

ENROLLED ORDINANCE 181-15

APPROVE TOWN OF MUKWONAGO ORDINANCE NO. 2026-O-069
WHICH AMENDS THE TOWN OF MUKWONAGO ZONING CODE RELATIVE TO
UTILITY SCALE SOLAR ENERGY USES
(RZ177)

WHEREAS, after proper notice was given, a public hearing was held and the subject matter of this Ordinance was approved by the Mukwonago Town Board on May 6, 2026; and

WHEREAS, the Town of Mukwonago Ordinance No. 2026-O-069, creates or modifies various sections of the Town of Mukwonago Zoning Code to provide regulatory provisions for utility scale solar energy uses; and

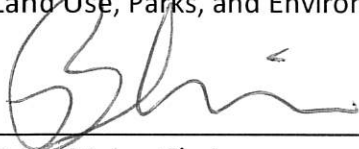
WHEREAS, the matter was referred to and considered by the Waukesha County Park and Planning Commission, which recommended approval and reported that recommendation to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, as required by Section 60.62, Wis. Stats.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the amendments to the Town of Mukwonago Zoning Code, approved by the Town Board of Mukwonago by Town of Mukwonago Ordinance No. 2026-O-069, relating to utility scale solar energy uses, as more specifically described in the "Staff Report and Recommendation" on file in the office of the Waukesha County Department of Parks and Land Use and made a part of this Ordinance by reference is hereby approved.

BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Mukwonago.

APPROVE TOWN OF MUKWONAGO ORDINANCE WHICH AMENDS TOWN OF MUKWONAGO
ZONING CODE RELATIVE TO UTILITY SCALE SOLAR ENERGY USES (RZ177)

Presented by:
Land Use, Parks, and Environment Committee

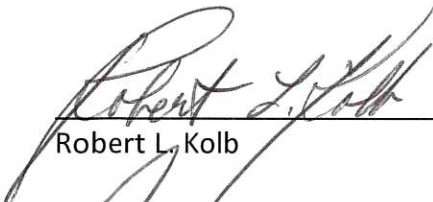


Brian Meier, Chair



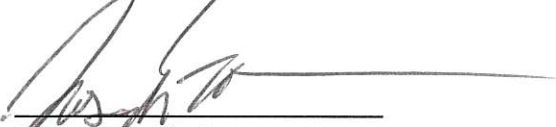
Wayne Euclide
Absent

John G. Gscheidmeier

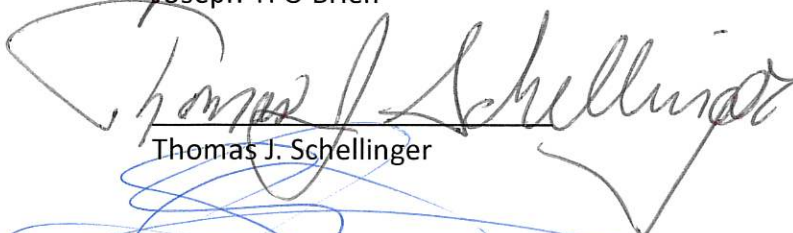


Robert L. Kolb

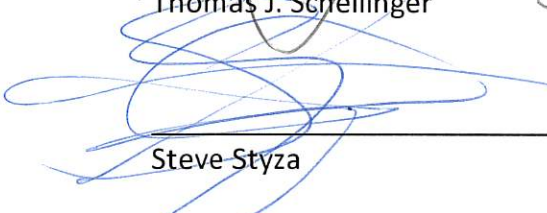
(N/O)



Joseph T. O'Brien



Thomas J. Schellinger



Steve Styza

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 06-26-2026



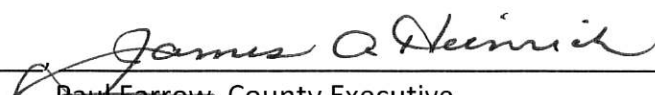
Georgia E. Maxwell, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved: _____

Vetoed: _____

Date: 7-13-2026



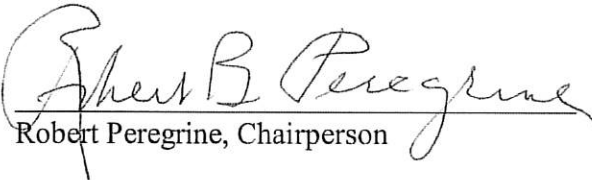
Paul Farrow, County Executive

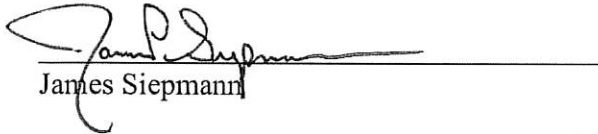
COMMISSION ACTION

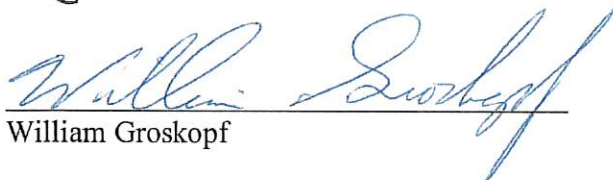
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Text of the Town of Mukwonago Zoning Code hereby recommends approval of **RZ177 (Town of Mukwonago Board)** in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

May 21, 2026


Robert Peregrine, Chairperson


James Siepmann


William Groskopf

Absent
Gary Szpara


Christine Howard

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION
TEXT AMENDMENT

FILE NO: RZ177

DATE: May 21, 2026

NAME OF PETITIONER: Town Board of Mukwonago
Town of Mukwonago Hall
W320 S8315 Beulah Road
Mukwonago, WI 53149

NATURE OF REQUEST:

Text amendments to the Town of Mukwonago Zoning Code relative to solar energy uses. Specifically, revise Appendix A (Table of Land Uses), create Section 12.08-Appendix B-Land Uses, create Article V, Division 20-Solar Energy Systems, Utility Scale and revise Appendix E-Definitions related to Solar Energy System Utility-Scale.

PUBLIC HEARING DATE:

May 6, 2026

PUBLIC REACTION:

None.

TOWN PLAN COMMISSION ACTION:

At their meeting of May 6, 2026, the Town of Mukwonago Plan Commission recommended approval of the proposed text amendments to the Town Board.

TOWN BOARD ACTION:

At their meeting of May 6, 2026, the Town Board approved the proposed text amendments to Town of Mukwonago Zoning Code.

COMPLIANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY (WCCDP) AND THE TOWN OF MUKWONAGO COMPREHENSIVE PLAN:

The town and county plans call for accommodating public and private utilities. The proposed code provisions provide for utility scale solar systems in various zoning districts via a Conditional Use (CU) process. CU standards are intended to ensure harmony with surrounding uses and provide for restoration of solar energy sites once the use terminates.

