

*Town of Grand Chute, WI
Thursday, February 9, 2023*

Chapter 535. Zoning

[HISTORY: Adopted by the Town Board of the Town of Grand Chute 1-7-1997 as Ch. 27 of the 1997 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. **220**.
Comprehensive Plan — See Ch. **246**.
Erosion and sediment control — See Ch. **275**.
Impact fees — See Ch. **330**.
Mobile homes and mobile home parks — See Ch. **382**.
Sewers — See Ch. **440**.
Stormwater management — See Ch. **463**.
Subdivision of land — See Ch. **475**.
Water — See Ch. **523**.

ATTACHMENTS

535a Table S-1 

Article I. Introduction

§ 535-1. Statutory authority; title.

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

§ 535-2. 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 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 funds.

§ 535-3. Applicability and scope.

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 and along or 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. Certain areas, uses or purposes which may be subjected to special regulation.^[1]
 [1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
- 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 and schools.
- I. Building setback lines.
- J. The density and distribution of population.
- K. The percentage of lot which may be occupied and 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.

Article II. General Provisions

§ 535-4. Districts established.

[Amended 1-18-2011 by Ord. No. 2011-04^[1]]

To achieve the purposes of this chapter, the Town of Grand Chute is hereby divided into the following districts as set forth in Article V of this chapter:

AED	Exclusive Agricultural District
AGD	General Agricultural District
RSF	Single-Family Residential District
RTF	Two-Family Residential District
R-2	Two-Family Residence District
R-3	Single-Family Attached Residence District
R-4	Multifamily Residence District.
R-5	Multifamily Residence District.
RMF	Multifamily Residential District
C-1	Neighborhood Commercial District
C-2	Office Commercial District
CL	Local Commercial District
CR	Regional Commercial District
CP	Planned Commercial District
IND	Industrial District
PDD	Planned Development District

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

§ 535-5. Official Zoning Atlas.

- A. Establishment. The location and boundaries of the districts shall be as shown in a map atlas titled the "Official Zoning Atlas of Town of Grand Chute, Outagamie County, Wisconsin." The district symbol as set out in § 535-4 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 Grand Chute Board, each map page shall be signed by the Town Chairperson and attested by the Town Clerk bearing the date of adoption.
- 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. 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 Clerk's office shall be the final authority as to the current zoning status of any lands.
- D. 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 shall be taken only in the form of an amendment.
- E. Retention of earlier maps. All zoning maps which have had the force and effect of official zoning maps for the Town of Grand Chute 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.

§ 535-6. 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 in 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 Zoning Administrator shall interpret the Official Zoning Atlas. The determination by the Zoning Administrator may be appealed as provided in § 535-95.

§ 535-7. 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, or 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 shall be constructed upon a lot until the construction of the main building has actually commenced. No accessory building shall be used unless the principal building on the lot is also being used. No cellar, basement or accessory building shall be used as a dwelling prior to substantial completion of the dwelling of which it is part.

§ 535-8. Interpretation.

In their interpretation and application, the provisions of this chapter shall be considered minimum requirements. Where the provisions of this chapter impose greater restrictions than any statute, other regulation, ordinance or covenant, 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.

§ 535-9. Other regulations.

In addition to the applicability of these regulations, certain lands and structures in the Town of Grand Chute are also subject to, without limitation, county regulations pertaining to floodplains, shorelands and wetlands, and airports and airport operations.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

Article III. Word Usage and Definitions

§ 535-10. Word usage.

For the purpose of this chapter, the following shall apply as indicated throughout this 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 word "used" or "occupied" also means intended, designed or arranged to be used or occupied.

§ 535-11. Definitions.

For the purpose of this chapter, the following terms are defined:

ACCESSORY USE OR STRUCTURE

A use or structure on the same lot with the principal use or structure and of a nature customarily incidental and subordinate to the principal structure.

AIRPORT (PUBLIC)

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.

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.

AUTOMOBILE

A motorized passenger vehicle, car, van, or lightweight truck designed for operation on ordinary roads.

[Added 6-21-2011 by Ord. No. 2011-16]

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 SALVAGE YARD

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

BILLBOARD

See Article **XV**, Signs and Billboards, § **535-105**, of this chapter.

[Amended 2-19-2015 by Ord. No. 2015-01]

BOARDINGHOUSE

An establishment where meals and lodging are provided for compensation by prearrangement other than in dwelling units, without limitation on time periods involved, and for a total of at least four or more boarders.

BUFFER

The use of land, topography, physical space, elevation differences, fences, and/or landscape planting to screen or partially screen a use of property from adjacent uses of property.

[Added 4-7-2011 by Ord. No. 2011-09]

BUILDING

A structure having one or more stories and a roof which is used or intended to be used for shelter or enclosure for persons, property or animals.

BUILDING FRONTAGE

The front of a building shall be construed to be the portion facing a street. For purposes of computation of the number and area of signs, the frontage of a building shall be computed as nearly at ground level as computation of horizontal distance permits. In cases where this test is indeterminate or cannot be applied, as for instance where there is a diagonal corner entrance, the Administrator or Inspector shall select the building frontage on the basis of interior layout of the building, traffic on adjacent streets, or other indicators.

BUILDING HEIGHT

A building's vertical measurement from the main level of the finished grade in front of the building to the highest point on the roofline of a flat roof, or a roof having a pitch ratio of less than 1.4 from the horizontal, and to a point midway between the peak and the eaves of a roof having a pitch ratio of more than 1.4.

BUILDING LINE

The rear edge of any required front yard or the rear edge of any required setback line.

BUILDING SITE

The lot or lots or portion of a lot or lots used for building, the total area of which lots is ascribed to the building for compliance with these zoning regulations.

CLINIC

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

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.

COMMUNITY LIVING ARRANGEMENT

Facilities defined in § 46.03, Wis. Stats.

CONVALESCENT HOME and NURSING HOME

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

COUNTY

Outagamie County, Wisconsin.

DAY CARE

A. FAMILY DAY CARE

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

B. GROUP DAY CARE

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

DECIDUOUS

A woody plant with foliage that is shed annually.

[Added 4-7-2011 by Ord. No. 2011-09]

DECK

An open structure not enclosed with walls which is accessory to the principal dwelling. For the purpose of determining location on a lot, a deck is considered an accessory structure.

DEVELOPMENT

Residential, commercial, industrial, institutional, or other land uses and associated roads.

[Amended 3-16-2021 by Ord. No. 2021-04]

DOG KENNEL

A place where more than two adult dogs are boarded for a fee on a recurrent basis or a place that keeps, harbors or has custody of more than three dogs for any purpose.

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, MOBILE HOME

A building transportable in one or more sections, built on a permanent chassis, with body width exceeding eight feet or body length exceeding 32 feet, designed to be used as a single dwelling with or without a permanent foundation when connected to the required utilities.

DWELLING, MODULAR HOME

A building made up of two or more modular sections transported to the home site, put on a permanent foundation and joined to make a single dwelling. For the purposes of this chapter, modular homes shall be allowed as a single-family detached dwelling.

DWELLING, MULTIPLE-FAMILY

A building containing three or more dwelling units. The term "multiple-family dwelling" shall include cooperative apartments, condominiums, apartments and the like. Regardless of how rental units are equipped, any multiple-family dwelling in which units are available for rental periods of less than one week shall be considered a motel.

DWELLING, SINGLE-FAMILY ATTACHED

A building containing not more than one dwelling unit attached at the side or sides in a series or group of three or more buildings each containing not more than one dwelling unit. Each building shall be separated from the adjoining building or buildings by a party wall or walls extending from footings through roofs. The term "attached dwelling" is intended to imply townhouses, patio or atrium houses or any form which conforms to this definition.

DWELLING, SINGLE-FAMILY DETACHED

A building containing not more than one dwelling unit entirely separated from structures on adjacent lots. The term "detached dwelling" shall not include mobile homes, travel trailers, or other forms of portable or temporary housing.

DWELLING, TWO-FAMILY

One building containing not more than two dwelling units or two buildings, attached at the side, with not 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.

DWELLING UNIT

A room or rooms connected together constituting a separate, independent housekeeping establishment for one family only, for owner occupancy or 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.

EVERGREEN

A woody plant with foliage that persists and remains green year round.
[Added 4-7-2011 by Ord. No. 2011-09]

FAIR MARKET VALUE

Assessed value adjusted for equalized value.

FAMILY

One person or two or more persons related by blood, foster relationship, marriage or adoption and, in addition, any domestic servants or gratuitous guests thereof, or one or more persons who need not be so related and, in addition, domestic servants or gratuitous guests thereof, who are living together in a single, nonprofit dwelling unit and maintaining a common household with single cooking facilities. A roomer, boarder or lodger shall not be considered a member of the family.
[Amended 12-20-2011 by Ord. No. 2011-30]

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 areas, unenclosed stairways, elevator structures, heating or other building machinery or equipment or basement space.

FLOOR AREA RATIO

The ratio of the total floor area of a building to the total lot area.

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 kept for breeding, slaughtering or petting.

GARAGE, PRIVATE

An accessory building designed or used for inside parking of not more than three private motor vehicles, recreational vehicles or boats by the occupant of the principal building. A private garage attached to or a part of the main building is to be considered part of the main building.

GARAGE, STORAGE

An accessory building designed or used for the storage of more than three motor vehicles, recreational vehicles or boats.

HOME OCCUPATION

A business, trade, or proprietorship that conforms to all provisions within § 535-64, Home occupations.
[Amended 3-4-2014 by Ord. No. 2014-04]

HOTEL

An establishment where sleeping accommodations are offered to the public and intended primarily for rental to transients with daily charge, as distinguished from multiple-family 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.

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.

[Amended 12-20-2011 by Ord. No. 2011-30]

LANDSCAPING

Alteration of the natural terrain, including the planting of trees, shrubs, grass, and ground cover.

[Amended 4-7-2011 by Ord. No. 2011-09]

LANDSCAPING, BUFFER YARD

Treatment of grade, ground cover, vegetation and ornamentation of a side or rear yard, where physical space and vertical elements such as plantings, berms and fences combine to separate commercial, industrial, and institutional uses from adjacent residential zoning districts. A buffer yard shall be a green space where no portion of a building, parking, driving, loading, or storage area may be located.

[Added 4-7-2011 by Ord. No. 2011-09]

LANDSCAPING, FRONTAGE

Treatment of grade, ground cover, vegetation and ornamentation of that portion of a front yard abutting existing or dedicated road right-of-way.

[Added 4-7-2011 by Ord. No. 2011-09]

LANDSCAPING, INTERIOR

Treatment of grade, ground cover, vegetation and ornamentation within the parking, loading and driving area on a lot.

[Added 4-7-2011 by Ord. No. 2011-09]

LANDSCAPING, PERIMETER

Treatment of grade, ground cover, vegetation and ornamentation of off-street parking, loading or driving areas that are adjacent to and within 30 feet of a side or rear property line, but excluding such areas when a building or structure is located between them and a property line.

[Added 4-7-2011 by Ord. No. 2011-09]

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 office of the Register of Deeds.

LOT AREA

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

LOT COVERAGE

The percentage of the lot area covered by the principal structure.

LOT DEPTH

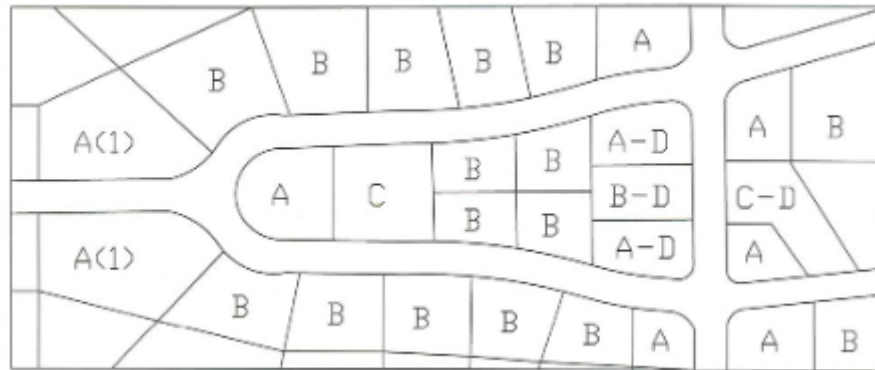
Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

LOT FRONTAGE

The front of an interior lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to a street shall be considered frontage, and yards shall be provided as set out in these zoning regulations. For the purpose of computing number and area of signs, frontage of a lot shall be established by orientation of the frontage of buildings thereon or of principal entrance points to the premises if building frontage does not clearly indicate lot frontage. If neither of these methods is determinative, the Building Inspector shall select on the basis of traffic flow on adjacent streets, and the lot shall be considered to front on the street with the greater flow.

LOT TYPES

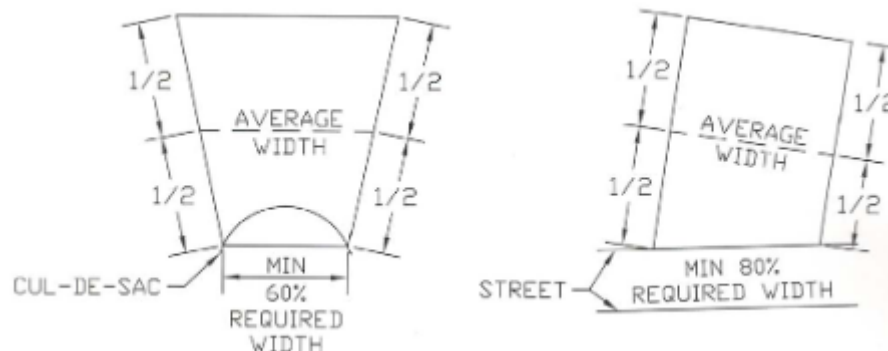
The diagram which follows illustrates terminology used in these zoning regulations with reference to corner lots, interior lots, reversed frontage lots and through lots.



- A = Corner lot, defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost point of the lot meet at an interior angle of less than 135°. See lots A(1) in the diagram.
- B = Interior lot, defined as a lot other than a corner lot with only one frontage on a street.
- C = Through lot, defined as a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as "double frontage lots."
- D = Reversed frontage lot, defined as a lot on which the frontage is at right angles or approximately right angles (interior angle less than 135°) to the general pattern in the area. A reversed frontage lot may also be a corner lot (A-D in the diagram), an interior lot (B-D) or a through lot (C-D).

LOT WIDTH

Width of a lot shall be considered to be the average distance between straight lines connecting front and rear lot lines at each side of the lot, measured as straight lines between the foremost points of the side lot lines in front (where they intersect with street line) and the rearmost points of the side lot lines in the rear; provided, however, that the width between the side lot lines at their foremost points in the front shall not be less than 80% of the required lot width, except in the case of lots on the turning circle of a cul-de-sac, where the width shall not be less than 60% of the required lot width.



MOBILE HOME PARK

Premises designed and maintained for location of two or more mobile homes under a continuing local general management and including special facilities for common use by the occupants, such as open space areas and recreational areas and buildings.

MOBILE HOME SITE

A parcel or lot within a mobile home park designated for the accommodation of not more than one mobile home.

MOBILE HOME SUBDIVISION

Premises where more than two mobile homes are located for nontransient living purposes and where lots are set aside and offered for sale for use by mobile homes for living purposes.

NET ACRE

The total acreage of a lot, tract or parcel of land excluding land in existing and proposed streets and street rights-of-way.

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. 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.

OFFICE, BUSINESS

An office for such activities as real estate agencies, advertising agencies (but not sign shops), insurance agencies, travel agencies and ticket sales, chamber of commerce, credit bureau (but not finance company), abstract and title agencies or insurance companies, stockbrokers, and the like. It is characteristic of a business office that retail or wholesale goods are not shown on the premises to a customer. A barbershop or beauty shop is not a business office.

OFFICE, PROFESSIONAL

An office for the use of a person or persons generally classified as professionals, such as architects, engineers, attorneys, accountants, doctors, dentists, chiropractors, psychiatrists, psychologists, and the like.

PARKING SPACE

A durable, impervious surface, either outside of or within a structure, which is permanently maintained and of sufficient size to store a parked automobile or other motorized vehicle.

[Added 4-7-2011 by Ord. No. 2011-09]

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.

PLANTING ISLAND

A landscaping feature surrounded on all sides by parking and/or driving surfaces.

[Added 4-7-2011 by Ord. No. 2011-09]

PLANTING PENINSULA

A landscaping feature that is attached on one side to open space, sidewalks, buildings or structures and on all other sides to parking and/or driving surfaces.

[Added 4-7-2011 by Ord. No. 2011-09]

RECREATIONAL CAMP

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

SHRUB

A woody plant, smaller than a tree, which consists of small stems or branches at the ground and which is of either deciduous or evergreen species.

[Added 4-7-2011 by Ord. No. 2011-09]

SIGN

See Article **XV**, Signs and Billboards, § **535-105** of this chapter.^[1]

SPECIAL EXCEPTION

Those uses or structures that may not be appropriate generally or without restriction throughout a district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, comfort, convenience or the general welfare. Such uses or structures may be permitted in a zoning district if they meet the requirements of the district in which they are located and Article **XI**.

STABLE

Premises where more than one horse (livestock) is boarded, raised, kept or trained regardless of whether such horses are (livestock is) owned by the occupants or owners of the premises. A stable shall provide not less than one acre of lot area per horse.

STABLE, RIDING

Premises on which horses are (livestock is) kept for the purpose of renting them to the public on any basis. A riding stable shall consist of not less than five acres.

STORAGE ESTABLISHMENT

Premises where goods and materials or more than three motor vehicles, recreational vehicles or boats are stored for a fee.

STORY

That portion of a building, other than a basement, that 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.

STRUCTURE

Anything constructed or erected with a fixed location on the ground or attached to something with a fixed location on the ground.

TREE

A large, woody plant having one or several self-supporting stems or trunks and numerous branches and which is of either deciduous or evergreen species.

[Added 4-7-2011 by Ord. No. 2011-09]

TREE, ORNAMENTAL

A deciduous tree planted primarily for ornamental value or screening purposes and which at maturity will tend to be smaller than a shade tree.

[Added 4-7-2011 by Ord. No. 2011-09]

TREE, SHADE

A deciduous tree planted primarily for its high crown of foliage or its overhead canopy.

[Added 4-7-2011 by Ord. No. 2011-09]

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 this chapter would result in unnecessary and undue hardship. Variances may be granted only if they meet the requirements of Article **XII** of this chapter.

VEHICLE, COMMERCIAL

Any vehicle subject to registration fees under § 341.25(2), Wis. Stats., or any vehicle primarily intended for commercial business use, including trailers, semi-tractors/trailers, and school buses.
[Added 6-21-2011 by Ord. No. 2011-16]

VEHICLE, RECREATIONAL/UTILITY

Any motorized or nonmotorized vehicle (other than a passenger vehicle, car, van, or lightweight truck) primarily manufactured for the express purpose of providing recreational/utility activities, including but not limited to motor homes, trucks with camper shells, unmounted camper shells, camper and travel trailers, horse trailers, all-terrain vehicles, boats, jet skis, snowmobiles, motorcycles, farm or lawn/garden tractors, golf carts, neighborhood electric vehicles, ice shanties, utility trailers, trailers used to transport recreational/utility vehicles, and any motorized or nonmotorized vehicles similar to those listed herein.
[Added 6-21-2011 by Ord. No. 2011-16]

YARD

An open space, other than a court, on a lot, unoccupied and unobstructed from the ground upward; provided, however, that fences, walls, poles, posts and other customary yard accessory ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction to visibility. "Required yard" means that minimum distance specified by these regulations measured from the property line.

YARD, FRONT

A yard extending across the front of a lot between the side lot lines and extending from the street line to the nearest line of the principal structure or projection of the principal structure.

YARD, REAR

A yard extending across the rear of a lot between the side lots lines and extending from the rear property line to the nearest line of the principal structure or projection of the principal structure.

YARD, SIDE

A yard extending between the nearest building or projection thereof and the side lot line and extending from the front yard to the rear yard.

- [1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II). The following definitions, which immediately followed this definition, were repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II): "sign, accessory"; "sign area"; "sign, number of"; and "sign types."*

Article IV. Nonconformities**§ 535-12. 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. It is the intent of this chapter to permit such nonconformities to continue, subject to certain restrictions.

§ 535-13. Nonconforming uses of land.

Where at the effective date of adoption or amendment of this chapter a use of land exists which would not be permitted or permissible in the district in which it is located and where such use involves a structure or structures with a fair market value of less than \$10,000, such use may be continued subject to the following restrictions:

- A. Such use shall not be enlarged, increased, or extended to occupy a greater area of the lot than was occupied at the effective date of adoption or amendment of this chapter.
- B. Such use shall not be moved in whole or part to any other portion of the lot other than the portion occupied by such use at the effective date of adoption or amendment of this chapter.
- C. When such use is discontinued or abandoned for a period of more than 12 consecutive months for any reason whatever, or when such use is replaced by a permitted or permissible use, a nonconforming use shall not thereafter be resumed.
- D. No additional structure in connection with such use shall be erected.

§ 535-14. Nonconforming uses of structures.

Where at the effective date of adoption or amendment of this chapter the use of a structure exists which would not be permitted or permissible in the district in which it is located and where such use involves a structure with a fair market value exceeding \$10,000, such use may be continued subject to the following restrictions:

- A. No existing structure devoted to a use not permitted or permissible shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted or permissible in the district in which it is located.
- B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the effective date of adoption or amendment of this chapter. Any nonconforming use which occupied a portion of a building not originally designed or intended for such use shall not be extended to any part of the building. No nonconforming use shall be extended to occupy any land outside the building nor any other building not used for such nonconforming use.
- C. There may be a change in tenancy, ownership, or management of a nonconforming use, provided that there is no change in the nature or character of such nonconforming use.
- D. When such use of a structure is discontinued or abandoned for a period of more than 12 consecutive months for any reason whatever, or when such use is replaced by a permitted or permissible use, a nonconforming use shall not thereafter be resumed.
- E. If a structure occupied by a nonconforming use is removed or destroyed or damaged to an extent of more than 50% of its fair market value at the time of destruction, the nonconforming use shall not be resumed.

§ 535-15. Nonconforming structures.

Where at the effective date of adoption or amendment of this chapter a structure exists which could not be erected in the district in which it is located by reason of restriction on area or coverage, height, yards, its location on the lot or other requirements concerning the structure, such structure may continue in existence subject to the following restrictions:

- A. Such structure shall not be altered in any manner which would increase the degree of nonconformity. The total structural repairs or alterations in such nonconforming structure shall not during its life exceed 50% of the fair market value of the structure.

- B. If such structure is destroyed or damaged to an extent of less than 50% of its replacement cost at the time of destruction, it may be reconstructed, provided that reconstruction shall substantially reflect the prior structural arrangement and shall not increase the degree of nonconformity. If such structure is destroyed or damaged to an extent of more than 50% of its fair market value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of the district in which it is located. A nonconforming structure damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold or infestation after March 2, 2006, may be restored in accordance with the provisions of § 60.61(5m), Wis. Stats.^[1]

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

§ 535-16. 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, that changes may be made which do not increase, or which decrease, such nonconformity.

§ 535-17. Nonconforming lots of record.

- A. In any district, any permitted or permissible 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, or both, for the district in which it is located, provided that such lot shall be in separate ownership and not of continuous frontage with other lots in the same ownership, and provided that all other requirements for the district are met.
- B. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the effective date of adoption or amendment of this chapter, the lands involved shall be considered to be an individual parcel for the purposes of this chapter, and no portion of such parcel shall be used, divided, or sold which does not meet the lot area and lot width requirements for the district in which it is located.

§ 535-18. Nonconforming signs.

See Article **XV**, Signs and Billboards, § 535-112.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

§ 535-19. Casual, temporary or illegal use.

The casual, temporary, or illegal use of land or structures, or land and 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.

§ 535-20. Repairs and maintenance.

Nothing in this chapter shall be deemed to prevent normal maintenance or repair of any structure or to prevent restoring to a safe condition any structure declared to be unsafe.

§ 535-21. 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 in which it is located 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.

Article V. Schedule of District Regulations

§ 535-22. Interpretation and organization.

[Amended 3-5-2002]

- A. District regulations shall be as set forth in this article and as modified and supplemented by Articles **VI** and **VII**.
- 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 Board of the Town of Grand Chute, after notice and hearing, subject to the conditions as specified and any other conditions as may be imposed by the Town Board 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 Zoning Administrator. The determination by the Zoning Administrator may be appealed as provided in § **535-95**.
- E. All uses and structures and dimensional, sign and off-street parking regulations in the Schedule of District Regulations shall be subject to Article **VI**.
- F. All uses and structures, as specified in the Schedule of District Regulations, shall be subject to the regulations and requirements for the use as provided in Article **VII**.

§ 535-23. AED Exclusive Agricultural District.

[Amended 2-22-2001]

- A. Purpose. 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. This district is further intended to comply with standards contained in Ch. 91, Wis. Stats., to permit eligible landowners to receive tax credits under § 71.09, Wis. Stats., in connection with their agricultural operations.
- B. Permitted principal uses and structures.
 - (1) Agricultural uses, including beekeeping, dairying, floriculture, poultry and livestock raising, stables, plant nurseries 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.
 - (2) Dwellings existing before the effective date of adoption of this chapter which are not accessory to or associated with agricultural uses.

- (3) For purposes of farm consolidation, farm residences or structures which existed prior to the effective date of adoption of this chapter may be separated from the larger farm parcel.

C. Permitted accessory uses and structures.

- (1) Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures. Single-family dwellings or mobile homes shall be considered accessory to agricultural uses provided that 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. Accessory dwellings may be established on a separate parcel.
- (2) One roadside stand per farm used solely for the sale of products produced on the premises.
- (3) Home occupations.
- (4) Public utility installations.

D. Special exception uses and structures.

- (1) Fur farms.
- (2) Riding stables.
- (3) Sawmills.
- (4) Farm equipment and machinery sales and service.
- (5) Establishments for the processing, centralized bulk collection, storage, or distribution of agricultural products.
- (6) Governmental uses, including landfills, highway storage facilities and public buildings.
- (7) Public and semipublic nonprofit institutional uses, including churches, schools, libraries, museums and the like.
- (8) Veterinary offices.

E. Dimensional requirements.

- (1) Principal agricultural uses and structures. Minimum lot area: 35 acres. There are no minimum lot width or yard requirements and no height limitations.
- (2) Preexisting dwellings and accessory dwellings on a separate parcel. Minimum lot area: 20,000 square feet; minimum lot width: 100 feet. Yards shall be a minimum of 25 feet in depth if at the front or rear and 15 feet in width if at the side. There are no height limitations.
- (3) Other permissible principal uses and structures. Minimum lot area: one acre; minimum lot width: 150 feet; minimum front and rear yard depth: 40 feet. Minimum lot area and yard requirements may be increased as a condition of a special exception permit.

F. Permitted accessory signs. As stipulated in Article **XV**, Signs and Billboards.

§ 535-24. AGD General Agricultural District.

[Amended 3-18-1997; 4-3-1997; 2-22-2001; 3-5-2002]

- A. Purpose. The intent of this district is to maintain open land areas predominantly devoted to farming and agricultural-related uses. It is anticipated that while certain areas within this district will eventually be used for nonagricultural uses, the intensity of development will remain significantly limited due to a lack of urban facilities and services. It is also intended that this district provide for small-scale, family-oriented businesses on a case-by-case basis.

B. Permitted principal uses and structures.

- (1) Permitted principal uses and structures in § **535-23B(1)** in the AED District.
- (2) Parks and nature preserves.
- (3) Single-family detached dwellings and mobile homes, unrelated to any farm operations, as a principal use and structure on individual lots which are not part of a recorded subdivision plat as defined in Chapter **475**, Subdivision of Land, of this Code. Mobile homes shall be further subject to § **382-10C** of this Code requiring a ten-acre parcel and a special permit.

C. Permitted accessory uses and structures. Permitted accessory uses and structures in § **535-23C(1)** through **(4)** in the AED District.

D. Special exception uses and structures.

- (1) Special exception uses and structures in § **535-23D(1)** through **(6)** in the AED District; provided, however, that no such use or structure shall be located within 500 feet of an existing residential dwelling other than the owner's or within 500 feet of the exterior boundary of a recorded subdivision plat.
- (2) Public and semipublic nonprofit institutional uses of similar nature.
- (3) Golf courses.
- (4) Two-family dwellings, provided that the dimensional requirements of § **535-27** are met.
- (5) Cemeteries.
- (6) Veterinary offices.
- (7) Warehouse, storage, and building supply establishments subject to the conditions in Subsection **D(1)** above.
- (8) Resource extraction uses, including quarrying and sand and gravel pits, subject to the requirements to § **535-58**.
- (9) Outdoor commercial recreational uses, including recreational camps, campgrounds, golf, archery and rifle ranges, sledding and skiing facilities and uses of a similar nature.
- (10) Commercial exhibits of historical or natural significance.
- (11) Contractor's storage yard.
- (12) The following uses, provided that the owner or proprietor resides on the premises: automobile, 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.
[Amended 3-16-2021 by Ord. No. 2021-04]
- (13) Taverns existing before the effective date of adoption of this chapter.
- (14) Sales of lawn and garden equipment in connection with a plant nursery.
- (15) Airports, public or private.
- (16) Dog kennels.
- (17) Antennas and towers in accordance with Article **XVI** of this chapter.^[1]

[1] *Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

E. Dimensional requirements.

- (1) Principal agricultural uses.

