements as set forth below. Solar carports and associated electric vehicle charging equipment are a permitted accessory use on surface parking lots in all districts regardless of the existence of another building.
- (a) **Height.** Solar energy systems must meet the following height requirements:
    - [1] Building or roof-mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. For purposes of height measurement, solar energy systems other than building-integrated systems shall be given an equivalent exception to height standards as building-mounted mechanical devices or equipment.
    - [2] Ground or pool-mounted solar energy systems shall not exceed 15 feet in height when oriented at maximum tilt.
    - [3] Solar carports in non-residential districts shall not exceed 20 feet in height.



- (b) **Setbacks.** Solar energy systems must meet the accessory structure setback for the zoning district and primary land use associated with the lot on which the system is located, except as allowed below:
- [1] **Roof or Building-Mounted Solar Energy Systems.** The following setback requirements apply:
- [i] Collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built, unless the collector and mounting system has been explicitly engineered to safely extend beyond the edge, and setback standards are not violated.
  - [ii] Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side-yard exposure. Solar collectors mounted on the sides of buildings and serving as awnings are considered to be building-integrated systems and are regulated as awnings.
  - [iii] The panels of a system that are mounted on a flat roof may be either fixed or movable and may be placed at an angle to optimize efficiency of the system.
  - [iv] A solar energy system may be mounted on the façade of a commercial building provided the installation does not project more than four feet from the face of a wall.
- [2] **Ground-mounted Solar Energy Systems.** Ground-mounted solar energy systems may not extend into the side-yard or rear setback when oriented at minimum design tilt, except as otherwise allowed for by building mechanical systems.
- (c) **Visibility.** Solar energy systems in residential districts shall be designed to minimize visual impacts from the public right-of-way, as described in this section to the extent that doing so does not affect the cost or efficacy of the system, consistent with WI Statute §66.0401.
- (d) **Building Integrated Photovoltaic Systems.** Building integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the district in which the building is located.



- (e) **Aesthetic restrictions.** Roof-mount or ground-mount solar energy systems shall not be restricted for aesthetic reasons if the system is not visible from the closest edge of any public right-of-way other than an alley, or if the system meets the following standards:
  - [1] Roof-mounted systems on pitched roofs that are visible from the nearest edge of the front right-of-way shall have the same finished pitch as the roof and be no more than ten inches above the roof.
  - [2] Roof-mount systems on flat roofs that are visible from the nearest edge of the front right-of-way shall not be more than five feet above the finished roof and are exempt from any rooftop equipment or mechanical system screening.
- (f) **Reflectors.** All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties.
- (g) **Lot Coverage.** Ground-mount systems total collector area shall not exceed half the building footprint of the principal structure.
  - [1] Ground-mount systems shall be exempt from lot coverage or impervious surface standards if the soil under the collector is maintained in vegetation and not compacted.
  - [2] Ground-mounted systems shall not count toward accessory structure limitations.
  - [3] Solar carports in non-residential districts are exempt from lot coverage limitations.
- (h) **Historic Buildings.** Solar energy systems on buildings within designated historic districts or on locally designated historic buildings (exclusive of State or Federal historic designation) must receive approval of the Town Board.
- (i) **Approved Solar Components.** All panels shall be certified by one of the following (or their equivalent as determined by the Town): Underwriters Laboratories, Inc.; National Renewable Energy Laboratory; Solar Rating and Certification Corporation. Solar hot water systems must have an SRCC rating.
- (j) **Compliance with Building Code.** All solar energy systems shall meet approval of local building code officials, consistent with the State of Wisconsin Building Code or the Building Code adopted by the local jurisdiction, and solar thermal systems shall comply with HVAC-related requirements of the Energy Code.
- (k) **Compliance with State Electric Code.** All photovoltaic systems shall comply with the Wisconsin State Electric Code.



- (l) **Compliance with State Plumbing Code.** Solar thermal systems shall comply with applicable Wisconsin State Plumbing Code requirements.
- (m) **Utility Notification.** All grid-intertie solar energy systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.

**I. Mid-Scale and Large-Scale SES General Design Standards.** Mid-Scale and Large-Scale SESs, whether a principal or accessory use shall be subject to the following requirements:

(1) Site Design

(a) **Setbacks.** The SES must meet the following setbacks:

- [1] Property line setback for buildings or structures in the district in which the system is located, except as other determined in **Sub-section I.(1)(a)[5]** below.
- [2] Roadway setback of 150 feet from the ROW centerline of State highways and County highways, 100 feet for other roads, except as otherwise determined in H.(1)i.e. below.
- [3] Housing unit setback of 150 feet from any existing dwelling unit, except as other determined in **Sub-section I.(1)(a)[5]** below.
- [4] Setback distance should be measured from the edge of the solar energy system array, excluding security fencing, screening, or berm.
- [5] All setbacks can be reduced by 50% if the array is fully screened from the setback point of measurement.

(b) **Screening.** SESs shall be screened from existing residential dwellings.

- [1] A screening plan shall be submitted that identifies the type and extent of screening.
- [2] Screening shall be consistent with Town’s screening ordinance or standards typically applied for other land uses requiring screening.
- [3] Screening shall not be required along property lines within the same zoning district, except where the adjoining lot has an existing residential use.
- [4] The Town may require screening where it determines there is a clear community interest in maintaining a viewshed.



- (c) **Ground cover and buffer areas.** The following provisions shall apply to preservation of existing vegetation and establishment of vegetated ground cover. Vegetated ground cover standards shall not apply if an agrivoltaics plan is approved as part of **Sub-section G (1) (c)**. Additional site-specific conditions may apply as required by the Town.
- [1] Large-scale removal of mature trees on the site is discouraged. The Town may set additional restrictions on tree clearing or require mitigation for cleared trees.
  - [2] The applicant shall submit a vegetative management plan prepared by a qualified professional or reviewed and approved by a natural resource agency or authority, such as the Wisconsin Department of Natural Resources, County Soil and Water Conservation District, Land and Water Conservation Department or Natural Resource Conservation Service. The plan shall identify:
    - [i] The natural resource professionals consulted or responsible for the plan.
    - [ii] The conservation, habitat, eco-system, or agricultural goals, which may include: providing habitat for pollinators such as bees and monarch butterflies, providing habitat for wildlife such as upland nesting birds and other wildlife, establishing vegetation for livestock grazing, reducing on-site soil erosion, and improving or protecting surface or ground-water quality.
    - [iii] The intended mix of vegetation upon establishment.
    - [iv] The management methods and schedules for how the vegetation will be managed on an annual basis, with particular attention given to the establishment period of approximately three years.
  - [3] Soils shall be planted and maintained in perennial vegetation for the full operational life of the project, to prevent erosion, manage run off and build soil.
  - [4] Vegetative cover should include a mix of perennial grasses and wildflowers that will preferably result in a short stature prairie with a diversity of forbs or flowering plants that bloom throughout the growing season. Blooming shrubs may be used in buffer areas as appropriate for visual screening. Perennial vegetation (grasses and forbs) are preferably native to Wisconsin, but where appropriate to the vegetative management plan goals, may also include other naturalized and non-invasive species which provide habitat for pollinators and wildlife and/or other ecosystem services (i.e., clovers).
  - [5] Plant material must not have been treated with systemic insecticides, particularly neonicotinoids.