STAFF ANALYSIS:

The Town of Mukwonago is proposing to adopt solar energy system regulations within the town zoning code (see Exhibit A). The town has had interest from a property owner for this use type and they are working to ensure that there is a clear permitting process. State law prohibits communities from imposing restrictions for solar energy systems unless the restriction serves to protect public health or safety and may not significantly increase the cost of the system or significantly decrease its efficiency. A new definition for utility scale energy systems is being introduced to describe that solar energy systems that are designed and operated for the principal purpose of generating electricity for commercial sale or distribution to the electric grid are considered utility scale systems.

The town has created a new section within their zoning code that includes the requirements or considerations for utility scale solar systems in the lists below. Decommissioning of a solar system is required to occur within one year of a system being taken offline. The requirements include removal of all solar panels and related infrastructure including access roads and fencing. A letter of credit will be required and held by the town for the duration of the use. The amount of the financial assurance will be reviewed and updated, as appropriate, every five years.

- Utility scale solar systems will require the following:
 - Conditional Use review
 - Site Plan review
 - Engineering/Stormwater review
 - Decommissioning Plan
 - Financial Assurance for decommissioning
- General standards
 - Minimize adverse impacts to adjoining properties
 - Sound/vibration shall comply w/performance standards
 - Glare analysis must comply w/ performance standards
 - Electrical, communication and power lines installed underground to extent practicable
 - Landscaping, bufferyard requirements
 - Minimize grading on productive farmland
 - Fire prevention plans
 - Compliance w/stormwater requirements
 - Land management plan
 - Maintenance plan
 - Restoration standards
- Ground and Pole Mounted system requirements
 - Maximum height- 18'
 - Ground cover to be maintained

STAFF RECOMMENDATION:

The Planning and Zoning Division Staff recommends **approval** of the Town of Mukwonago's ordinance amendments to provide rules for utility scale solar systems. These provisions will ensure that the industry has a clear set of standards and provides safeguards to ensure that such uses do not create nuisance conditions.

Respectfully submitted,

Jason Fruth

Jason Fruth
Planning and Zoning Manager

Attachments: Exhibit A (Town Staff Report with Ordinance attachments)

STATE OF WISCONSIN

TOWN OF MUKWONAGO

WAUKESHA COUNTY

ORDINANCE 2026-069

**AN ORDINANCE TO REPEAL AND RECREATE CHAPTER 36 ENTITLED
“ZONING,” ARTICLE V ENTITLED “SPECIFIC PROCEDURAL
REQUIREMENTS,” DIVISION 20 ENTITLED “RESERVED;” CHAPTER 36
ENTITLED “ZONING,” APPENDIX A ENTITLED “LAND USE MATRIX;
CHAPTER 36 ENTITLED “ZONING,” APPENDIX B ENTITLED “LAND
USES;” AND CHAPTER 36 ENTITLED “ZONING,” APPENDIX E ENTITLED
GENERAL DEFINITIONS” OF THE TOWN OF MUKWONAGO MUNICIPAL
CODE**

WHEREAS, the Town Board for the Town of Mukwonago adopted a zoning code for the Town of Mukwonago in 1953 and has amended it from time to time since then; and

WHEREAS, that zoning code is codified as Chapter 36 of the Town of Mukwonago Municipal Code, titled “Zoning;” and

WHEREAS, the Town Board of the Town of Mukwonago has considered the adoption of regulations of utility scale solar energy systems, to ensure such systems are properly installed and are sited in a manner that minimizes adverse impacts without significantly increasing the cost or efficiency of any such system, or permits an alternate system of comparable cost or efficiency; and

WHEREAS, in the Fall of 2025 a joint subcommittee of the Town Board and Town Plan Commission was established to evaluate and develop local standards for the regulation of Utility-Scale Solar Energy Systems in the Town by identifying areas of concern that could be addressed in accordance with federal, state, and local law; and

WHEREAS, the proposed text of this ordinance was drafted and revised based on the discussion of the joint subcommittee and the review of the ordinance by Town Staff prior to being set forth as an application for a zoning text amendment of the Town of Mukwonago Municipal Code; and

WHEREAS, subsequent to the timely publications of class 2 public hearing notices in the Waukesha Freeman on April 24 and April 29, 2026, and all other applicable notices pursuant to Town Code Section 36-223, a duly noticed public hearing was held jointly held by the Plan Commission and Town Board on May 6, 2026; and

WHEREAS, the Town Planner prepared a staff report on the proposed ordinance for the Plan Commission and Town Board to review, in advance of the May 6, 2026 public hearing; and

WHEREAS, the Plan Commission took into account the comments from the May 6, 2026 public hearing, the Town Planner’s recommendations and reviewed the proposed ordinance language at its meeting on May 6, 2026 and upon such consideration recommended approval of the ordinance to the Town Board at its May 6, 2026 meeting; and

WHEREAS, the Town Board considered the Plan Commission's recommendation at its meeting on May 6, 2026; and

WHEREAS, by this ordinance the Town Board intends to allow for individualized consideration of solar energy systems to the extent permitted by state and federal law; and

WHEREAS, the Town Board finds that the proposed revisions to the Town's zoning regulations do not constitute a down zoning ordinance as set forth in Wis. Stat. §66.10015, and that a vote in favor by two-thirds of the members-elect of the Town Board is not required for passage and adoption; and

WHEREAS, the Town Board for the Town of Mukwonago, after carefully reviewing the recommendation of the Plan Commission for the Town of Mukwonago and having given the matter due consideration in light of the factors of consideration under Town Code Section 36-225(a) and having determined that all procedural requirements and notice requirements have been satisfied, and having based its determination on the effect of the adoption of the ordinance on the health, safety and welfare of the community and the preservation and enhancement of property values in the community, and having given due consideration to the municipal problems involved hereby determine that the ordinance amendment will be consistent with the Town of Mukwonago's Comprehensive Plan, that the amendment will serve the public health, safety and general welfare of the Town of Mukwonago, will enhance property values in the Town and will not be hazardous, harmful, noxious, offensive or a nuisance, and will not unduly limit or restrict the use of property in the Town or for any other reason cause a substantial adverse effect on the property values and general desirability of the Town.

NOW, THEREFORE, the Town Board of the Town of Mukwonago, Waukesha County, Wisconsin, does hereby ordain as follows:

Section 1. Chapter 36 Entitled "Zoning," Article V Entitled "Specific Procedural Requirements," Division 20 Entitled "Reserved," is hereby is repealed, recreated and retitled read as depicted in the Document Entitled "Division 20" as attached hereto and incorporated herein by reference:

Section 2. Chapter 36 Entitled "Zoning," Appendix B Entitled "Land Use Matrix," Section 12.08 is created to read as depicted in the Document Entitled "Appendix B" as attached hereto and incorporated herein by reference.

Section 3. Chapter 36 Entitled "Zoning," Appendix A Entitled "Land Use Matrix," is repealed and recreated as depicted in the Document Entitled "Appendix A" as attached hereto and incorporated herein by reference.

Section 4. Chapter 36 Entitled "Zoning," Appendix E Entitled "General Definitions," is repealed and recreated to read as depicted in the Document Entitled "Appendix E" as attached hereto and incorporated herein by reference.