- (a) Minimum lot area: four acres.
 - (b) Minimum lot width at setback line: 200 feet.
 - (c) Minimum front yard: 25 feet.
 - (d) Minimum side yard: zero feet.
 - (e) Minimum rear yard: zero feet.
- (2) Single-family detached dwellings and mobile homes on individual lots.
- (a) Minimum lot area: 24,000 square feet.
 - (b) Minimum lot width at setback line: 100 feet.
 - (c) Minimum front yard: 25 feet.
 - (d) Minimum side yard: 20 feet.
 - (e) Minimum rear yard: 25 feet.
- (3) Other permitted or permissible uses and structures.
- (a) Minimum lot area: one acre.
 - (b) Minimum lot width at setback line: 150 feet.
 - (c) Minimum front yard: 25 feet.
 - (d) Minimum side yard: six feet.
[Amended 6-19-2007 by Ord. No. 2007-04]
 - (e) Minimum rear yard: 50 feet.
- (4) For any structure over 40 feet in height, the side yards shall be increased by one foot for every two feet in additional height. Minimum lot area and yard requirements may be increased as a condition for a special exception permit.
- F. Permitted accessory signs. As stipulated in Article **XV**, Signs and Billboards.
- G. Landscape and screening standards. As set forth in § **535-52** of this chapter.
[Added 4-7-2011 by Ord. No. 2011-09]

§ 535-25. RSF Single-Family Residential District.

[Amended 1-4-2000; 12-19-2000; 2-22-2001; 2-7-2002; 1-20-2004; 8-3-2004]

- A. Purpose. This district is intended to provide for single-family detached residential development. 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.
- B. Permitted principal uses and structures.
- (1) Single-family detached dwellings.
 - (2) Parks and playgrounds.
 - (3) Community living arrangements subject to the provisions and limitations of § 59.69(15), Wis. Stats.
 - (4) Day care (family).

C. Permitted accessory uses and structures.

- (1) Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures. Specific attached garage requirements are as follows:
[Amended 12-1-2020 by Ord. No. 2020-07]
 - (a) In no case shall an attached garage foundation exceed the size of the living area foundation of each dwelling unit.
- (2) Temporary structures in connection with the construction of principal structures, provided that such structures are not used for living purposes. Temporary structures shall not remain over 90 days after construction of the principal structure is substantially complete.
- (3) Home occupations.
- (4) Public utility installations.

D. Special exception uses and structures.

- (1) Convalescent homes and nursing homes.
- (2) Cemeteries.
- (3) Gardens, nurseries and orchards, provided that no sales are conducted on the premises.
- (4) Cluster subdivisions subject to the provisions of § **535-60**.
- (5) Mobile home subdivisions subject to the provisions of § **535-63**.
- (6) Mobile home parks subject to the provisions of § **535-62**.
- (7) Accessory dwellings subject to the provisions of § **535-57**.
- (8) Bed-and-breakfast establishments, provided that the owner resides on the premises.
- (9) Storage garage as an accessory building.
- (10) Day care (group).
- (11) Public and semipublic nonprofit institutional uses, including churches, schools, libraries and the like, provided that principal access shall be directly onto a collector or arterial street.
- (12) Golf course and community centers.
- (13) Residential/office, provided that:
 - (a) The building(s) is/are constructed prior to January 1, 1950.
 - (b) The building(s) is/are located on a collector or arterial street.
 - (c) Signage shall be limited to one identification sign of no greater than 32 square feet in accordance with Article **XV**.
 - (d) The use will preserve a historic or culturally significant site or structure that serves as an example of a style of architecture or design that is characteristic of a past time or culture in the Town of Grand Chute. For example, a farmstead containing a house of Folk Victorian design could be determined to have historic or cultural significance. The applicant shall provide information or documentation on the site or structure's historic or cultural significance. The Plan Commission shall make the final determination whether the proposed project preserves a historic or culturally significant site or structure. The Plan Commission may determine that the proposed site or structure is historic but the site or structure need not be enrolled in a national, state or local historical register.
 - (e) The Town approves the proposed parking, landscaping and lighting.

- (f) A residential/office use may include a contractor's office, showroom, gift shop, and workshop located in a restored barn.

[Added 12-15-2009 by Ord. No. 2009-17]

(14) Model homes.

- (a) Purpose. The purpose of this subsection is to provide for the erection of model homes in new subdivisions without adversely affecting the character of surrounding residential neighborhoods by creating a general nuisance. As model homes represent a unique temporary commercial use, special consideration must be given to peculiar problems associated with them and special standards must be applied to ensure reasonable compatibility with their surrounding environment.

- (b) Procedure. The erection of a model home(s) used as a temporary real estate or builder's office(s) shall require a special exception permit.

(c) Requirements.

- [1] Model homes with on-site sales staff shall be a special exception use provided for in the applicable zoning district in which they are located. Any such model home shall comply with the Grand Chute Building Code.^[1]

[1] *Editor's Note: See Ch. 220, Building Construction.*

- [2] All model home lots shall be identified on the final plat and located on either side of the public roads that enter the subdivision.

- [3] A model home may be located only in a platted subdivision of 10 or more vacant lots.

[4] Performance requirements.

- [a] No model home shall incorporate outside lighting which creates a nuisance due to glare or intensity. Exterior lighting shall be limited to 100 watts per light and 40 watts per bulb. No light shall be cast off the model home lot.

- [b] No audible music or other exterior sound shall be audible beyond the lot line.

- [c] No dumpsters, port-a-potties or building materials shall be stored on the site.

- [d] All model home signage shall comply with the sign regulations as contained in Article **XV**.

- [e] Temporary parking facilities shall be provided on the site and shall include four parking spaces per model home unit. Such temporary parking facilities shall provide handicap accessible parking and accessible routes as required by the Grand Chute Building Code. The overall design, drainage and surfacing of the temporary parking facility shall be subject to the approval of the Town.

- [5] The special exception permit for a model home shall be for the shorter of one year or when houses are constructed on 85% of the lots in the subdivision.

- [6] No residential occupancy permit shall be issued for a model home until such time as the structure has been fully converted to a residence. Such conversion shall include, but not be limited to, elimination of temporary parking, driveway restoration and the removal of signage and lighting. The restoration of all temporary parking areas with appropriate landscaping shall be completed by the end of the next growing season. The developer or contractor constructing the model home shall provide the Town with a performance bond to insure the residential conversion upon termination of the use or special exception permit. The Town shall determine the amount of the bond.

- [7] The developer may apply for up to four special event permits for special sales events in a calendar year, which may be individually granted or denied in the discretion of the Town Board based upon the risk of nuisance affecting occupied residences.

- [8] The Town shall set the hours of model home open houses and exterior lighting. The standard hours shall be 1:00 p.m. to 4:00 p.m. on Saturday and Sunday and 6:00 p.m. to 8:00 p.m. on Mondays and Thursdays.

(15) Dog kennel, provided that:

[Added 6-21-2011 by Ord. No. 2011-14]

- (a) The property must contain an owner-occupied single-family residence and be a minimum lot size of two acres.
- (b) Based on the positioning of the residence on the lot, the rear yard must abut:
- [1] A county, state, or federal highway;
 - [2] A mainline railroad track;
 - [3] The Fox River;
 - [4] Property zoned and used for industrial purposes;
 - [5] Property zoned and used exclusively for agricultural purposes; or
 - [6] Property designated and mapped as forested or nonforested wetlands.
- (c) No more than 12 dogs may be boarded, kept, harbored or owned in custody
- (d) The special exception permit holder will be obligated to maintain quiet dogs as a condition for continuing the permit and reasonably prevent other nuisances from occurring as a result of operating a dog kennel.
- (e) If the special exception permit holder derives remuneration in any form from the keeping, breeding, boarding, care, or training of dogs at the dog kennel, a major home occupation must be secured, in accordance with the requirements of § 535-64.

E. Dimensional requirements.

(1) Single-family detached dwellings.

- (a) Within an approved and recorded subdivision plat served by public sewer, minimum dimensions as follows: lot area: 7,200 square feet per dwelling; lot width: 60 feet; front yard: 25 feet; side yards: six feet each; rear yard: 25 feet; maximum lot coverage: 30%; maximum height: 35 feet (2 1/2 stories).
- (b) Not within an approved and recorded subdivision plat but served by public sewer, minimum dimensions as follows: 9,000 square feet per dwelling; lot width: 75 feet; front yard: 25 feet; side yards: six feet each; rear yard: 25 feet; maximum lot coverage: 20%; maximum height: 35 feet (2 1/2 stories).
- (c) Within an approved and recorded subdivision plat not served by public sewer, minimum dimensions as follows: lot area and lot width as provided in Ch. Comm 85, Wis. Adm. Code, but in no event shall lot area be less than 15,000 square feet and lot width be less than 90 feet; front yard: 25 feet; side yards: six feet each; rear yard: 35 feet; maximum lot coverage: 15%; maximum height: 35 feet (2 1/2 stories).
- (d) Not within an approved and recorded subdivision plat not served by public sewer, minimum dimensions as follows: lot area and lot width as provided in Ch. Comm 85, Wis. Adm. Code, but in no event shall lot area be less than 18,000 square feet and lot width be less than 100 feet; front yard: 25 feet; side yards: six feet each; rear yard: 40 feet; maximum lot coverage: 15%; maximum height: 35 feet (2 1/2 stories).
- (e) Lot splitting. The purpose of this subsection is to assure harmonious development and to reduce negative impact on values, aesthetics, and transition of neighborhood character resulting from extraordinary variations in lot size for single-family residential dwellings that

may result from the creation of new lots which are exceptionally small in relation to existing adjacent lots. It is recognized that the creation of new small lots adjacent to larger lots, even if such lots meet other minimum lot size requirements under Town ordinances, may be damaging to the values of adjacent residential properties and result in home sizes out of character with the other development in the immediate neighborhood. In furtherance of the purposes of this subsection the following provisions shall apply:

[Amended 4-7-2011 by Ord. No. 2011-09]

- [1] The creation of any new lot resulting from creating a parcel or split of an existing tax parcel creating any new lot less than 14,400 square feet shall be subject to the restrictions below:
 - [a] Such newly created lot shall equal a minimum of 75% of the square footage lot area of any residential lot bordering the new subject lot being created.
 - [b] Any such new lot created shall meet minimum square footage requirements under the Outagamie County Airport Overlay Zoning Code regardless of any other restrictions or authorizations in this subsection.
- [2] The foregoing restrictions shall only apply under circumstances where an adjacent bordering single-family lot has an existing completed single-family residential dwelling:
 - [a] The restrictions herein do not apply to plats consisting of more than 10 newly created lots filed with the Register of Deeds after the effective date of this chapter.
 - [b] This subsection does not apply to existing lots created prior to the passage of this chapter.

(2) Other permitted or permissible uses and structures.

- (a) Detached accessory buildings. No detached accessory building shall occupy any portion of the front yard, and no detached accessory building shall occupy more than 30% of the rear yard or be located within three feet of any other accessory building, principal building or lot line.
- (b) Accessory structures. Notwithstanding fences, residential driveways and parking lots, unless otherwise provided by these regulations, no structure shall be located within 10 feet of any accessory building or principal building or three feet of any lot line.

F. Permitted accessory signs. As stipulated in Article **XV**, Signs and Billboards.

G. Off-street parking requirements. As stipulated in § **535-49**.

H. Landscape and screening standards. As set forth in § **535-52** of this chapter.
[Added 4-7-2011 by Ord. No. 2011-09]

§ 535-26. RTF Two-Family Residential District.

[Amended 1-4-2000]

- A. Purpose. This district is intended to provide for medium-density residential development with emphasis on two-family and single-family attached residential uses. This district is also intended to provide for infilling opportunities for parcels which for various reasons have been bypassed by development. This district is primarily intended to apply to areas presently served by a public sewer system.
- B. Permitted principal uses and structures.
 - (1) Permitted principal uses and structures in § **535-25B(1)** through **(4)** in the RSF District.

- (2) Two-family dwellings served by a public sewer system.
- (3) Single-family attached dwellings served by a public sewer system.
- C. Permitted accessory uses and structures. Permitted accessory uses and structures in § **535-25C(1)** through **(4)** in the RSF District.
- D. Special exception uses and structures.
 - (1) Special exception uses and structures in § **535-25D(1)** through **(10)** in the RSF District.
 - (2) Two-family dwellings not served by a public sewer system.
 - (3) Planned unit developments subject to the provisions of § **535-59**.
- E. Dimensional requirements.
 - (1) Single-family detached dwellings. Dimensional requirements as provided in the RSF District.
 - (2) Two-family dwellings.
 - (a) Served by public sewer and water, minimum dimensions as follows: lot area: 9,000 square feet (4,500 square feet per family); lot width: 75 feet; front yard: 25 feet; side yards: six feet each; rear yard: 25 feet; maximum lot coverage: 30%; maximum height: 35 feet (2 1/2 stories).
 - (b) Not served by public sewer, minimum dimensions as follows: lot area and lot width as provided in Ch. Comm 85, Wis. Adm. Code, but in no event shall lot area be less than 18,000 square feet and lot width be less than 100 feet; front yard: 25 feet; side yards: six feet each; rear yard: 40 feet; maximum lot coverage: 15%; maximum height: 35 feet (2 1/2 stories).
 - (3) Single-family attached dwellings. Each single-family attached development shall have a minimum lot area of 12,000 square feet and minimum lot width of 100 feet. Each group or series of single-family attached dwellings shall have a minimum front yard of 25 feet, side yards of six feet each, and rear yard of 25 feet. Maximum density is 10 dwelling units per net acre, maximum lot coverage is 25%, and maximum height is 35 feet (2 1/2 stories). 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 **X** is required for all single-family attached dwelling developments. Common open spaces shall be subject to the requirements of § **535-51**.
 - (4) Other permitted or permissible uses and structures. Same dimensional requirements as provided in the RSF District.
[Amended 4-7-2011 by Ord. No. 2011-09]
- F. Permitted accessory signs. As stipulated in Article **XV**, Signs and Billboards.^[1]
[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
- G. Off-site parking requirements. As stipulated in § **535-49**.
- H. Landscape and screening standards. As set forth in § **535-52** of this chapter.
[Added 4-7-2011 by Ord. No. 2011-09]

§ 535-27. R-2 Two-Family Residence District.

[Added 1-4-2000]

- A. District intent.

- (1) The R-2 District is intended to:
 - (a) Establish and preserve two-family residential districts in the Town.
 - (b) Permit medium-density suburban two-family residential development in a manner that is consistent with providing a high-quality suburban character as set forth in the Town of Grand Chute Comprehensive Plan.^[1]

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
 - (c) Be served by public sanitary sewer and water supply facilities.
 - (d) Be used as a transitional district between the less dense RSF District and other higher density residential districts and other commercial and industrial districts.^[2]

[2] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
 - (2) Areas of open space may also be provided in this district in order to maintain this character. The options in this district promote open space and natural resource base protection. The requirements for the various options available under the provisions of this district are intended to reinforce the open nature of the Town's suburban environment.
- B. Development standards. The R-2 District requires development standards as set forth in Subsection F of this section.
- C. Permitted principal uses and structures.
- (1) Single-family detached dwellings.
 - (2) Public and semipublic nonprofit institutional uses, including churches, schools, libraries and the like, provided that principal access shall be directly onto a collector or arterial street.
 - (3) Parks, playgrounds, golf courses and community centers.
 - (4) Community living arrangements subject to the provisions and limitations of § 59.69(15), Wis. Stats.
 - (5) Day care (family).
 - (6) Two-family dwellings served by a public sewer system.
- D. Permitted accessory uses and structures.
- (1) Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures.
 - (2) Temporary structures in connection with the construction of principal structures, provided that such structures are not used for living purposes. Temporary structures shall not remain over 90 days after construction of the principal structure is substantially complete.
 - (3) Home occupations.
 - (4) Public utility installations.
- E. Special exception uses and structures.
- (1) Convalescent homes and nursing homes.
 - (2) Cemeteries.
 - (3) Gardens, nurseries and orchards, provided that no sales are conducted on the premises.
 - (4) Cluster subdivisions subject to the provisions of § 535-60.

F. District standards.

[Amended 4-7-2011 by Ord. No. 2011-09]

(1) Maximum density.

(a) Net density (ND): less than or equal to six units per acre.

(2) Lot dimensional requirements.

(a) Minimum lot area: 14,520 square feet.

(b) Minimum lot width at setback line: 90 feet.

(c) Minimum front yard: 25 feet.

(d) Minimum side yard: 10 feet.

(e) Minimum rear yard: 25 feet.

(f) Minimum front yard from private road: 25 feet.

(g) Maximum building coverage (maximum percentage of lot area): 30%.

(3) Maximum building height.

(a) Principal structure: 2.5 stories; 35 feet.

(b) Accessory structure: 1.0 story; 12 feet.

G. Landscape and screening standards. As set forth in § 535-52 of this chapter.

[Added 4-7-2011 by Ord. No. 2011-09]

§ 535-28. R-3 Single-Family Attached Residence District.

[Added 1-4-2000]

A. District intent.

(1) The R-3 District is intended to:

(a) Establish and preserve single-family attached residential districts in the Town.

(b) Permit medium-density type, owner-occupied, single-family attached residential development in a manner that is consistent with providing a high-quality suburban character as set forth in the Town of Grand Chute Comprehensive Plan and components.

[1]

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

(c) Be served by public sanitary sewer and water supply facilities.

(d) Be used as a transitional district between the less dense RSF District and other higher density residential districts and other commercial and industrial districts.^[2]

[2] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

(2) Areas of open space may also be provided in this district in order to maintain this character. The options in this district promote open space and natural resource base protection. The requirements for the various options available under the provisions of this district are intended to reinforce the open nature of the Town's suburban environment.

- B. Development standards. The R-3 District requires development standards as set forth in Subsection **J** of this section.
- C. Permitted principal uses and structures.
- (1) Single-family detached dwellings.
 - (2) Public and semipublic nonprofit institutional uses, including churches, schools, libraries and the like, provided that principal access shall be directly onto a collector or arterial street.
 - (3) Parks, playgrounds, golf courses and community centers.
 - (4) Community living arrangements subject to the provisions and limitations of § 59.69(15), Wis. Stats.
 - (5) Day care (family).
 - (6) Two-family dwellings served by a public sewer system.
 - (7) Single-family attached dwelling served by a public sewer system.
- D. Permitted accessory uses and structures.
- (1) Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures.
 - (2) Temporary structures in connection with the construction of principal structures, provided that such structures are not used for living purposes. Temporary structures shall not remain over 90 days after construction of the principal structure is substantially complete.
 - (3) Home occupations.
 - (4) Public utility installations.
- E. Special exception uses and structures.
- (1) Convalescent homes and nursing homes.
 - (2) Cemeteries.
 - (3) Gardens, nurseries and orchards, provided that no sales are conducted on the premises.
 - (4) Cluster subdivisions subject to the provisions of § **535-60**.
- F. Architectural standards. The R-3 District requires the following architectural standards for principal and accessory structures:
- (1) At least 70% of all exterior walls shall be faced with a brick, block, fieldstone or other masonry surface.
 - (2) No flat walls exceeding 25 feet in length shall be permitted for any structure; wall offsets, architectural details and wall facing shall be used to meet this requirement.
 - (3) A colored perspective drawing of the following shall be submitted to the Plan Commission:
[Amended 4-7-2011 by Ord. No. 2011-09]
 - (a) The typical structures.
 - (b) The overall site plan for the entrance.
 - (c) The overall site plan from any adjoining RSF District.
- G. Landscape and screening standards. The R-3 District requires the following landscape standards:
[Amended 4-7-2011 by Ord. No. 2011-09]

- (1) Landscaping other than turf or grass shall equal at least 30% of the perimeter front, side and rear yards. The landscaping shall consist of a mixture of trees, bushes and evergreens suited to the location and providing year-round foliage.
 - (2) All other landscape and screening standards are set forth in § 535-52 of this chapter.
- H. Lighting. No direct lighting shall be visible off the property. Light poles shall not exceed 25 feet.
- I. Planned unit development agreement. The applicant and Town shall execute an agreement that addresses the following items:
- (1) Ensure owner-occupied status.
 - (2) Building maintenance code.
 - (3) Common area and grounds maintenance code.
 - (4) On-site management.
- J. District standards.
[Amended 4-7-2011 by Ord. No. 2011-09]
- (1) Maximum density.
 - (a) Net density (ND): less than or equal to eight units per acre.
 - (2) Lot dimensional requirements.
 - (a) Minimum lot area: one acre.
 - (b) Minimum front yard: 25 feet.
 - (c) Minimum side yard: 20 feet.
 - (d) Minimum rear yard: 25 feet.
 - (e) Maximum lot coverage (maximum percentage of lot area): 30%.
 - (f) Minimum side yard to RSF, RTF and R-2 Districts: see § 535-52.
 - (g) Minimum rear yard to RSF, RTF and R-2 Districts: see § 535-52.
 - (h) Minimum front yard from private road: 25 feet.
 - (i) Minimum distance between principal buildings: 30 feet, unless in a PUD (see § 535-59).
 - (j) Minimum side and rear yard for parking lots adjacent to RSF, RTF and R-2 Districts: see § 535-52.
 - (3) Maximum building height.
 - (a) Principal structure: 2.5 stories; 35 feet.
 - (b) Accessory structure: 1.0 story; 16 feet.

§ 535-29. R-4 Multifamily Residence District.

[Added 1-4-2000]

A. District intent.

- (1) The R-4 District is intended to:
 - (a) Establish and preserve multiple residential districts in the Town.

- (b) Permit higher-density type multiple-family residential development in a manner that is consistent with the provision of a high-quality suburban community character as set forth in the Town of Grand Chute Comprehensive Plan and components thereof.^[1]
- [1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
- (c) Be served by public sanitary sewer and water supply facilities.
- (d) Be used as a transitional district between the less dense residential districts and commercial and industrial districts.
- (2) Areas of open space may also be provided in this district in order to maintain this character. The options in this district promote open space and natural resource base protection. The requirements for the various options available under the provisions of this district are intended to reinforce the open nature of the Town's suburban environment.
- B. Development standards. The R-4 District requires development standards as set forth in Subsection **J** of this section.
- C. Permitted principal uses and structures.
- (1) Single-family detached dwellings.
 - (2) Public and semipublic nonprofit institutional uses, including churches, schools, libraries and the like, provided that principal access shall be directly onto a collector or arterial street.
 - (3) Parks, playgrounds, golf courses and community centers.
 - (4) Community living arrangements subject to the provisions and limitations of § 59.69(15), Wis. Stats.
 - (5) Day care (family).
 - (6) Two-family dwellings served by a public sewer system.
 - (7) Single-family attached dwellings.
 - (8) Multiple-family dwellings, provided that the building does not exceed three stories in height.
- D. Permitted accessory uses and structures.
- (1) Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures.
 - (2) Temporary structures in connection with the construction of principal structures, provided that such structures are not used for living purposes. Temporary structures shall not remain over 90 days after construction of the principal structure is substantially complete.
 - (3) Home occupations.
 - (4) Public utility installations.
- E. Special exception uses and structures.
- (1) Convalescent homes and nursing homes.
- F. Architectural standards. The R-4 District requires the following architectural standards for principal and accessory structures.
- (1) At least 80% of all exterior walls shall be faced with a brick, block, fieldstone or other masonry surface.
 - (2) No flat walls exceeding 25 feet in length shall be permitted for any structure; wall offsets, architectural details and wall facing shall be used to meet this requirement.

(3) A colored perspective drawing of the following shall be submitted to the Plan Commission:

- (a) The typical structures.
- (b) The overall site plan for the entrance.
- (c) The overall site plan from any adjoining RSF District.
[Amended 4-7-2011 by Ord. No. 2011-09]

G. Landscape and screening standards. The R-4 District requires the following landscape standards:
[Amended 4-7-2011 by Ord. No. 2011-09]

- (1) Landscaping other than turf or grass shall equal at least 30% of the perimeter front, side and rear yards. The landscaping shall consist of a mixture of trees, bushes and evergreens suited to the location and providing year-round foliage.
- (2) All other landscape and screening standards are set forth in § **535-52** of this chapter.

H. Lighting. No direct lighting shall be visible off the property. Light poles shall not exceed 25 feet.

I. Planned unit development agreement. The applicant and Town shall execute an agreement that addresses the following items:

- (1) Building maintenance code.
- (2) Common area and grounds maintenance code.
- (3) On-site management.

J. District standards.

[Amended 4-7-2011 by Ord. No. 2011-09]

- (1) Maximum density.
 - (a) Net density (ND): less than or equal to 10 units per acre.
- (2) Lot dimensional requirements.
 - (a) Minimum lot area: one acre.
 - (b) Minimum front yard.
 - [1] Principal building: 30 feet.
 - [2] Accessory building: 25 feet.
 - (c) Minimum side yard.
 - [1] Principal building: 30 feet.
 - [2] Accessory building: 25 feet.
 - (d) Minimum rear yard.
 - [1] Principal building: 25 feet.
 - [2] Accessory building: 25 feet.
 - (e) Minimum front yard from private road: 25 feet.
 - (f) Maximum lot coverage (maximum percentage of lot area): 40%.
 - (g) Minimum side yard to RSF, RTF and R-2 Districts: see § **535-52**.
 - (h) Minimum rear yard to RSF, RTF and R-2 Districts: see § **535-52**.

- (i) Minimum distance between principal buildings: 50 feet, unless in a PUD (see § 535-59).
 - (j) Minimum side and rear yard for parking lots adjacent to RSF, RTF and R-2 Districts: see § 535-52.
- (3) Maximum building height.
- (a) Principal structure: 2.5 stories; 40 feet.
 - (b) Accessory structure: 1.0 story; 16 feet.

§ 535-30. R-5 Multifamily Residence District.

[Added 1-4-2000]

A. District intent.

(1) The R-5 District is intended to:

- (a) Preserve preexisting multiple residential districts in the Town.
- (b) Permit highest-density type multiple-family residential development for infill or redevelopment projects in a manner that is consistent with the provision of a high-quality suburban community character as set forth in the Town of Grand Chute Comprehensive Plan and components thereof.^[1]

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

- (c) Be served by public sanitary sewer and water supply facilities.
- (d) Be used as a transitional district between the less dense residential districts and commercial and industrial districts.

(2) Areas of open space may also be provided in this district in order to maintain this character. The options in this district promote open space and natural resource base protection. The requirements for the various options available under the provisions of this district are intended to reinforce the open nature of the Town's suburban environment.

B. Development standards. R-5 District requires development standards as set forth in Subsection J of this section.

C. Permitted principal uses and structures.

- (1) Single-family detached dwellings.
- (2) Public and semipublic nonprofit institutional uses, including churches, schools, libraries and the like, provided that principal access shall be directly onto a collector or arterial street.
- (3) Parks, playgrounds, golf courses and community centers.
- (4) Community living arrangements subject to the provisions and limitations of § 59.69(15), Wis. Stats.
- (5) Day care (family).
- (6) Two-family dwellings served by a public sewer system.
- (7) Single-family attached dwellings.
- (8) Multiple-family dwellings providing enclosed or underground parking.

D. Permitted accessory uses and structures.

- (1) Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures.
 - (2) Temporary structures in connection with the construction of principal structures, provided that such structures are not used for living purposes. Temporary structures shall not remain over 90 days after construction of the principal structure is substantially complete.
 - (3) Home occupations.
 - (4) Public utility installations.
- E. Special exception uses and structures.
- (1) Convalescent homes and nursing homes.
- F. Architectural standards. The R-5 District requires the following architectural standards for principal and accessory structures:
- (1) At least 80% of all exterior walls shall be faced with a brick, block, fieldstone or other masonry surface.
 - (2) No flat walls exceeding 25 feet in length shall be permitted for any structure; wall offsets, architectural details and wall facing shall be used to meet this requirement.
 - (3) A colored perspective drawing of the following shall be submitted to the Plan Commission:
[Amended 4-7-2011 by Ord. No. 2011-09]
 - (a) The typical structures.
 - (b) The overall site plan for the entrance.
 - (c) The overall site plan from any adjoining RSF District.
- G. Landscape and screening standards. The R-5 District requires the following landscape standards:
[Amended 4-7-2011 by Ord. No. 2011-09]
- (1) Landscaping other than turf or grass shall equal at least 20% of the perimeter front, side and rear yards. The landscaping shall consist of a mixture of trees, bushes and evergreens suited to the location and providing year-round foliage.
 - (2) All other landscape and screening standards are set forth in § 535-52 of this chapter.
- H. Lighting. No direct lighting shall be visible off the property. Light poles shall not exceed 25 feet.
- I. Planned unit development agreement. The applicant and Town shall execute an agreement that addresses the following items:
- (1) Building maintenance code.
 - (2) Common area and grounds maintenance code.
 - (3) On-site management.
- J. District standards.
[Amended 4-7-2011 by Ord. No. 2011-09]
- (1) Maximum density.
 - (a) Net density (ND): less than or equal to 20 units per acre.
 - (2) Lot dimensional requirements.
 - (a) Minimum lot area: one acre.
 - (b) Minimum front yard: 35 feet.