- (d) **Foundations.** A qualified engineer shall certify that the foundation and design of the solar panel racking, and support is within accepted professional standards, given local soil and climate conditions.
- (e) **Power and communication lines.** Running between banks of solar panels and to nearby electric substations or interconnections with buildings shall be buried underground. All above ground, exposed powerlines shall be placed in conduit. Exemptions may be granted by the Town in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines, or distance makes undergrounding infeasible, at the discretion of the Administrator.
- (f) **Fencing.** Perimeter fencing for the site shall not include barbed wire or woven wire designs and shall preferably use wildlife-friendly fencing standards that include clearance at the bottom. Alternative fencing can be used if the site is incorporating agrivoltaics.
- (g) **Stormwater and NPDES –** Mid-Scale SESs are subject to the Town’s stormwater management and erosion and sediment control provisions and NPDES permit requirements. Solar collectors shall not be considered impervious surfaces if the project complies with ground cover standards, as described in **Sub-section I. (1) (c)**. of this ordinance.
- (h) **Other standards and codes.** All SESs shall follow all applicable local, state and federal regulatory codes, including the State of Wisconsin Uniform Building Code, as amended; and the National Electric Code, as amended.
- (i) **Agricultural Protection.** Mid-Scale and Large-Scale SESs must comply with site assessment or soil identification standards that are intended to identify agricultural soils. The Town may require mitigation for use of prime soils for solar array placement, including the following:
  - [1] Demonstrating co-location of agricultural uses (agrivoltaics) on the project site.
  - [2] Using a Joint Development Agreement (JDA), that requires the site to be returned to agriculture at the end of life of the solar installation.
  - [3] Placing agricultural conservation easements on an equivalent number of prime soil acres adjacent to or surrounding the project in a wellhead protection area for the purpose of removing agricultural uses from high-risk recharge areas.



(j) **Decommissioning.** A decommissioning plan shall be required as spelled out in **Section §525-52 J.** to ensure that facilities are properly removed after their useful life.

J. **Decommissioning.** A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life.

- (1) Decommissioning of the system must occur in the event the project reaches the end of its usable life or is inoperable for a continuous period of twelve months. If the Town determines that more than fifty percent of the panels (measured by total area) have not been operational for a continuous period of twelve months the Town shall order the removal of the inoperable panels.
- (2) Decommissioning shall consist of removal of the SES structures and subsurface foundations and equipment, disposal of all solid and hazardous waste in accordance with all applicable waste disposal regulations, and stabilization of soils and/or revegetation of the site as necessary to minimize erosion.
- (3) The decommissioning methods shall be established, and cost estimates shall be made by a competent party such as a professional engineer experienced in such matters, a contractor capable of decommissioning, or a party found by the Town to have suitable expertise or experience with decommissioning.
- (4) The Town may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.
- (5) The Town Plan Commission shall review the decommissioning plan and request changes that may be needed to comply with the special exception permit or to protect the safety and welfare of the community and town properties.
- (6) The plan shall provide that decommissioning will begin within 180 days from the end of the SES useful life or if the SES is not in use for 12 consecutive months. Decommissioning shall be completed within 9 months from the start of decommissioning activities.

K. **Review of Solar Energy System Permit Application.** The Town will consider each SES Permit on a case-by-case basis following the procedures in **Article II, Special Exceptions** when necessary except as modified in this Section.

- (1) In addition to the notice requirements set forth in Article VIII, Special Exceptions, for Mid-Scale (principal use) and Large-Scale SESs, the Town shall provide written notice of its application to the owners and occupants of all properties located within 1,000 feet of any parcel upon which any portion of the proposed Mid-Scale or Large-Scale SES will be located.



- (2) Any Mid-Scale or Large-Scale Solar Energy System Permit must be approved by the Town Board. The Town Board may deny a permit for a Mid-Scale or Large-Scale Solar Energy System or may impose restrictions on a Mid-Scale or Large-Scale Solar Energy System if the Town finds that the denial or restrictions satisfy one of the following conditions:
  - (a) The denial or restriction serves to preserve or protect the public health or safety.
  - (b) The denial or restriction does not significantly increase the cost of the system or significantly decrease its efficiency.
  - (c) The denial or restriction allows for an alternative system of comparable cost efficiency.

L. **Solar Energy System Restrictions.** The Town may impose restrictions on a Solar Energy System relating to any of the following:

- (1) Location of the Solar Energy System if potentially impacting existing wetlands or other natural features of concern.
- (2) Setbacks from inhabited structures, property lines, public roads, communication and electrical lines, and other sensitive structures and locations.
- (3) Wiring and electrical controls of the Solar Energy System.
- (4) Reimbursement for emergency services required as a result of the Solar Energy System.
- (5) Solar Energy System ground clearance.
- (6) Solar Energy System height.
- (7) Shared revenue, payments in lieu of taxes and other financial matters. All financial matters shall be approved as part of a Joint Development Agreement (JDA).
- (8) Financial security, such as bonds, cash deposits, or letters of credit.
- (9) Decommissioning.
- (10) Compensation to affected property owners.
- (11) Any other matters that are measurable and based on substantial evidence the Town finds appropriate.

M. **Revocation.** Any Solar Energy System Permit granted for the installation or maintenance of a Solar Energy System may be revoked by the Town if the permit holder, its heirs, or assigns, violates the provisions of this ordinance or the provisions of a permit granted pursuant to this ordinance.



§ 525-53 **Electric Vehicle Charging Stations (EVCS).**

A. Intent.

- (1) This Section is to support the increased popularity of electric vehicles by encouraging the safe and efficient installation of electric vehicle charging stations (EVCS) and parking spaces through the Town’s parking regulations and other standards. The goals are to:
  - (a) Provide adequate and convenient EVCS parking spaces to serve the needs of the traveling public.
  - (b) Provide opportunities for residents to have safe and efficient personal EVCSs located at or near their place of residence.
  - (c) Provide the opportunity and incentive for non-residential uses to supply EVCSs to their customers and employees.
  - (d) Create standard criteria to encourage and promote safe, efficient, and cost-effective electric vehicle charging opportunities in all zoning districts and settings for convenience of service to those that use electric vehicles.