Section 5. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and

effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

Section 6. The Town of Mukwonago Town Clerk is directed to send three copies of this ordinance to the Waukesha County Clerk for approval by the Waukesha County Board of Supervisors.

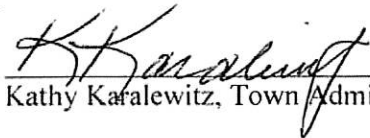
Section 7. This ordinance shall take effect immediately upon passage and posting or publication as provided by law following approval by the Waukesha County Board of Supervisors.

Adopted this 28th day of May 2026

TOWN OF MUKWONAGO


Peter Topczewski, Town Chair

ATTEST:


Kathy Karalewitz, Town Administrator, Clerk-Treasurer

Published and/or posted this 28 day of May, 2026

Date: April 26, 2026

To: Town of Mukwonago Plan Commission and Town Board

From: Ben Greenberg, AICP - Town Planner

Subject: Code Amendments to establish an ordinance regulating Solar Energy Systems, Utility-Scale; Town of Mukwonago, Applicant;

Application: 2026-10; <https://s.zoninghub.com/EM5ZWCPZ8>

Meeting: May 6, 2026, Plan Commission and Town Board meeting

Background

In Fall 2025, a joint subcommittee of the Town Board and Plan Commission was established to evaluate and develop local standards for the regulation of Utility-Scale Solar Energy Systems. The subcommittee met over a series of working sessions to identify key areas of concern, including protection of agricultural land, visual and environmental impacts, infrastructure considerations, and long-term site restoration.

Based on those discussions, an initial draft ordinance was prepared to reflect the policy direction of the subcommittee and to establish a comprehensive regulatory framework for such facilities.

Following preparation of the initial draft, the Town Attorney conducted a detailed legal review and provided comments, questions, and recommendations focused on ensuring that the ordinance:

- ✚ Remains consistent with existing procedures and authorities established in Chapter 36 of the Town Code; and
- ✚ Complies with applicable limitations on local regulation of solar energy systems under Wis. Stat. § 66.0401(1m).

As a result of that review, the ordinance was refined and reorganized to ensure legal defensibility, internal consistency, and clear integration with the Town's existing zoning framework.

Overall Ordinance Structure

The final ordinance is intentionally structured as a coordinated set of provisions that work within the Town's existing zoning code framework under Chapter 36. The regulation of Utility-Scale Solar Energy Systems is accomplished through three primary components:

(1) Section 12.08 – Appendix A (Table of Land Uses) & Appendix B (Development Standards for Land Uses)

Appendix A establishes the districts where the use is allowed as either a permitted or conditional use, as well as any secondary reviews required.

Series / Land Use	Secondary Review	P-1	C-1	A-1	RH	SE	R-1	R-2	B-2
12 Telecommunications and Utilities									
12.01 Radio broadcast facility	BP,SP,PO,ZP	C	-	C	-	-	-	-	-
12.02 Stormwater management facility	-	P	C	P	P	P	P	P	P
12.03 Telecommunication collocation, class 1	ZP	WT	WT	WT	WT	WT	WT	WT	WT
12.04 Telecommunication collocation, class 2	ZP	P	P	P	P	P	P	P	P
12.05 Telecommunication tower	ZP	WT	WT	WT	WT	WT	WT	WT	WT
12.06 Utility installation, major	SP,PO,ZP	C	C	C	C	C	C	C	C
12.07 Utility installation, minor	ZP	P	C	P	P	P	P	P	P
<u>12.08 Solar Energy System, Utility Scale</u>	<u>SP, PO, ZP</u>	<u>C</u>	<u>-</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>

Section 12.08 of Appendix B establishes the substantive standards governing Utility-Scale Solar Energy Systems, including:

- Design and operational requirements.
- Setbacks, height, and site layout.
- Environmental, agricultural, and stormwater considerations.
- Decommissioning requirements and restoration expectations.
- Ongoing compliance, enforcement, and monitoring provisions.

(2) Article V, Division 20 (Procedures and Submittal Requirements)

Currently a reserved (unused) division of the code, Division 20 establishes the procedural framework for review and approval of Utility-Scale Solar Energy Systems. This includes:

- Application requirements and submittal materials.
- Required technical studies and supporting documentation.
- Review process and coordination between staff, consultants, and reviewing bodies.
- Integration of engineering, environmental, and operational review components.

Division 20 does not create a separate approval pathway. Instead, it is designed to operate within and supplement the Town's existing Conditional Use Permit (CUP) process, ensuring that applications are complete and that the record contains sufficient information to support decision-making.

(3) Definitions (Appendix E)

Targeted additions and modifications to definitions ensure that key terms—such as Utility-Scale Solar Energy System, Project Owner, Decommissioning, and related concepts—are clearly defined and consistently applied throughout the ordinance. These updates provide clarity for administration and enforcement while aligning terminology with both industry standards and applicable state law.

Integration with Chapter 36

A central objective of the revised ordinance is to ensure that regulation of Utility-Scale Solar Energy Systems is fully integrated into the Town's existing zoning structure rather than functioning as a stand-alone regulatory system.

The ordinance accomplishes this through the following:

Conditional Use Permit Framework

All Utility-Scale Solar Energy Systems are subject to review and approval through the Conditional Use Permit process under Article V, Division 4. The Plan Commission conducts public hearing and review, and the Town Board issues a written decision based on the record.

Site Plan and Plan of Operation Review

Application materials and review standards are tied directly to the Town's existing Site Plan and Plan of Operation requirements, ensuring consistency in how complex land uses are evaluated.

Engineering and Stormwater Review

The ordinance incorporates and relies upon existing Town, County, and State requirements for stormwater management, erosion control, and grading, rather than duplicating those standards.

Financial Assurance and Enforcement

Decommissioning financial assurance is structured to align with broader Town authority and procedures, including review by the Town Engineer and approval by the Town Board, with enforcement mechanisms consistent with Chapter 36 and applicable statutes.

Conditions of Approval

Any conditions imposed as part of a Conditional Use Permit must be supported by substantial evidence in the record and must comply with statutory limitations, including those set forth in Wis. Stat. § 66.0401 (1m). The ordinance is structured to ensure that performance standards provide a clear and defensible basis for such conditions.

Agreements and Implementation Mechanisms

Earlier drafts of the ordinance contemplated incorporation of a standard Agricultural Impact Mitigation Agreement (AIMA) directly within the Code. Following legal review, that approach was revised as follows:

- Any required agreements are external to the ordinance;
- Such agreements may be required as part of an approved Decommissioning Plan or as a condition of approval; and
- These agreements function as implementation tools, rather than codified regulatory provisions, allowing flexibility while maintaining enforceability through permit conditions.

This approach establishes clear regulatory standards while allowing project-specific agreements to address site-specific conditions. Such agreements are implemented and enforced through the Conditional Use Permit and associated approvals.