- (c) Minimum side yard: 10 feet.
 - (d) Minimum rear yard: 35 feet.
 - (e) Maximum lot coverage (maximum percentage of lot area): 70%.
 - (f) Minimum side yard to RSF, RTF and R-2 Districts: see § **535-52**.
 - (g) Minimum rear yard to RSF, RTF and R-2 Districts: see § **535-52**.
 - (h) Minimum front yard from private road: 25 feet.
 - (i) Minimum distance between principal buildings: 50 feet, unless in a PUD (see § **535-59**).
 - (j) Minimum side and rear yard for parking lots adjacent to RSF, RTF and R-2 Districts: see § **535-52**.
- (3) Maximum building height.
- (a) Principal structure: 4.5 stories; 45 feet.
 - (b) Accessory structure: 1.0 story; 16 feet.

§ 535-31. RMF Multifamily Residential District.

[Added 1-4-2000]

- A. Purpose. This district is intended to provide for medium- to high-density residential areas with emphasis on multifamily or apartment development. This district requires access to public sewer.
- B. Permitted principal uses and structures.
 - (1) Permitted principal uses and structures in § **535-25B(1)** through **(4)** in the RSF District.
 - (2) Two-family dwellings.
 - (3) Single-family attached dwellings.
 - (4) Multiple-family dwellings, provided that the building does not exceed three stories in height.
- C. Permitted accessory uses and structures. Permitted accessory uses and structures in § **535-25C(1)** through **(4)** in the RSF District.
- D. Special exception uses and structures.
 - (1) Special exception uses and structures in § **535-25D(1)** through **(5)** in the RSF District.
 - (2) Multiple-family dwellings in buildings exceeding three stories in height.
- E. Dimensional requirements.
 - (1) Single-family detached dwellings. Dimensional requirements as provided in the RSF District.
 - (2) Two-family dwellings. Dimensional requirements as provided in the RTF District.
 - (3) Single-family attached dwellings. Dimensional requirements as provided in the RTF District.
 - (4) Multiple-family dwellings.
 - [Amended 4-7-2011 by Ord. No. 2011-09]
 - (a) Not exceeding three stories or 45 feet in height, minimum dimensions as follows: lot area: 10,000 square feet; lot width: 90 feet; front and rear yard: 25 feet; side yards: eight feet each; maximum density: 20 dwelling units per net acre; lot coverage 30%. If more than one building is located on the parcel, they may be no closer than 50 feet to each other,

unless in a PUD (see § **535-59**). Buildings shall be set back 20 feet from internal drives or parking areas. The Plan Commission may approve variations to the required internal setbacks if provisions have been made to provide acceptable alternatives to separate buildings from automobiles or when additional green space is provided to minimize crowding of buildings. Not less than 30% of the total site area shall be landscaped in lawns, gardens, decorative plantings or wooded areas. A site plan under Article **X** is required.

(b) Exceeding three stories or 45 feet in height, minimum dimensions as follows: lot area: 20,000 square feet; lot width: 100 feet; side yards: eight feet each; front and rear yards: 25 feet; maximum density: 20 dwelling units per net acre; lot coverage: 30%. If more than one building is located on the parcel, then they may be no closer than 50 feet to each other, unless in a PUD (see § **535-59**). Buildings shall be set back 20 feet from internal drives or parking areas. Not less than 30% of the total site area shall be landscaped in lawns, gardens, decorative plantings or wooded areas. A site plan under Article **X** is required.

(5) Other permitted or permissible uses and structures. Same dimensional requirements as specified in the RSF District.

[Amended 4-7-2011 by Ord. No. 2011-09]

F. Permitted accessory signs. As stipulated in Article **XV**, Signs and Billboards.^[1]

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

G. Off-street parking requirements. As stipulated in § **535-49**.

H. Landscape and screening standards. As set forth in § **535-52** of this chapter.

[Added 4-7-2011 by Ord. No. 2011-09]

§ 535-32. C-1 Neighborhood Commercial District.

A. Purpose. This district is intended to provide for the convenience of persons residing in nearby residential areas and accommodates the basic day-to-day shopping and service needs of the residents living in the adjacent areas. The design and function of this commercial district must minimize any potential negative impact on the adjacent residential areas.

B. Site plan review.

(1) All uses and projects shall obtain site plan approval from the Plan Commission, in accordance with Article **X** of this chapter, prior to issuance of a building permit, excepting those uses and projects noted in Subsection **B(2)** below.

[Amended 4-7-2011 by Ord. No. 2011-09]

(2) The following uses and projects shall obtain site plan approval from the Zoning Administrator, in accordance with Article **X** of this chapter, prior to issuance of a building permit.

(a) The proposed building or structure is less than 10,000 square feet.

(b) Parking lot, driveway, gravel or soil stripping or any other impervious surface creation or alteration.

(3) The Plan Commission and Zoning Administrator shall review site plans in accordance with all requirements of Article **X**.

C. Principal permitted uses. None.

D. Permitted accessory uses and structures.

(1) Uses and structures which are customarily accessory and clearly incidental and subordinate to permissible principal uses and structures when they are located on the same lot or a lot contiguous with the principal use or structure.

(2) Public utility installations.

E. Special exceptions.

(1) Art gallery, museum, library, community center or other publicly owned and operated facility.

(2) Automobile service.

(3) Automobile filling station.

(4) Convenience store.

(5) Group day-care facilities.

(6) Professional or business offices.

(7) Service establishments, including barbershops or beauty shops, laundry or dry cleaner and uses of a similar nature.

(8) Places of worship.

F. District standards.

[Amended 4-7-2011 by Ord. No. 2011-09]

(1) Landscape surface ratio/impervious surface area.

(a) Minimum landscape surface: 25%.

(b) Maximum impervious surface: 75%.

(2) Lot dimensional requirements.

(a) Minimum lot area: 10,000 square feet.

(b) Minimum lot width at setback line: 90 feet.

(c) Minimum front yard: 25 feet.

(d) Minimum side yard: 10 feet.

(e) Minimum rear yard: 25 feet.

(f) Minimum yard to residential districts: see § 535-52.

(g) Minimum yard setback for parking lots and driveways adjacent to residential districts: see § 535-52.

(3) Maximum building height.

(a) Principal structure: 2.0 stories; 36 feet.

(b) Accessory structure: 1.0 story; 25 feet.

G. Permitted accessory signs. As stipulated in Article **XV**, Signs and Billboards.

[Added 4-7-2011 by Ord. No. 2011-09]

H. Off-street parking requirements. As stipulated in § 535-49.

[Added 4-7-2011 by Ord. No. 2011-09]

I. Architectural standards. The C-1 District requires the following architectural standards for principal and accessory structures:

(1) At least 80% of all exterior walls shall be faced with a brick, block, fieldstone or other masonry surface toward a residential zone or public street.

(2) No flat wall exceeding 25 feet in length shall be permitted for any structure; wall offsets, architectural details and wall facing shall be used to meet this requirement.

J. Landscape and screening standards. The C-1 District requires the following landscaping standards: [Amended 4-7-2011 by Ord. No. 2011-09]

(1) Landscaping other than turf or grass shall equal at least 15% of the perimeter front, side and rear yards. The landscaping shall consist of a mixture of trees, bushes and evergreens suited to the location and providing year-round foliage.

(2) All other landscape and screening standards are set forth in § 535-52 of this chapter.

K. Performance standards. See § 535-39G.^[1]

[1] *Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

§ 535-33. C-2 Office Commercial District.

[Added 2-22-2001]

A. Purpose. This district is intended to provide a buffer between residential and commercial and/or industrial uses by permitting professional and business offices. To serve as a buffer, landscaping, parking lot, architectural and other requirements are required to create a visual barrier and protector of the residential uses.

B. Site plan review.

(1) The following uses and projects shall obtain site plan approval from the Plan Commission, in accordance with Article X of this chapter, prior to issuance of a building permit:

[Amended 4-7-2011 by Ord. No. 2011-09]

(a) The proposed building or structure is greater than or equal to 10,000 square feet.

(b) The site adjoins a residential district boundary.

(c) The site adjoins a federal, state or county highway.

(d) Proposed sign height is greater than or equal to 25 feet.

(2) The following uses and projects shall obtain site plan approval from the Zoning Administrator, in accordance with Article X of this chapter, prior to issuance of a building permit:

(a) The proposed building or structure is less than 10,000 square feet.

(b) Parking lot, driveway, gravel or soil stripping or any other impervious surface creation or alteration.

(3) The Plan Commission and Zoning Administrator shall review site plans in accordance with all requirements of Article X.

C. Principal permitted uses.

(1) Professional and business offices, including:

(a) Architectural, engineering and other design offices.

(b) Attorney and other legal offices.

(c) Financial, insurance and real estate offices.

(d) Government offices.

(e) Medical and dental offices.

D. Permitted accessory uses and structures.

- (1) Uses and structures which are customarily accessory and clearly incidental and subordinate to permissible principal uses and structures when they are located on the same lot or a lot contiguous with the principal use or structure.
- (2) Public utility installations.

E. Special exceptions.

- (1) Financial institutions.
- (2) Clubs and organization, profit and nonprofit.
- (3) Convalescent homes, nursing homes and day care (family or group).
- (4) Veterinary offices.
- (5) Places of worship.
- (6) School, public or private.
- (7) Hospitals, health centers, nursing homes and convalescent homes.
- (8) Vocational, trade or business schools.

F. District standards.

[Amended 4-7-2011 by Ord. No. 2011-09]

- (1) Landscape surface ratio/impervious surface area.
 - (a) Minimum landscape surface ratio (LSR): 25%.
 - (b) Maximum impervious surface: 75%.
- (2) Lot dimensional requirements.
 - (a) Minimum lot area: 10,000 square feet.
 - (b) Minimum lot width at setback line: 90 feet.
 - (c) Minimum front yard: 25 feet.
 - (d) Minimum side yard: 10 feet.
 - (e) Minimum rear yard: 25 feet.
 - (f) Minimum yard to residential districts: see § 535-52.
 - (g) Minimum yard setback for parking lots and driveways adjacent to residential districts: see § 535-52.
- (3) Maximum building height.
 - (a) Principal structure: 2.0 stories; 36 feet.
 - (b) Accessory structure: 1.0 story; 25 feet.

G. Permitted accessory signs. As stipulated in Article **XV**, Signs and Billboards.

[Added 4-7-2011 by Ord. No. 2011-09]

H. Off-street parking requirements. As stipulated in § 535-49.

[Added 4-7-2011 by Ord. No. 2011-09]

I. Architectural standards. The C-2 District requires the following architectural standards for principal and accessory structures:

- (1) At least 80% of all exterior walls shall be faced with a brick, block, fieldstone or other masonry surface.
- (2) No flat wall exceeding 25 feet in length shall be permitted for any structure; wall offsets, architectural details and wall facing shall be used to meet this requirement.

J. Landscape and screening standards. The C-2 District requires the following landscaping standards: [Amended 4-7-2011 by Ord. No. 2011-09]

- (1) Landscaping other than turf or grass shall equal at least 15% of the perimeter front, side and rear yards. The landscaping shall consist of a mixture of trees, bushes and evergreens suited to the location and providing year-round foliage.
- (2) All other landscape and screening standards are set forth in § 535-52 of this chapter.

K. Performance standards. See § 535-39G.^[1]

[1] *Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

§ 535-34. (Reserved)

[1] *Editor's Note: Original § 27.05(5)(C), C-3 Small-Scale Commercial District, added 2-22-2001 and amended 4-7-2011 by Ord. No. 2011-09, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

§ 535-35. (Reserved)

[1] *Editor's Note: Original § 27.05(5)(D), C-4 Large-Scale Commercial District, added 2-22-2001 and amended 4-7-2011 by Ord. No. 2011-09, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

§ 535-36. CL Local Commercial District.

[Amended 2-22-2001; 5-21-2002; 9-7-2004]

- A. Purpose. 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.
- B. Site plan review.
 - (1) The following uses and projects shall obtain site plan approval from the Plan Commission, in accordance with Article X of this chapter, prior to issuance of a building permit: [Amended 4-7-2011 by Ord. No. 2011-09]
 - (a) The proposed building or structure is greater than or equal to 10,000 square feet.
 - (b) All special exception uses, including convenience stores and other auto-related businesses.
 - (c) The site adjoins a residential district boundary.
 - (d) The site adjoins a federal, state or county highway.
 - (e) Taverns or restaurants.
 - (f) Proposed sign height is greater than or equal to 25 feet.

- (2) The following uses and projects shall obtain site plan approval from the Zoning Administrator, in accordance with Article **X** of this chapter, prior to issuance of a building permit:
 - (a) The proposed building or structure is less than 10,000 square feet.
 - (b) Parking lot, driveway, gravel or soil stripping or any other impervious surface creation or alteration.
- (3) The Plan Commission and Zoning Administrator shall review site plans in accordance with all requirements of Article **X**.

C. Permitted principal uses and structures.

- (1) Retail outlets, including the sale of food, liquor, wearing apparel, art or photographic supplies, printing, books or stationery, sundries or notions, jewelry, luggage, florist or gifts, drugs, pets, home furnishings and appliances, sporting goods or hobbies, automotive parts, hardware and building supply establishments and uses of a similar nature.
- (2) Service establishments, including barbershop or beauty shop, shoe repair, laundry or dry cleaner, appliance repair, photographic or dance studio and uses of a similar nature.
- (3) Business and professional offices, including banks and other financial institutions, insurance and real estate, travel agency, medical or dental clinic, attorney's office, engineering office and uses of a similar nature.
- (4) Taverns and restaurants.
- (5) Hotels and motels.
- (6) Vocational, business, and technical schools, clubs and organizations, profit and nonprofit.
- (7) Indoor commercial recreational establishments conducted entirely within a building(s) less than or equal to 40,000 square feet, including motion-picture theaters, billiard parlors, arcades, bowling alleys, rinks, and uses of a similar nature.
- (8) Convalescent homes and nursing homes and day care (family).^[1]
[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
- (9) Office equipment and supplies.
- (10) Garden center, plant nursery or landscape contractor.
- (11) Veterinary offices.
- (12) Mortuaries.
- (13) Equipment rental.
- (14) Existing dwellings.
- (15) Existing storage establishments.
[Amended 3-16-2021 by Ord. No. 2021-04

D. Permitted accessory uses and structures.

- (1) Uses and structures which are customarily accessory and clearly incidental and subordinate to permissible principal uses and structures when they are located on the same lot or a lot contiguous with the principal use or structure.
- (2) Public utility installations.

E. Special exception uses and structures.

- (1) Automobile filling stations and car washes.

- (2) Automobile, boat, motorcycle, construction equipment and farm implement sales, service and repair.
 - (3) Wholesale and warehouse establishments.
 - (4) Printing and publishing establishments.
 - (5) Outdoor recreational establishments, including archery ranges, miniature golf and amusements, motorized cart and motorcycle tracks, campgrounds, stadiums, shooting ranges and uses of a similar nature.
 - (6) Light manufacturing uses and structures, such as packaging, bottling, storage facilities and laboratories, provided that 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.
 - (7) Radio stations - transmitter tower.
 - (8) Dog kennel.
 - (9) Day care (group).^[2]
[2] Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).
 - (10) Building trades contractor with storage yard for material and equipment on the premises, provided that all materials and equipment are effectively screened from view from any residential lot or public highway.
 - (11) Agricultural-related uses and structures such as feed mills and co-ops.
 - (12) Woodworking and cabinetry.
 - (13) Billboards.
 - (14) Adult establishments.
 - (15) Churches.
[Added 6-19-2007 by Ord. No. 2007-04]
 - (16) Pawnbrokers and secondhand dealers.
[Added 2-3-2009 by Ord. No. 2009-03; amended 2-19-2009 by Ord. No. 2009-07]
 - (17) Establishment that obtains a liquor license that includes licensing any area outdoor or exterior to the principal building.
[Added 3-17-2009 by Ord. No. 2009-10]
 - (18) Antennas and towers in accordance with Article **XVI** of this chapter.^[3]
[3] Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).
- F. Traffic impact. The Plan Commission may require a traffic impact analysis for any use or structure proposed for construction in this district.
[Amended 4-7-2011 by Ord. No. 2011-09]
- G. District standards.
[Amended 4-7-2011 by Ord. No. 2011-09]
- (1) Landscape surface ratio/impervious surface area.
 - (a) Minimum landscape surface ratio: 20%.
 - (b) Maximum impervious surface: 80%.
 - (c) Maximum lot coverage, building only: 35%.

- (2) Lot dimensional requirements.
 - (a) Minimum lot area: 12,000 square feet.
 - (b) Minimum lot width at setback line: 100 feet.
 - (c) Minimum front yard: 35 feet.
 - (d) Minimum side yard: 10 feet.
 - (e) Minimum rear yard: 25 feet.
 - (f) Minimum yard to residential districts: see § 535-52.
 - (g) Minimum yard setback for parking lots and driveways adjacent to residential districts: see § 535-52.
- (3) Maximum building height.
 - (a) Principal structure: 3.0 stories; 45 feet.
 - (b) Accessory structure: 1.0 story; 25 feet.
- H. Permitted accessory signs. As stipulated in Article **XV**, Signs and Billboards.
- I. Off-street parking requirements. As stipulated in § 535-49.
- J. Architectural standards. The CL District requires the following architectural standards for principal and accessory structures:
 - (1) At least 35% of all exterior walls visible from a residential district or a public street shall be faced with a brick, fieldstone or other masonry surface.
 - (2) All walls shall use colors, finishes, materials, wall offset and other architectural details to prevent flat, blank walls.
- K. Landscape and screening standards. The CL District requires the following landscaping standards: [Amended 4-7-2011 by Ord. No. 2011-09]
 - (1) Landscaping other than turf or grass shall equal at least 25% of the perimeter front yards. The landscaping shall consist of a mixture of trees, bushes and evergreens suited to the location and providing year-round foliage.
 - (2) All other landscape and screening standards are set forth in § 535-52 of this chapter.
- L. Performance standards. See § 535-39G.^[4]

^[4] *Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

§ 535-37. CR Regional Commercial District.

[Amended 7-6-2000; 2-22-2001; 5-21-2002]

- A. Purpose. 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.
- B. Site plan review.
 - (1) The following uses and projects shall obtain site plan approval from the Plan Commission, in accordance with Article **X** of this chapter, prior to issuance of a building permit: [Amended 4-7-2011 by Ord. No. 2011-09]
 - (a) The proposed building or structure is greater than or equal to 10,000 square feet.

- (b) All special exception uses, including convenience stores and other auto-related business.
 - (c) The site adjoins a residential district boundary.
 - (d) The site adjoins a federal, state or county highway.
 - (e) Taverns and restaurants.
 - (f) Proposed sign height is greater than or equal to 25 feet.
- (2) The following uses and projects shall obtain site plan approval from the Zoning Administrator, in accordance with Article **X** of this chapter, prior to issuance of a building permit:
- (a) The proposed building or structure is less than 10,000 square feet.
 - (b) Parking lot, driveway, gravel or soil stripping or any other impervious surface creation or alteration.
- (3) The Plan Commission and Zoning Administrator shall review site plans in accordance to all requirements of Article **X**.
- C. Permitted principal uses and structures.
- (1) Permitted principal uses and structures in § **535-36C(1)** through **(3)** in the CL District where the building or structure does not exceed 40,000 square feet of floor area. The front of all buildings shall be faced with decorative masonry or other materials of suitable aesthetic, safety and durability value.
 - (2) Permitted principal uses and structures in § **535-36C(4)** through **(14)** in the CL District. Building fronts shall meet the requirements of Subsection **C(1)** above.
- D. Permitted accessory uses and structures. Permitted accessory uses and structures in the CL District.
- E. Special exception uses and structures.
- (1) Retail, service and office uses and structures where the building or structure exceeds 40,000 square feet of floor area.
 - (2) Special exception uses and structures in § **535-36E(1)** through **(9)** in the CL District.
 - (3) Indoor commercial recreational establishments conducted entirely within a building(s) greater than 40,000 square feet, including an arena, assembly hall, auditorium, amusement rides, water slides and pools and uses of a similar nature.
 - (4) Churches.
[Added 6-19-2007 by Ord. No. 2007-04]
 - (5) Establishment that obtains a liquor license that includes licensing any area outdoor or exterior to the principal building.
[Added 3-17-2009 by Ord. No. 2009-10]
 - (6) Antennas and towers in accordance with Article **XVI** of this chapter.^[1]
[1] *Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
- F. Traffic impact. The Plan Commission may require a traffic impact analysis for any use or structure proposed for construction in this district.
[Amended 4-7-2011 by Ord. No. 2011-09]
- G. District standards.
[Amended 4-7-2011 by Ord. No. 2011-09]
- (1) Landscape surface ratio/impervious surface area.

- (a) Minimum landscape surface ratio: 20%.
 - (b) Maximum impervious surface: 80%.
 - (c) Maximum lot coverage, building only: 35%.
- (2) Lot dimensional requirements.
- (a) Minimum lot area: 12,000 square feet.
 - (b) Minimum lot width at setback line: 100 feet.
 - (c) Minimum front yard: 35 feet.
 - (d) Minimum side yard: 10 feet.
 - (e) Minimum rear yard: 25 feet.
 - (f) Minimum yard to residential districts: see § 535-52.
 - (g) Minimum yard setback for parking lots and driveways adjacent to residential districts: see § 535-52.
- (3) Maximum building height.
- (a) Principal structure: none.
 - (b) Accessory structure: 1.0 story; 25 feet.
- H. Permitted accessory signs. As stipulated in Article **XV**, Signs and Billboards.
- I. Off-street parking requirements. As stipulated in § 535-49.
- J. Architectural standards. The CR District requires the following architectural standards for principal and accessory structures:
- (1) At least 35% of all exterior walls visible from a residential district or a public street shall be faced with a brick, block, fieldstone or other masonry surface.
 - (2) All walls shall use colors, finishes, materials, wall offset and other architectural details to prevent flat, blank walls.
- K. Landscape and screening standards. The CR District requires the following landscaping standards: [Amended 4-7-2011 by Ord. No. 2011-09]
- (1) Landscaping other than turf or grass shall equal at least 25% of the perimeter front yards. The landscaping shall consist of a mixture of trees, bushes and evergreens suited to the location and providing year-round foliage.
 - (2) All other landscape and screening standards are set forth in § 535-52 of this chapter.
- L. Performance standards. See § 535-39G.^[2]
- ^[2] *Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

§ 535-38. CP Planned Commercial District.

[Amended 7-6-2000; 2-22-2001]

- A. Purpose. 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.
- B. Permitted principal uses and structures.

[Amended 11-18-2008 by Ord. No. 2008-11]

(1) Business and professional offices.

C. Permitted accessory uses and structures.

(1) Uses and structures which are customarily accessory and clearly incidental and subordinate to permissible principal uses and structures.

(2) Public utility installations.

D. Special exception uses and structures.

[Amended 11-18-2008 by Ord. No. 2008-11]

(1) Group day-care facilities.

(2) Facilities defined by Chs. DOC 348 and 350, Wis. Adm. Code.

(3) Art gallery, museum, library, community center, and publicly owned and operated recreational facilities.

(4) Hotels and restaurants.

(5) Clubs and organizations.

(6) Retail shopping centers, provided that all sales and storage are conducted within a completely enclosed building.

(7) Hospitals, health centers, nursing homes and convalescent homes.

(8) Vocational, trade or business schools.

(9) Publicly owned auditoriums or convention centers.

(10) Wholesale and warehouse establishments.

(11) Printing and publishing establishments.

(12) Light manufacturing uses and structures, such as packaging, bottling, and storage facilities and laboratories, provided that 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.

(13) Establishment that obtains a liquor license that includes licensing any area outdoor or exterior to the principal building.

[Added 3-17-2009 by Ord. No. 2009-10]

E. District standards.

[Amended 9-16-2008 by Ord. No. 2008-08; 4-7-2011 by Ord. No. 2011-09]

(1) All permissible principal uses and structures. Minimum dimensions: maximum lot coverage: 35%. This district contemplates more than one principal building on a lot. There are no minimum lot area requirements per building. However, no building shall be located within 25 feet of another building or exterior property line. 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. A site plan under Article **X** is required.

(2) Minimum setbacks to residential districts.

(a) Office use: see § **535-52**.

(b) Commercial/retail use: see § **535-52**.

(c) Industrial/warehouse use: see § **535-52**.

(d) Parking lot/driveway: see § 535-52.

- F. Traffic impact. The Plan Commission may require a traffic impact analysis for any use or structure proposed for construction in this district.
[Added 4-7-2011 by Ord. No. 2011-09]
- G. Permitted accessory signs. As stipulated in Article **XV**, Signs and Billboards.
- H. Off-street parking requirements. As stipulated in § 535-49.
- I. Landscape and screening standards. As stipulated in § 535-52 of this chapter.
[Added 4-7-2011 by Ord. No. 2011-09]
- J. Performance standards. See § 535-39G.^[1]
[1] *Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

§ 535-39. IND Industrial District.

[Amended 2-22-2001; 3-5-2002; 5-21-2002]

- A. Purpose. 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. To allow maximum latitude for operations, performance standards are applied at district boundaries. 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.
- B. Site plan review.
- (1) The following uses and projects shall obtain site plan approval from the Plan Commission, in accordance with Article **X** of this chapter, prior to issuance of a building permit:
[Amended 4-7-2011 by Ord. No. 2011-09]
- (a) The proposed building or structure is greater than or equal to 10,000 square feet.
 - (b) All special exception uses, including convenience stores and other auto-related businesses.
 - (c) The site adjoins a residential district boundary.
 - (d) The site adjoins a federal, state or county highway.
 - (e) Taverns or restaurants.
 - (f) Proposed sign height is greater than or equal to 25 feet.
- (2) The following uses and projects shall obtain site plan approval from the Zoning Administrator, in accordance with Article **X** of this chapter, prior to issuance of a building permit:
- (a) The proposed building or structure is less than 10,000 square feet.
 - (b) Parking lot, driveway, gravel or soil stripping or any other impervious surface creation or alteration.
- (3) The Plan Commission and Zoning Administrator shall review site plans in accordance with all requirements of Article **X**.
- C. Permitted principal uses and structures.
- (1) Wholesaling, warehouse, storage or distribution establishments (except bulk storage of flammable liquids) and uses of a similar nature.

- (2) Printing and publishing.
- (3) Service establishments catering to commercial and industrial uses, including business machine services, linen supply, freight movers, communication services, canteen services and uses of a similar nature.
- (4) Light manufacturing uses, including bottling, packaging, laboratories and uses of a similar nature.
- (5) Manufacturing uses, including production, processing, cleaning, testing and the distribution of materials and goods, except wrecking yards, fertilizer and chemical manufacture and canneries or slaughterhouses. All manufacturing uses are subject to the provisions of Subsection **G**.
- (6) Building contractor with storage yard.
- (7) Transportation terminals.

D. Permitted accessory uses and structures.

- (1) Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures.
- (2) Outside storage of materials and products, provided that such storage shall not be closer than 25 feet to the street line or 10 feet to any lot line. Storage areas shall be enclosed by fencing material and/or landscaping to be 75% or more opaque between two and six feet above average ground level. All storage areas shall be surfaced with gravel or hard surface materials. Storage materials shall not be piled or stacked to a height beyond the principal building.
- (3) Temporary storage of waste materials and trash, provided that such materials/trash shall be enclosed by a fence of solid material not less than six feet in height.
- (4) Public utility installations.

E. Special exception uses and structures.

- (1) Automobile, boat, construction and farm implement sales, service and repair.
- (2) Bulk storage of flammable liquids.
- (3) Agricultural-related uses, including feed mills and co-ops.
- (4) Fertilizer and chemical manufacture subject to the provisions of Subsection **G**.
- (5) Canneries and slaughterhouses subject to the provisions of Subsection **G**.
- (6) Automobile wrecking or salvage yards and junkyards, provided that 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 § **535-52**.
- (7) Sanitary landfills and energy recovery systems.
- (8) Group day-care facilities.
- (9) Cellular, radio-telephone towers.
- (10) Filling stations and convenience stores.
- (11) Antennas and towers in accordance with Article **XVI** of this chapter.^[1]

[1] *Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

F. District standards.

[Amended 9-16-2008 by Ord. No. 2008-08; 4-7-2011 by Ord. No. 2011-09]

- (1) Minimum lot area: 12,000 square feet.
- (2) Minimum lot width at setback line: 100 feet.
- (3) Minimum front yard: 35 feet.
- (4) Minimum side yard: 10 feet.
- (5) Minimum rear yard: 25 feet.
- (6) Minimum yard to residential districts: see § 535-52.
- (7) Minimum yard setback for parking lot/driveway adjacent to residential district: see § 535-52.

G. Industrial and commercial district performance standards.

- (1) Intent. It is the intent of this chapter to use performance standards for the regulation of all industrial and commercial districts 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.
- (2) Standards of operation.
 - (a) Noise and vibration. No operation or activity shall transmit any noise or vibration that is above the vibration perception threshold of an individual at or beyond the industrial or commercial 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 user and vibrations from temporary construction or maintenance activities shall be exempt from the above standard.
 - (b) External lighting. No operation or activity shall produce any intense glare or lighting with the source directly visible beyond the parallel boundary towards a public street or a residential district.
 - (c) 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.
 - (d) 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.
 - (e) 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.
 - (f) 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.
 - (g) Outdoor storage. No operation shall store any component, part or raw material outdoors unless screened by an opaque fence or landscape buffer from a public street or a residential district.
- (3) 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 chapter that the methods to be used in determining compliance shall be the responsibility of the Building Inspector and Administrator subject to the following procedure:

- (a) 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 all the standards of this chapter.^[2]

[2] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

- (b) Violation of standards. Whenever the Building Inspector or Administrator has reason to believe the air quality, vibration 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 appropriate authorities.