B. Definitions.

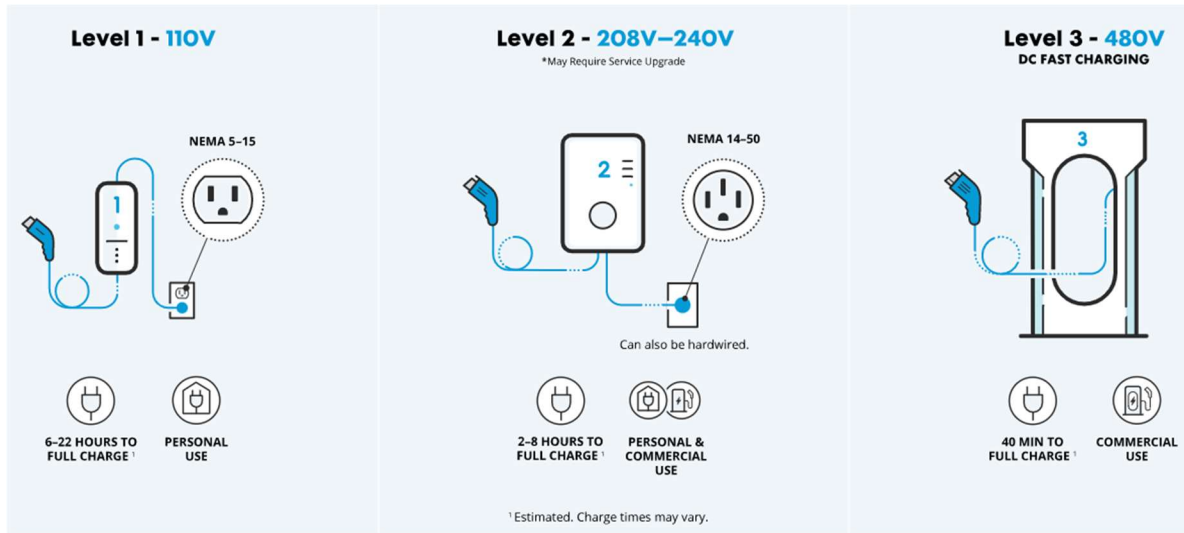
**CHARGING LEVEL**

The amount of voltage provided to charge an electric vehicle varies depending on the type of EVCS as follows and as shown on **Diagram 525-53-1**:

- A. Level 1 is considered slow charging and operates on a 15 to 20 amp breaker on a 120 volt AC circuit.
- B. Level 2 is considered medium charging and operates on a 40 to 100 amp breaker on a 208 or 240 volt AC circuit.
- C. Level 3 is considered "fast" or "rapid" charging and typically operates on a 60 amp or higher breaker on a 480 volt or higher three phase circuit with special grounding equipment. Level 3 stations are primarily for commercial and public applications and are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles.



**Diagram 525-53-1: Electric Vehicle Charging Station Types**



### **ELECTRIC VEHICLE**

An EV means any motor vehicle that is licensed and registered for operation on public and private highways, roads, and streets, and that operates either partially or exclusively, on electrical energy from the grid, or an off-board source, which is stored on-board via a battery for motive purpose. Electric Vehicle does not include an electric bicycle. Electric Vehicle includes:

- A. A battery electric vehicle; and
- B. A plug-in hybrid electric vehicle.

### **ELECTRIC VEHICLE CHARGING STATION (EVCS)**

The equipment, including the cables, cords, conductors, connectors, couplers, enclosures, attachment plugs, power outlets, power electronics, transformer, switchgear, switches and controls, network interfaces, point of sale equipment, and associated apparatus designed and used for the purpose of transferring energy from the electric supply system to a plug-in electric vehicle. "EVCS" may deliver either alternating current or, consistent with fast charging equipment standards, direct current electricity.

### **ELECTRIC VEHICLE CHARGING STATION FACILITY (EVCSF)**

A facility whose primary use it to provide multiple EVCSs for charging electric vehicles as a retail commercial entity, similar to an Automobile Filling Station.



### **ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE)**

EVSE are the conductors, including the ungrounded, grounded, and equipment grounding conductors, and the electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.

### **PRIVATE EVCS**

An EVCS(s) that has restricted access to specific users (e.g., single and two-family homes, executive parking fleet parking with no access to the general public). Such EVCSs are not subject to these regulations and requirements.

### **PUBLICLY ACCESSIBLE EVCS**

An EVCS(s) that is publicly available (e.g., park & ride, public parking lots and garages, on-street parking, shopping center parking, non-reserved parking in multi-family parking lots, etc.). This also includes chargers which are part of an EVCSF's as noted above.

- C. Electric Vehicle Charging Station Suggested Standards. Parking facilities should be designed and built to meet the following requirements within all multi-family residential (7+ units), commercial, industrial, and institutional districts:
- (1) Suggested Applicability. The requirements of this subdivision should be considered:
    - (a) Where 6 or more parking spaces are being provided for multi-family (3+ units) residential uses, at least 2% of all spaces should have an EVCS.
    - (b) Where 6 or more parking spaces are being provided for commercial and industrial uses, should provide EVCSs for at least 2% of the total number of employees estimated at the time of site plan approval. Examples include:
      - [1] Manufacturing;
      - [2] Restaurants;
      - [3] Retail;
      - [4] Service Business; or,
      - [5] Warehousing and Storage
    - (c) Where parking is being provided for certain uses where people park vehicles in excess of two hours, at least 10% of all spaces should have an EVCS. Examples of such uses include:
      - [1] College, University or Similar Institutions of Higher Learning;
      - [2] Hotel, Inn, Motel;
      - [3] Hospital and Health Clinic;
      - [4] Professional or Medical Office;
      - [5] Parking Facility, Private and Public;



[6] Schools, Arts, Technical or Trade;

(d) Handicap Accessible Stations. Accessible charging stations should be provided if more than three installed EVCS's exist.

D. EVCS Siting & Design Standards.

- (1) Electric vehicle charging stations (EVCS) may be permitted as an accessory use in all Residential, Commercial, Industrial, and Public/Institutional Districts, including Mixed Use PUDs, when in compliance with the standards and development criteria outlined in this section.
- (2) If an EVCS(s) is proposed as the principal use, or an EVCS Facility (EVCSF), the proposal shall be subject to the review requirements for an Automobile Filling Service Station, as permitted under **Article V**.
- (3) Proposed locations shall be identified on a site plan and reviewed by the Building Inspector and other Town departments, as necessary, for compliance with all applicable Town requirements. If the Building Inspector determines that the proposal significantly alters a previously approved plan, the proposal shall be forwarded to the Plan Commission for review and approval.
- (4) For the purposes of this section, an EVCS shall mean a public or private parking space that is served by battery charging station equipment for the purpose of transferring electric energy (by conductive or inductive means) to a battery or other energy storage device within an electric vehicle.
  - (a) An EVCS shall be an accessory use to the main use of the property.
  - (b) An EVCS shall be either a Level 2 or Level 3 charger. If a charging station has more than one (1) port, each port shall count as a charging station.
  - (c) The required parking space dimensions for an EVCS are a minimum of ten (10) feet wide by twenty (20) feet long when new spaces are installed for such use.
  - (d) The charging station/equipment shall be protected by wheel stops or bollards to prevent crash hazards.
  - (e) Each parking space designated for an EVCS shall be clearly marked as reserved for electric vehicles and EV charging uses only.
  - (f) Charging station equipment shall not exceed eight (8) feet in height.
  - (g) Overhead canopies are permitted as long as they are constructed out of traditional permanent materials and meet building code requirements; temporary type structures/materials are not permitted.



- (h) The location, legend, and mounting height details for any proposed electric vehicle parking sign shall be included on the plans and submitted with the building permit application.
- (i) An electrical permit shall be required as part of building permit application prior to installation.
- (j) Any branding or advertising located on the charging station shall be limited to the manufacturer's information and vehicle compatibility information and not for advertising of the business or site on which the EVCS is located unless the EV charger is attached to the building. There shall be no appurtenances attached to the charger other than what is necessary for operation.
- (k) All proposed lighting shall be in conformance with the lighting requirements outlined in **Section 525-47 Outdoor Lighting**. Security cameras are recommended.
- (l) Any landscaping impacted by the installation of an EVCS shall be replaced.
- (m) The EVCS shall comply with the current National Electric Code (NEC) standards and shall be inspected once a year. Proof of inspection shall be made available to the Town upon request.
- (n) When proposed in a Residential District, EVCSs shall only be permitted for occupants or patrons of the lot on which the EVCS is located and shall not be used for commercial purposes, unless allowed and properly permitted.