Summary

The final Utility-Scale Solar Energy Systems ordinance reflects a coordinated effort between the subcommittee, staff, and legal counsel to develop a framework that is both responsive to local concerns and consistent with statutory limitations.

The ordinance:

- Establishes clear and measurable development and operational standards;
- Utilizes the Town's existing Conditional Use Permit process as the primary approval

- mechanism;
- Integrates with established provisions of Chapter 36 for site plan review, engineering, and enforcement; and
- Provides a legally defensible structure for evaluating and conditioning Utility-Scale Solar Energy Systems consistent with applicable Wisconsin law.

Together, these components create a cohesive and administratively workable ordinance that allows the Town to effectively review and regulate Utility-Scale Solar Energy Systems within the scope of its authority.

Review procedure.

The Plan Commission serves in an advisory role. The Town Board makes the final decision.

Required notice.

As required by the Town's zoning regulations and Wisconsin Statutes, a class II public hearing notice was published in the Waukesha Freeman on April 24 and 29, 2026.

Public comment.

As of this date, the Town has not received any written comments regarding the proposed ordinance.

Possible Motion by Plan Commission: Motion to recommend to the Town Board the adoption of the proposed ordinance based on the findings included therein, subject to the review and approval of the Town Attorney, and further directing the Town Attorney to prepare the final enrolled ordinance in a form acceptable for adoption.

Attachments:

1. Draft Ordinance (revision date April 24, 2026:
 - A. (Revised) Appendix A – Table of Land Uses
 - B. (New) Section 12.08 - Appendix B – Land Uses
 - C. (New) Article V, Division 20 - Solar Energy Systems, Utility Scale
 - D. (Revised) Appendix E - Definitions

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Appendix A Land Use Matrix

Series / Land Use		Secondary Review	P-1	C-1	A-1	RH	SE	R-1	R-2	B-2
1 Agriculture										
1.01	Agriculture support services	SP,PO,ZP	-	-	C	C	-	-	-	-
1.02	Animal production, general	-	-	-	P	-	-	-	-	-
1.03	Animal production, intensive	SP,PO,ZP	-	-	C	-	-	-	-	-
1.04	Aquaculture	SP,PO,ZP	-	-	P	P	-	-	-	-
1.05	Crop production	-	-	-	P	P	P	-	-	-
1.06	Greenhouse	SP,PO,ZP	-	-	P	P	-	-	-	-
1.07	Horticulture	ZP	-	-	P	P	-	-	-	-
2 Agri-Tourism										
2.01	Agro-ecology center	BP,SP,PO,ZP	-	C	C	-	-	-	-	-
2.02	Bird hunting preserve	SP,PO,ZP	-	C	C	-	-	-	-	-
2.03	Craft brewery, winery, or distillery	BP,SP,PO,ZP	-	C	C	C	-	-	-	-
2.04	Farm education	BP,SP,PO,ZP	-	C	C	-	-	-	-	-
2.05	Farm inn	BP,SP,PO,ZP	-	-	C	-	-	-	-	-
2.06	Farm recreation	BP,SP,PO,ZP	-	C	C	-	-	-	-	-
2.07	Farm restaurant	BP,SP,PO,ZP	-	-	C	-	-	-	-	-
2.08	Farm store	BP,SP,PO,ZP	-	-	C	-	-	-	-	-
2.09	Fee fishing	SP,PO,ZP	-	C	C	-	-	-	-	-
2.10	Glamorous camping (glamping)	BP,SP,PO,ZP	-	C	C	-	-	-	-	-
2.11	Health spa	BP,SP,PO,ZP	-	C	C	-	-	-	-	-
2.12	Petting farm	SP,PO,ZP	-	-	C	-	-	-	-	-
2.13	U-Cut Christmas tree operation	SP,PO,ZP	-	P	P	C	-	-	-	-
2.14	U-Pick operation	SP,PO,ZP	-	P	P	C	-	-	-	-
3 Resource-Based Uses										
3.01	Dam	SP,PO,ZP	C	C	C	C	C	C	-	C
3.02	Forestry	-	P	P	P	P	P	P	P	P
3.03	Limited nonmetallic mine	SP,PO,ZP	C	-	C	-	-	-	-	-
3.04	Open lands	-	P	P	P	P	P	P	P	P
4 Residential										
4.01	Duplex	ZP	-	-	-	-	-	-	P	P
4.02	Multifamily housing	BP,SP,ZP	-	-	-	-	-	-	C	P
4.03	Single-family dwelling	ZP	-	-	P	P	P	P	P	-
5 Special Care Facilities										
5.01	Adult family home	BP,SP,ZP	-	-	P	P	P	P	P	-
5.02	Community living arrangement, 8 or fewer residents	ZP	-	-	P	P	P	P	P	-
5.03	Community living arrangement, 9 to 15 residents	BP,SP,PO,ZP	-	-	-	-	-	-	C	-
5.04	Foster home and treatment foster home	ZP	-	-	P	P	P	P	P	-
5.05	Group day care center	BP,SP,PO,ZP	P	-	-	-	-	-	-	P
5.06	Hospice care center	BP,SP,ZP	P	-	-	-	-	-	-	P
5.07	Nursing home	BP,SP,ZP	P	-	-	-	-	-	-	P
5.08	Retirement home	BP,SP,ZP	P	-	-	-	-	-	C	C
6 Group Accommodations										
6.01	Campground	BP,SP,PO,ZP	P	C	C	-	-	-	-	-
6.02	Group recreation camp	BP,SP,PO,ZP	P	C	C	-	-	-	-	-
6.03	Overnight lodging	BP,SP,ZP	-	-	-	-	-	-	-	C