H. Permitted accessory signs. As stipulated in Article **XV**, Signs and Billboards.

I. Off-street parking requirements. As stipulated in § **535-49**.

J. Landscape and screening standards. As set forth in § **535-52** of this chapter.
[Added 4-7-2011 by Ord. No. 2011-09]

§ 535-40. PDD Planned Development District.

[Added 1-18-2011 by Ord. No. 2011-03]

- A. Purpose. This district is intended to promote large-scale commercial, industrial, institutional, and mixed-use development that may be built out in multiple phases in accordance with a master development plan. It is the intent of this district to assure that development is planned and accomplished within the Town's goals for the surrounding neighborhood and the community as a whole; promote flexibility in design and efficient use of land; provide for architectural unity and design harmony; preserve, to the greatest extent feasible, existing landscape features and natural amenities; enhance the natural setting through planned placement of man-made facilities and plant materials; and provide more usable common and open space areas than would otherwise be possible under conventional land development practices.
- B. Interpretation. Development shall be planned, reviewed and carried out in conformance with all municipal, state, and other laws and regulations. However, in interpreting and applying the provisions of this section, it shall take precedence and be controlling when there is conflict between its provisions and those contained elsewhere in this chapter.
- C. Approval procedure. To develop land under this district classification requires a two-step approval procedure, as described in this section. The initial step requires the approval by the Town of a master development plan for the area to be developed and the approval of the rezoning of said area to PDD Planned Development District. The second step requires project plan approval, by Town ordinance, before any phase of development commences within the area zoned PDD Planned Development District.
- D. Permitted uses.
- (1) No structure or building shall be erected that is arranged, intended, or designed to be used for other than those uses that are specifically approved by the Town in the ordinance authorizing project approval. In accordance with the adopted master development plan and the Town's Comprehensive Plan, the Town Board may allow as permitted uses those principal, accessory, or special exception uses allowed in the RSF, RTE, R-2, R-3, R-4, R-5, RMF, C-1, C-2, CL, CR, CP, and IND District classifications as cited in this chapter.^[1]

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

- (2) Notwithstanding any other provisions in this chapter, all lawful uses existing on the effective date of the ordinance from which this section is derived may be continued until a project approval ordinance is adopted that would allow additional or different uses. No such lawful uses shall be expanded or exchanged, except as provided for in a project approval ordinance.
- E. Use standards. Permitted uses, all of which are subject to project approval, shall be governed by performance standards that relate to the total concept of the master development plan. Such standards shall be consistent with the criteria set forth in this section and with generally accepted standards necessary to ensure the protection of the public health, safety, and welfare. All use standards and requirements shall be established as conditions in the ordinance(s) authorizing project approval.
- (1) Tract size. The minimum size of any area in the Planned Development District shall be two acres.
- (2) Setbacks. Setbacks for structures and parking areas shall be established so as to ensure compatibility both within the district and with adjoining developments, uses, and zoning districts. In establishing setbacks, the Plan Commission and Town Board shall consider suitable distances based on the proposed heights of structures, to ensure adequate separation of uses.
- (3) Height limitations. Heights of structures shall be regulated to the extent that they relate to the proposed development and to the general area within which the development is proposed to be located.
- (4) Density. The maximum lot coverage for commercial and institutional structures and buildings shall be 35%. The Plan Commission, upon review, may increase the maximum lot coverage for commercial and institutional structures and buildings to 40%. The maximum lot coverage for industrial structures and buildings shall be 60%. The maximum dwelling unit density shall be 20 units per net acre with maximum lot coverage of 70%.
- (5) Landscape and open space. Landscaping shall be regulated to the extent that it relates to the proposed development and to the general area within which the development is proposed to be located. At a minimum, all uses must meet the landscape standards set forth in Article VI of this chapter.
- (6) Signs. Specific sign regulations shall be contained in each project approval ordinance; however, in no case shall they be less restrictive than those required for signs in the CL and CR Commercial Districts.
- (7) Off-street parking. All off-street parking must meet the requirements set forth in Article VI of this chapter.
- (8) Design considerations. Design standards and requirements outlined below will be utilized by the Plan Commission in determining the adequacy of all development plans in the district.
- (a) Consideration shall be given to the master development plan for the district, to ensure compatibility with established goals and priorities.
- (b) The development shall take into account relevant features of adjacent existing development.
- (c) Overall design shall provide for the appearance of external unity throughout the development. Variations in building elevations and materials used therein shall be encouraged insofar as they reinforce rather than hamper design harmony.
- (d) Physical layout and form of all development shall be designed with regard to the topography and natural features of the site.
- (e) The site shall be planned to provide a desirable transition from the adjoining streetscape and to provide for adequate landscaping, parking areas and pedestrian and bike facilities.

- (f) Plant material shall be selected for interest in structure, texture, color, and ultimate appearance upon full maturity. Native plant materials shall be employed as feasible. Existing trees shall be preserved whenever possible.
 - (g) Sidewalks and/or trails shall be provided on the site as deemed necessary for safe and convenient movement to and from peripheries of the district and for internal flow within the development area. Sidewalk/trail widths shall be designed with regard to their anticipated function and usage. Natural features of the area to be traversed and lighting suitable in scale with the project shall also be considered.
 - (h) Parking areas shall be screened from adjacent properties and roads with hedges, dense plantings, earth berms, changes in grade, fences, or walls. In addition, all parking lots shall be designed to accommodate tree and/or shrub plantings along internal islands, at levels determined appropriate with each project approval ordinance.
- F. Zoning and master plan approval procedure. The procedure required to rezone property to PDD Planned Development District shall follow the requirements set forth in Article **XIII** of this chapter, except that a rezoning application must be accompanied by a master development plan that meets the following requirements:
- (1) Preapplication consultation. This meeting is intended to inform the Town of the proposed project and to inform the applicant of the code standards and regulations that will impact the project. The applicant will meet with the Department of Community Development and other departments of the Town, as required, in preparation for submitting a rezoning application.
 - (a) Areas of discussion will include but not be limited to the following topics:
 - [1] Scope and size of the development and proposed land uses.
 - [2] Parking and open space considerations.
 - [3] Infrastructure needs and traffic impacts.
 - [4] Conformance with the Town's Comprehensive Plan.
 - (b) Town staff will offer advice to the applicant regarding the proposed plan. No oral, written or schematically illustrated statement made during the course of the consultation shall be held as legally binding by any party.
 - (2) Application for zoning and master plan approval. Applications for approval shall be filed with the Department of Community Development. Necessary supporting documents and maps, as specified herein, along with the required filing fee, shall accompany the application. The submitted master development plan shall include:
 - (a) The names, postal and e-mail addresses, and telephone numbers of the owner, developer, and site planner/designer.
 - (b) A legal description of the site, the dimensions and bearings of exterior boundaries, and a description of easements or other restrictions impacting the site.
 - (c) A statement describing the general character of the proposed development, its conformance with neighborhood and community goals, timing of the development, and appropriate data, including total acreage, land use types, development densities, and, if appropriate, the number and type of dwelling units.
 - (d) A general outline describing the owner-developer relationship, anticipated deed restrictions, and prospective private provision of common services, if any.
 - (e) Existing site conditions, including topography at intervals no greater than two feet, existing improvements, along with an indication as to whether they will be retained or removed, drainage patterns, and wooded, wetland, or other natural features.

- (f) The pattern of proposed land uses, including the shape, size and arrangement of use areas, and their relationship to adjoining uses, as well as a graphic outline showing proposed staging and development time lines.
 - (g) The pattern of public and private streets.
 - (h) A preliminary utility feasibility plan.
 - (i) The location and description of any land areas to be dedicated to the public.
- (3) Review and approval of zoning and master plan. Approval of the rezoning to PDD Planned Development District shall constitute approval of the related master development plan. Said plan shall be considered an integral component of the district regulations for the area being rezoned and shall establish the basic rights of use for the area.
- G. Project plan approval procedure. No development, construction, reconstruction, or alteration affecting approved uses may occur in an area zoned PDD Planned Development District until project plan approval has been granted by the Plan Commission and Town Board. In the case of a development that is built out in multiple phases, a separate project plan approval is required for each phase. The procedure for project plan approval is as follows:
- (1) Application for project plan approval. Applications for project plan approval shall be filed with the Department of Community Development. Necessary supporting documents and maps, as specified herein, along with the required filing fee, shall accompany the application. The submitted project plan approval application shall include:
 - (a) Certified topographic survey, showing:
 - [1] Legal description of the site being developed, names of all property owners, and seal of the registered surveyor making the survey/map.
 - [2] Dimensions and bearings of external property boundaries.
 - [3] The location of all existing structures, easements, utilities, streets, sidewalks, trees, parking areas, curb openings, floodplain and wetlands areas, navigable streams, on-site stormwater management controls, and public dedication areas, either contained upon or adjacent to the site.
 - [4] Contour intervals of not more than two feet.
 - (b) Project site plan, showing:
 - [1] Areas to be developed for buildings, parking, landscaping/open space, stormwater management control, pedestrian and vehicular circulation, points of ingress/egress, finished topography/grade elevations, and locations of all existing and proposed public and private utilities.
 - [2] The names, right-of way and roadway widths, approximate radii curves, and tangent lengths of all proposed public and private streets.
 - [3] Detailed lot layout and subdivision plan, where required.
 - [4] Representative floor plans and exterior elevations of proposed structures and buildings, showing exterior building materials, and drawn in relation to existing and proposed final elevations.
 - [5] Grading plan.
 - [6] Drainage and stormwater management plan.
 - [7] Erosion control plan.

- [8] Landscape plan, in conformance with the standards set forth in Article VI of this chapter.
- [9] Signage and site lighting plan.
- (c) Copies of agreements, bylaws, deed restrictions, covenants or other provisions governing the organizational structure of the owner(s) and/or the use, maintenance and enjoyment of the site and any of its common services, common open areas, or other facilities.
- (d) Narrative statements explaining:
 - [1] The proposed development, including the nature of the project, proposed land uses, building types, time line for full build-out, and acknowledgement that the project for which approval is requested is in conformance with the master development plan for the area.
 - [2] Quantitative data, including total number, type, size, and height of proposed structures and buildings, individual parcel sizes, if any, lot coverage, number and type of landscape materials to be used, and total off-street parking stalls to be provided in comparison to the requirements set forth in Article VI of this chapter.
 - [3] A use analysis report detailing projected job impact, approximate utility needs and effect upon capacity of existing public and private infrastructure that will serve the area, possible nuisance factors, either construction-related or permanent, and the proposed means to mitigate them.
- H. Project plan review and approval. At its next regularly scheduled meeting, the Plan Commission shall initiate review and action on the proposed project. The Plan Commission shall, within 45 days from its initial review meeting, determine the appropriateness of the proposed project and its conformance with the master development plan for the district as well as the requirements of this section. The Plan Commission shall recommend to the Town Board that the project be approved, approved with conditions and/or modifications, or denied. If denied, the Plan Commission shall enumerate the reasons for such recommendation. Upon receipt of the recommendation of the Plan Commission, the Town Board shall deliberate over the proposed project and, by ordinance, vote to approve or deny the project.
- I. Changes in approved project. Modifications to an approved project that will cause a change in the use, character or arrangement of the development, or a change in approved open space, lot coverage of structures and buildings, traffic circulation and public utilities, or a change in off-street parking areas, pavement widths, or signage, shall be authorized by the Town Board upon recommendation of the Plan Commission. Any approved changes shall be in ordinance form as amendments to the previously granted project plan approval. Minor changes in location and elevation of buildings, driving and parking areas, and site landscaping may be authorized by the Community Development Director, if such changes are required by engineering or other circumstances that could not have been foreseen at the time project approval was granted.
- J. Expiration of approval. If after 12 months from the project approval date required building and mechanical permits have not been issued and/or all subsurface construction to grade level has not been completed and/or no use as established by the approval ordinance is operating, said approval shall lapse and be of no further effect. If a project approval ordinance lapses under the provisions of this section, the zoning regulations applicable to the PDD Planned Development District shall be in effect.

§ 535-41. Selected special exception standards and regulations.

[Amended 7-6-2000; 2-22-2001; 4-20-2004; 1-18-2011 by Ord. No. 2011-02]

- A. Adult establishments. Adult establishments include bookstores, motion-picture theaters, mini motion-picture theaters, bathhouses, massage parlors, modeling studios, body painting studios and

cabarets. Adult establishments shall meet the following requirements:
[Amended 4-7-2011 by Ord. No. 2011-09]

- (1) Definitions. As used in this Subsection **A**, the following terms shall have the meanings indicated:

ADULT BATHHOUSE

An establishment or business which provides the service of baths of all kinds, including all forms and methods of hydrotherapy, that is not operated by a medical practitioner or a professional physical therapist licensed by the State of Wisconsin and which establishment provides to its patrons an opportunity for engaging in specified sexual activities as defined in this subsection.

ADULT BODY PAINTING STUDIO

An establishment or business wherein patrons are afforded an opportunity to paint images on a body which is wholly or partially nude. For purposes of this subsection, "adult body painting studio" shall not be deemed to include a tattoo parlor.

ADULT BOOKSTORE

An establishment having as a substantial or significant portion of its stock and trade in books, magazines or other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined herein or an establishment with a segment or section devoted to the sale or display of such material.

ADULT CABARET

An establishment or business which features male and/or female topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, burlesque shows, male or female impersonators, or similar entertainers.

ADULT MASSAGE PARLOR

An establishment or business with or without sleeping accommodations which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body and all forms and methods of physiotherapy, not operated by a medical practitioner or professional physical therapist licensed by the State of Wisconsin and which establishment provides for its patrons the opportunity to engage in specified sexual activities as defined in this subsection.

ADULT MINI MOTION-PICTURE THEATER

An enclosed building with a capacity for fewer than 50 persons used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined herein for observation by patrons therein.

ADULT MODELING STUDIO

An establishment or business which provides the services of modeling for the purpose of reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing or otherwise.

ADULT MOTION-PICTURE THEATER

An enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined herein for observation by patrons therein.

ADULT MOTION-PICTURE THEATER (OUTDOOR)

A parcel of land from which individuals may view a motion picture presented outdoors which presents material distinguishably characterized by an emphasis on matters

depicting, describing or relating to specified sexual activities or specified anatomical areas.

ADULT NOVELTY SHOP

An establishment or business having as a substantial or significant portion of its stock and trade in novelty or other items which are distinguished or characterized by their emphasis on, or designed for, specified sexual activities as defined herein or stimulating such activity.

SPECIFIED ANATOMICAL AREAS

[1]

- (a) The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
- (b) Less than completely and opaquely covered human genitals, pubic region, vulva, anus or the nipple and areola of the human female breast.

SPECIFIED SEXUAL ACTIVITIES

[2]

- (a) The fondling of another person's genitals, pubic region, anus, or female breasts;
- (b) Actual sex acts, normal or perverted, including intercourse, oral copulation, masturbation, or sodomy; or
- (c) Excretory functions as part of, or in connection with, any of the activities set forth in Subsections **(a)** and **(b)** above.

[1] *Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

[2] *Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

(2) General standards.^[3]

- (a) Adult establishments as defined in this Subsection **A** are special exception uses in the CL District.
- (b) No more than one of the above adult establishments may be established on any one parcel, and the establishment of any one of the above adult establishments shall be at least 1,500 feet from the establishment of any other adult establishment. No adult establishment shall be permitted within 2,000 feet of any land used or zoned for residential purposes or within 2,000 feet of any church or school.
- (c) Signs advertising any of the aforementioned adult establishments shall conform to Article **XV** of this chapter, with the exception, however, that no tower or portable signs or billboards shall be permitted on the premises and with the further exception that signs will not depict specified sexual activities and/or specified anatomical areas as defined in this Subsection **A** and provided further that there shall be no flashing or traveling lights located outside the building.
- (d) Adequate parking shall be provided in a lighted area.
- (e) There shall be no display windows on the premises.
- (f) The owner and/or operator of the adult establishment shall agree to comply with all state, federal and local laws and ordinances, including obscenity, liquor and cabaret laws, and shall further ensure that minors are not permitted on the premises. Solicitation for purposes of prostitution shall be strictly prohibited.
- (g) In the case of adult cabarets, there shall be compliance with § **535-39G(2)(a)** of this chapter relating to noise, and the hours of operation of such establishments shall be

limited to the same hours of operation for bars and taverns within the community within which the district is located.

- (h) The owner of the parcel upon which the adult establishment is to be established and the operator of the establishment and owner of the establishment shall appear in person before the Plan Commission.

[3] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

B. Convenience stores.

[Amended 4-7-2011 by Ord. No. 2011-09]

- (1) Direct access to arterial streets required. All convenience stores shall have direct access to an arterial street which is a federal, state, or county designated highway, except where it is part of a nonresidential development where access is provided by a parallel access road, or reverse frontage road, where nonresidential uses will be on both sides of the street.
- (2) Architectural design. All convenience stores adjoining residential uses and zoning districts shall have pitched roofs matching the rooflines of adjoining residential structures. Each convenience store building shall use the same architectural materials on all sides of the building.
- (3) Fuel pump location. Any fuel pump, underground fuel storage tanks and islands shall be at least 50 feet from any street or abutting lot line and meet all other State of Wisconsin regulations.
- (4) Canopies. The canopies provided over the pump islands of convenience stores with gas pumps shall meet the yard requirements of a principal structure. In addition:
 - (a) Obstruction of visibility at rights-of-way prohibited. The canopy shall not block visibility at intersections of rights-of-way or drives.
 - (b) Zoning district front yard requirements shall be met. All pump islands, their surrounding structures and the canopy overhang shall meet the zoning district's front yard requirement.
 - (c) Maximum height. Under no circumstances shall the canopy be higher than 25 feet.
 - (d) Signs not permitted. No signs shall be permitted on canopy roofs.
- (5) Lighting. The off-street parking and fueling area may be illuminated. Total cutoff of light shall be at an angle of less than 90° and shall be located so that the bare light bulb, lamp or light source is completely shielded from the direct view of an observer five feet above the ground at the point where the cutoff angle intersects the ground and so that no light can be viewed from any abutting residential zoning districts.
- (6) Hours of operation. Hours of operation shall be established by the Plan Commission.
- (7) Outdoor display.
 - (a) Products shall be sold by the principal business or agricultural products sold by the producer.
 - (b) The principal business sales display shall be placed under or attached to permitted structures only. No display or outdoor sales shall be placed in or sold out of a truck, van or other vehicle or a temporary structure.
 - (c) All private sidewalks serving the site shall keep a minimum of 36 inches clear of all obstructions or display items.

C. Vehicle repair facilities and gas stations with repair facilities. Gas stations, gas stations with vehicle repair facilities and vehicle repair facilities shall meet the following requirements:

[Amended 4-7-2011 by Ord. No. 2011-09]

- (1) Direct access to arterial streets required. All vehicle repair facilities and gas stations shall have direct access to an arterial street which is a federal, state or county designated highway, except

where it is part of a nonresidential development where access is provided by a parallel access road or reverse frontage road where nonresidential uses will be on both sides of the street.

- (2) Architectural design. All vehicle repair facilities and gas stations adjoining residential uses and zoning districts shall have pitched roofs matching the rooflines of adjoining residential structures. The buildings shall use the same architectural materials on all sides of the building.
- (3) Lighting. The off-street parking and fueling area may be illuminated. Total cutoff of light shall be at an angle of less than 90° and shall be located so that the bare light bulb, lamp or light source is completely shielded from the direct view of an observer five feet above the ground at the point where the cutoff angle intersects the ground and so that no light can be viewed from any abutting residential zoning districts.
- (4) Repair services. All repair services shall be performed within a completely enclosed building and shall meet the following requirements:
 - (a) All storage of vehicles awaiting needed parts shall be within the building or in an enclosed or screened-in yard.
 - (b) All damaged or nonoperable parts shall be stored indoors until removed from the premises.
 - (c) An automotive repair facility shall store all vehicle parts within a completely enclosed building.
 - (d) The maximum allowable number of tow trucks which can be parked at the site shall be determined by the Plan Commission as a condition of approval of the special exception permit.
- (5) Hours of operation. Hours of operation shall be established by the Plan Commission.

D. Mini warehouses. Mini warehouse facilities shall meet the following requirements:

- (1) Limitations on use of facilities. Such facilities shall be used only for the storage of materials or articles and shall not be used for assembly, fabrication, processing or repair.
- (2) Services and sales activities prohibited. No services or sales shall be conducted from any storage unit. Garage sales and/or flea market type activities are prohibited.
- (3) Practice rooms, meeting rooms and residences prohibited. Facilities shall not be used for practice rooms, meeting rooms or residences.
- (4) Outdoor storage prohibited. No outdoor storage shall be permitted.
- (5) Storage of explosive or highly flammable material prohibited. Storage of explosive or highly flammable material shall be prohibited.

Article VI. Supplementary District Regulations

§ 535-42. General application.

The regulations set forth herein shall supplement or modify the regulations set forth in Article V, Schedule of District Regulations.

§ 535-43. Setbacks on federal, state and county highways.

[Amended 8-7-2001]

The front yard (setback) requirements enumerated in Article **V** are applicable to local streets and highways. The front yard (setback) requirement for federal, state and county highways is 55 feet with no sound barrier installed along the right-of-way. The sound barrier shall be approved and installed by a governing agency. If a sound barrier is installed along the right-of-way, the setback requirements of the districts identified in Article **V** are applicable.

§ 535-44. Lots and yards.

- A. More than one building on a lot. In any district, more than one building housing a principal use may be erected on a single lot, provided that yard and other requirements of these regulations shall be met for each building as though it were on an individual lot, unless otherwise specified in Articles **V** and **VII** for planned commercial or residential developments.
- B. Through lots and corner lots. On through lots or lots with double frontage, the required front yard shall be provided on each street. On corner lots the street side yard shall equal the required front yard for lots fronting on that street.
- C. Development in mapped streets. Where an official line has been established for the future widening or opening of a street, 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.
- D. 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 **VII**.
- E. Building groups. In any nonresidential district, a group or buildings separated only by common or party walls shall be considered as one building.
- F. 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 these regulations:
 - (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 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.
 - (4) Solar collectors which are part of the principal building may extend into a required rear yard for a distance not to exceed 10 feet, and solar collectors may extend into a required side yard, provided that they have a minimum seven-foot clearance from grade and provided further that such extension shall be at least five feet distant from the adjacent lot line and shall not extend more than three feet from the building.
- G. Street widening. When a structure becomes nonconforming as to setback from a street or highway because the street or highway was 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 in such a manner that it will be closer to the right-of-way of the street or highway.
[Amended 12-20-2011 by Ord. No. 2011-30]

§ 535-45. Accessory uses and structures in RSF, RTF and R-2 Districts.

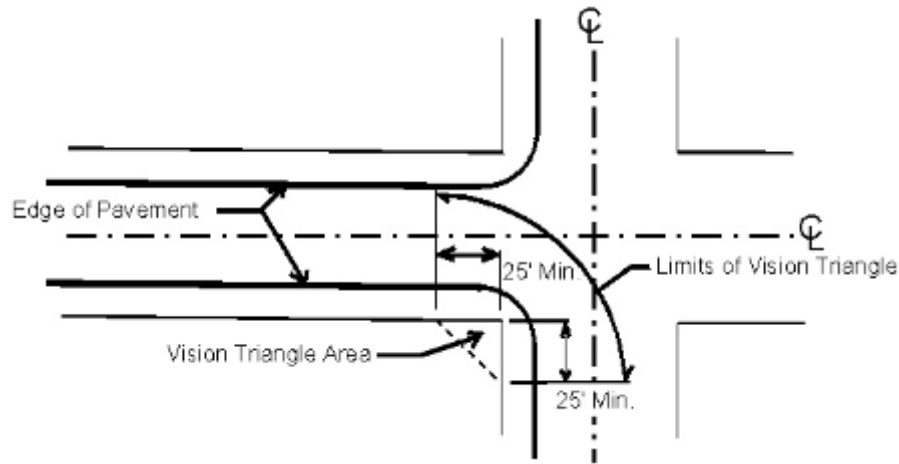
- A. Number of accessory buildings. A detached garage and one additional accessory building may be placed on a lot. An attached garage shall be considered part of the principal building. No accessory building shall be built on a lot without a principal building.
[Amended 8-21-2001]
- B. Location of detached accessory buildings. No detached accessory building shall occupy any portion of the front yard or be located within 10 feet of any principal building.
[Amended 8-21-2001]
- C. Size of accessory buildings.
- (1) No detached garage shall exceed 36 feet by 24 feet (864 square feet) when located on a lot with a second accessory building. No second accessory building shall exceed 10 feet by 20 feet (200 square feet). No accessory building shall exceed 16 feet or the height of the highway noise barrier, whichever is less.
 - (2) Additionally, no detached accessory building shall exceed 1,000 square feet or 30% of the rear yard, whichever is less, unless granted a special exception.
[Amended 8-21-2001; 4-7-2011 by Ord. No. 2011-09]
- D. Accessory structures. Notwithstanding fences, residential driveways and parking lots, no accessory structure shall be located within 10 feet of a principal building or three feet of any lot line.
[Amended 8-21-2001]
- (1) Exception. Decks and patios are permitted within 10 feet of a principal building, provided that they are six feet from any lot line.

§ 535-46. Height exceptions.

The height limitations in Article V, Schedule of District Regulations, do not apply to belfries, cupolas, antennas, 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.

§ 535-47. Traffic visibility and access.

- A. Traffic visibility.
[Amended 3-5-2013 by Ord. No. 2013-08]
- (1) No obstruction permitted within vision triangle area. No visual obstructions, such as but not limited to structures, parking, fencing or vegetation, shall be permitted in any district between the heights of 2 1/2 feet and 10 feet above the plane through the mean edge of pavement elevation within the limits of a triangular space formed by any two existing or proposed intersecting street or alley right-of-way lines and a line joining points on such lines located a minimum of 25 feet from their intersection. See the illustration.



(2) Vision triangle distances for intersections with arterial and/or collector streets. In the case of arterial and/or collector streets intersecting with other arterial and/or collector streets or minor streets, the vision triangle distance on the arterial/collector street shall be as required by § 475-21B(5)(d).

- B. Highway access. No direct private access shall be permitted to the existing or proposed rights-of-way of expressways or to any controlled access arterial street without permission of the highway agency that has access control jurisdiction.
- C. Additional transportation modes. The Town may require additional access points and improvements, including but not limited to bike and pedestrian paths, sidewalks, transit stops and railroad spurs.
- D. Land dedication. The Town may require the applicant to dedicate land to be used as right-of-way, access or utility as identified in the Town Comprehensive Plan as a condition of site plan approval.

§ 535-48. Driveways and private roadways.

[Amended 8-4-2022 by Ord. No. 2022-13]

- A. All new driveways and alteration to existing surfaces shall meet the following requirements. Alteration to existing surfaces is considered altered either by adding asphalt or concrete or by removing existing asphalt or concrete and exposing the gravel course base and then repaving such area; the regulations and standards set forth in Chapters 468 and 535 shall be met.
 - (1) Islands. Islands between driveway openings shall be provided with a minimum of 50 feet between all driveways and five feet from all lot lines (as measured from the back of curb).
 - (2) Openings shall be in accordance with § 468-1.
 - (3) Vehicular entrances and exits. Commercial and industrial vehicular entrances and exits shall not be less than 200 feet from any adjoining residential district. A vehicular entrance or exit shall not be less than 50 feet from a street intersection or 100 feet from a collector street intersection, and from an arterial intersection it shall be not less than 150 feet.
 - (4) Vehicular entrances shall be in accordance with § 468-1.
- B. Private roadways.
 - (1) Cul-de-sac driveways or approved private roadways shall have a turnaround area with a diameter of not less than 90 feet.
 - (2) All driveways or roadways within a project shall have curbing to define their limits.

- (3) When roadways exit to adjacent property rather than directly to a public street, permanent cross-easement agreements shall be recorded which adequately guarantee that such exit may not be closed and that such roadways will not become a future liability for the Town.
- (4) When more than one building is located on a parcel, no building may be more than 200 feet from a dedicated public street or approved twenty-four-foot-wide private roadway, and driveway access to the building must be at least 24 feet wide.

§ 535-49. Off-street parking.

[Amended 4-7-2011 by Ord. No. 2011-09; 6-21-2011 by Ord. No. 2011-19]

- A. Intent and purpose. The purpose of this section is to promote the general safety and welfare of the public by establishing minimum regulations and standards for off-street parking according to the use of the property and by requiring that parking areas be designed and constructed in a manner that ensures visibility, accessibility and safety.
- B. Applicability. Off-street parking regulations described herein shall be applied to all developments and uses hereafter established or altered. Whenever existing parking surfaces are altered either by adding asphalt or concrete to a gravel lot or parking space or by removing existing asphalt or concrete from a parking lot or parking space and exposing the gravel course base and then repaving such area, the regulations and standards set forth in this section shall be met, based on the zoning classification of property.