*Page intentionally left blank.*



## Article VIII Signs

### § 525-54 Purpose.

The purpose of these regulations is to create the legal framework to regulate, administer, and enforce outdoor sign advertising and display. These regulations recognize the need to protect the safety and welfare of the public and the need for well-maintained and attractive sign displays within the community and the need for adequate business identification, advertising, and communication. Signs shall also be consistent with the Comprehensive Plan. No sign shall hereafter be erected, hung, placed, altered, or moved except in conformity with the regulations of this Article.

### § 525-55 Authorization.

These regulations authorize the use of signs provided the signs are:

- A. Complying with the zoning regulations.
- B. Designed, constructed, installed, and maintained in such a manner they do not endanger public safety or traffic safety.
- C. Legible, readable, and visible in the circumstances they are used.
- D. Respectful of the reasonable rights of other advertisers whose messages are displayed.

### § 525-56 Permits and construction specifications.

- A. Permits required. It shall be unlawful for any person to erect, construct, enlarge or structurally modify a sign or cause the same to be done in Buchanan without first obtaining a sign permit for each sign as required by this article.
- B. Permits shall not be required for a change of copy of any sign, nor for the repainting, cleaning and other normal maintenance and repair of the sign and sign structure.
- C. Application for a permit. Application for a permit shall be filed with Administrator upon forms provided by the department and shall contain the following information:
  - (1) The name, address and telephone number of the sign owner, the property owner, where the sign is or will be located and the sign contractor of the proposed sign.
  - (2) Clear and legible drawings with description and nominal dimensions of the proposed sign, the construction, size, dimensions, and kind of materials to be used in such structure. The site plan shall show the buildings on the premises upon which the structure is to be erected and maintained together with locations, setbacks, size, and types of existing signs on the premises where the proposed sign is to be located. All dimensions shall be indicated for the sign and the site plan elements.



- (3) Calculations or evidence showing the structure and design meet the requirements of these regulations for wind pressure load.
- (4) Such other information as may be required to show full compliance with this and all other applicable laws.

D. Construction Specifications.

- (1) Every sign or advertising structure hereafter erected shall have marked in a conspicuous place thereon the date of erection, the manufacturer's name, the permit number, and the voltage of any electrical apparatus used in connection therewith.
- (2) All signs shall comply with the provisions of **Chapter 230 – Building Construction**, the current National Electrical Code, and the additional construction standards hereinafter set forth.
- (3) All ground sign structures shall be self-supporting structures and permanently attached to sufficient foundations.
- (4) Electrical service to ground signs shall be concealed wherever possible.
- (5) All signs, except those attached flat against the wall of a building and those signs of which no portion exceeds a height of three feet and are no greater than nine square feet in area, shall be constructed to withstand wind loads of 30 pounds per square foot of the sign and structure, with correct engineering adjustments for the height of the sign above grade.
- (6) No sign shall be suspended by chains or other devices to allow the sign to swing due to wind action. Signs shall be anchored to prevent any lateral movement that could cause wear on supporting members or connections.
- (7) Supports and braces shall be an integral part of the sign design. Angle irons, chain or wires used for supports or braces shall be hidden from public view to the extent technically feasible.

E. Permit fees. A fee shall be required prior to issuance of permits and shall be set from time to time by the Board. Signs installed without a permit shall be removed after proper notice.



- F. Permit issuance and denial. The Building Inspector or designee shall issue a permit for the erection, structural alteration, enlargement, or relocation of a sign when the permit application is properly made, all appropriate fees have been made, and the sign complies with the appropriate laws and regulations. If the sign permit is denied, written notice of the denial shall be provided to the applicant, together with a brief statement of the reasons for the denial, along with the return of all permit fees and papers.
- G. Sign permit appeal. In the event any of the requirements herein contained cause undue or unnecessary hardship on any person, firm, or corporation, a variance from dimensional requirements may be applied for to the Board of Appeals. An application for a variance must be made within 10 days after receipt of the notice the sign involved does not conform to the regulations. In the event the appeal is not made in writing to the Board of Appeals within such ten-day period, a variance shall not be granted. The Board of Appeals shall take action on any variance request within 60 days of receipt of the variance application. The Administrator or designee shall comply with and enforce the Board of Appeals' decision.
- H. Sign Exemption. A sign may be determined to be exempt from the sign regulations herein if it can be shown the sign is necessary for safety reasons and there are no other alternatives to complying with the regulations herein. The Administrator or designee shall make this determination upon a written request from the applicant stating the reasons for exemption.
- I. Indemnification for sign installation and maintenance. All persons engaging in the installation or maintenance of signs which involves in whole or in part the erection, alteration, relocation, maintenance of a sign or other sign work in, over or immediately adjacent to a public right-of-way or public property, when such property is used or encroached upon, shall agree to hold harmless and indemnify Buchanan, its officers, agents, employees from any and all claims resulting from erection, alteration, relocation, maintenance of the sign or any other sign work insofar as these regulations has not specifically directed the placement of the sign.

**§ 525-57 Sign Type Definitions.**

The following definitions shall be applicable in this Article:

**ABANDONED SIGN**

A sign which no longer correctly identifies or advertises a bona fide business, lessor, owner, product or activity.

**A-FRAME SIGN**

A sign shaped like an “A” or sandwich board sign and is used on a more temporary basis and is moveable around a site.



### **BANNER SIGN**

Any sign that is displayed between two posts affixed to the ground or affixed flat against a wall. The banner may consist of the following materials and is able to be rolled or folded up, all other materials shall be prohibited: canvas, cloth, fabric, vinyl and similar materials.

### **CANOPY SIGN**

Any sign incorporated into or attached to a canopy, marquee, or awning.

### **CHANGEABLE MESSAGE SIGN**

A sign displaying words, lines, logos, or symbols which can be changed manually, mechanically, or electronically to provide different information without altering the face or surface of such sign. Changeable message signs include but are not limited to time and temperature signs and reader boards.

### **DIRECTIONAL SIGN**

Any sign limited to providing directions and information necessary or convenient for visitors or clients coming onto a premise. This includes but is not limited to such signs as those identifying restrooms, delivery areas, parking areas, entrances, and exits.

### **DRIVE-THRU SIGN**

Any non-illuminated or illuminated, digital sign located on the premises of a drive-thru use used to communicate information between buyer and seller and may have an intercom and/or speaker(s).

### **GOVERNMENT SIGN**

Any sign for control of traffic and other regulatory purposes, danger signs, railroad crossings signs, and signs of public utilities, including danger and aids to service and safety erected by or on the order of a public officer in the performance of his/her public duty.

### **ELECTRIC SIGN**

Any sign containing or using electrical wiring but not including signs illuminated by an exterior light source.