Referred on: 06/02/26

File Number: 181-O-012

Referred to: LU

12

Series / Land Use		Secondary Review	P-1	C-1	A-1	RH	SE	R-1	R-2	B-2
7 Food and Beverage Sales										
7.01	Brewpub	BP,SP,PO,ZP	-	-	-	-	-	-	-	C
7.02	Restaurant	BP,SP,PO,ZP	-	-	-	-	-	-	-	C
7.03	Tavern	BP,SP,PO,ZP	-	-	-	-	-	-	-	C
8 Vehicle Rental, Sales, and Service										
8.01	Vehicle fuel station	BP,SP,PO,ZP	-	-	-	-	-	-	-	C
8.02	Vehicle repair shop	BP,SP,PO,ZP	-	-	-	-	-	-	-	C
8.03	Vehicle sales and rental	BP,SP,PO,ZP	-	-	-	-	-	-	-	C
8.04	Vehicle service shop	BP,SP,PO,ZP	-	-	-	-	-	-	-	C
9 General Sales and Services										
9.01	Administrative services	BP,SP,PO,ZP	-	-	-	-	-	-	-	P
9.02	Adult-oriented establishment	BP,SP,PO,ZP	-	-	-	-	-	-	-	C
9.03	Artisan shop	BP,SP,PO,ZP	-	-	C	C	-	-	-	P
9.04	Commercial kennel	BP,SP,PO,ZP	-	-	-	-	-	-	-	C
9.05	Commercial stable	BP,SP,PO,ZP	-	-	C	-	-	-	-	-
9.06	Equipment rental	BP,SP,PO,ZP	-	-	-	-	-	-	-	P
9.07	Financial services	BP,SP,PO,ZP	-	-	-	-	-	-	-	P
9.08	Funeral home	BP,SP,PO,ZP	-	-	-	-	-	-	-	P
9.09	Garden center	BP,SP,PO,ZP	-	-	C	-	-	-	-	P
9.10	General repair	BP,SP,PO,ZP	-	-	-	-	-	-	-	P
9.11	General services	BP,SP,PO,ZP	-	-	-	-	-	-	-	P
9.12	Health care center	BP,SP,PO,ZP	-	-	-	-	-	-	-	C
9.13	Health care clinic	BP,SP,PO,ZP	-	-	-	-	-	-	-	P
9.14	Instructional services	BP,SP,PO,ZP	-	-	-	-	-	-	-	P
9.15	Landscape business	BP,SP,PO,ZP	-	-	C	-	-	-	-	C
9.16	Professional services	BP,SP,PO,ZP	-	-	-	-	-	-	-	P
9.17	Retail sales, convenience	BP,SP,PO,ZP	-	-	-	-	-	-	-	P
9.18	Retail sales, general	BP,SP,PO,ZP	-	-	-	-	-	-	-	P
9.19	Specialty retail sales	BP,SP,PO,ZP	-	-	C	-	-	-	-	P
9.20	Veterinary clinic	BP,SP,PO,ZP	-	-	C	-	-	-	-	P
10 Recreation and Entertainment										
10.01	Driving range	BP,SP,PO,ZP	C	-	C	-	-	-	-	C
10.02	Golf course	BP,SP,PO,ZP	C	-	C	C	C	C	-	C
10.03	Indoor entertainment	BP,SP,PO,ZP	-	-	-	-	-	-	-	P
10.04	Indoor recreation	BP,SP,PO,ZP	-	-	-	-	-	-	-	P
10.05	Outdoor recreation	BP,SP,PO,ZP	C	-	-	-	-	-	-	C
11 Government and Community Services										
11.01	Administrative government center	BP,SP,PO,ZP	P	-	-	-	-	-	-	-
11.02	Cemetery	BP,SP,PO,ZP	P	-	C	C	-	-	-	-
11.03	Community center	BP,SP,PO,ZP	P	-	-	-	-	-	-	-
11.04	Community cultural facility	BP,SP,PO,ZP	P	-	-	-	-	-	-	-
11.05	Educational facility, pre-K through 12	BP,SP,PO,ZP	P	-	-	-	-	-	-	-
11.06	Maintenance garage	BP,SP,PO,ZP	P	-	-	-	-	-	-	C
11.07	Park	BP,SP,PO,ZP	P	C	C	C	C	C	C	C
11.08	Public safety facility	BP,SP,PO,ZP	P	-	-	-	-	-	-	-
11.09	Recreation trail	BP,SP,PO,ZP	P	P	P	P	P	P	P	P
11.10	Worship facility	BP,SP,PO,ZP	P	-	-	-	-	-	-	-
Referred on: 06/02/26		File Number: 181-O-012					Referred to: LU			13

Series / Land Use	Secondary Review	P-1	C-1	A-1	RH	SE	R-1	R-2	B-2
12 Telecommunications and Utilities									
12.01 Radio broadcast facility	BP,SP,PO,ZP	C	-	C	-	-	-	-	-
12.02 Stormwater management facility	-	P	C	P	P	P	P	P	P
12.03 Telecommunication collocation, class 1	ZP	WT	WT	WT	WT	WT	WT	WT	WT
12.04 Telecommunication collocation, class 2	ZP	P	P	P	P	P	P	P	P
12.05 Telecommunication tower	ZP	WT	WT	WT	WT	WT	WT	WT	WT
12.06 Utility installation, major	SP,PO,ZP	C	C	C	C	C	C	C	C
12.07 Utility installation, minor	ZP	P	C	P	P	P	P	P	P
12.08 Solar Energy System, Utility Scale	SP,PO,ZP	C	-	C	C	C	C	C	C
13 Accessory Uses									
13.01 Accessory building, non-residential	SP,ZP	P	-	P	P	P	P	P	P
13.02 Accessory building, residential	ZP	-	-	P	P	P	P	P	-
13.03 Adult family home	ZP	-	-	P	P	P	P	-	-
13.04 Amateur radio and/or citizens band antenna	ZP	-	-	P	P	P	P	P	P
13.05 Backyard chickens	-	-	-	P	P	P	P	P	-
13.06 Bed and breakfast	SP,PO,ZP	-	-	P	P	P	-	-	-
13.07 Bus parking	SP,PO,ZP	-	-	C	C	C	-	-	-
13.08 Commercial truck parking	SP,PO,ZP	-	-	C	C	C	-	-	-
13.09 Exterior communication device	-	P	-	P	P	P	P	P	P
13.10 Family day care home	ZP	-	-	P	P	P	P	P	P
13.11 Farm building for non-farm storage	BP,SP,PO	-	-	C	C	-	-	-	-
13.12 Federal firearms license	PO,ZP	-	-	C	C	C	C	C	-
13.13 Foster home and treatment foster home	ZP	-	-	P	P	P	P	P	-
13.14 Home occupation	SP,PO,ZP	-	-	P	P	P	P	P	-
13.15 Household livestock	ZP	-	-	P	P	P	P	-	-
13.16 In-law dwelling unit	BP,SP,ZP	-	-	P	P	P	P	P	-
13.17 Play structure	-	-	-	P	P	P	P	P	-
13.18 Pond	ZP	TC	TC	TC	TC	TC	TC	TC	TC
13.19 Private kennel	-	-	-	P	P	P	P	P	-
13.20 Retaining wall, major	ZP	TC	TC	TC	TC	TC	TC	TC	TC
13.21 Retaining wall, minor	-	P	P	P	P	P	P	P	P
13.22 Rural accessory building	-	-	-	P	P	P	P	-	-
13.23 School dormitory	BP,SP,ZP	C	-	-	-	-	-	-	-
13.24 Solar energy system, building-mounted	ZP	P	-	P	P	P	P	P	P
13.25 Solar energy system, free-standing	SP,ZP	P	-	P	P	P	P	P	P
13.26 Swimming pool	ZP	-	-	P	P	P	P	P	-
13.27 Utility cabinet	ZP	P	P	P	P	P	P	P	P
14 Temporary Uses									
14.01 Earth materials stockpile	SP,PO,ZP	P	-	C	C	-	-	-	-
14.02 Farmers market	SP,PO,ZP	P	-	P	P	P	-	-	P
14.03 Farmstand, off-site	ZP	-	-	P	P	P	-	-	P
14.04 Farmstand, on-site	-	-	-	P	P	P	-	-	-
14.05 Livestock for vegetation management	ZP	P	P	P	P	P	P	P	P
14.06 Off-site construction yard	SP,PO,ZP	C	-	C	C	C	-	-	C
14.07 Party tent	-	P	-	P	P	P	P	P	P
14.08 Portable storage container	-	P	-	P	P	P	P	P	P
14.09 Relocatable building (school)	BP,SP,PO,ZP	P	-	P	-	-	-	-	-