[Amended 12-20-2011 by Ord. No. 2011-30; 12-1-2020 by Ord. No. 2020-07; 8-4-2022 by Ord. No. 2022-13]

- (1) Residential property. At property zoned and used as RSF, RTF, or R-2, or a property zoned AGD that is used for a single-family detached residence unrelated to farm operations, the following regulations shall be met:
 - (a) All automobiles, motorized commercial vehicles, or recreational/utility vehicles parked or stored outside in the front or side yard of a property must be on a surface that is contiguous with the existing driveway for the property. Side yard setbacks for driveways and parking areas are a minimum of three feet at the property line. Permitted surfaces for additional parking/storage areas include gravel, asphalt, concrete, brick pavers, and pervious brick pavers or pervious pavement. All organic material must be removed and industry/municipality standards followed during the installation of additional parking/storage areas. Parking or storing automobiles, motorized commercial vehicles, or recreational/utility vehicles on grass or bare soil surfaces is prohibited. A maximum of four vehicles may be parked or stored in the front yard, of which only one may be a recreational/utility vehicle.
 - (b) All automobiles, motorized commercial vehicles, or recreational/utility vehicles parked or stored outside in the rear yard of a property must follow the requirements for additional parking/storage areas outlined in Subsection **B(1)(a)** above.
 - (c) No commercial vehicle with an actual weight in excess of 8,000 pounds, or over 20 feet in length, or having a height of more than eight feet, shall be parked or stored, except when rendering a service at the property on which it is parked. A commercial vehicle parked or stored in the front yard counts toward the maximum limit of four vehicles being allowed.
 - (d) No person may offer any motor vehicles for sale on a recurrent basis in any residential district.
- (2) Multifamily, commercial, industrial, or institutional property. At property zoned and used as R-3, R-4, R-5, RMF, C-1, C-2, CL, CR, CP, IND, or PDD, the following regulations shall be met:
 - (a) Changes in buildings or use. Whenever a building or use is changed, structurally altered or enlarged to create a need for an increase of 25% or more in the number of existing parking

spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use is enlarged to the extent of 50% or more in the floor area, said building or use shall then comply with the parking requirements set forth in the district in which it is located.

- (b) Design standards. All off-street parking development or expansion/alteration of existing parking lots or parking spaces, in accordance with Subsection **B(2)(b)**, shall be subject to the following site plan design standards:
- [1] Each required off-street parking space shall have a stall width of at least nine feet and a stall length of at least 18 feet.
 - [2] Minimum width of aisles providing access to parking spaces for one-way traffic shall be 11 feet for thirty-degree parking and 20 feet for ninety-degree parking.
 - [3] Minimum width of aisles providing access to parking spaces for two-way traffic shall be 24 feet.
 - [4] No parking area shall be designed so as to require any vehicle to back into a public street.
 - [5] All open, off-street loading and parking spaces shall be improved with either asphalt or concrete pavement and stormwater drainage facilities, as approved by the Town.
 - [6] Concrete curb and gutter shall be installed surrounding all new driveways, parking lots and landscape islands. This provision may be waived by the Plan Commission for additions to existing structures located in areas without a predominance of curb and gutter, when curb and gutter is not installed on the adjacent street right-of-way or is not anticipated to be constructed on the street right-of-way in a reasonable period of time in the future.
 - [7] Required concrete curb and gutter for off-street parking areas shall be installed a minimum of five feet from a property line (as measured from the back of curb) so as to prevent parked vehicles from extending over any lot lines.
 - [8] Setbacks for driveways and parking areas from adjoining property lines shall conform to the standards as set forth in § 535-52 and § 468-1.
 - [9] Off-street parking spaces shall be marked by painted lines or other approved material and shall be maintained so as to be legible at all times.
 - [10] Stormwater management drainage plans shall provide for water to be collected and retained on the site, with controlled discharge into the public drainage system to minimize flooding.
- (c) Mixed uses. In the case of mixed uses on the same property, the number of parking spaces required shall equal the sum of the spaces if computed separately for each use.
- (d) Joint use. Two or more uses on the same property may provide parking spaces in an amount less than the sum of the spaces required for each separate use, provided that such uses are not operated during the same hours. A written agreement shall accompany any joint use arrangement.
- (e) Off-lot parking. Required off-street parking spaces shall be developed on the same lot on which the principal use is located or on a contiguous lot. Parking within 300 feet from the principal use or building may be approved by the Director of Community Development upon receiving written documentation that confirms the off-lot parking property is held in common ownership with the lot containing the principal use or building or that the right to use the off-lot parking property is granted through a written lease or parking easement.

C. Required parking spaces for specific uses. The table that follows identifies the minimum number of parking spaces to be provided for the uses listed. In no case shall the minimum number of spaces

be fewer than four, regardless of use, with the exception of property zoned and used as RSF, RTF, or R-2, or a property zoned AGD that is used for a single-family detached residence unrelated to farm operations. Unless otherwise indicated, the minimum number of spaces for each use is the number needed per 1,000 square feet of floor area.

Use Type	Spaces Required
Automobile service station	1 per employee plus 2 per service stall
Bank	5
Barbershop	1 per chair plus 1 per employee
Boardinghouse	2 plus 1 per 3 persons for whom accommodations are provided
Bowling alley	6
Bus depot	5
Business/professional office	4
Church/synagogue	1 per 4 to 5 seats
Clothing store	5
Community living arrangement/group home	1 per employee plus 1 per 3 licensed beds
Department store/supermarket	5
Drugstore	4
Food store	5
Funeral home/mortuary	10 per chapel plus 1 per vehicle kept on premises, whichever is greater
Furniture/appliance store; furniture/appliance repair	1 per 600 square feet floor area
Government office	3
Hospital	1 per 2 beds plus 1 per 4 employees plus 1 per 2 doctors on staff
Hotel	1 per room or suite
Library; museum	4
Manufacturing, fabricating, general industrial and processing	2 per 3 employees
Medical/dental clinic	5
Motel	1 per unit
Motor vehicle sales	2
Private club/lodge	1 per 16 square feet of assembly area or 1 per 2.5 seats
Public utility/service	1 per 3 employees plus additional spaces as determined by the Community Development Director
Recreational/community center	30% of capacity
Residential single-family	1; maximum 4 in front yard
Residential two-family	1.5 per dwelling unit; maximum 4 in front yard
Residential multifamily	1.5 per dwelling unit
Restaurant, carry-out only	10-vehicle stacking lane plus 1 per employee
Restaurant, sit down	10
Retail sales (cameras, liquor, jewelry, gifts, cigars) and personal services	Minimum of 5 total

Use Type**Spaces Required**

School

1 per faculty or full-time employee plus additional as determined by the Community Development Director

Tavern/nightclub or recreation/amusement establishment 10

Theater (indoor)

1 per 4 seats

Warehouse/storage freight terminal

1 per 10,000 square feet floor area or 1 per employee, whichever is greater

- D. Determination of required spaces. In computing the number of parking spaces required by this section, the following shall apply:
- (1) Where floor area is designated as the standard for determining parking space requirements, floor area shall be the sum of the gross leasable horizontal area inside exterior walls of all floors of a nonresidential building.
 - (2) Where seating capacity is designated as the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or indicated for, or for each 24 linear inches of seating facilities.
 - (3) Where the number of employees is designated as the standard for determining parking space requirements, the number of employees on the largest shift shall be used for calculation purposes.
 - (4) Fractional numbers shall be increased to the next highest whole number.
 - (5) Parking space requirements for a use not specified in Subsection **C** shall be determined by using the most similar and restrictive parking space requirement, based on the intended use, the location of the use, and the expected patronage/use by individuals operating motor vehicles.

§ 535-50. Off-street loading.

Off-street loading spaces accessory to designated uses shall be provided as follows:

- A. **Location.** All required loading spaces shall be located on the same lot as the use served. No permitted or required loading space shall be located within 40 feet of the nearest point of intersection of any two streets. All loading spaces shall be screened as set forth in § 535-52 of this chapter.
[Amended 4-7-2011 by Ord. No. 2011-09]
- B. **Access.** Each required off-street loading space shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement. Loading spaces on lots located adjacent to public ways shall be so situated as to enable the vehicles to back into the loading dock from areas other than public ways. The blocking of loading spaces by other loading spaces or permanent or moveable structures of any type, including trash receptacles or compactors, shall be prohibited.
- C. **Surfacing.** All open off-street loading spaces shall be improved with pavement and stormwater drainage facilities.
- D. **Computation.** Where the total floor area of the use being served is less than 2,000 square feet, the required off-street loading spaces may be used to satisfy the requirements for any off-street parking spaces. Employee parking maneuver areas may also be used for access to loading docks and as truck standing areas.
- E. **Repair and service.** No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any residential or nonresidential zoning districts.

- F. Maneuvering space required to service outdoor loading areas. Adequate off-street truck maneuvering area shall be provided on site and not within any public street right-of-way or other public lands.
- G. Interference with fire exit or emergency access prohibited. Off-street loading facilities shall be designed so as not to interfere with any fire exits or emergency access facilities to either a building or site.
- H. Loading space requirements. The loading space requirements specified in the following table shall apply to all districts:

Use	Floor Area (square feet)	Loading Spaces
Retail, wholesale, warehouse, service, manufacturing, and industrial establishments	2,000 to 10,000	1
	10,000 to 20,000	2
	20,000 to 40,000	3
	40,000 to 60,000	4
	Each additional 50,000	1
Hotels, offices, hospitals, and places of public assembly	5,000 to 10,000	1
	10,000 to 50,000	2
	50,000 to 100,000	3
	Each additional 25,000	1
Funeral homes	2,500 to 4,000	1
	4,000 to 6,000	2
	Each additional 10,000	1

- I. Multiple or mixed uses. Where a building is devoted to more than one use or for different uses, and where the floor area for each use is below the minimum required for a loading space but the aggregate floor area of such uses is above such a minimum, then off-street loading space shall be provided as if the entire building were devoted to that use in the building for which the most loading spaces are required.^[1]

[1] *Editor's Note: Original § 27.06(9)(j), Location, which immediately followed this subsection, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II). See Subsection A(1), Location.*

- J. Design standards. Each off-street loading space shall have a width of at least 12 feet, a length of at least 45 feet, and a vertical clearance of at least 14 feet. Dimensions for loading spaces in connection with funeral homes shall be reduced to 10 feet in width, 25 feet in length, and eight feet in vertical clearance. Every loading space shall be sufficiently screened in the form of a solid fence or shrubbery to protect any neighboring residence.

§ 535-51. Common open space.

- A. Nature. Common open space shall not include street rights-of-way, driveways, parking areas or yards required in connection with any building.
- B. Buildings and structures. Common open space areas may contain complementary buildings and structures appropriate for the recreational use and enjoyment of the residents of the development for which it was established.
- C. Reservation. When common open space or any portion thereof is to be reserved for the exclusive use and enjoyment of the residents of the development from which it was established, the

developer shall establish conditions as to the ownership, maintenance, and use of such areas as deemed necessary to assure preservation of its intended purposes. Land designated as common open space shall be restricted by appropriate legal instrument as open space perpetually or for a period of not less than 99 years. Such instrument shall be binding upon the developer, his successors and assigns and shall constitute a covenant running with the land and be recorded as a condition of approval.

- D. Maintenance. In the event that common open space is improperly maintained, the Town department may serve written notice upon any property owner or association setting forth the manner in which such property owner or association has failed to maintain the common open space and demand maintenance deficiencies to be corrected in 30 days. If the deficiencies as originally set forth or subsequently modified are not corrected within 30 days, the Town may enter upon such common open space and correct maintenance deficiencies. The cost of such maintenance shall be assessed ratably against the properties within the development that have the right to use the area and shall become a tax lien on said properties. The Town shall file notice of any liens in the office of the Town Clerk.^[1]

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

§ 535-52. Landscape and screening standards.

[Amended 4-7-2011 by Ord. No. 2011-09]

- A. Intent and purpose. The purpose of this section is to:

- (1) Enhance the appearance of the Town by improving the quality of landscaping and screening at commercial, industrial and institutional uses.
- (2) Establish standards to ensure that building sites and off-street parking areas are sufficiently landscaped and screened to minimize or eliminate adverse impacts of noise, glare of headlights, dust, litter, visual encroachment and other objectionable impacts to adjoining properties or public roads.

- B. Applicability. Landscape standards shall apply to any developments allowed as a permitted use or as a special exception use in the R-3, R-4, R-5, and RMF Residential Districts; the C-1, C-2, CL, CR, and CP Commercial Districts; the IND Industrial District; and the PDD Planned Development District. Additionally, the standards shall apply to any commercial and institutional developments allowed as a permitted use or as a special exception use in the AGD Agricultural District and RSF, RTF, and R-2 Residential Districts. Any developments occurring on vacant land shall be brought into full compliance with these standards. Before an existing vacant development can be occupied, these standards must be met, to the extent that all other standards and requirements of this chapter can be maintained on the site.^[1]

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

- C. Exceptions and modifications. Existing occupied developments that do not conform to these standards are not required to come into compliance until such time that any of the following occur:

- (1) Any change is made to the development or use of the property that requires approval of a site plan, special exception permit, or zoning change by the Plan Commission, necessitating compliance with the frontage landscaping requirements;
- (2) The gross floor area of the building at the development is increased by more than 10% or 5,000 square feet, whichever is less, necessitating compliance with the frontage landscaping standards and, to the extent applicable, the buffer yard landscaping and screening requirements; or
- (3) Driving, parking or loading spaces at the development are increased, necessitating compliance with the frontage landscaping, perimeter landscaping, interior landscaping, buffer yard

landscaping and screening requirements, as applicable, to the area where such impervious surface is increased.

- D. Approval procedure. A landscape plan is required in conjunction with site plans and as required for any development or use of property as specified in Subsection **B**, Applicability, of this section. The landscape plan shall be filed with the Community Development Department. A building permit may only be issued after approval of the landscape plan. For developments or uses of property that do not require Plan Commission approval, the Community Development Department will complete the review and approval of the landscape plan. In the event of an unresolved dispute or in the case of an applicant feeling aggrieved by a decision to disapprove a landscape plan, said plan shall be forwarded to the Plan Commission for final action.
- E. Landscape plan requirements. Landscape plans submitted for review and approval shall include the name and address of the owner/developer, the name of the landscape architect/designer, date of plan preparation, date and description of all plan revisions, name of the project or development scale of the plan, and North marker. Additionally, the plan shall depict the following:
- (1) The location of all lot lines and location of all existing and proposed easements and rights-of-way.
 - (2) The location and dimensions of all existing and proposed structures; building entrances; parking lots, parking spaces (numbered) and driveways; sidewalks, trails and paths; ground-mounted signs; fences; refusal disposal areas; freestanding electrical and other utility equipment; recreational facilities; and other site improvements as deemed necessary by the Community Development Director.
 - (3) The location, quantity, caliper size, and name (common and botanical name) of all proposed plant materials and the location and description of all ground cover and turf grasses.
 - (4) The location, caliper size, and type of existing plant materials and the intended treatment (save, move, or remove).
 - (5) Existing and proposed grading of the site, including the location and contours at one-foot intervals of proposed berms; spot elevations for high and low points; the flow line of drainage swales and grading features such as retaining walls; and cross-section detail as determined to be necessary by the Community Development Director.
 - (6) Elevations, including dimensions and materials, of all fences and refuse storage areas proposed for construction on the site.
 - (7) A schedule of all new plant materials, including size (caliper, height, container size, etc.), planned installation date, and common and botanical names.
 - (8) A schedule itemizing the total square foot area of impervious surface area in parking lots, the number and square foot area of each planting island and planting peninsula, and the number of trees to be planted in parking lots or within 10 feet of the periphery of parking lots.
- F. Landscape standards. Landscaping required under this section shall consist of five types as specified below, including frontage landscaping, perimeter landscaping, interior landscaping, buffer yard landscaping, and screening requirements.
- (1) Frontage landscaping. A minimum ten-foot-wide strip, extending along and directly behind the property line adjacent to all road right-of-way, shall be landscaped as described below. In designing and installing frontage landscaping, consideration should be given to providing safe and convenient pedestrian access to the property from the road-right-of-way.
 - (a) Where off-street parking spaces are located between the frontage landscaping strip and any buildings or structures on the site, one shade tree or two ornamental trees shall be planted per 40 linear feet on center, plus a staggered row of evergreen and/or deciduous shrubs shall be planted to provide an opaque screen to a height of three feet across 80% of the frontage of the parking lot, excluding driveways.

- (b) Where there are no off-street parking spaces between the frontage landscaping strip and any buildings or structures on the site, one shade tree or two ornamental trees shall be planted per 40 linear feet on center, excluding driveways.
 - (c) Where it is deemed appropriate or desirable to construct an earthen berm in the frontage landscaping strip in lieu of a staggered row of evergreen and/or deciduous shrubs, the Plan Commission may approve this option. The maximum side slope of any berm shall be three horizontal to one vertical. The berm shall be planted with one ornamental tree and three evergreen or deciduous shrubs per 40 linear feet on center, excluding driveways, and it shall also be planted with adequate ground cover to prevent erosion of the earth mound.
- (2) Perimeter landscaping. All parking lots that are adjacent to a side and/or rear property line shall provide a minimum five-foot-wide perimeter landscape strip, extending along and directly behind the property line. The perimeter landscape strip shall be planted with one shade tree or two ornamental trees per 40 linear feet on center. Trees can be provided in cooperation with adjacent property, as deemed appropriate.
- (a) The requirement to provide a perimeter landscaping strip may be waived if a cross-access easement agreement between adjoining property owners is recorded and provided to the Community Development Director for review and approval.
 - (b) In those cases where a perimeter landscaping strip and a buffer yard landscaping strip are required along the same property line, the more restrictive buffer yard landscaping requirements shall be met.
- (3) Interior landscaping. All parking lots designed for more than 20 spaces shall be landscaped as described below. On smaller parking lots with fewer than 20 spaces, interior landscaping shall be provided as deemed practicable and appropriate by the Community Development Director. In designing and installing interior landscaping, consideration should be given to including these green areas in the site drainage plan, to the extent practicable.
- (a) Not less than 5% of the impervious surface area of the parking lot shall be devoted to interior landscaping, to be provided within planting islands, planting peninsulas, landscaped boulevards, or within 10 feet of the periphery of the parking lot.
 - (b) The primary plant material for interior landscaping shall be shade trees, with at least one shade tree planted for every 160 square feet of interior landscaping required.
 - (c) Planting islands and planting peninsulas shall be a minimum of 160 square feet in area and shall be dispersed throughout the parking lot, as deemed practicable and appropriate by the Community Development Director.
 - (d) One shade tree shall be planted in each parking island and parking peninsula.
- (4) Buffer yard landscaping. Wherever a commercial, industrial, farm-related commercial, institutional, multiple-family residential or attached single-family residential use shares a common side yard or rear yard lot line with a property zoned RSF, RTF, or R-2, or a property zoned AGD that is used for a single-family detached residence unrelated to farm operations, a buffer yard landscaping strip shall be provided along the full length of the common lot line. Required buffer yards shall be landscaped as described below.
- (a) Buffer yards required for development on properties zoned CL, CR, CP, IND, or PDD shall be a minimum 15 feet wide and shall be planted with minimum five-foot-high evergreen trees staggered to provide a dense, opaque screen within two years after the date of planting.^[2]

[2] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

- (b) Buffer yards required for development on properties zoned R-3, R-4, R-5, RMF, C-1, or C-2, or for commercial, farm-related commercial, or institutional uses on properties zoned AGD, RSF, RTF, or R-2, shall be a minimum 10 feet wide and shall be planted with minimum five-foot-high evergreen trees staggered to provide a dense, opaque screen within two years after the date of planting.
 - (c) As an alternative to these requirements, a property owner may request a waiver from the Plan Commission to reduce the minimum width of the buffer yard by 50% and to provide a six-foot-high, sight-tight, alternating board-on-board fence and to plant five shrubs per 100 linear feet on center.
- (5) Screening requirements. The intent of these requirements is to provide a visual screen around loading, service, mechanical, utility, storage, maintenance and refuse collection areas contained within properties developed for commercial, industrial, institutional, multiple-family residential, or attached single-family residential use. All such uses of property shall be screened as described below.
- (a) All loading areas that consist of two or more loading spaces, loading docks, vehicular lanes providing access to the same, and other service, storage, and maintenance areas shall be screened from view to all adjacent properties and from all adjacent public road right-of-way. The screening shall consist of a six-foot-high, sight-tight, alternating board-on-board fence or masonry wall designed and built to complement the exterior of the principal structure.
 - (b) In addition to the screening requirements described in this subsection, any loading area that is located in a side and/or rear yard adjacent to a property zoned for residential use, or a property zoned AGD that is used for a single-family detached residence unrelated to farm operations, shall also be screened with minimum five-foot-high evergreen trees staggered to provide a dense, opaque screen over a minimum 30% of the enclosed loading area's perimeter.
 - (c) All exterior storage of refuse and trash shall be located and oriented to be screened from view to all adjacent properties and from all adjacent road right-of-way. The screening shall consist of a six-foot-high, sight-tight, alternating board-on-board fence or masonry wall designed and built to complement the exterior of the principal structure. Additionally, minimum five-foot-high evergreen trees shall be planted in a staggered pattern to provide a dense, opaque screen over a minimum 30% of the refuse enclosure's perimeter.
- G. 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 Association of Nurserymen. The minimum size of plant materials that will satisfy the requirements of this section are as follows:
- (1) Shade tree: 2 1/2 inches in caliper, specimen grade with single central leader.
 - (2) Ornamental tree: 1 1/2 inches in caliper.
 - (3) Evergreen tree: five feet in height.
 - (4) Deciduous or evergreen shrub: 18 inches to 24 inches in height or spread.
- H. Planting substitutions and modifications. To meet unique site conditions or to overcome obstructions or conflicts at a development project, the Community Development Director may approve planting substitutions as described below.
- (1) Two ornamental trees may be substituted in place of one shade tree.
 - (2) Two evergreen trees may be substituted in place of one shade tree.
 - (3) One evergreen tree may be substituted in place of five shrubs.
 - (4) One shade tree may be substituted in place of 10 shrubs.

- I. Installation/certification. All landscaping, buffering and screening improvements required under this section must be completed on a schedule approved by the Community Development Department. Within 30 days of the installation of plant materials, the owner/developer shall submit written certification to the Community Development Department that healthy plant materials were properly installed in accordance with the approved landscape plan.
- J. Maintenance. The owner of the lot on which landscaping has been provided shall be responsible for protecting, maintaining, and repairing all landscaping materials and barriers, including fences and refuse storage areas, to accepted nursery practices. Under the provisions of this section, proper maintenance includes keeping all live plant materials in a healthy and growing condition (including but not limited to regularly scheduled watering, fertilizing, pruning, weeding, and mowing) and keeping all landscaped areas free from debris, weeds, and refuse. All dead or diseased plant materials shall be removed and replaced during the next appropriate planting period. Once a landscaped planting area has been approved by the Town of Grand Chute and established by the owner, it may not be used, altered, or disturbed for any other purpose without review and approval of a new or amended landscape plan. Failure to properly maintain all landscaping materials and barriers, as defined herein, shall constitute a violation of the provisions of this section and shall be subject to penalty provisions of the Town of Grand Chute Municipal Code.

§ 535-53. Fences and hedges.

[Amended 10-5-2010 by Ord. No. 2010-11; 2-17-2011 by Ord. No. 2011-08]

- A. Definition. For the purposes of this section, "fence" is herein defined as any partition, wall, structure or gate consisting of vegetation, wood, stone, plastic, or metal that is erected as a barrier, enclosure or divider marker. For the purposes of this section, the term "fence" shall be construed to include plantings such as hedges.
- B. Permit required. No fence shall be built, enlarged, altered or replaced within the Town unless a permit therefor is first obtained from the Building Inspector.
- C. Fence height.
 - (1) Any fence placed in the rear or side yard of a property shall not be more than six feet in height, measured at ground level of the yard, except that hedges may be permitted to grow to their natural height.
 - (2) Any fence placed in the actual front yard of the property or in the first 25 feet from the street right-of-way, whichever is less, shall not exceed 42 inches in height, measured at ground level of the yard. On lots with double frontage, fences shall conform to the front yard requirements for both streets, except where one street is officially designated "No Access" or "Restricted Access."
 - (3) Fences and hedges shall comply with vision corner regulations as defined in § 535-47A.
- D. Materials.
 - (1) The finished side of the fence shall be erected to face the adjoining property. The side of the fence with protruding support posts or studs shall face the building on the lot responsible for the erection of the fence.
 - (2) Barbed wire fences, electrical fences, and single-, double- and triple-strand fences are prohibited, unless specifically permitted by this section.
- E. Exceptions. Protective security fences and boundary fences on industrial sites, publicly owned lands, or semiprivate lands such as places of worship, educational institutions, utility substations, etc., are excluded from the provisions of this section, except that where such fences incorporate the use of barbed wire, such barbed wire shall not be less than seven feet above the ground level and shall not extend over any roadway, sidewalk/trail, or adjoining property. In addition, such fences

otherwise excluded from the provisions of this section shall be a minimum 2/3 open to vision, equally distributed throughout the fence length, and shall maintain the height restrictions of this section when located within the defined vision corner.

§ 535-54. Exterior lighting.

[Amended 2-22-2001; 11-16-2004]

- A. General. At the time any exterior light is installed or substantially modified, an exterior lighting plan shall be submitted to the Town in order to determine whether the requirements of this section have been met and that adjoining property will not be adversely impacted by the proposed lighting.
- B. Lighting plan elements. A lighting plan submitted pursuant to this section shall have, at a minimum, the following elements:
 - (1) A catalog page, cut sheet, or photograph of the luminaire, including the mounting method.
 - (2) A photometric data test report of the proposed luminaire graphically showing the lighting distribution at all angles vertically and horizontally around the luminaire.
 - (3) A plot plan, drawn to a recognized engineering or architectural scale, indicating the location of the luminaire(s) proposed, mounting and/or installation height in feet, the overall illumination levels (in footcandles) and uniformity on the site and the illumination levels (in footcandles) at the property boundary lines. This may be accomplished by means of an isolux curve or computer printout projecting the illumination levels.
 - (4) A graphic depiction of the luminaire lamp (or bulb) concealment and light cutoff angles.
- C. Requirements for total-cutoff-type luminaire. A total-cutoff-type luminaire shall be used so that the bare light bulb, lamp or light source is completely shielded from the direct view of an observer five feet above the ground at the point where the cutoff angle intersects the ground at the property line.

§ 535-55. Storage of firewood in residential districts.

[Amended 6-21-2011 by Ord. No. 2011-18]

No person shall store in the open more than three full cords of firewood in any residential district. No firewood shall be stored in any residential front yard or closer than two feet to any residential lot line.

Article VII. Special Provisions

§ 535-56. General application.

Requirements for uses and structures specified in this article shall apply to such uses and structures whether permitted by right or permissible by special exception.

§ 535-57. Accessory dwellings.

- A. Intent. It is the intent of the accessory dwelling provisions to provide for housing options for the extended family and certain specified segments of the population. These regulations are established to permit modification of single-family dwellings to include an accessory dwelling unit to be occupied by no more than two persons who are handicapped, over the age of 60 years old, or related to the owner-occupant.

- B. Mandatory owner occupancy. The owner of the single-family residence must occupy either the principal residence or the accessory residence.
- C. Nature and scale of accessory unit. An accessory dwelling may be a separate, complete housekeeping unit; provided, however, that it is substantially contained within the structure of the single-family dwelling and clearly a 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. The accessory apartment shall not exceed 600 square feet of floor area or 25% of the entire floor area of the 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 dwelling.
- D. Dimensional requirements. Maximum lot coverage and maximum height requirements, as well as minimum yard requirements in the RSF District, shall be met.

§ 535-58. Resource extraction.

- A. Intent. It is the intent of these regulations 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.
- B. 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).
- C. 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.
- D. 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 affects 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.
- E. 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.
- F. 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 or gravel deposits and the water table.

- (6) Estimated type and volume of excavation, 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 or topsoil.
- G. Plan of restoration. Each application for a special exception shall be accompanied by a plan of restoration for the site including the following information:
- (1) A statement on the planned restoration, including phasing and timing of the restoration process and reuse of the site.
 - (2) A plan showing fill methods and materials, final contours of the site, proposed roads within the site, the location of any water bodies or watercourses within the restored area, landscaping or vegetative planting, and areas of cut and fill.
 - (3) The method of disposing of any materials, equipment or buildings on the site.
- 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 restoration 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 restoration if the operation is extended or enlarged. If such extension is denied, the applicant shall complete the restoration phase within the two-year time period specified.
- I. Financial assurance. To insure completion of the restoration phase, as proposed, within the two-year time period, each applicant shall submit a performance bond or other financial guarantee sufficient in amount to cover the restoration expense relative to the proposed operation or extension thereto.

§ 535-59. Planned unit development (PUD).

[Amended 9-18-2001]

- A. Intent. The intent of the planned unit development provisions is to encourage quality and desirable development by allowing for greater flexibility and design freedom than that permitted under basic residential district regulations. These regulations are established to permit and encourage diversification, variation and imagination in layout of residential development; to encourage the preservation of open space; and to encourage more rational, economic development with respect to the provisions of public services.
- B. Unified control. All land included for development as a PUD shall be under the legal control of the applicant, whether that applicant is an individual, partnership, or corporation or group of individuals, partnerships or corporations. Applicants requesting approval of a PUD shall present firm evidence of unified control of the entire area within the proposed PUD together with evidence that the developer has the unrestricted right to impose all of the covenants and conditions upon the land as are contemplated by the provisions of these regulations. The applicant shall state agreement to proceed with the proposed development according to the provisions of these zoning regulations and such conditions as may be attached to the special exception for PUD; provide agreements, contracts and deed restrictions necessary for completion of the development according to the approved plans; and bind his or its successors in title to any commitments made in the approval process.
- C. Permitted uses. Any use permitted in the residential multifamily (RMF, R-3, R-4 and R-5), commercial and industrial districts.