### **FLAG SIGN**

Any sign that is attached to one post affixed to the ground or attached to one post that is affixed to a wall. The flag may consist of the following materials which are able to be rolled or folded up, all other materials shall be prohibited: canvas, cloth, fabric, vinyl and similar materials.

### **FLASHING SIGN**

Any sign containing an intermittent or flashing light source or includes the illusion of intermittent or flashing light by means of animation or an externally mounted intermittent light source including scrolling signs/messages but excluding changeable message signs.



**ILLUMINATED SIGN**

A sign, lit by an artificial light source, either directed upon it or illuminated from an interior source.

**INFLATABLE SIGN**

Any sign, advertising device, or balloon larger than 18” in diameter that is or can be filled with air or gas. This includes any three-dimensional ambient air-filled in the shape of a container, figure, or product.

**INTERIOR SIGN**

Any sign located within the interior of any building or structure excluding window signs.

**LEGAL NONCONFORMING SIGN**

A sign meeting regulations at the time it was originally installed but does not conform to the current sign regulations.

**MEMORIAL SIGN/PLAQUE**

Memorial signs or tablets, names of buildings, and date of erection, cut into masonry surface or inlaid so as to be part of a building, or when constructed of bronze or other noncombustible material.

**MONUMENT GROUND SIGN**

Any sign that is independent from any building which has a structural base of not less than 75% the width of the sign. (Example: a sign that is eight feet wide would require a structural base of six feet or more in width.)

**NONCONFORMING SIGN**

A sign not in conformance with Code regulations, excluding legal nonconforming signs.

**PERMANENT SIGN**

Any sign which is intended to be permanently affixed to the ground or structure as permitted in these regulations and is not a temporary sign.

**PORTABLE SIGN**

Any sign designed or intended to be moved easily and not permanently embedded in the ground or affixed to a building or other structure. Portable signs include but are not limited to trailer signs or other signs with wheels or similar type signs (menu and sandwich boards, and A-frame signs are excluded).

**PROJECTING SIGN**

A sign, which may be double-faced, attached to and projects horizontally out from a structure or building fascia.



**PUBLIC NOTICE**

Any official notice posted by public officers or employers in the performance of their duties as may be required by State Statute.

**PUBLIC SIGN**

Any sign required as specifically authorized for a public purpose by any law, statute, or ordinance.

**ROOF SIGN**

A sign erected upon, against, or above a roof wholly supported by the roof structure.

**SWINGING SIGN**

A sign installed on an arm, mast, or spar in which the sign is able to swing or move.

**TEMPORARY SIGN**

A sign intended or designed for temporary display which is not a permanent sign as defined in these regulations.

**WALL SIGN**

A sign attached to the wall of a building. They shall not project away from the wall more than 12 inches. This includes signs painted directly on a wall.

**WINDOW SIGN**

A sign installed in or on a window for purposes of viewing from outside the premises.

**VEHICULAR SIGN**

Any temporary sign displayed on the exterior of a truck, bus, trailer, or other vehicle, which is parked primarily for the display of a sign. Displayed is defined as a temporary sign that is hung, taped, stapled or otherwise affixed to the vehicle that isn't already integrated into the body of the vehicle.

§ 525-58 **General Definitions.**

**COPY AREA**

The geometric area in square feet enclosing the sign copy.

**GROSS AREA**

The area of a sign determined by the outside perimeter dimensions of the sign, excluding any necessary supports on which the sign may be placed except that the structural base of a ground monument sign shall be included in the area of the sign. If the sign consists of more than one modular section, their areas will be totaled. If the modules are formed in the shape of letters or symbols, the rules for copy area apply.



**HEIGHT OF SIGN**

The vertical distance measured from the average grade of a sign to the highest point of such sign or structure.

**SIGN**

Any emblem, painting, banner, pennant, placard, design, identification, description, illustration or device, illuminated or non-illuminated, used to advertise, identify, convey information or direct attention to a product, service, place, activity, person, institution, or business of solicitation, including any permanently installed or situated merchandise. Signs shall also include all sign structures.

**SIGN COPY**

Any combination of letters, numbers, or images intended to inform, direct, advertise, or otherwise transmit information.

**SIGN CONTRACTOR**

Any person, partnership, or corporation engaged in whole or in part in the erection or maintenance of signs, excluding the business or entity the sign advertises.

**§ 525-59 Legal nonconforming signs.**

- A. Notification of nonconformance. Upon determination a sign is nonconforming, the Administrator or designee shall use reasonable efforts to notify, either personally or in writing, the user or owner of the property on which the sign is located of the following:
  - (1) The sign's nonconformity.
  - (2) Whether the sign is eligible for characterization as a legal nonconforming sign or is unlawful.
  
- B. Signs eligible for characterization as legal nonconforming. Any sign located within Buchanan on the date of adoption of these regulations which does not conform with the provisions of these regulations is eligible for characterization as a legal nonconforming sign and is permitted, providing it also meets the following requirements:
  - (1) The sign was covered by a proper sign permit prior to the date of adoption of this Article.
  - (2) No permit was required under applicable law for the sign in question, and the sign was, in all respects, in compliance with applicable law on the date of adoption of this Article.





- C. Loss of legal nonconforming status. A sign loses its nonconforming status if one or more of the following occurs:
  - (1) The sign is structurally altered in any way, except for normal maintenance or repair, which tends to or makes the sign less in compliance with the requirements before alteration.
  - (2) The sign is relocated.
  - (3) The sign fails to conform to this Article regarding maintenance and repair, abandonment, or dangerous or defective signs.
  - (4) The sign is destroyed by any means to the extent of more than 50% of its fair market value, except as provided in § 60.61(5m), Wis. Stats.
  - (5) On the date of occurrence of any of the above, the sign shall be immediately brought in compliance with this Article with a new permit secured or shall be removed.
- D. Legal nonconforming sign maintenance and repair. Nothing in these regulations shall relieve the owner or user of a legal nonconforming sign or the owner of the property in which the sign is located from the provisions of these regulations regarding safety, maintenance, and repair of signs.

§ 525-60 **Removal and disposition of signs.**

- A. Maintenance and repair.
  - (1) Every sign, including, but not limited to, those signs for which permits are required, shall be maintained in a safe, presentable and good structural condition at all times, including replacement of defective parts, painting (except when a weathered or natural surface is intended), repainting, cleaning and other acts required for the maintenance of said sign.
  - (2) The Administrator or designee may require compliance with all standards of these regulations. If the sign is not modified to comply with the safety standards outlined in these regulations, the Administrator or designee may require its removal in accordance with this article.
- B. Abandoned signs. All signs or sign messages shall be removed by the owner or lessee of the premises upon which an on-premises sign is located when the business it advertises is no longer conducted or, for an off-premises sign, when lease payments and rental income are no longer provided. The Administrator or designee shall give the owner 60 days' written notice to remove the sign. If the sign is not removed, Buchanan may cause removal to be executed, the expenses of which may be assessed on the tax roll to the property on which the abandoned sign is located.
- C. Deteriorated or dilapidated signs. The Administrator or designee shall cause to be removed any deteriorated or dilapidated signs.