Series / Land Use	Secondary Review	P-1	C-1	A-1	RH	SE	R-1	R-2	B-2
14.10 Seasonal product sales	ZP	-	-	C	C	C	-	-	C
14.11 Wind test tower	ZP	P	P	P	P	P	P	P	P
14.12 Yard sale	-	P	-	P	P	P	P	P	-

Zoning Districts

P-1 Public; C-1 Conservancy; A-1 Agriculture; RH Rural Home; SE Suburban Estates; R-1 Residential; R-2 Residential; B-2 Local Business

Key for Land Uses

"-" indicates that the use is not permitted in the zoning district.

"C" indicates that the use is permitted in the zoning district as a conditional use subject to all other provisions in the chapter. (Refer to Article 5)

"P" indicates that the use is permitted in the zoning district by right subject to all other provisions in the chapter.

"WT" indicates that the use is subject to the special review standards and procedures for Wireless Telecommunication Facilities. (Refer to Article 5)

"TC" indicates that the use is subject to the special review standards and procedures for Topography Change. (Refer to Article 5)

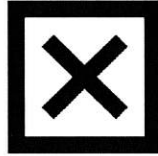
Key for Secondary Review

"BP" indicates that the use is subject to building plan review. (Refer to Article 5)

"PO" indicates that the use is subject to plan of operation review. (Refer to Article 5)

"SP" indicates that the use is subject to site plan review. (Refer to Article 5)

"ZP" indicates that the use is subject to zoning permit review. (Refer to Article 5)



12.08 Solar Energy System, Utility-Scale

Description: A solar energy system consisting of ground-mounted photovoltaic panels and associated equipment, including but not limited to inverters, transformers, substations, energy storage systems, and related infrastructure, that is designed and operated as a principal use for the primary purpose of generating electricity for off-site use or wholesale distribution to the electric grid.

A utility-scale solar energy system is characterized by its commercial-scale energy production and land use footprint and is not intended to be accessory or incidental to a principal use on the subject property.

Parking Requirements: 1 space for each employee on the largest work shift.

Supplemental Standards:

(a) General Standards. All Solar Energy Systems, Utility-Scale shall conform to the following performance and design standards:

- (1) Systems shall be designed, constructed, and operated to minimize adverse impacts on adjoining properties and the public. All systems shall comply with applicable federal, state, and local codes and regulations, including but not limited to Wisconsin Administrative Code NR 151 (Runoff Management) and NR 216 (Stormwater Discharge).
- (2) Sound or vibration generated by a Solar Energy System, Utility-Scale, including but not limited to power inverters, transformers, and other mechanical or electrical equipment, shall comply with the applicable performance standards of the Town Code of Ordinances, Chapter 36, §36-796 and §36-797, as may be amended. The Town may evaluate the location, orientation, and design of sound-producing components and may require additional setbacks, shielding, or other mitigation measures where necessary to ensure compliance with applicable noise standards and to protect adjacent properties. Where necessary to demonstrate compliance, the Town may require the applicant to submit a sound analysis prepared by a qualified professional and may require post-installation sound verification.
- (3) Glare generated by a Solar Energy System, Utility-Scale, including but not limited to photovoltaic panels and associated equipment, shall comply with all applicable performance standards of the Town Code of Ordinances, Chapter 36, §36-794, as may be amended. The Town may evaluate the location, orientation, and design of system components and may require additional setbacks, screening, or other mitigation measures where necessary to minimize glare impacts and to protect adjacent properties and public rights-of-way. Where necessary to demonstrate compliance, the Town may require the applicant to submit a glare analysis prepared by a qualified professional and may require post-installation verification.
- (4) Systems shall not display advertising or signage other than manufacturer identification, safety notices, or ownership labels as required by code. Any signage shall comply with Town sign regulations.
- (5) All electrical, communication, and power lines between arrays and substations shall be installed underground to the extent practicable. Exemptions may be granted by the Town Engineer where shallow bedrock, watercourses, or other natural features prevent underground installation.

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- (6) Landscaping, bufferyard, and screening shall comply with applicable provisions of the Town Zoning Code. Where necessary to ensure compatibility with adjacent land uses, the Town may require additional vegetative buffering, berming, fencing, or other screening measures as part of the Solar Energy System, Utility-Scale review.
 - (7) Removal of existing trees shall be minimized, and replacement or mitigation planting may be required as a condition of approval. The applicant shall identify all significant trees to be removed on the site plan.
 - (8) The system shall be designed to avoid and protect any rare, endangered, or protected natural resources identified during environmental review.
 - (9) For systems located on productive farmland, design and construction shall minimize soil disturbance and grading, maintain existing drainage patterns, and incorporate measures that facilitate the site's return to productive agricultural use following decommissioning.
 - (10) Systems shall include appropriate fire prevention, emergency response, and access provisions consistent with the approved Emergency Response Plan under Section (D).
 - (11) The Solar Energy System, Utility-Scale shall be designed, constructed, and maintained in compliance with all applicable state, county, and Town stormwater management and erosion control requirements, including but not limited to WDNR NR 151 and NR 216, as well as Waukesha County and Town stormwater ordinances. Any required stormwater management and erosion control plans shall be implemented and maintained throughout the duration of the project.
- (b) Ground-Mounted and Pole-Mounted Systems.** All Ground-Mounted and Pole-Mounted Systems shall comply with the following:
- (1) **Setback.** Solar Energy Systems, Utility-Scale, shall not extend into the setback of a front yard, side yard, shore yard, or rear yard as established for the zoning district in which the parcel is located. The Town Board may exclude fencing from this requirement based on site conditions.
 - (2) **Maximum height.** A free-standing solar energy system in any position shall not exceed 18 feet in height as measured from the surrounding grade to the height point of the structure.
 - (3) **Ground cover** shall be maintained and shall consist of native perennial vegetation, pollinator-friendly plantings, or other cover crops suitable for erosion control and stormwater infiltration. The planting mix shall be consistent with WDNR's Solar Site Pollinator Habitat Planning Scorecard or equivalent standards.
 - (4) As an alternative or in combination with vegetative ground cover, the applicant may propose agricultural or dual-use practices, including rotational grazing (e.g., sheep or goats), beekeeping (apiaries), or compatible crop production.
 - (5) All ground-mounted systems shall be maintained in good condition, free of weeds and debris.
- (c) Photovoltaic Components.** Where photovoltaic components are utilized, the following shall apply:
- (1) All electrical disconnect switches shall be clearly identified and unobstructed.
 - (2) No grid-interconnected system shall be installed until the Town receives documentation verifying that the owner has notified the utility provider and complied with applicable interconnection requirements.
 - (3) Photovoltaic modules and components shall carry appropriate UL or equivalent certifications.
- (d) Reflecting Components.** Where reflecting or concentrating solar components are utilized, the system shall be designed and operated to prevent misdirection of reflected solar radiation onto adjacent properties, roads, or areas open to the public. Demonstration of glare mitigation or modeling may be required by the Town Engineer.