- D. General requirements. All permitted uses shall be subject to the accessory use and structure, sign, height and parking requirements of the district in which they are located.
- E. Area and density requirements. A tract of land proposed for development as a planned unit development shall contain a minimum area of two acres and a maximum density equal to the underlying zoning district.
- F. Internal lots and frontage. Within the boundaries of the PUD, no minimum lot size or minimum yards shall be required; provided, however, that no structure shall be located closer to any peripheral property line than a distance equal to the height of such structure.
- G. Access. Every dwelling unit shall have access to a public street either directly or via an approved private road, pedestrianway, court or other area dedicated to public or private use or common element guaranteeing access. Permitted uses are not required to front on a dedicated public street. Access to buildings may be by approved private streets in planned unit developments, provided that such streets are no further than 200 feet from the building served. Private streets shall be a minimum of 24 feet wide with curbs and internal drainage (an urban section design) and pavements equal or better in quality to Town minimum design standards.
- H. Engineering design standards. Normal standards or operational policy regarding right-of-way widths, provision for sidewalks, streetlighting and similar environmental design criteria shall not be mandatory in a planned unit development, but precise standards shall be made a part of the approved plan and shall be enforceable as a part of this chapter.
- I. Procedures for approving planned unit developments.
 - (1) Development plan. A development plan shall accompany the application for a special exception permit and contain the following information:
 - (a) Names of the owner and developer.
 - (b) Scale, date, and North arrow.
 - (c) Existing streets, buildings, watercourses, easements and utility lines.
 - (d) Proposed pattern of public and private streets, accessways and parking areas.
 - (e) Locations and arrangements of lots, buildings by dwelling types, open space areas and recreational facilities, if any.
 - (f) Architectural drawings and sketches illustrating the design and character of the various buildings proposed.
 - (g) Appropriate statistical data on the size of the development, number of dwellings by type, percentage of open space and other data pertinent to review.
 - (h) General outline of deed restrictions and other documents pertaining to the development, operation and maintenance of the project.
 - (2) Plan approval. Upon approval of a development plan, a special exception permit shall be issued. All terms, conditions and stipulations made at the time of approval shall be binding upon the applicant or any successors in interest.
 - (3) Preliminary and final plans. Approval of a development plan for a special exception does not constitute preliminary or final plat approval. Preliminary and final plats shall be submitted and processed in accordance with standard subdivision review procedures.
 - (4) Changes in plan. Minor changes in plans shall be made by application and follow procedures pursuant to Article X. Minor changes shall not be considered a reapplication for special exception permit. Substantial changes in plans shall be made by application and processed as a new application for a special exception permit.

- (5) Deviations from approved plans. Deviations from approved plans or failure to comply with any requirement, condition or safeguard during approval or platting procedures shall constitute a violation of these zoning regulations.
- J. Building permits. Final approval does not constitute approval for the construction of individual buildings or structures in the development. Application for building permits shall be submitted and processed in accordance with standard procedures.

§ 535-60. Cluster subdivision.

- A. Intent. The intent of the cluster subdivision provisions is to provide voluntary alternative zoning provisions which promote ingenuity in design and preserve the natural features of the site.
- B. Unified control. All land included for development as a cluster subdivision shall meet the requirements of unified control for planned unit developments in § 535-59B.
- C. Permitted uses. Single-family detached dwellings.
- D. General requirements. All permitted uses shall be subject to the accessory use and structure, sign, height and parking requirements of the district within which the subdivision is located.
- E. Area and density requirements. A tract or parcel of land proposed for development as a cluster subdivision shall contain a minimum area of two acres. Maximum density of a cluster subdivision shall be eight dwelling units per net acre.
- F. Minimum lot area requirements. All single-family detached dwellings shall have a minimum lot area of 3,600 square feet, front yard of 10 feet and rear yard of 20 feet. There shall be a minimum side yard of two feet and minimum aggregate side yards of 12 feet; provided, however, that there shall be a minimum building separation of 10 feet. All lot size reductions shall be compensated for by a substantially equivalent amount of land in cluster open space to be preserved and maintained for its scenic, recreational or conservation value. The maximum extent practicable, such open space areas shall be directly accessible by all dwellings.
- G. Procedures for approving cluster subdivisions. The procedures for approving cluster subdivisions shall be the same as provided in § 535-59I.

§ 535-61. Small-scale keeping of bees and fowl.

[Added 4-23-2015 by Ord. No. 2015-04; amended 1-18-2022 by Ord. No. 2022-01]

- A. Purpose. The purpose of this section is to allow small-scale keeping of bees and fowl on lots with a residential use. A further purpose is to establish certain requirements for keeping of bees and fowl within the community to avoid issues that might otherwise be associated with keeping of bees and fowl in residential neighborhoods. A growing interest in renewable resources has prompted more people to take up keeping of bees and fowl as a way to produce their own eggs, honey, beeswax, pollen and other hive products that are high in nutritional value. Domestic strains of honeybees have been selectively bred for desirable traits so that they can be kept within populated areas and in reasonable densities, without causing a nuisance if the bees are properly located and carefully managed. By providing a "best practices" ordinance for small-scale ("hobby") keeping of bees and fowl on residential properties, the Town can support a sustainable activity while setting standards that are practical for keeping of bees and fowl and safe for neighbors.
- B. Standards and practices for small-scale keeping of bees. No hives are allowed on any property that is not in residential use (including property zoned residential), with the exception that hives are allowed under the General Agricultural District as a "farm-related" use. The following criteria constitute standards and practices that, when applied to small-scale beekeeping on residential lots, protect the health, safety, property and welfare of the general public.

- (1) Number of hives. The maximum number of hives allowed on any lot zoned and used for residential purposes are based on the size of lot, as follows:
 - (a) Lot size of 1/2 acre or smaller: maximum two hives allowed.
 - (b) Lot size larger than 1/2 acre but smaller than one acre: maximum four hives allowed.
 - (c) Lot size of one acre or larger: maximum six hives allowed.
 - (2) Location. Hives are allowed only within side or rear yards. In all cases, a minimum setback of 10 feet must be maintained between any property line and the closest point of any hives. Any hives located within 25 feet of a property line must be shielded with a minimum six-foot height flyway barrier installed at the property line. The flyway barrier may consist of a solid wall, fence, dense vegetation, or combination thereof that extends 10 feet beyond the outer edges of the hives in each direction so that all bees are forced to fly over the material to reach the colony.
 - (3) Water supply. Every beekeeper shall ensure that a convenient and constant supply of water is provided near the hives for as long as colonies remain active outside of the hives.
 - (4) Best practices. The following best practices are established as standards of operation for any small-scale beekeeping operation hereafter licensed by the Town:
 - (a) Provide screening around hives so colonies are out of sight from neighboring properties.
 - (b) Maintain colonies in movable-frame hives mounted on substantial stands.
 - (c) Hives and all other beekeeping equipment must be kept in good and usable condition, including securing unused equipment from weather, theft, vandalism or occupancy by swarms of bees.
 - (d) Leave enough room between any screening and the hives for ease of working around the colonies.
 - (e) Limit beekeeping activities to times when it doesn't interfere with neighbors' outdoor activities.
 - (f) Inspect and monitor bees on a regular basis for the health of the hive and to ensure that the colonies are not creating a nuisance to others.
 - (g) Prevent swarming or aggressive behavior by re-queening colonies.
- C. Standards and practices for small-scale keeping of fowl. The keeping of fowl is allowed on a parcel that is zoned General Agricultural (AGD) with five acres or greater. The keeping of fowl with a license is allowed on a parcel that is zoned General Agricultural (AGD) with less than five acres, Single-Family (RSF) and Two-Family (RTF and R-2). The following criteria constitute standards and practices that, when applied to small-scale keeping of fowl on residential parcels, protects the health, safety, property, and welfare of the general public.
- (1) Definition of fowl. The term "fowl," used in § 535-61, shall exclusively mean chicken or duck. The term "fowl" does not include roosters, quail, grouse, pheasant, turkeys, peacocks, emus, ostriches or the like.
 - (2) Number of fowl. The maximum number of fowl allowed on a parcel with a license is no more than six, except for a parcel zoned General Agricultural (AGD) with five acres or greater.
 - (3) Location.
 - (a) Coops and runs are allowed only within rear yards.
 - (b) Coops and runs shall have a setback of 10 feet to any property line and 25 feet from any structure on adjacent lots.
 - (c) Fowl shall not be kept or maintained on a vacant lot.

- (4) Coop and run standards.
 - (a) The coop shall provide at least three square feet of floor area per fowl, but shall not exceed 48 square feet of floor area in total.
 - (b) The coop floor shall be of a hard, cleanable surface. A dirt floor or similar is not permissible.
 - (c) The coop shall be provided with one nest box per three fowl, and elevated perches to ensure fowl are able to rest in their natural roosting positions.
 - (d) The run shall provide at least eight square feet per fowl, but shall not exceed 100 square feet of floor area in total. The run must be attached to the coop with there being direct access between the coop and the run.
 - (e) Runs shall be enclosed with wire netting, or equivalent material, including overhead enclosure, capable of preventing fowl from escaping and predators entering.
 - (f) Coops and runs shall consist of materials suitable for residential districts. The use of repurposed scrap materials of any kind is prohibited. The coop and run shall be built with quality materials and in a manner capable of preventing fowl from escaping and predators from entering.
 - (g) Coops and runs shall be removed from the property in their entirety or repurposed in accordance with other building codes within 30 days of a revocation or expiration of a nonrenewal keeping of fowl license.
- (5) Best practices. The following best practices are established as standards of operation for any small-scale keeping of fowl operation hereafter licensed by the Town:
 - (a) No person shall keep any rooster, except for parcels zoned General Agricultural (AGD) with five acres or greater.
 - (b) Coops and runs shall be cleaned of feces, uneaten feed, feathers, and other waste as necessary to ensure the birds' health and minimize odor and other nuisances.
 - (c) Fowl shall be provided with adequate water, food, and shelter.
 - (d) Feed shall be stored in containers which make the feed inaccessible to rodents, vermin, wild birds, and predators.
 - (e) All fowl shall be kept within a ventilated and weatherproof coop.
 - (f) No fowl shall run at large. Any fowl not secured within a fenced area, or equivalent, within the property limits of its owner or keeper is declared to be at large, and is declared to be a public nuisance.
 - (g) Deceased fowl shall be disposed of immediately in a safe manner, which may include trash disposal after placing the deceased fowl in a sealed bag.
 - (h) Applicants shall comply with Wisconsin Department of Agriculture, Trade, and Consumer Protection's premises registration program.
 - (i) Unusual illness or death of fowl shall be immediately reported to the Outagamie County Health Department.
- D. Administration and enforcement. A license application must be received and approved by the Town before a property owner or tenant can begin keeping of bees or fowl at a residential lot. In addition, keeping of bees or fowl licenses must be renewed annually, prior to April 1.
 - (1) Neighbor notification. Prior to Town issuance of a keeping of bees or fowl license, the applicant will be required to notify all neighbors whose properties share a common lot line with the property where keeping of bees or fowl will take place.

- (2) Town inspections. The Community Development Department is authorized to make inspections, during reasonable hours, to investigate any complaints, or to determine continued compliance with the keeping of bees or fowl ordinance. The Department may revoke a license if there have been three or more violations of the ordinance within any six-month period.
- (3) Effect of compliance. Compliance with this section shall not be a defense to a proceeding alleging that a given bee colony, coop, or run is in violation of other codes or ordinances governing public nuisances, or public health and safety. However, compliance with this section may be offered as evidence of the applicant's efforts to abate any proven nuisance, or as evidence of the applicant's compliance with generally accepted standards in the State of Wisconsin.

[1] *Editor's Note: Original § 27.07(6), Industrial development, was repealed 12-20-2011 by Ord. No. 2011-30. See § 535-39G, Industrial and commercial district performance standards.*

§ 535-62. Mobile home parks.

- A. Intent. It is the intent of this chapter to provide limited opportunities for mobile home parks as a means of providing balance and variety to housing in the Town of Grand Chute. All mobile home parks are subject to the site plan requirements of Article X.
- B. Character of tract. Each mobile home park tract shall be suitable for the development proposed, recognizing and preserving to the maximum extent practicable outstanding natural features. Every mobile home park shall be located on a well-drained area, and the premises shall be properly graded so as to prevent the accumulation of stormwater or other waters.
- C. Access. Access shall be designed for safe and convenient movement of traffic into and out of the park. All vehicular traffic into and out of the park shall be through designated entrances and exits.
- D. Streets. All sites shall abut upon a street. For a two-way street, the width must be at least 32 feet if parking is to be permitted on both sides of the street, 25 feet in width if parking is permitted on only one side, or 18 feet in width if parking on the street is prohibited. A one-way street must be at least 14 feet in width and parking is prohibited unless the width is appropriately increased.
- E. Sites. Each site shall be clearly defined and delineated. The basic dwelling unit shall not occupy more than 33% of the site area and the basic dwelling unit and all accessory buildings shall not occupy more than 35% of the site area. Each site shall contain a concrete slab not less than 10 feet by 20 feet in dimension for a carport or patio; such slab shall not be required until after the mobile home is in position.^[2]

[2] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
- F. Area and density. A tract of land proposed for development as a mobile home park shall contain a minimum area of three acres and a maximum density of six dwelling units per net acre.^[3]

[3] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
- G. Site requirements. Each mobile home site shall contain a minimum area of 3,600 square feet. Each mobile home shall have a minimum front yard of 25 feet, rear yard of 25 feet and side yards of eight feet each.
- H. Mobile home standards. Each mobile home shall be certified as meeting the mobile home construction and safety standards of the Department of Housing and Urban Development. Each mobile home shall have a visible foundation or skirting around the entire perimeter to form a complete enclosure under exterior walls.
- I. Buffer area. A buffer area not less than 25 feet in width may be required along public streets and mobile home park boundaries. Such buffer strip may be used for drainage structures and utility easements but shall not be used for any other purpose. All such buffer strips shall be planted in suitable ground cover material.

- J. Off-street parking. Two off-street parking spaces shall be provided for each site. One parking space for each 200 square feet of nonstorage floor space shall be provided for offices, recreation facilities and the like.
- K. Accessory uses and structures.
 - (1) Accessory uses and structures in § 535-25C(1) through (3) in the RSF District.
 - (2) Park recreation facilities, including room or center, courts for games and the like.
 - (3) Park offices, maintenance facilities and laundry facilities.
 - (4) Enclosed storage structures and storage garage facilities, with use limited to park residents only.
- L. Utilities. Each mobile home site shall be connected to central water and sewer. No individual water supply or sewage disposal system shall be permitted in any mobile home park. Each site shall also be provided with electrical power and central gas (if used) and shall be serviced by individual meters.

[1] *Editor's Note: See also Ch. 382, Mobile Homes and Mobile Home Parks.*

§ 535-63. Mobile home subdivisions.

- A. Intent. It is the intent of this chapter to provide opportunities for mobile home subdivisions wherein mobile home sites (lots) are individually owned.
- B. Character of tract. Each mobile home subdivision tract shall be suitable for the development proposed, recognizing and preserving to the maximum extent practical outstanding natural features. Every mobile home subdivision shall be located on a well-drained area, and the tract shall be properly graded so as to prevent the accumulation of surface water.
- C. Permitted uses.
 - (1) Mobile homes and manufactured homes. Each mobile home shall be certified as meeting the safety standards of the Department of Housing and Urban Development. Each mobile home shall have a permanent foundation and form a complete enclosure under exterior walls. Minimum width of the main structure shall not be less than 16 feet as measured across the narrowest portion of the structure.
- D. Area and density requirements. A tract or parcel of land proposed for development as a mobile home subdivision shall contain a minimum area of two acres. Maximum density of a mobile home subdivision shall be six dwelling units per net acre.
- E. Lot requirements. Each lot in a mobile home subdivision shall have a minimum lot area of 3,600 square feet, minimum lot width of 30 feet, minimum front yard of 25 feet, minimum side yards of eight feet each, and minimum rear yard of 25 feet. Each lot shall be connected to central water and sewer.
- F. Buffer area. A buffer area of not less than 25 feet in width may be required along exterior subdivision boundaries. Such buffer area may be used for drainage structures and utility easements.
- G. Accessory uses and structures. As for the RSF District.
- H. Approval and permits. Approval procedures shall be as provided in § 535-60 for a cluster subdivision; provided, however, that a mobile home subdivision shall not need a special exception permit as a cluster subdivision. Final approval of a mobile home subdivision does not constitute approval for individual structures. Application for building permits shall be submitted and processed in accordance with standard procedures.

- [1] *Editor's Note: See also Ch. 382, Mobile Homes and Mobile Home Parks, and Ch. 475, Subdivision of Land.*

§ 535-64. Home occupations.

[Amended 3-4-2014 by Ord. No. 2014-04]

- A. Purpose. The purpose of this section is to regulate all home occupations within the Town of Grand Chute. By controlling the type, number, location, and operation of home occupations now in use, planned, or hereafter started, citizens are provided an opportunity to start and grow a business while still protecting the health, safety, property, and welfare of the general public. A further purpose of this section is to reinforce standards that provide for particular types and intensities of land use, especially in residential neighborhoods.
- B. General regulations.
- (1) Home occupations shall be permitted only in the following zoning districts:
 - (a) RSF Single-Family Residential District;
 - (b) RTF Two-Family Residential District;
 - (c) R-2 Two-Family Residence District;
 - (d) R-3 Single-Family Attached Residence District; or
 - (e) On a lot containing a one-family or two-family structure located in a zoning district not listed directly above.
 - (2) Only one home occupation is permitted per lot.
 - (3) A home occupation shall be classified as one of the following:
 - (a) Office, such as accounting, architecture, web-based businesses, brokering, computer programming;
 - (b) Professional service, such as massage therapy, physical therapy, photography, and real estate; or
 - (c) Home goods and products, all made or produced as part of the home occupation, such as baked goods, cake-decorating, and small-scale production of custom, as-ordered crafts.
 - (4) A home occupation shall not modify the interior or exterior of any structure in any manner that reduces the residential character of such structure or the lot on which it is located.
 - (5) A home occupation must be incidental and secondary to the use of such building for dwelling purposes.
 - (6) A home occupation may be allowed to operate in an accessory structure as a special exception, in accordance with the provisions of Chapter 535, Article XI, of the Town of Grand Chute Municipal Code.
 - (7) The gross floor area of a home occupation shall be no greater than 25% of the floor area of the principal structure or 500 square feet, whichever is less.
- C. Performance standards. A home occupation shall conform to all the following:
- (1) Signs. Any signage associated with a home occupation shall conform to the provisions of Chapter 535, Article XV, of the Town of Grand Chute Municipal Code.
 - (2) Hours of operation. No home occupation shall conduct on-site business with an external client between the hours of 8:00 p.m. and 8:00 a.m.

- (3) Employment. No home occupation shall have more than one nonresident employee in the home during hours of operation. An off-street parking space must be provided for nonresident employee use.
 - (4) Traffic. No home occupation shall generate any more vehicular traffic than what is normal for a residential street. No home occupation shall increase traffic by more than two cars at a time. The lot on which the home occupation is located shall provide sufficient off-street parking to accommodate clients' vehicles.
 - (5) Clients. No home occupation shall have more than two clients on the lot at any time.
 - (6) Noise. No home occupation shall create noise greater than what is normally generated in a residential setting and must comply with § 415-7A of the Town of Grand Chute Municipal Code.
 - (7) Refuse and recycling. No home occupation shall generate refuse or recycling waste in a volume greater than what is typically and customarily produced by or associated with residential dwellings. All home occupations shall adhere to Town of Grand Chute ordinances and policies for refuse and recycling on residential properties.
 - (8) Storage. All home occupations shall store associated goods and products within an enclosed structure. All storage areas shall count towards the amount of space measured as part of the home occupation.
 - (9) Equipment and machinery. Only equipment and machinery recognized as being part of the normal practice of owning and maintaining a residence are permitted for use in conducting a home occupation.
 - (10) Hazardous materials. All home occupations shall use, store, and dispose of any hazardous or other restricted materials in accordance with the International Fire Code and the National Fire Protection Association Life Safety Code. No home occupation activity shall require the installation of safety features not common to residential uses.
 - (11) Air quality. No home occupation shall emit smoke, dust, or steam that reduces ambient air quality and visibility beyond any lot line.
 - (12) Light. No home occupation shall produce light that exceeds 0.1 foot-candles above ambient levels as measured at any lot line.
 - (13) Odor. No home occupation shall produce noxious odors that transgress beyond any lot line.
 - (14) Temperature. No home occupation shall alter ambient air temperature by more than 1° F., as measured at any lot line.
 - (15) Vibration. No home occupation shall create vibrations for an extended period of time, as measured at any lot line.
- D. Administration and enforcement. An application for a home occupation permit shall be filed with the Department of Community Development. Necessary supporting documentation, if any, and the required filing fee shall accompany the application. The Community Development Director will complete the review of the request for a home occupation, and will either approve or deny the request based on conformance to the requirements and standards as specified in this section. In the case of an applicant feeling aggrieved by a decision to deny approval of a home occupation permit, said applicant may file an appeal to the Plan Commission for final action.
- (1) Permit. Home occupation permits are approved for a specified use, by a specified resident/operator, at a specified location. As such, permits are not automatically transferrable to a different resident or different address from those approved with the issuance of the permit. If the holder of a home occupation permit intends to relocate and conduct a home occupation at a new address in the Town, a new home occupation permit must be approved.
 - (2) Inspection. Upon reasonable notice, the permit holder shall allow the Community Development Department to conduct an on-site inspection of the premises to determine compliance with the

requirements and standards of this section.

- (3) Revocation/voiding of permit. The Community Development Department may revoke and void any previously issued home occupation permit upon finding that said home-based business is being operated in noncompliance with the requirements and standards of this section, and any specified conditions contained in the originally approved permit. Revocation may take place at any time, and a revoked permit shall become null and void and said home occupation shall be immediately terminated and discontinued.

§ 535-65. Solid-fuel-fired outdoor heating devices.

[Added 1-17-2006; amended 2-7-2006]

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

SOLID-FUEL-FIRED OUTDOOR HEATING DEVICE

Any equipment, device or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source.

STACK or CHIMNEY

Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a solid-fuel-fired heating device, especially that part of such structure extending above a roof.

- B. Regulations. All solid-fuel-fired outdoor heating devices shall:

- (1) Be installed, operated and maintained in strict conformance with the manufacturer's instructions and regulations and all other applicable local, state and federal standards.
- (2) Be approved by the Department of Safety and Professional Services through an approved testing agency.
- (3) Be provided with written documentation from the manufacturer that the device meets the Environmental Protection Agency (EPA) emission criteria identified in 40 CFR 60, Subpart AAA, Section 60.532(b)(2).
- (4) Be provided with written documentation from the manufacturer that the device meets or is in the process of being registered with the Department of Safety and Professional Services Boiler Division.
- (5) In addition, be operated and maintained as follows:
 - (a) Fuel shall be only natural, untreated wood or other solid fuel specifically permitted by the manufacturer, such as corn or other pellets specifically designed for the solid-fuel-fired outdoor heating device.
 - (b) The following fuels are prohibited:
 - [1] Processed wood products other than wood.
 - [2] Petroleum in any form.
 - [3] Rubber.
 - [4] Plastic.
 - [5] Garbage.
 - [6] Painted wood or treated wood.
 - [7] Any other items not specifically allowed by the manufacturer.

- C. A solid-fuel-fired outdoor heating device may be installed in the Town of Grand Chute in accordance with the following provisions:
- (1) The solid-fuel-fired outdoor heating device shall be located at least 300 feet from all exterior property lines.
 - (2) The solid-fuel-fired outdoor heating device shall have a chimney that extends at least 15 feet above the ground surface. If there are any residences within 500 feet, the chimney shall also extend at least two feet higher above the ground surface than the height of the roofs of all such residences. All chimneys greater than 15 feet in height above the ground shall be provided with documentation from the manufacturer specifying that the solid-fuel-fired outdoor heating device will function with this increased chimney height and how the chimney shall be supported.
 - (3) The owner of the solid-fuel-fired outdoor heating device shall obtain an HVAC permit from the Town of Grand Chute before installing a solid-fuel-fired outdoor heating device.
 - (4) All solid-fuel-fired outdoor heating devices must be installed by a contractor appropriately registered or by the owner of the dwelling who is qualified to install the device in accordance with the all codes and the manufacturer's guidelines.^[1]
- [1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
- D. Nuisance. Should any solid-fuel-fired outdoor heating device permitted under this section become hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood as determined by the Building Inspector and/or Fire Chief, then the owner shall correct, improve or abate the nuisance using whatever means are necessary in accordance with this section. If the nuisance cannot be abated, then operation of the device shall be discontinued until a solution to the nuisance can be found.
- E. Penalties. Any person, firm, corporation, business or entity who or which fails to comply with any provisions of this section shall, upon conviction thereof, forfeit an amount as prescribed in the Uniform Forfeiture and Bond Schedules, plus the cost of prosecution for each violation, and on default of the payment of any such fine and costs of prosecution shall be committed to the county jail until payment thereof, but not exceeding 30 days. Each day of violation shall represent a separate violation of this section as described herein.^[2]
- [2] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

Article VIII. Administration and Enforcement

§ 535-66. 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 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.

§ 535-67. Duties and powers of Zoning Administrator.

The Administrator shall have the following duties and powers. The Zoning Administrator shall:

- A. Examine all applications for building permits and, if necessary, advise the Building Inspector as to the provisions of this chapter and arrange for corrections to be made to ensure compliance with this chapter and, for applications for building permits for any structure requiring connection to a private domestic sewage treatment and disposal system, advise the Building Inspector as to whether a system satisfying all applicable codes already exists or that all permits necessary to install such a system have been obtained. All permits shall be examined to ensure that any proposed construction will not interfere with a functioning private domestic sewage treatment and disposal system.

- B. Examine all applications for special exceptions and building permits which require submittal and approval of a site plan under Article **X** of this chapter and refer such applications to the Plan Commission. Special exception permits and building permits which require site plan approval shall only be issued upon order of the Plan Commission.
- C. Receive all applications for a 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 and 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 in 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.^[1]
[1] Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).
- K. For good cause, recommend the removal of a Building Inspector to the Town Board.

§ 535-68. Building Inspector.

Upon adoption of this chapter the Town shall appoint a Building Inspector.

§ 535-69. Duties and powers of Building Inspector.

The Building Inspector shall:

- A. Receive and examine all applications for building permits and forthwith transmit copies of all such applications to the Administrator.
- B. 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 which require site plan approval under Article **X** of this chapter shall only be issued by order of the Plan Commission. Building permits for development in the floodplain, shoreland and wetland jurisdiction of the Town of Grand Chute shall not be issued until approved by the Zoning Administrator.
- C. Receive and forthwith transmit to the Administrator all applications for building permits which require site plan approval under Article **X** of this chapter.

- D. Conduct inspections to determine compliance or noncompliance with the provisions of this chapter and report any violations of this chapter to the Administrator and the Town Board.

§ 535-70. 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.

§ 535-71. Violations and penalties.

Any person who violates any provision of this chapter or any order, rule or regulation made hereunder shall, upon conviction, forfeit an amount as prescribed in the Uniform Forfeiture and Bond Schedules for each offense, together with the costs of prosecution. Each day that a violation continues to exist shall constitute a separate offense.

§ 535-72. Notice of violation.

If the Administrator finds that any of the provisions of this chapter are being violated, he 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 is in violation of the provisions of this chapter, such person shall commence correction of all violations within 10 days of notice and shall correct all violations within 45 days of notice. If such corrections are not commenced within 10 days of written notice or not corrected within 45 days of written notice, each day that a violation continues shall be considered a separate offense.

Article IX. Building Permits

§ 535-73. Building permit required.

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 Building Inspector.

§ 535-74. Application for building permit.

Application for a building permit shall be made in writing upon a form furnished by the Town of Grand Chute and shall include the following information:

- A. Name and address of the owner of the land and the owner of the building or structure if different.
- B. 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.
- C. The existing and/or proposed use of all buildings or parts thereof on the lot.
- D. 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.
- E. The location and number of required off-street parking and loading spaces.

- F. 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 these regulations, including but not limited to a detailed plan of any existing private domestic sewage treatment and disposal system.

§ 535-75. Approval and issuance of building permit.

If the Administrator or Building Inspector determines that the proposed structure or building will comply with the provisions of this chapter, he 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.

§ 535-76. Scope of building permit.

Building permits issued on the basis of applications and plans approved by the Administrator or 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.

§ 535-77. Lapse of building permit.

A building permit shall have lapsed and be void unless substantial construction or operations described in the permit are commenced within one year from the date of its issuance.

§ 535-78. Revocation of building permit.

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.

§ 535-79. Effect on existing permits.

No building permit lawfully issued by the Administrator or 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.

Article X. Site Plans

§ 535-80. Submission and review of site plan.

- A. Where, by the terms of this chapter, a site plan is required in connection with any use or structure, such site plan shall be submitted coincident with an application for a building permit or special exception, as the case may be. The Administrator shall forthwith circulate the site plan for comment by the Town Plan Commission and any other Town officer who may have a responsibility for or interest in an aspect of the development.
- B. Within 30 days of submittal, the Administrator shall transmit the site plan along with all pertinent comments to the Plan Commission for its consideration. Except as required in connection with a special exception, no public notice and hearing are required for site plan consideration, but such matters shall be handled in public session as part of a previously prepared agenda. All matters relating to site plan consideration shall be a public record. In cases where a site plan is submitted in

connection with an application for a special exception, public notice and hearing are required. Site plan approval shall require formal action of the Plan Commission.