**§ 525-61 Prohibited signs.**

The following signs shall be prohibited within Buchanan unless otherwise permitted:

- A. Abandoned signs.
- B. Flashing signs. All blinking and flashing signs are prohibited. Changeable-message signs are permitted.
- C. Portable signs.
- D. Signs within the right-of-way other than traffic control signs and those signs permitted by the department of transportation having jurisdiction over the said right-of-way.
- E. Swinging signs.
- F. Reflective signs.
- G. Roof signs.
- H. Unclassified signs which include signs imitating or resemble in shape, size, copy or color an official traffic sign or signal.
- I. Vehicular Signs on parked vehicles, including but not limited to cars, trucks, semi-trailers, containers or trailers, with the intention of using as a sign.

**§ 525-62 Signs not requiring a permit.**

No sign shall be located within the required vision triangle or within the right-of-way. The following signs do not require a permit and are permitted in all zoning districts in addition to the temporary signs identified in **Table 525-62-1**.

- A. Government signs.
- B. House numbers and name plates. Each building in Buchanan, which has a street address, shall be in compliance with Outagamie County requirements and standards.
- C. Interior signs.
- D. Memorial signs and plaques. Not more than four square feet in gross area.
- E. Public notices.
- F. Public signs.



**§ 525-63 Permitted Temporary signs**

Permitted temporary signs are allowed in zoning districts as shown in **Table 525-63-1 and Diagram 525-63-1** with dimensional standards contained in **Table 525-63-2**.

**Table 525-62-1 Temporary Signs not requiring a permit.**

Temporary Sign Type	Max Gross Area per sign in square feet	Max Height from average grade per sign in feet	Setback in feet	Allowed on Ground	Allowed on Building	Allowed on Roof	Allowed on Vehicles / Equipment	Lighting Allowed	Number of Signs	Sign Duration	Is a permit required YES/NO?
1.5 Sign	1.5	10	NA	Yes	Yes	No	No	No	1 per property line	364 days per year	No
4 Sign	4	10	NA	Yes	Yes	No	No	No	1 per parcel	90 days per year	No
Sign during election campaign period as set forth in WI Stat 12.04	11	NA	NA	NA	NA	NA	NA	NA	1 per political candidate per parcel on the Buchanan ballot	Election Campaign Period	No
Signs on property under construction with a valid Buchanan permit	8 sq. ft. for Agriculturally and Residentially Zoned Property / 32 sq. ft. for all other zoned property	10	NA	Yes	Yes	No	No	No	1 per parcel per road frontage	Sign shall be removed within 30 days after construction is complete or expiration of permit	No
Signs on property for sale or lease when under contract with a licensed real estate broker	8 sq. ft. for Residentially Zoned Property of used for Residential Purposes / 32 sq. ft. for all other zoned property	10	NA	Yes	Yes	No	No	No	1 per parcel per road frontage	Sign shall be removed within 30 days after sale or lease is complete or expiration of real estate contract with licensed broker	No
Signs on property under construction for a residential subdivision	100	10	NA	Yes	Yes	No	No	No	1 for each arterial or collector road adjacent the subdivision / development	Sign shall be removed within 30 days after the last parcel within the subdivision is sold or within 5 years of recording of the final plat, whichever comes first.	No



**Table 525-63-1 Permitted Temporary Sign Type and Zoning District**

P = Permitted Use

Grey Shading = Prohibited Use

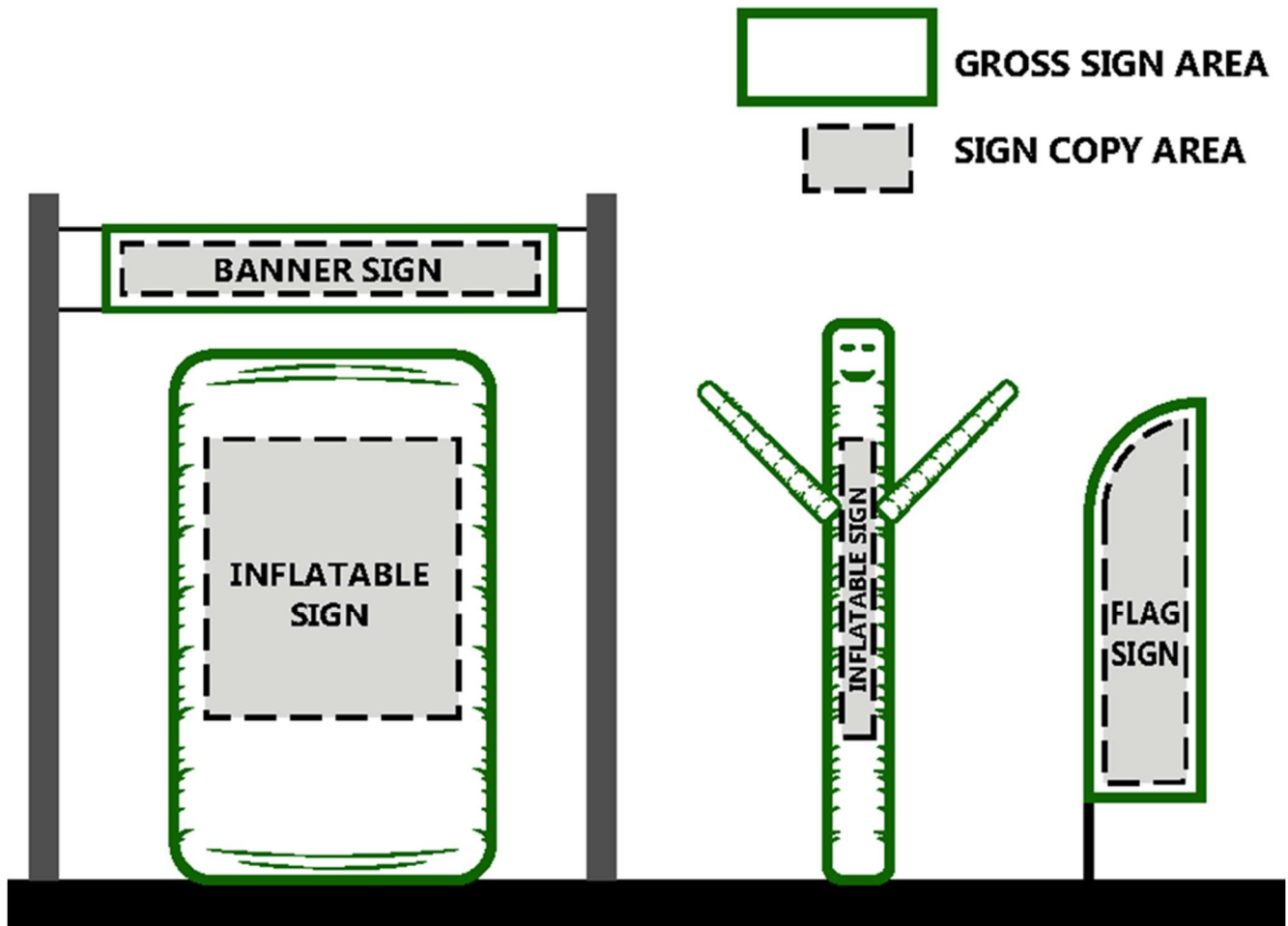
Temporary Sign Type	See Diagram	AGD General Agricultural	CON Conservancy Overlay	RR Rural Residential	RSF Single Family Residential	RTF Two Family Residential	STFR Single and Two-Family Residential	MMR Missing Middle Residential	MDR Medium Density Residential	CL Local Commercial	CR Regional Commercial	CP Planned Commercial	IND Industrial	PI Public/Institutional	Is a permit required YES/NO?
Banners/Flags	525-63-1									P	P	P	P	P	Yes
Inflatables	525-63-1									P	P	P	P	P	Yes
Signs on property during Special Event when a Special Event Permit has been issued.	Approved through the Special Event Application and Approval Process.														