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- (e) **Compliance with Plan of Operation.** All systems shall be operated and maintained in accordance with the approved Plan of Operation and any conditions of the Conditional Use approval. The Town may inspect the site at reasonable times to verify compliance.
- (f) **Application Fee.** This use is classified as a Type 2 Conditional Use in the Town Fee Schedule

DIVISION 20 SOLAR ENERGY SYSTEM, UTILITY-SCALE

Sec. 36-571. Generally

Sec. 36-572. Purpose and Applicability

- (a) Purpose. In accordance with mandates established by Wis. Stat. §§ 60.22(3) and 66.0401, the purpose of this section is to provide for Town review and approval of Solar Energy System, Utility-Scale in a manner that protects public health, safety, and welfare; preserves the integrity and productivity of agricultural and open lands; and minimizes adverse visual, environmental, or drainage impacts, in accordance with the Comprehensive Development Plan for the Town of Mukwonago which prioritizes the preservation of available agricultural land and open space as a key component to maintaining the rural character of the community.

Regulations under this section are intended to comply with Wis. Stat. § 66.0401(1m) and satisfy the criteria for the imposition of any additional conditions and/or restrictions, which provides that restrictions on a solar energy system shall not significantly increase the cost of the system, significantly decrease its efficiency, or prevent the system from functioning as intended.

- (b) Application. This Section shall apply to all Solar Energy Systems, Utility-Scale, as defined in this Chapter, proposed within the Town of Mukwonago. A Solar Energy system, Utility-Scale, subject to review and approval by the Public Service Commission of Wisconsin under Wisconsin Statute §196.491 shall be regulated in accordance with applicable state law; however, such facilities shall remain subject to applicable Town regulations to the extent not preempted by state law, including but not limited to stormwater management, erosion control, building permits, and road access.

Sec. 36-573. Initiation and Project Owner

An application for a Solar Energy System, Utility-Scale may be initiated by the **Project Owner**, as defined in Appendix E of this Chapter.

Where the Project Owner is not the fee simple owner of the subject property, the application shall include written authorization from the property owner consenting to the proposed use and acknowledging that the approval, including all conditions, obligations, and requirements of this Chapter, shall run with the land and be binding upon the property owner and all successors and assigns.

All Project Owners and property owners shall be jointly and severally responsible for compliance with the approved Conditional Use Permit, including but not limited to maintenance, operation, financial assurance, decommissioning, and site restoration

requirements.

Sec. 36-574. Review Procedures

- (a) *New Solar Energy System, Utility-Scale.* The general steps outlined below shall be used to review an application for a new Solar Energy System, Utility-Scale as designated in the land use matrix (appendix A).
- (1) Applications for a Solar Energy System, Utility-Scale shall be subject to the Conditional Use Permit procedures of §36-284 of the Town Zoning Code, as may be amended.

Sec. 36-575. Application form and content.

- (a) *Site Plan and Plan of Operation Required.* The application submittal shall include an application form as used by the town and a site plan and plan of operation depicting the information listed in Appendix F, as applicable. Appendix F shall be interpreted to include both physical site design and operational characteristics of the proposed use.
- (b) *System Description and Capacity.* A narrative and plan set describing the proposed Solar Energy System, Utility-Scale, including, at a minimum:
- (1) Total nameplate generating capacity (MW) and anticipated annual energy production;
 - (2) Total project area, including the area occupied by solar arrays and all associated infrastructure;
 - (3) General layout of the system, including the location and approximate number of solar panels, inverters, transformers, substations, access drives, and other major components;
 - (4) Identification of any associated facilities, including energy storage systems, interconnection equipment, or off-site improvements;
 - (5) Description of the intended point of interconnection and any known off-site transmission or distribution improvements; and
 - (6) A summary of the construction phasing and anticipated timeline for development.
 - (7) To the extent necessary to demonstrate compliance with applicable codes and standards, general information regarding major system components, including panels, inverters, batteries, and transformers;
 - (8) Identification of applicable equipment certifications, including compliance with

nationally recognized standards such as Underwriters Laboratories (UL) or equivalent organizations, where applicable;

- (9) A conceptual electrical diagram identifying the general point of interconnection and location of major disconnects, where necessary to understand system layout; and
- (10) Additional technical or structural information, where applicable, as may be required by the Town to evaluate the proposed system or by other permitting authorities.

(c) *Technical Studies and Documentation.* The applicant shall provide the following information necessary to demonstrate compliance with applicable Town performance standards and the purposes of solar regulation under Wis. Stat. §66.0401. The Town may require additional technical studies where reasonably necessary to ensure compliance with applicable performance standards or to protect public health, safety, or welfare.

- (1) Glare Analysis identifying potential impacts on adjacent public roadways and nearby residences in order to evaluate roadway safety impacts.

(d) *Land Management Plan.* Vegetation and Land Management Plan describing native plantings, pollinator habitat, dual-use grazing or cropping, invasive species control, and maintenance schedules.

(e) *Safety and Fire Response Plan.*

- (1) Emergency Response Plan describing de-energization procedures, access points and any lockable access gates, and on-site signage compliant with the National Electric Code (NEC).
- (2) Site map and control diagram for first responders.
- (3) Description of component materials and identification of any hazardous or flammable materials to be stored on-site.
- (4) Coordination with the local fire department regarding emergency access and response procedures may be required as a condition of Conditional Use Permit approval.

(f) *Maintenance Plan.*

- (1) Detailed schedule and method of mowing, trimming, grazing, or replanting.
- (2) Invasive species monitoring and control protocols.
- (3) Inspection frequency and maintenance procedures for stormwater basins, swales, and outlets.
- (4) Description of electrical and mechanical inspections, cleaning procedures (including chemicals used), and replacement schedule.
- (5) Names and 24-hour contact information for parties responsible for site operations and emergency response.
- (6) The Maintenance Plan shall remain on file with the Town and be subject to review and inspection; the Town may require updates if deficiencies are

observed.

(g) *Decommissioning Plan*. A decommissioning plan in accordance with Section 36-578.

(h) *Utility Coordination (Conceptual)*. A description of the anticipated point of interconnection and the general status of coordination with the applicable electric utility, to the extent known at the time of application. This may include identification of the serving utility and a summary of any preliminary discussions or correspondence regarding interconnection.

Sec. 36-576. Basis of Decision.