§ 535-81. Contents of site plan.

A site plan required to be submitted by the terms of this chapter shall contain the following elements, where applicable:

- A. Statements of ownership and control of the proposed development.
- B. Statement describing in detail the character and intended use of the development.
- C. A site plan containing the title of the project and the names of the project planner and developer, date, and North arrow and, based on an exact survey of the property drawn to a scale of sufficient size to show boundaries of the project, any existing streets, buildings, watercourses, easements, and section lines; exact location of all buildings and structures; access and traffic flow; off-street parking and off-street loading areas; location of recreation facilities; and access to utilities and points of utility hookups.
- D. Tabulations of total gross acreage in the project and the percentages thereof proposed to be devoted to the various permitted uses.
- E. Tabulations showing the derivation of numbers of off-street parking and loading spaces and total project density in dwelling units per gross acre.
- F. Architectural definitions for buildings in the development and exact number of dwelling units, sizes, and types, together with typical floor plans of each type.
- G. Storm drainage and sanitary sewage plans.
- H. If common facilities (such as recreation areas or structures, common open space, etc.) are to be provided for the development, statements as to how such common facilities are to be provided and permanently maintained. Such statements may take the form of proposed deed restrictions, deeds of trust, homeowners' associations, surety arrangements, or other legal instruments providing adequate guarantee to the Town that such common facilities will not become a future liability for the Town.
- I. Plans for signs, if any.
- J. In the Industrial District, plans for the exterior walls of all buildings, lighting, outside storage and industrial processes and materials pertinent to conformance with the industrial performance standards herein.
- K. Such additional data, maps, plans or statements as may be required for the particular use or activity involved or as the applicant, Administrator or Plan Commission may believe are pertinent.

§ 535-82. Amendments to site plan.

A site plan required to be approved by the Plan Commission under this article shall not be modified as to any of the elements contained in § 535-81 unless approved by the Plan Commission. This requirement shall not be varied with the exception of the access to utilities and points of utility hookups required under § 535-81C. As it relates to access to utilities and points of utility hookups, variation may be made after approval by the Superintendent of the Sanitary District and the Town Administrator. Variation from the plan which has received approval by the Plan Commission may be granted by the Town Administrator where it is necessary for the avoidance of utilities or for the public convenience or for the efficiency and adequacy of utility hookups or when the change is, in the opinion of the Administrator, minor and will not increase lot coverage or density or decrease required setbacks below the minimum standard contained in the zoning district in which it is located. Relocating driveway openings, changes in

signage, or changes in landscaping adjacent to residential land uses shall require Plan Commission review.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

§ 535-83. Enforcement; violations and penalties.

[Added 6-21-2011 by Ord. No. 2011-15]

- A. Any person, firm, or corporation who or which fails to comply with the provisions of this article shall, upon conviction thereof, pay a fine or forfeiture for each violation committed hereunder, plus reasonable costs of prosecution. The amount of such fine and forfeiture shall be in accordance with bond and forfeiture schedules in effect for the Town of Grand Chute. Each day a violation exists or continues shall constitute a separate offense, punishable pursuant to the provisions set forth in this article.
- B. Enforcement and penalties set forth in this article shall be in addition to all remedies of injunction, abatement and/or costs, whether existing under this article or otherwise.

Article XI. Special Exceptions

[Amended 3-5-2002; 5-21-2002]

§ 535-84. Definition.

A special exception is a use or structure that may not be appropriate generally or without restriction throughout a district but which, 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 other use or structure.

§ 535-85. Procedure.

All applications for a special exception shall be submitted to the Administrator. Where a site plan is required by the terms of this chapter it shall be submitted coincident with the application. In cases where a site plan is not required by the terms of this chapter, the application shall contain information equivalent to that required for a building permit under § 535-74. The application may also be accompanied by any other material or information necessary to demonstrate that 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.

§ 535-86. Notice requirements.

Upon the filing of an application for a special exception, the Plan Commission shall fix a reasonable time (not more than 45 days from the filing date) for a review and recommendation. Notice shall be mailed to the parties in interest as determined by the Plan Commission.

§ 535-87. Public hearing.

- A. Any hearing required under this article shall be conducted after a Class 2 notice pursuant to Ch. 985, Wis. Stats., and the Plan Commission shall keep a record of its proceedings under this section, all of which shall be filed immediately as public records.
- B. Public hearing. A public hearing is a formal proceeding conducted by the Plan Commission in accordance with the following procedures:
 - (1) The Commission Chairperson shall open the hearing and make a concise statement of its scope and purposes. Appearances shall be entered on the record. Any official or employee of the Town of Grand Chute and any other person may participate in the hearing. Any person desiring to participate in the hearing, whether on his or her own behalf or as an authorized agent or attorney, shall enter an appearance in person by giving his or her name and address, the name and address of the person being represented, and the capacity in which he or she represents such person.
 - (2) Persons entering an appearance may make statements, offer evidence or ask questions concerning the matter to be heard. Such statements need not be made under oath. The Chairperson shall determine the order in which people may speak and may limit the length of the presentations if it appears there will not be enough time for all who wish to speak or if presentations are unduly repetitious. Cross-examination of those who speak may not be permitted, but clarifying questions of those who speak or rebuttal statements shall be permitted by the Chairperson. Statements may be submitted in oral or written form.
 - (3) The hearing shall be recorded by an electronic recording device.
 - (4) The Plan Commission shall conduct the public hearing. The Plan Commission shall make a recommendation to the Town Board to approve, approve with conditions, or deny the special exception.

§ 535-88. Town Board decision.

- A. Conditions and safeguards. Where, by the terms of these regulations, certain conditions or requirements are specified for a special exception use or structure such conditions or requirements must be imposed by the Town Board. In addition to the conditions or requirements specified by the terms of these regulations, the Town Board may impose appropriate additional conditions or requirements as deemed necessary to ensure the proposed use or structure will serve the objectives of this chapter and promote the public health, safety, comfort, convenience and general welfare. Violation of such conditions and requirements, when made part of the terms under which the special exception is granted, shall be deemed a violation of this chapter.
- B. Records and decisions. The Town Board shall keep a record of its proceedings under this section, all of which shall be filed immediately as public records. A majority of the Town Board members must concur. Every final decision under this section shall be in writing accompanied by findings of fact based on the record. No special exception shall be approved unless the Town Board shall find that:
 - (1) The establishment, maintenance or operation of the proposed special exception use or structure at the proposed location will not be detrimental or injurious to the use and enjoyment of existing uses on adjacent properties or properties in the vicinity.
 - (2) The establishment, maintenance or operation of the proposed special exception use or structure alone or in combination with other existing special exception uses and structures in the vicinity will not cause traffic hazards.
 - (3) Adequate provision is made for surface water drainage, ingress and egress to the property, and off-street parking.
 - (4) Adequate public facilities and services are available for the proposed special exception use or structure.

§ 535-89. Appeals.

Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department or board of the municipality affected by a decision of the Town Board pursuant to § 535-95.

§ 535-90. 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 in which it is located 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.

§ 535-91. Expiration of special exception permit.

Any special exception permit issued shall be in full use by the applicant within one year of approval. The special exception permit shall expire, without notice, if the applicant is not in operation and full compliance with the permit.

Article XII. Board of Appeals

§ 535-92. Establishment of Board of Appeals.

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 "Board") for the Town of Grand Chute.

§ 535-93. Membership; terms of office; compensation.

- A. Board members. The Board shall consist of five members. The Town Chairperson shall appoint the members with the approval of the Town Board. The members of the Board shall all reside within the Town. The Town Chairperson shall appoint the Chairperson of the Board.
- B. Terms. The terms of the first five Board members appointed shall be as follows: one for one year, two for two years and two for three years, respectively. Thereafter, 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 June 1 in the year in which they were appointed and until their successors are appointed.
- C. Alternates. The Town Chairperson may appoint two alternates for staggered terms of three years commencing May 1, 1995. For the purpose of those first appointed, one alternate shall serve for two years and one shall serve for three years. The Chairperson shall annually designate a first alternate and a second alternate per § 62.23(7)(e)1 and 2, Wis. Stats. All subsequent appointees shall be for three-year terms.
- D. Vacancies. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.
- E. Compensation. The actual and necessary expenses incurred by the Board 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 Town Board may also compensate the members of the Board and their assistants as may be authorized by the Town Board.

§ 535-94. Rules, meetings, decisions and records.

- A. Rules. The Town Board shall adopt rules for the conduct of the business of the Board in accordance with the provisions of this chapter. The Board may adopt further rules as necessary to carry into effect the regulations of the Town Board. No rule may be changed without the concurring vote of a majority of the Board.
- B. Meetings. Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board 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 Board shall be open to the public.
- C. Records and decisions. The Board shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. All actions or decisions shall be taken by resolution in which the concurring vote of a majority of the members of the Board shall be necessary. Each resolution shall contain a written statement of the grounds forming the basis of such resolutions. Notice of filing of all actions and decisions shall be mailed to the parties in interest as determined by the Board.

§ 535-95. Appeals.

- A. Powers. The Board 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 an administrative official in the enforcement of this chapter. The Board 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.
- B. Procedures. Appeals to the Board may be taken by any person aggrieved or by any officer, department, or board or the Building Inspector or other administrative officer. Such appeal shall be taken within 60 days of the order, requirement, decision or determination appealed from by filing with the Zoning Administrator and with the Board a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. The Board may request the applicant to provide additional information as may be needed to determine the case.
- C. 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 Board, after the notice of appeal shall have been filed with him, 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 Board or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.
- D. Withdrawal or amendment.
 - (1) If the applicant elects to withdraw the appeal any time before final determination is made by the Board, 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 Board, to the Building Inspector or officer and to the applicant.
 - (2) 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.

§ 535-96. Variances.

- A. Powers. The Board 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.
- B. Requirements for a variance. In general the power to authorize a variance from the requirements of this chapter 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. Variances shall only be granted when the Board finds that:
- (1) 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.
 - (2) The variance will not permit the establishment of a use which is not permitted or permissible in the district.
 - (3) 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.
 - (4) The literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district.
 - (5) The hardship is not shared generally by other land or buildings in the area.
 - (6) The hardship results from the strict application of this chapter and is not the result of self-created or self-imposed circumstances.

§ 535-97. Interpretations.

The Board shall have the power to hear and decide applications for interpretations of the zoning regulations and the boundaries of the zoning districts.

§ 535-98. Public hearings.

- A. Time period. Upon filing with the Board an application for an appeal or variance, the Board shall fix a reasonable time (not more than 60 days from the filing date) for a public hearing.
- B. Notice of hearing. A Class 2 notice pursuant to Ch. 985, Wis. Stats., shall be published specifying the date, time and place of the hearing and matters to come before the Board.

§ 535-99. Conduct of public hearings.

Any hearing required under this article shall be conducted by the Board in accordance with § 535-87B.

§ 535-100. Appeals from Board decisions.

Any person or persons jointly or severally aggrieved by any decision of the Board 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 Board, commence an action seeking the remedy available by certiorari.

Article XIII. Amendments

§ 535-101. Power of amendment.

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 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.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

§ 535-102. Amendment procedure.

The petition shall be filed with the Town Clerk, who shall immediately refer it to the Plan Commission for its consideration, report and recommendations. Procedures shall be in accordance with § 59.69(5)(e), Wis. Stats.

Article XIV. Fees

§ 535-103. Fees.

Fees for amendments, special exceptions, variances, appeals and contested case hearings shall be established by the Town Board. No action shall be taken prior to payment of the requisite fee.

Article XV. Signs and Billboards

[Amended 2-7-2002; 12-7-2004; 10-7-2008 by Ord. No. 2008-09; 12-20-2011 by Ord. No. 2011-30; 12-18-2012 by Ord. No. 2012-15; 2-19-2015 by Ord. No. 2015-01]

§ 535-104. Purpose.

- A. The purpose of this article is to establish standards that safeguard life and property, protect the right of free speech, promote the public's general welfare, and enhance community aesthetics by regulating the appearance, construction, location and maintenance of signs and billboards.
- B. Applicability. This article applies to all signs in the Town of Grand Chute visible beyond the boundaries of the lot upon which they are located, inclusive of any sign currently in use, planned, or hereafter installed or structurally altered, except for:
 - (1) Any sign, signal, or legal notice posted or erected by, or required to be posted by, any Town, county, state, federal or other formal governmental entity, or private utility; and
 - (2) Any vehicle sign, as defined in § 535-105.
- C. Interpretation. The Town will use literal readings of regulations in this article. Regulations are no more or less strict than stated. Where the regulations of this article do not provide a basis for concluding that a sign is allowed, it is prohibited. Where there is a conflict between the provisions

this article and the provisions of any other regulation, statute, ordinance or covenant, the most restrictive regulation will apply.

- D. Nonconforming signs. In accordance with §§ 60.61(5) and 62.23(7)(h), Wis. Stats., and § 535-15 of the Town of Grand Chute Municipal Code, any sign lawfully existing at the effective date of this article that does not conform with the provisions herein will be characterized as a nonconforming sign and may continue in existence at its current location, subject to the following restrictions:
- (1) No structural component, face or panel of a nonconforming sign may be altered in any manner that would increase the extent of nonconformity.
 - (2) The total structural repairs or alterations of a sign may not, during its life, exceed 50% of the assessed value of the sign, unless permanently changed to a conforming sign.
 - (3) If, for a period of 12 consecutive months, the use a nonconforming sign is discontinued or abandoned for any reason whatsoever, any future use of said sign must conform with the provisions of this article or be removed.
 - (4) A nonconforming sign that becomes damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold or infestation may be restored to its prior size, height, arrangement and location without restriction as to the costs of the required repair, restoration or reconstruction.

§ 535-105. Definitions.

Words used in this article have their broad dictionary definition unless they are described otherwise.

ARCHITECTURAL PROJECTION

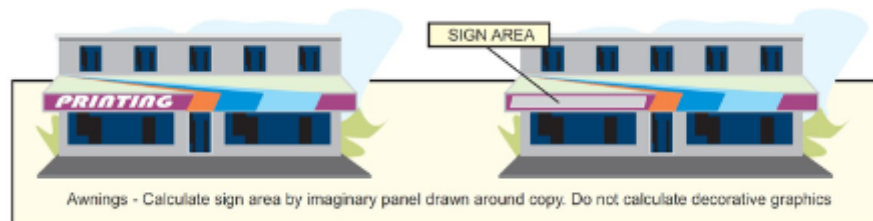
A projection, not including a sign as defined in this section, that extends beyond the face of a building's exterior wall.

ATTACHED SIGN

A permanent sign directly affixed to or primarily supported by a building. Includes awning signs, canopy signs, projecting signs, roof signs and wall signs.

AWNING SIGN

An attached sign on a fixed or retractable architectural projection made of rigid or nonrigid materials that is anchored to and supported by a building, which may be illuminated by means of internal or external sources of light. See illustration below.



BANNER

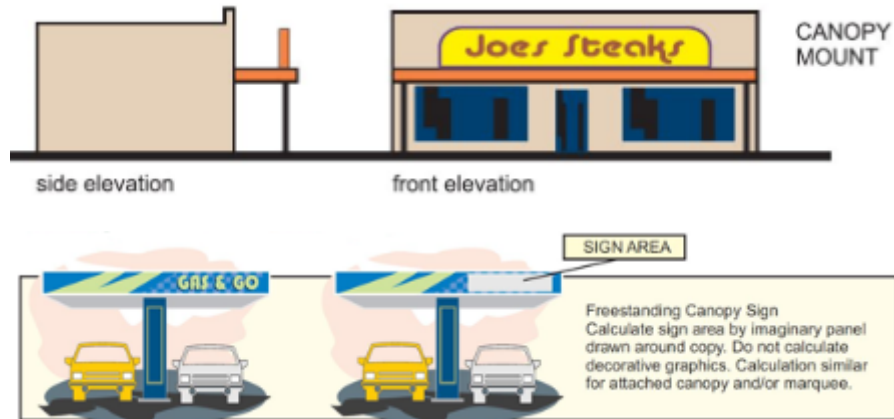
A temporary sign constructed of fabric, pliable plastic or other nonrigid material of any shape, in which more than one edge or surface is secured to another structure or support to prevent movement.

BILLBOARD

A wall or freestanding sign displaying either a static or digital electronic message that attracts attention to a business, product, service, entertainment, or activity conducted, sold, or offered at a location other than the premises on which the sign is located. Also referred to as "off-premises advertising sign."

CANOPY SIGN

An attached sign on a freestanding architectural projection that is anchored by columns or cantilevers, and that may be illuminated by means of internal or external sources of light. See illustrations below.



CONFORMING SIGN

A sign that is legally installed in accordance with all prevailing jurisdictional laws and ordinances.

DEVELOPMENT AREA

A lot or combination of adjoining lots that comprise a minimum land area of two acres, containing a mix of land uses, and typically developed with more than one principal building under unified ownership or control. Development areas include, but are not limited to, lots, buildings and site improvements located in planned unit developments and planned development districts.

DIGITAL MULTIPLE MESSAGE SIGN or DIGITAL BILLBOARD

A billboard or off-premises advertising sign that contains multiple or variable messages that automatically change by any digital or electronic process.

DISSOLVE or FADE

A mode of message transition on an electronic message center sign in which the first message gradually appears to dissipate and lose legibility with the gradual appearance and legibility of the second message.

ELECTRONIC MESSAGE CENTER SIGN or EMU

An on-premises sign on which the message is changed by electronic process. Messages displayed include, but are not limited to, copy, art, graphics, time and temperature, public service announcements, and advertising of products or services.

FACADE

That portion of any exterior elevation of a building extending vertically from normal grade to the top of a parapet wall or eaves, and horizontally across the entire width of the building elevation.

FLAG SIGN

A sign, constructed of fabric, pliable plastic or other nonrigid material and typically oblong or rectangular in shape, which is attached by one edge to a mast arm, staff or vertical pole. Noncommercial flags are not considered signs.

FLASHING

A visual effect on a directly or indirectly illuminated sign in which artificial light intensity and color is not maintained stationary and constant at all times when in use.

FOOTCANDLE

A measure of illuminance in which #0.1 footcandle equals one lumen per square foot.

FRAME

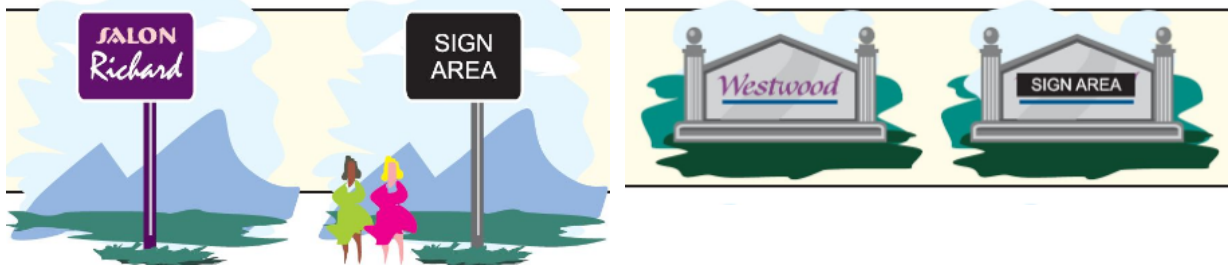
A complete, static display screen on an electronic message center sign.

FRAME EFFECT (DYNAMIC)

A visual effect on a frame in which the illusion of motion and/or animation is used on an electronic message center sign or a digital multiple message sign.

FREESTANDING SIGN

A sign supported by a structure affixed to the ground, as opposed to being affixed to a building. Also referred to as "ground sign," "monument sign," "pole sign" or "pylon sign." See illustrations below.

**ILLUMINANCE**

The amount of light falling upon a real or imaginary surface. Expressed in English units as footcandles and in SI (metric) units as lux. Also referred to as "light level" or "illumination."

ILLUMINATED SIGN

A sign characterized by the use of artificial light, including:

- A. Externally or indirectly illuminated sign: emits light from a source(s) located outside of the actual sign.
- B. Internally or directly illuminated sign: emits artificial light directly through any transparent or translucent material from a source located within or on the sign. This includes electronic message center signs.

INFLATABLE SIGN

Any sign constructed of fabric or other flexible material that takes on a three-dimensional shape when filled with air.

LIGHT TRESPASS

Light from an artificial source that intrudes into an area where it is not wanted or does not belong.

LUMINANCE

The light that is emitted by or reflected from a surface, measured in units of luminous intensity (candelas) per unit area. Expressed in English units as foot lamberts and in SI units as cd/m^2 . Also referred to as "nits."

LUX

The SI unit for illuminance, in which one lux equals 0.093 footcandle.

NONCONFORMING SIGN

A sign that was legally installed under all municipal sign regulations and ordinances in effect at that time, but which may no longer comply with subsequently enacted regulations and ordinances having jurisdiction over the sign.

NORMAL GRADE

A measure of the ground elevation of a lot, being the lower of the existing grade prior to construction or the newly established grade after construction, exclusive of any filling, landscaping or mounding done solely for the purpose of installing a sign structure.

ON-PREMISES SIGN

A sign constructed, maintained and operated in the outdoor environment for the purpose of displaying messages appurtenant to the use of, or products sold at, the property on which it is displayed.

PARAPET

The portion of a building facade that extends vertically above the structural roofline.

PERMANENT SIGN

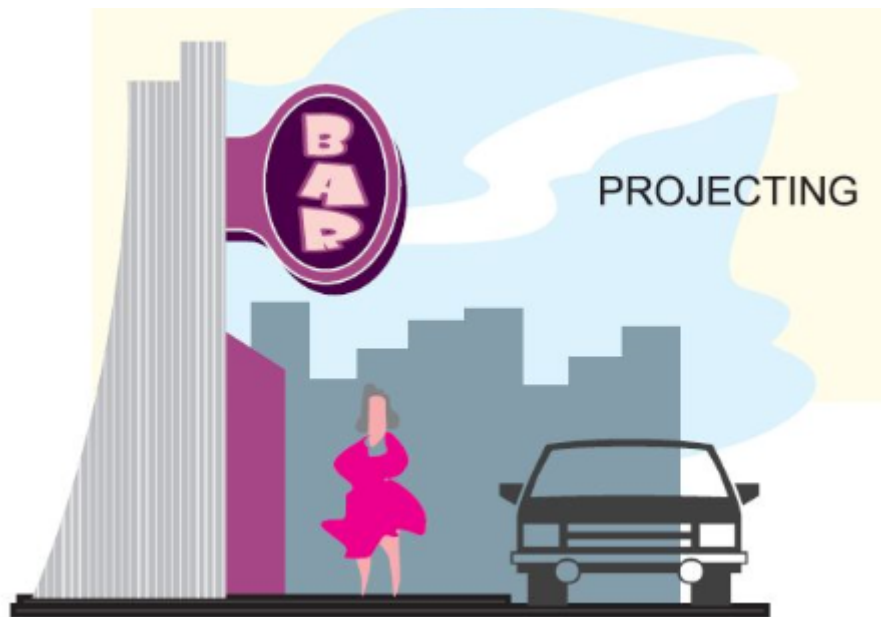
An attached or freestanding sign constructed, maintained and operated in a manner to remain in a fixed place over its useful life. Permanent signs are designed and constructed to receive dead loads and withstand wind pressures as required in Chapter **220** of the Town of Grand Chute Municipal Code or other regulations, and are constructed of durable materials capable of withstanding year-round exposure to the outdoor environment.

POLITICAL SIGN

A temporary sign used to announce or support political candidates or issues in any local, state or national election or political event.

PROJECTING SIGN

An attached sign that projects more than 18 inches from the facade of a wall or building. Also referred to as "blade sign." See illustration below.

**READER BOARD**

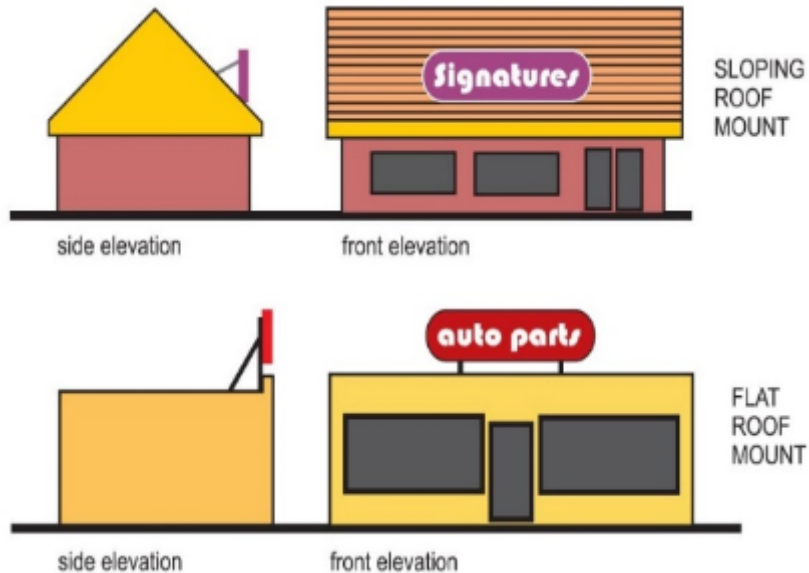
A sign on which the message is manually changed on a display surface.

REAL ESTATE SIGN

Any sign used to offer for sale, lease or rent the property on which it is placed.

ROOF SIGN

An attached sign mounted on, or extending above the uppermost edge of, a wall or parapet of a building. See illustration below.



Roof Signs

SCROLL

A mode of message transition on an electronic message center sign in which the message appears to move vertically across the display surface.

SIGN

Any device used to attract attention beyond the boundaries of the lot on which it is located, and whose purpose is to convey a message to represent any person, entity or thing by means of lettering, numerals, words, figures, emblems, devices, structures, designs, trade names, trademarks or other alphabetic or pictorial imagery. Any sign(s) affixed to a nonmotorized vehicle (i.e., trailer) not being actively used for the delivery of commercial goods is defined as a sign and is subject to the provisions of this article.

SIGN AREA

The size of a sign, calculated as the entire area within the periphery of a regular geometric form or combinations of regular geometric forms on which all elements of a message(s) are displayed. In the case of double-face signs, where both faces advertise a single facility, product, or service, only one face is used to calculate sign area.

SIGN COPY

The actual physical sign message, including any lettering, numerals, words, figures, emblems, designs, trade names, trademarks or other alphabetic or pictorial imagery applied to any background. Sign copy is expressed as the sum of the geometric shape(s) encompassing separate individual letters, words or graphic elements on a background.

SIGN DISTRICTS

Geographic locations within the Town of Grand Chute for which sign regulations are enforced based on types and intensities of land use and prevailing zoning district classifications, to include:

- A. Rural Area: All lots zoned AED Exclusive Agricultural District and AGD General Agricultural District.
- B. Suburban Area: All lots with residential uses zoned RSF Single-Family Residential District; RTF Two-Family Residential District; R-2 Two-Family Residence District; and R-3 Single-Family Attached Residence District.
- C. Neighborhood Center: Locations characterized as:

- (1) All lots with nonresidential uses zoned RSF Single-Family Residential District; RTF Two-Family Residential District; R-2 Two-Family Residence District; and R-3 Single-Family Attached Residence District.
 - (2) All lots zoned R-4 Multifamily Residence District; R-5 Multifamily Residence District; RMF Multifamily Residential District; and C-1 Neighborhood Commercial District.
- D. Community Center: All lots zoned C-2 Office Commercial District; CL Local Commercial District; CR Regional Commercial District; CP Planned Commercial District; and IND Industrial District.
- E. Sign regulations for lots zoned PDD Planned Development District are prescribed in each project approval resolution approved by the Town of Grand Chute.

SIGN FACE

The surface of a sign upon or through which the copy of the sign is displayed.

SIGN HEIGHT

A measure of the vertical distance from normal grade to the highest attached component of the sign structure, calculated as follows:

- A. The height of an attached sign is the vertical distance measured from the base of the facade of a wall or building at normal grade to the highest point of any sign face.
- B. The height of a freestanding sign on a lot with an elevation equal to or higher than the center line of the street it abuts is calculated as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign structure.
- C. The height of a freestanding sign on a lot with an elevation lower than the center line of the street it abuts is calculated as being equal to the distance from the street center line elevation (at a point perpendicular to the sign) to the top of the highest attached component of the sign structure.

SIGN STRUCTURE

The area of all sign faces, structural supports, decorative trim and architectural features of the complete sign entity.

TEMPORARY SIGN

A sign constructed, maintained and operated in a manner to be temporarily placed either in the ground or on a building. Temporary signs may include, but are not limited to reader boards, construction signs, development signs, political signs, real estate signs, sale signs, electronic message center signs and special event signs.

TRANSITION

A visual effect used on an electronic message center sign to change from one message to another. Transition effects include, but are not limited to, fading, flashing, dissolving, traveling and scrolling.

TRAVEL

A mode of transition on an electronic message center sign in which the message appears to move horizontally across the display surface.

VEHICLE SIGN

A sign(s) permanently painted or affixed on the surface of a licensed, motorized vehicle that is used on a day-to-day basis to transport goods and/or provide services.

WALL SIGN

A sign attached parallel to and extending less than 18 inches from the facade of a wall, building or architectural projection. Also referred to as "fascia sign." See illustration below.