**Table 525-63-2 Permitted Temporary Sign Dimensional Regulations**

Temporary Sign Type -->	Banners/Flags	Inflatables	Signs on property during Special Event when a Special Event Permit has been issued
See the following Section for additional regulations	n/a	n/a	Approved through the Special Event Application and Approval Process
Gross Area per sign in square feet	32	20 ft. x 20 ft.	
Max Height from average grade per sign in feet	20	20	
Setback in feet	NA	10	
Allowed on Ground	Yes	Yes	
Allowed on Building	Yes	No	
Allowed on Roof	No	No	
Allowed on Vehicles/Equipment	No	No	
Lighting allowed	No	No	
Permit Required	Yes	Yes	
Number of permits per year per property per use/business	4	1	
Number of Signs per permit	1	1	
Permit Duration	30 Days	30 Days	



Diagram 525-63-1 Permitted Temporary Sign Types



§ 525-64 Permitted permanent signs.

Permitted temporary signs are allowed in zoning districts as shown in Table 525-64-1, Diagram 525-64-1. Dimensional standards are contained in Table 525-64-2.

**Table 525-64-1: Permitted Permanent Sign Dimensional Regulations**

Permanent Sign Type	See Diagram	P = Permitted						Grey Shading = Prohibited Use				
		AGD General Agricultural	CON Conservancy Overlay	RR Rural Residential	STFR Single and Two-Family Residential	MMR Missing Middle Residential	MDR Medium Density Residential	CL Local Commercial	CR Regional Commercial	IND Industrial	PI Public/Institutional	Is a permit required YES/NO?
A-Frame Signs	525-64-1	P	P					P	P	P	P	Yes
Canopy/Awning Signs shall be permitted above doors and windows	525-64-1							P	P	P	P	Yes
Directional Signs	525-64-1	P	P				P	P	P	P		Yes
Drive-Thru Signs	525-64-1							P	P	P		Yes
Monument Ground Signs, non-residential, may include Changeable Message Signs	525-64-1	P	P					P	P	P	P	Yes
Monument Ground Signs, Residential Subdivision/Development	525-64-1			P	P	P	P					Yes
Projecting Signs	525-64-1							P	P	P	P	Yes
Wall Signs	525-64-1	P	P					P	P	P	P	Yes
Window Signs	525-64-1							P	P	P	P	Yes

**Table 525-64-2 Permitted Permanent Sign Dimensional Regulations**

Permanent Sign Type	See Diagram	Max Gross Area per side/face	Max Copy Area per side/face	Max Height from Average Grade
A-Frame Signs	525-64-1	12 square feet	12 square feet	4 feet
Canopy/Awning Signs shall be permitted above doors and windows	525-64-1	NA	10 square feet per canopy/awning	Shall not be less than 8.5 feet above the grade; shall not be less than 15 feet above a driveway; shall not be above the roof line
Directional Signs	525-64-1	8 square feet	8 square feet	6 feet if ground mounted and 10 feet if wall mounted
Drive-Thru Signs	525-64-1	75 square feet	75 square feet	8 feet
Monument Ground Signs, Non-Residential, Single Business/Tenant Use	525-64-1	150 square feet (max 2 sides)	100 square feet (max 2 sides)	12 feet
Monument Ground Signs, Non-Residential, Multiple Business/Tenant Use	525-64-1	300 square feet (max 2 sides)	225 square feet (max 2 sides)	20 feet
Monument Ground Signs, Residential Subdivision/Development	525-64-1	150 square feet (max 2 sides)	100 square feet	10 feet
Projecting Signs	525-64-1	100 square feet	100 square feet	Not less than 8 feet above grade.
Wall Signs	525-64-1	25% of building façade area	25% of building façade area	NA
Window Signs	525-64-1	NA	No more than 25% of net window area.	NA

**Table 525-64-2 Permitted Permanent Sign Dimensional Regulations, continued**

Permanent Sign Type	Max Width	Setback	Max number of signs	Sign Material	Allowed on Ground?
A-Frame Signs	3 feet	NA	1 per business	Sturdy/Durable Material, fabric is prohibited	Yes
Canopy/Awning Signs shall be permitted above doors and windows	NA	NA	1 per door or window	Sturdy/Durable Material, fabric is permitted	No
Directional Signs	NA	10 feet	Signs located within 20 feet of a driveway entrance connecting to a public right-of-way = 2.	Sturdy/Durable Material, fabric is prohibited	Yes
			Signs located within required Yards shall be 100 feet from each other.		
			Signs located within parking lots and other open areas of a parcel = Unlimited.		
			Signs located on buildings = Unlimited.		
Drive-Thru Signs	NA	10 feet	2 per drive-thru lane	Sturdy/Durable Material, fabric is prohibited	Yes
Monument Ground Signs, Non-Residential, Single Business/Tenant Use	15 feet	10 feet	1 per road frontage	Sturdy/Durable Material, shall match the building material, fabric is prohibited	Yes
Monument Ground Signs, Non-Residential, Multiple Business/Tenant Use	15 feet	10 feet	1 per road frontage	Sturdy/Durable Material, shall match the building material, fabric is prohibited	Yes
Monument Ground Signs, Residential Subdivision/Development	NA	10 Feet	1 for each arterial or collector road adjacent to subdivision / development	Stone/Brick/Masonry, fabric is prohibited	Yes
Projecting Signs	NA	NA	1 per ground floor business premises	Sturdy/Durable Material, shall match the building material, fabric is prohibited	NA
Wall Signs	NA	Shall not extend more than 12 inches from building's wall surface.	1 per building façade per business/use	Sturdy/Durable Material, shall match the building material, fabric is prohibited	NA
Window Signs	NA	NA	5 per building or business	Sturdy/Durable Material, shall match the building material, fabric is prohibited	NA