WINDOW SIGN

A sign affixed to or etched on the interior side of any building window that displays a message intended to be visible on the exterior side.

§ 535-106. General sign regulations.

- A. Sign content. Any sign allowed or governed by this article may contain any lawful noncommercial copy if it complies with the provisions herein and with all other applicable regulations. A sign may not bear or contain any copy or indications of an obscene or pornographic nature.
- B. Construction and maintenance.
 - (1) All sign supports and elements such as angle irons, chains, wires, and electrical service must be concealed from public view to the maximum extent possible.
 - (2) All signs must be maintained in a safe, presentable and structurally sound condition at all times. Routine maintenance activities do not require a permit. For the purposes of this provision, routine maintenance includes, but is not limited to, painting, cleaning, replacing or repainting sign copy or sign faces within their existing framework, recladding, and replacing worn or defective parts.
- C. Design and effect.
 - (1) All signs will be designed in a manner that creates the visual effects intended by the provisions of this article. No sign may:
 - (a) Simulate the size, lettering, or design of any traffic or railroad sign in a manner that misleads or confuses the public.
 - (b) Contain mirrors, strobe lights, or lights similar in nature to equipment on emergency response vehicles.
 - (c) Contain ribbons, streamers, spinners or similar moving, fluttering, or revolving parts; nor may these elements be used for advertising or attracting attention separately from a sign.
 - (d) Emit any sound, flame, smoke, particles, visible vapors or odors.
- D. Placement.
 - (1) Projecting signs must be a minimum of 10 feet from all side lot lines.
 - (2) All signs located within the ten-foot front yard setback area will provide unobstructed vision between three feet and 12 feet, measured vertically above the mean center line elevation of the street it abuts. A maximum of two sign support structures, each with a maximum width of 12 inches, is permitted within this setback area.
 - (3) All signs placed within the vision triangle area of corner lots, as defined in § 535-47, must provide unobstructed vision between 2 1/2 feet and 10 feet, measured vertically above the mean center line elevation of the street they abut.
 - (4) The lowest part of any awning sign or canopy sign must be a minimum of seven feet above normal grade in areas with pedestrian traffic, and a minimum of 10 feet above normal grade in

areas with vehicular traffic. All canopy support structures must be a minimum of two feet from any street or parking lot curb.

- (5) No part of a sign may be located in public road right-of-way unless allowed by Town Board approval based on a finding of unique circumstances or unusual hardship.
- (6) No part of a sign may cover or obstruct any functional door, doorway, fire escape, fire ladder, standpipe or window in any manner that prevents ingress or egress.

E. Lighting.

- (1) Illuminated signs are allowed in sign districts based on the lighting source, subject to the dimensional requirements in § **535-107**. Externally illuminated signs are allowed in all sign districts. Internally illuminated signs, except EMUs, are allowed on lots in the Neighborhood Center sign district. Internally illuminated signs, including EMUs, are allowed in the Community Center sign district and the PDD Planned Development District.
- (2) Light trespass.
 - (a) Illuminance on a lot may not exceed 0.1 footcandle above ambient levels along any lot line shared with a lot in a Rural Area sign district or in a Suburban Area sign district.
 - (b) Illuminance on a lot may not exceed 0.3 footcandle above ambient levels along any lot line shared with a lot in a Neighborhood Center sign district.
 - (c) Illuminance on a lot may not exceed 0.8 footcandle above ambient levels along any lot line shared with a lot in a Community Center sign district or along any lot line that abuts public road frontage.
- (3) The Town may require a photometric plan before issuing a permit for an illuminated sign. This plan must include a point-to-point plot of footcandle levels throughout the lot at no more than ten-foot intervals at ground level.

F. Sign type regulations.

- (1) Temporary signs. Any temporary sign, whether requiring a permit or not, may be in use for a maximum of four thirty-day periods within any consecutive twelve-month period. Limits for size, number, and height will be as required by § **535-107**. All temporary signs must be removed no later than two days after the event, sale, lease or construction for which the sign was used. The owner of any temporary sign found to be in violation of the provisions in this article will be issued written notice ordering the removal of the sign, subject to penalty as provided in § **535-71**.
- (2) Political signs. Notwithstanding the provisions of § **535-106F(1)**, all political signs are eligible to be used in accordance with § 12.04, Wis. Stats. Political signs may be no larger than 16 square feet and must be removed no later than 10 days from the end of the corresponding election campaign period.
- (3) Real estate signs. Notwithstanding the provisions of § **535-106F(1)**, all real estate signs are eligible to remain in use until the sale, rental or lease has been accomplished. All real estate signs must be removed no later than 10 days after completion of said sale, rental or lease.
- (4) Searchlights. Searchlights are permitted only on lots in the Community Center sign district. All searchlights must be placed a minimum of 10 feet from any property line. Searchlights require a permit and may be in use for a maximum of five days within any consecutive six-month period.
- (5) Inflatable signs. Inflatable signs are permitted only on lots in the Community Center sign district. All inflatable signs must be placed a minimum of 10 feet from any property line and must be directly anchored to the ground with a tether having a maximum length of five feet. Inflatable signs require a permit and may be in use for a maximum of five days in any consecutive six-month period.

§ 535-107. On-premises sign regulations.

A. Standards for Rural Area Sign District.

(1) Allowed signs.

<p>Permanent</p> <p>By right</p> <p>With permit</p>	<p>Attached</p> <ul style="list-style-type: none"> • Signs allowed on 1 facade • Maximum sign size is 9 square feet • No sign may extend above the facade it is attached to <p>• Signs allowed on a maximum of 2 facades</p> <ul style="list-style-type: none"> • Maximum sign size is 36 square feet • No sign may extend above the facade it is attached to 	<p>Freestanding</p> <ul style="list-style-type: none"> • One sign per public road frontage • Maximum sign size is 9 square feet • Maximum sign height is 4 feet <p>• One sign per public road frontage</p> <ul style="list-style-type: none"> • Maximum sign size is 36 square feet • Maximum sign height is 8 feet
<p>Temporary</p> <p>By right</p> <p>With permit</p>	<p>Attached</p> <ul style="list-style-type: none"> • One sign allowed • Maximum sign size is 36 square feet • No sign may extend above the facade it is attached to <p>• One sign allowed</p> <ul style="list-style-type: none"> • Maximum sign size is 64 square feet • No sign may extend above the facade it is attached to 	<p>Freestanding</p> <ul style="list-style-type: none"> • Maximum 9 square feet of total sign area per lot • Maximum sign size is 4 square feet • Maximum sign height is 6 feet <p>• Maximum 16 square feet of total sign area per lot</p> <ul style="list-style-type: none"> • Maximum sign size is 36 square feet • Maximum sign height is 8 feet

(2) Prohibited signs. No sign may be internally illuminated or include an EMU.

B. Standards for Suburban Area Sign District.

(1) Allowed signs.

<p>Permanent</p> <p>By right</p> <p>With permit</p>	<p>Attached</p> <ul style="list-style-type: none"> • One sign allowed • Maximum sign size is 4 square feet • No sign may extend above the facade it is attached to <p>• None allowed</p>	<p>Freestanding</p> <ul style="list-style-type: none"> • One sign allowed • Maximum sign size is 4 square feet • Maximum sign height is 4 feet <p>• None allowed</p>
<p>Temporary</p> <p>By right</p>	<p>Attached</p> <ul style="list-style-type: none"> • None allowed 	<p>Freestanding</p> <ul style="list-style-type: none"> • Maximum 9 square feet of total sign area per lot • Maximum sign size is 4 square feet • Maximum sign height is 4 feet

Temporary	Attached	Freestanding
With permit	<ul style="list-style-type: none"> • None allowed 	<ul style="list-style-type: none"> • Maximum 16 square feet of total sign area per lot • Maximum sign size is 9 square feet • Maximum sign height is 4 feet

(2) Prohibited signs. No sign may be internally illuminated or include an EMU.

C. Standard to Neighborhood Center Sign District:

(1) Allowed signs.

Permanent	Attached	Freestanding
By right	<ul style="list-style-type: none"> • Signs allowed on 1 facade • Maximum sign size is 9 square feet • No sign may extend above the facade it is attached to 	<ul style="list-style-type: none"> • One sign allowed per driveway access • Maximum sign size is 9 square feet • Maximum sign height is 4 feet
With permit	<ul style="list-style-type: none"> • Signs allowed on a maximum of 2 facades • Maximum sign size is 50 square feet • No sign may extend above the facade it is attached to 	<p>Any freestanding signs allowed by right, plus:</p> <ul style="list-style-type: none"> • One sign allowed per public road frontage • Maximum sign size is 50 square feet • Maximum sign height is 8 feet

Temporary	Attached	Freestanding
By right	<ul style="list-style-type: none"> • One sign allowed • Maximum sign size is 12 square feet • No sign may extend above the facade it is attached to 	<ul style="list-style-type: none"> • Maximum 36 square feet of total sign area per public road frontage • Maximum sign height is 6 feet
With permit	<ul style="list-style-type: none"> • One sign allowed • Maximum sign size is 36 square feet • No sign may extend above the facade it is attached to 	<ul style="list-style-type: none"> • Maximum 64 square feet of total sign area per public road frontage • Maximum sign height is 8 feet

(2) Prohibited signs.
(Reserved)

D. Standards for Community Center Sign District.

(1) Allowed signs.

Permanent	Attached	Freestanding
By right	<ul style="list-style-type: none"> • Signs allowed on a maximum of 2 facades • Maximum sign size is 5% of the corresponding facade or 36 square 	<ul style="list-style-type: none"> • One sign allowed per public road frontage having a driveway access • Maximum sign size is 9 square feet • Maximum sign height is 4 feet

Permanent	Attached feet, whichever is less	Freestanding
With permit	<ul style="list-style-type: none"> • No sign may extend above the facade it is attached to • Maximum sign size is 10% of the corresponding facade • No sign may extend above the facade it is attached to 	<p>Any freestanding signs allowed by right, plus:</p> <ul style="list-style-type: none"> • One sign allowed per public road frontage • Maximum sign size is 144 square feet • Maximum size of multitenant signs is 200 square feet • Maximum sign height is 25 feet
Temporary	Attached	Freestanding
By right	<ul style="list-style-type: none"> • Signs allowed on a maximum of 2 facades • Maximum sign size is 5% of the corresponding facade or 36 square feet, whichever is less • No sign may extend above the facade it is attached to 	<ul style="list-style-type: none"> • Maximum of 2 signs allowed per public road frontage • Maximum 36 square feet of total sign area per public road frontage • Maximum sign height is 6 feet
With permit	<ul style="list-style-type: none"> • Signs allowed on a maximum of 2 facades • Maximum sign size is 5% of the corresponding facade or 64 square feet, whichever is less • No sign may extend above the facade it is attached to 	<ul style="list-style-type: none"> • Maximum of 2 signs allowed per public road frontage • Maximum 64 square feet of total sign area per public road frontage • Maximum sign height is 8 feet

- (2) Prohibited signs.
(Reserved)

E. Standards for lots zoned PDD Planned Development District will be prescribed in each project approval ordinance.

§ 535-108. Special exception permit signs.

- A. Purpose. To reinforce Zoning Code standards and provide appropriate regulation of signage for particular types and intensities of land use, the Town requires approval of a special exception permit for certain signs.
- B. Applicability. The following signs require a special exception permit, in accordance with the procedures established in Article XI:
 - (1) All electronic message center signs, as prescribed in § 535-108C.
 - (2) Multitenant signs that are eligible for a size and height bonus, as prescribed in § 535-108D.
 - (3) Roof signs, as prescribed in § 535-108E.

- (4) A second freestanding sign on a lot that abuts any access-controlled county, state or federal highway, as prescribed in § **535-108F**.
 - (5) Billboards/off-premises advertising signs, as prescribed in § **535-109**.
- C. Electronic message center signs (EMU).
- (1) Sign structure. An EMU may constitute one portion of sign area on an attached or freestanding sign structure, or may comprise the total sign area of a sign structure. No EMU may exceed the maximum dimensions of permitted signs for the sign district in which it is located. No EMU may exceed 144 square feet of size in any sign district.
 - (2) Operation. All dynamic frame effects are permitted, except flashing and animation. All frames must last at least eight seconds. Transition effects are permitted. All transitions may last no more than 0.5 second. All EMU signs must be equipped with automatic light sensors to adjust sign brightness according to the intensity of ambient light levels and to maintain compliance with the light trespass standards in this article.
- D. Multitenant signs eligible for size and height bonus.
- (1) Intent. To provide effective signage for certain large-scale developments, while preventing visual obstructions caused by an excessive number and size of signs in the Community Center sign district, the public interest is better served by allowing a larger and taller multitenant sign in exchange for reducing the overall number, size and/or height of other permitted signs on the same lot or development area.
 - (2) Eligibility. Multitenant signs are permitted only in the Community Center sign district. A lot or development area is eligible to seek a size and/or height bonus for a multitenant sign under the following standards and requirements:
 - (a) No other permitted freestanding signs are allowed along the same public road frontage on which the multitenant sign is to be located.
 - (b) If the lot or development area has additional public road frontage(s) other than the one on which the multitenant sign is to be located, that frontage(s) is allowed one freestanding sign with a maximum size of 100 square feet and a maximum height of 15 feet.
 - (c) The lot or development area must meet at least three of the following five criteria:
 - [1] Minimum lot size is two acres.
 - [2] Individually, or in combination with other adjoining lots, the lot is characterized as a development area.
 - [3] The lot or development area contains at least 330 linear feet of public road frontage on one or more sides.
 - [4] The lot or development area has frontage on more than one public road.
 - [5] The lot or development area contains more than one principal building.
 - (3) General requirements. A multitenant sign eligible for a size and height bonus is regulated to a maximum size of 324 square feet, including any EMU portion of the sign, and to a maximum height of 40 feet.
- E. Roof signs. Roof signs are permitted only in the Community Center sign district. A roof sign may extend a maximum of 10 feet above the roof or parapet to which it is attached, or no more than an amount equal to 20% of the height of the building, whichever is less.
- F. Second freestanding sign (Community Center sign district only). A lot or development area is eligible to seek a special exception permit for a second freestanding sign along frontage that abuts any access-controlled county, state or federal highway. A second freestanding sign is subject to a maximum size of 100 square feet and a maximum height of 15 feet.

§ 535-109. Billboards/off-premises advertising signs.

- A. Purpose. The purpose of this section of the Sign Code is to provide minimum standards to protect the life, health, safety, property, welfare, convenience, and enjoyment of the general public by regulating and controlling the location, use, lighting, and maintenance of off-premises advertising signs. The provisions of this section are intended to promote the development and maintenance of an attractive visual environment, while facilitating the communication of messages to the general public. A further purpose of this section is to mitigate the aesthetic impact of digital multiple message signs on the visual environment.
- B. Permitted locations. Off-premises advertising signs shall be permitted only on lots or development areas located in the Community Center sign district.
- C. Existing and reserved off-premises advertising signs. Off-premises advertising signs (21 total) and associated sign faces (37 total) existing as of January 21, 2020, are subject to characterization as nonconforming in accordance with the provisions of § **535-104D**. Additionally, as of January 21, 2020, the Town of Grand Chute hereby reserves three off-premises advertising signs and six associated sign faces for future approval and permitting, subject to compliance with the provisions of this chapter. As of January 21, 2020, including existing and reserved off premises advertising signs, the maximum number of such signs permitted within the Town of Grand Chute shall be 24 signs and 43 associated sign faces.
[Amended 1-21-2020 by Ord. No. 2020-01]
- D. General requirements for off-premises advertising signs.
- (1) No more than one sign, including those with back-to-back sign faces, is permitted on the same lot. In the case of a sign to be wall-mounted, only one sign face is permitted on the same lot.
 - (2) Maximum sign size is 385 square feet per sign face if located along any local, county or state roadway, 675 square feet per sign face if located on a limited access freeway or expressway, and 300 square feet if wall-mounted.
 - (3) Maximum sign height is 30 feet, measured as the distance from the street center line elevation (at a point perpendicular to the sign) to the top of the highest attached component of the sign structure.
 - (4) Minimum front yard setback is 15 feet, measured from the property line to the outermost physical extension of the sign. No sign may be erected within 100 feet of a signalized intersection or within 50 feet of all nonsignalized intersections, unless erected on or against an existing building.
 - (5) Signs may not be located within 200 feet of any residential zoning district boundaries.
 - (6) No sign may be built within 800 feet of an existing sign as viewed from any main travel direction of the same street, with the exception that signs located along a limited access freeway or expressway must be spaced a minimum of 1,000 feet apart. Spacing will be measured in a lineal direction along or across the street, freeway or expressway.
- E. Digital multiple message sign operation. Digital multiple message signs must meet all the requirements of this section and applicable State of Wisconsin regulations, including the following:
- (1) The time in which the message remains in a fixed position can be no less than eight seconds before changing to the next message.
 - (2) The transition time, or the time it takes to change to the next message, must be one second or less.
 - (3) No sign shall interfere with the visibility or the operation of any traffic signal or railroad control device.

- (4) Movement, flashing, blinking, scrolling and/or animation on any part of the sign is prohibited.
 - (5) Audio speakers and all forms of pyrotechnics are prohibited.
 - (6) Signs must be equipped with automatic dimming capability, and light produced by such signs must not exceed 0.3 footcandle over ambient light levels.
 - (7) The Town of Grand Chute Public Works Department will be provided key access to turn off a sign in the case of hazardous glare, interference with the visibility or effectiveness of a traffic signal or railroad control device, or other hazard caused by the sign.
- F. Mitigation of digital multiple message signs. Since the maximum number of off-premises advertising signs permitted in Town of Grand Chute is capped and fixed at the number in the current sign inventory at any point in time, and because digital multiple message signs display more messages than a traditional static billboard, in order to receive approval for a new multiple message sign, mitigation through reduction of sign inventory must be provided, as follows:
- (1) The mitigation credit is one new digital multiple message sign permitted in exchange for the permanent removal of two existing off-premises advertising signs.
 - (2) Each sign face is considered to meet the definition of a sign for the purposes of determining the mitigation credit.
 - (3) An existing off-premises advertising sign must be a minimum 200 square feet in size to qualify for a mitigation credit.
 - (4) The signs to be removed as part of mitigation must be in locations acceptable to and approved by the Town of Grand Chute as part of the special exception permit for the new digital multiple message sign.
 - (5) A new digital multiple message sign installed in the same location as an existing nonconforming static billboard may be allowed, upon approval of a special exception permit, without the necessity of a variance that might otherwise be required.
 - (6) A demolition permit is required for the removal of each sign being removed in mitigation of a new digital multiple message sign. A sign permit for the new sign will not be issued until all conditions of the associated demolition permit(s) have been met.
 - (7) If the new digital multiple message sign is not installed within one year after the issuance of a sign permit, said permit will be revoked and the special exception permit for the sign will automatically expire.

§ 535-110. Administration and enforcement.

- A. The provisions of this article shall be administered and enforced in accordance with the procedures established in Chapter 1, Article III, and Chapter 535, Articles VIII and IX, of the Town of Grand Chute Municipal Code. Any sign constructed or maintained in violation of the provisions of this article shall be declared a public nuisance within the meaning set forth in Chapter 398. In addition to any and all penalty provisions under applicable law, the Town of Grand Chute may bring separate action to abate the nuisance in the manner set forth in the Wisconsin Statutes.

§ 535-111. through § 535-114. (Reserved)

Article XVI. Telecommunications Antennas and Towers

[Added 7-15-1997]

§ 535-115. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ALTERNATIVE TOWER STRUCTURE

Man-made structures such as light poles, elevated tanks, electric utility transmission line towers, nonresidential buildings, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

ANTENNA

Any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves.

FAA

The Federal Aviation Administration.

FCC

The Federal Communications Commission.

GOVERNING AUTHORITY

The governing authority of the Town of Grand Chute.

HEIGHT

When referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

PREEXISTING TOWERS AND ANTENNAS

The meaning set forth in § 535-116D of this article.

TOWER

Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, PCS towers, alternative tower structures, and the like.

§ 535-116. Applicability.

- A. District height limitations. The requirements set forth in this article shall govern the location of towers that exceed, and antennas that are installed at, a height in excess of the height limitations specified for each zoning district. The height limitations applicable to buildings and structures shall not apply to towers and antennas; however, in no case shall any tower (including antennas) exceed a height of 160 feet.
- B. Public property. Antennas or towers located on property owned, leased, or otherwise controlled by the governing authority shall be exempt from the requirements of this article, provided that a license or lease authorizing such antenna or tower has been approved by the governing authority.
- C. Amateur radio; receive-only antennas. This article shall not govern any tower, or the installation of any antenna, that is under 30 feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively as a receive-only antenna.
- D. Preexisting towers and antennas. Any tower or antenna for which a permit has been properly issued prior to the effective date of this article shall not be required to meet the requirements of this article, other than the requirements of § 535-117E and F, unless a previous permit was conditioned upon compliance with new regulations. Any such towers or antennas shall be referred to in this article as "preexisting towers" or "preexisting antennas."

§ 535-117. General guidelines and requirements.

- A. Purpose; goals. The purpose of this article is to establish general guidelines for the siting of towers and antennas. The goals of this article are to:
- (1) Encourage the location of towers in nonresidential areas and minimize the total number of towers throughout the community;
 - (2) Strongly encourage the joint use of new and existing tower sites;
 - (3) Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
 - (4) Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas; and
 - (5) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.
- B. Principal or accessory use. Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed and antennas that are installed in accordance with the provisions of this article shall not be deemed to constitute the expansion of a nonconforming use or structure.
- C. Inventory of existing sites. Each applicant for an antenna and/or tower shall provide to the Community Development Department an inventory of all existing towers that are within a three-mile radius of the proposed site, including specific information about the location, height, and design of each tower. The Community Development Department may share such information with other applicants applying for administrative approvals or special exception permits under this article or other organizations seeking to locate antennas within the jurisdiction of the governing authority; provided, however, that the Community Development Department is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.^[1]
- [1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
- D. Aesthetics and lighting. The guidelines set forth in this subsection shall govern the location of all towers and the installation of all antennas governed by this article; provided, however, that the governing authority may waive these requirements if it determines that the goals of this article are better served thereby.
- (1) Towers shall maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
 - (2) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment.
 - (3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
 - (4) Towers shall not be artificially lighted unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.

- (5) Towers and antennas shall not be used for displaying any advertising. If FCC rules require that the owner's name be shown on the tower or antenna, it shall be posted no more than six feet above the ground on a placard no larger than 1 1/2 square feet.
- E. Federal requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this section shall bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna by the governing authority at the owner's expense.
 - F. Building codes and safety standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with the standards contained in applicable state and local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the governing authority concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within said 30 days, the governing authority may remove such tower at the owner's expense.

§ 535-118. Permitted uses.

- A. General. The uses listed in this section are deemed to be permitted uses and shall not require a special exception permit. Nevertheless, all such uses shall comply with § 535-117 of this article and all other applicable articles. All permitted uses shall require staff review prior to issuance of any permit.
- B. Specific permitted uses. The following uses are specifically permitted:
 - (1) Installing an antenna on an existing structure other than a tower (such as elevated tanks, electric utility transmission line towers, or nonresidential buildings), so long as said additional antenna adds no more than 20 feet to the height of said existing structure; and
 - (2) Installing an antenna on an existing tower, including a preexisting tower, and further including the placement of additional buildings or other supporting equipment used in connection with said antenna, so long as any accessory building does not exceed 150 square feet per user.

§ 535-119. Special exception permits.

- A. General. The following provisions shall govern special exception permits:
 - (1) If the tower or antenna is not a permitted use under § 535-118 of this article, then a special exception permit shall be required prior to construction of any tower or the placement of any antenna.
 - (2) Towers and antennas may only be located in the Industrial (IND), General Agricultural (AGD), Local Commercial (CL) and Regional Commercial (CR) Zoning Districts, except that amateur radio towers or antennas may be considered in residential districts.
 - (3) If a special exception permit is granted, the governing authority may impose conditions to the extent the governing authority concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.

- (4) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.
- B. Information required. Each applicant requesting an special exception permit under this article shall submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the governing authority to be necessary to assess compliance with this article.
- C. Factors considered in granting special exception permits. The governing authority shall consider the following factors in determining whether to issue a special exception permit, although the governing authority may waive or reduce the burden on the applicant of one or more of these criteria if the governing authority concludes that the goals of this article are better served thereby:
- (1) Height of the proposed tower.
 - (2) Capacity of the tower structure for additional antenna equipment to accommodate expansion or to allow for co-location of another provider's equipment.
 - (3) Proximity of the tower to residential structures and residential district boundaries.
 - (4) Nature of uses on adjacent and nearby properties.
 - (5) Surrounding topography.
 - (6) Surrounding tree coverage and foliage.
 - (7) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
 - (8) Proposed ingress and egress.
 - (9) Availability of suitable existing towers and other structures as discussed in Subsection **D** of this section.
- D. Co-location.
- (1) Any proposed telecommunication tower and tower site shall be designed, structurally, electrically, and in all respects, to accommodate co-location of both the applicant's antenna(s) and comparable antenna(s) for at least two additional users. Towers and tower sites shall be designed to allow for future rearrangement of antennas upon the tower, to accept antennas mounted at varying heights, and to accommodate supporting buildings and equipment.
 - (2) The holder of a permit for a tower, excepting amateur radio towers and sites, shall allow co-location for at least two additional users and shall not make access to the tower and tower site for the additional users economically unfeasible. If additional user(s) demonstrate(s) (through independent arbitrator or other pertinent means) that the holder of a tower permit has made access to such tower and tower site economically unfeasible, then the permit shall become null and void.
 - (3) No new tower, excepting amateur radio towers and sites, shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the governing authority that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:
 - (a) No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.

- (b) Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
 - (c) Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
 - (d) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 - (e) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs that would exceed new tower development are presumed to be unreasonable.^[1]
 - [1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
 - (f) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- E. Setbacks and separation. The following setbacks and separation requirements shall apply to all towers and antennas for which a special exception permit is required; provided, however, that the governing authority may reduce the standard setbacks and separation requirements if the goals of this article would be better served thereby:
- (1) Towers must be set back a distance equal to the height of the tower from any off-site residential structure.
 - (2) Towers, guys, and accessory facilities must satisfy the minimum zoning district setback requirements.
 - (3) In zoning districts other than General Agricultural (AGD), Industrial (IND), Local Commercial (CL) or Regional Commercial (CR) Districts, towers over 90 feet in height shall not be located within 1/4 of a mile of any existing tower that is over 90 feet in height.
- F. Landscaping. The following requirements shall govern the landscaping surrounding towers for which a special exception permit is required; provided, however, that the governing authority may waive such requirements if the goals of this article would be better served thereby:
- (1) Tower facilities shall be landscaped with a mixture of deciduous and evergreen trees and shrubs that effectively screens the view of the tower compound from adjacent residential property. The standard buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the compound.
 - (2) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived altogether.
 - (3) Existing mature trees growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large wooded lots, natural growth around the property perimeter may be sufficient buffer.

§ 535-120. Removal of abandoned antennas and towers.

Any antenna or tower that is not operated for a continuous period of six months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within 90 days of receipt of notice from the governing authority notifying the owner of such abandonment. If such antenna or tower is not removed within said 90 days, the governing authority may remove such antenna or tower at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

Article XVII. Freestanding Solar Energy Systems

[Added 3-4-2008 by Ord. No. 2008-04]

§ 535-121. Permit required.

No person, firm, partnership, limited liability company, corporation, or any other entity shall be allowed to construct a solar energy system, as defined in § 13.48(2)(h)(l)(g), Wis. Stats., within the Town of Grand Chute without first obtaining a permit as herein required.

§ 535-122. Application for permit.

Every application for a permit shall be made upon a form furnished by the Community Development Department and verified and shall contain the name, place of residence, age, and occupation of the applicant, the purpose for which a permit is desired, and detailed plans for the installation and location of the solar energy system. Such plans shall include, but shall not necessarily be limited to, a map of the exact location of the solar energy system, a narrative explanation or description of the size and nature of the solar energy system, as well as detailed specifications of the solar energy system sufficient to make any determination necessary under § 535-123 below.

§ 535-123. Investigation; action on permit application.

Upon receipt of each such application, the Community Development Director shall immediately institute such investigation of the applicant's detailed plans and specifications for the solar energy system, and may involve other departments of the Town, consultants, and/or experts, as useful or necessary. The Community Development Director shall decide whether to approve, deny, or conditionally approve an application; however, an application may only be denied or conditionally approved in accordance with the provisions of § 66.0401, Wis. Stats. In addition, and in accordance with § 66.0401, no permit application shall be approved for any solar energy system unless the following design criteria are met:

- A. The height of any freestanding solar energy system and/or attached accessory may not exceed the distance from the base or any projection of the solar energy system to the nearest adjoining property line.
- B. The height of any solar energy system and/or attached accessory which is affixed to or made part of a principal building located on any property may not exceed the height of the principal building structure.
- C. A solar energy system shall be located in the rear yard.
- D. The applicant understands that no adjoining property owner shall be required to remove structures or vegetation that may block sunlight to the solar energy system.
- E. Neighbors within a three-hundred-foot radius of a proposed solar unit being installed are to be notified by the Town of the installation and this cost will become part of the permit cost.

§ 535-124. Permit application fee.

The permit application fee shall be payable according to the Town Building Permit Fee Schedule.