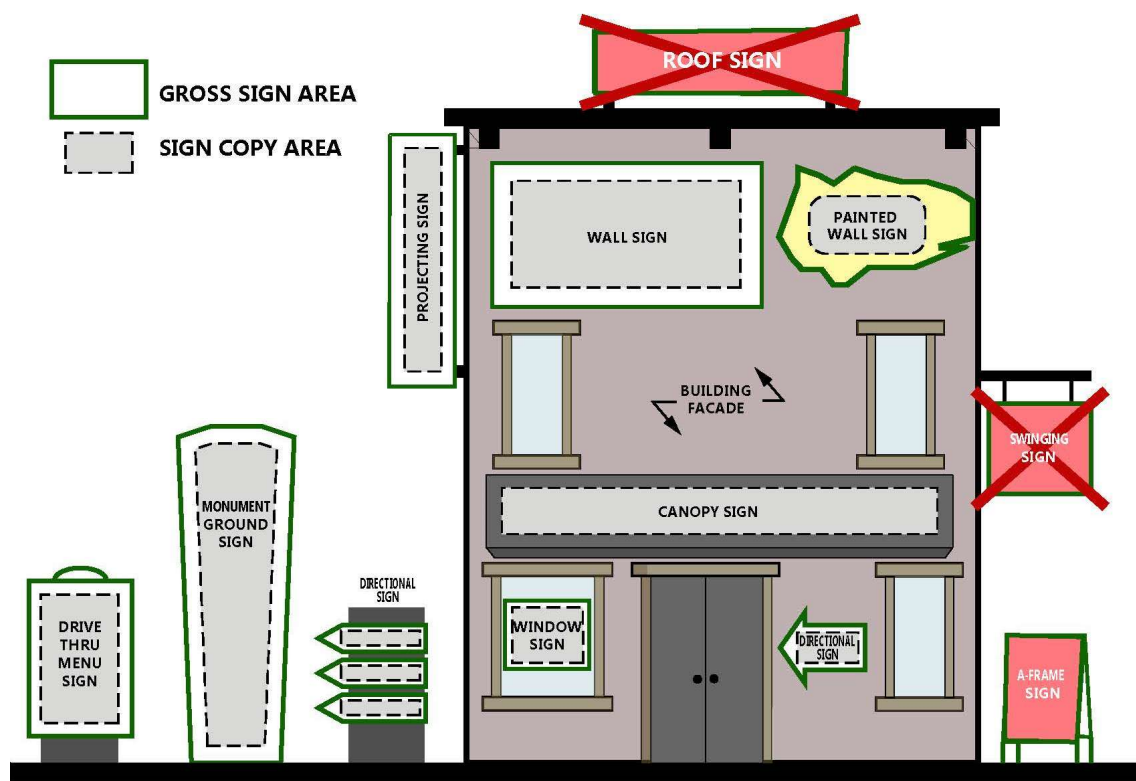


**Table 525-64-2 Permitted Permanent Sign Dimensional Regulations, continued**

Permanent Sign Type	Allowed on Building?	Allowed on Roof?	Allowed on Vehicles / Equipment?	Lighting Allowed?	Electronic Message Sign Allowed?	Is a permit required?
A-Frame Signs	No	No	No	No	No	Yes
Canopy/Awning Signs shall be permitted above doors and windows	Yes	No	No	Yes	No	Yes
Directional Signs	Yes	No	No	Yes	No	Yes
Drive-Thru Signs	Yes	No	No	Yes	Yes, see §525-66	Yes
Monument Ground Signs, Non-Residential, Single Business/Tenant Use	No	No	No	Yes	Yes, see §525-66	Yes
Monument Ground Signs, Non-Residential, Multiple Business/Tenant Use	No	No	No	Yes	Yes, see §525-66	Yes
Monument Ground Signs, Residential Subdivision/Development	No	No	No	Yes	No	Yes
Projecting Signs	Yes	No	NA	Yes	No	Yes
Wall Signs	Yes	No	NA	Yes	Yes, see §525-66	Yes
Window Signs	NA	NA	NA	NA	Yes, see §525-66	Yes

### Diagram 525-64-1 Permitted Permanent Sign Types

Diagram 525-64-1 Permanent Signs



§ 525-65 **Lighting of Signs.**

- A. Signs may be floodlighted or internally illuminated, subject to the following restrictions.
  - (1) Lighting shall be effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of a public right-of-way and are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or otherwise interfere with any driver's operation of a motor vehicle.
  - (2) Lighting shall be effectively shielded as to prevent beams or rays of light from being directed at any residential property and which are of such intensity or brilliance as to cause a public nuisance.
  - (3) No sign shall be so floodlighted or illuminated allowing it to interfere with the effectiveness of or obscures an official traffic sign, device or signal.

§ 525-66 **Electronic messaging signs.**

Electronic messaging signs may be permitted subject to the following regulations, Reference: **Table 525-64-1** and **Table 525-64-2**:

- A. Time and temperature and gas station price signs are exempt from these regulations.
- B. The changeable messaging sign copy area shall be incorporated into the design of the gross area of the sign.
- C. Setback from residential. The leading edge of the electronic messaging sign shall be set back a minimum distance of 200 feet from an abutting residential district boundary.
- D. The area of electronic messaging sign copy shall not exceed 50% of the maximum gross area of the sign to which they are incorporated.
- E. No sign shall be erected or maintained or be so placed or illuminated that it interferes with the effectiveness or obscures any official traffic sign, device, or signal, or any official sign as determined by the Administrator.
- F. All signs shall have installed ambient light monitors and shall at all times allow such monitors to automatically adjust the brightness level of the electronic sign based on ambient light conditions.
- G. Maximum brightness levels for electronic signs shall not exceed 5,000 nits when measured from the sign's face at its maximum brightness, during daylight hours and 500 nits when measured from the sign's face at its maximum brightness between dusk and dawn.
- H. At no time shall the sign be operated at a brightness level greater than the manufacturer's recommended levels.



- I. Audio speakers shall not be permitted with any electronic messaging sign except for drive-thru signs.
- J. Any form of pyrotechnics is prohibited in association with an electronic messaging signs.
- K. Electronic messaging displays are defined in four basic levels of operational modes for message transitions:
  - (1) Level 1. Static display only (messages change with no transition).
    - (a) Minimum display time. The electronic display shall not change at intervals of less than 4 seconds.
    - (b) Message change sequence. The change of messages shall be accomplished immediately.
  - (2) Level 2. Static display with "fade" or "dissolve" transitions, or similar transitions and frame effects not having the appearance of moving text or images.
    - (a) Minimum display time. The electronic display shall not change at intervals of less than 4 seconds.
    - (b) Operational limitations. Such displays shall contain static messages only, changed only through dissolve or fade transitions, or with the use of other subtle transitions and frame effects not having the appearance of moving text or images, but may otherwise not have movement, or the appearance of movement, or the appearance or optical illusion of movement, of any part of the sign structure, designs, or pictorial segment of the sign, including the movement of any illumination or flashing, scintillating, or varying of light intensity.
  - (3) Level 3. Static display with "travel" or "scrolling" transitions, or similar transitions or frame effects that have text, graphics, or symbols that appear to move or change size, or can be revealed sequentially rather than all at once.
    - (a) All Level 3 electronic messaging signs are prohibited.
  - (4) Level 4. Graphic display signs including video, flashing, or full animation.
    - (b) All Level 4 electronic messaging signs are prohibited.
- L. Existing Electronic Message Board Signs. Electronic message board signs existing prior to adoption of these standards shall be allowed to continue as is but it is encouraged to comply with the above standards.









**BUILDING TRUST**  
YOUR PROJECT · OUR PASSION

W61N497 Washington Avenue  
Cedarburg, WI 53012  
262-204-2360

2820 Walton Commons West  
Suite 142  
Madison, WI 53718  
608-249-5046



1695 Bellevue Street  
Green Bay, WI 54311  
920-491-9081

604 Wilson Avenue  
Menomonie, WI 54751  
715-235-9081

[www.cedarcorp.com](http://www.cedarcorp.com)