In acting upon an application under this section, the Plan Commission and Town Board shall evaluate the request in accordance with the conditional use standards set forth in **Section 36-285**, including consideration of all applicable performance standards, development standards, and other provisions of this Chapter.

In addition, the Plan Commission and Town Board shall ensure that any conditions of approval comply with Wis. Stat. § 66.0401(1m).

Sec. 36-577. Imposition of Conditions.

The Town Board may impose conditions of approval in accordance with Section 36-286 as necessary to ensure compliance with this Chapter and to protect the public health, safety, and welfare.

In addition, for Solar Energy System, Utility-Scale, any condition of approval shall comply with Wis. Stat. § 66.0401(1m), including the following:

- (a) The condition shall be based on substantial evidence in the record;
- (b) The condition shall not significantly increase the cost of the system, decrease its efficiency, or prevent the system from functioning as intended; and
- (c) The condition shall be consistent with reasonable and measurable public purposes, including protection of public health or safety.

Sec. 36-578. Decommissioning Plan.

(a) *Purpose*. To ensure removal of solar facilities and restoration of land upon termination of use.

(b) *Timing.* Decommissioning of the system shall occur within one (1) year after the earlier of:

- (1) The end of the system's serviceable life; or
- (2) Discontinuation of energy generation for twelve (12) consecutive months, unless the Project Owner has submitted, and the Town has approved, a written plan and schedule to return the system to service.

(c) *Scope.* The Decommissioning Plan shall address removal of solar equipment and restoration of the site including:

- (1) Removal of all solar panels, racking, cabling, foundations to a minimum depth of three (3) feet, transformers, fencing, and access roads, unless the Town or landowner authorizes in writing the retention of specific improvements or if the Town allows lesser requirements for decommissioning.
- (2) Proper recycling or lawful disposal of all solid and hazardous materials, consistent with applicable federal, state, and local regulations.
- (3) Regrading of disturbed areas and stabilization of soils to prevent erosion.
- (4) Replacement and/or restoration of topsoil and subsoil, revegetation or restoration of productive agricultural use.

(d) *Notice and Inspection.* The Project Owner shall provide written notice to the Town Clerk and Zoning Administrator at least thirty (30) days prior to initiating decommissioning activities. Upon completion, the Project Owner shall request a final inspection by the Town Engineer to verify compliance with the approved Decommissioning Plan. The Engineer's written certification of compliance shall be required prior to the release of any financial assurance.

(e) *Cost Estimate and Financial Assurance.* Financial assurance shall be required and administered in accordance with this section and Division 5 of this Chapter.

- (1) *Initial Decommissioning Cost Estimate and Approval.* The Project Owner shall submit a detailed decommissioning cost estimate, including estimated salvage value, prepared by a qualified engineer. The Town Engineer shall conduct a technical review of the submitted estimate and may require revisions or retain a qualified third-party reviewer at the Project Owner's expense to verify the reasonableness of the cost and salvage assumptions. The Town Engineer may require the use of conservative or discounted salvage values in determining the net decommissioning cost. Upon completion of the technical review, the Town Engineer shall provide a written recommendation to the Town Board regarding the adequacy of the estimate. The final decommissioning cost estimate shall be approved by the Town

Board based on the Town Engineer's recommendation.

- (2) *Posting of Financial Assurance.* After approval of the decommissioning cost estimate, the Project Owner shall post financial assurance in the form of an irrevocable letter of credit in an amount equal to the approved net decommissioning cost. The letter of credit shall be provided prior to issuance of a building permit or commencement of construction, or, at a minimum, prior to energization, as determined by the Town Board, and shall be maintained for the life of the project. All financial assurance required under this section shall comply with the requirements of Division 5 of this Chapter, including but not limited to provisions governing form, acceptance, issuer qualifications, and enforcement.
- (3) *Five-Year and Ownership-Transfer Updates.* At least every five (5) years, and upon any transfer of ownership or operational control, the Project Owner shall submit an updated decommissioning cost estimate prepared by a qualified engineer, including updated salvage value. The updated estimate shall be reviewed by the Town Engineer and acted upon by the Town Board in the same manner as the initial decommissioning cost estimate under this subsection. Upon Town Board approval of any revised amount, the Project Owner shall amend or replace the letter of credit to reflect the approved financial assurance within sixty (60) days. Failure to submit required updates or maintain adequate financial assurance shall constitute a violation of this section and may result in enforcement action, including suspension or revocation of Solar Energy System, Utility-Scale approval.
- (4) *Duration of Financial Assurance.* The financial assurance shall remain in effect until the Town Engineer certifies that all decommissioning and restoration obligations have been fully completed in accordance with the approved Decommissioning Plan.
- (5) *Continuing Obligations and Successors.* The Project Owner shall remain responsible for maintaining the required financial assurance, performing decommissioning, and restoring the site in accordance with the approved Decommissioning Plan and all applicable permit conditions. These obligations shall run with the land and shall bind all successors, assigns, and subsequent owners or operators of the Solar Energy System, Utility-Scale. No transfer of ownership or operational control shall relieve any Project Owner of these obligations unless and until the Town approves a replacement letter of credit and formally acknowledges the assumption of responsibility by the new owner in writing.
- (f) *Town Authority Upon Default.* If the Project Owner fails to commence or complete decommissioning as required or fails to maintain the required financial assurance as required, the Town may, upon a thirty (30) day written notice, enter the property and perform the necessary work. The Town may draw upon the financial assurance to recover its costs. Any unrecovered expenses shall be assessed as a special charge against the property pursuant to Wis. Stat. § 66.0627.

The Project Owner and landowner shall grant the Town and its contractors the right of entry to the property for purposes of inspection, enforcement, and restoration under this section as necessary.

- (g) *Amendment and Recordkeeping.* The Town may approve amendments to the Decommissioning Plan upon written request of the Project Owner, provided such amendment maintains compliance with this subsection and the Solar Energy System, Utility-Scale approval. A copy of the approved Decommissioning Plan and any amendments shall remain on file with the Town Clerk and shall be recorded with the Waukesha County Register of Deeds as necessary to ensure notice to future property owners.
- (h) *Restoration Standard.* All land subject to decommissioning shall be restored to a condition that allows for productive agricultural use or other use consistent with the underlying zoning district, as determined by the Town Engineer and Plan Commission. Restoration shall include soil decompaction, replacement of segregated topsoil, and reestablishment of vegetative cover in accordance with the approved Decommissioning Plan.

Appendix E

General Definitions

A

- (1) **Accessory building** See building, accessory
- (2) **Accessory land use** See land use, accessory
- (3) **Active farm operation** A property where the principal current and ongoing use of the property is crop production, animal production, or growing Christmas trees or ginseng. Land that was engaged in the preceding activities but has been harvested at the end of the last possible production season, continues to be an active farm operation unless and until it fails to engage in production in the next production season or after a period of 12 months, whichever occurs first.
- (4) **Adult arcade** An establishment wherein coin, slug, electronically, or mechanically controlled or operated still or motion picture machines, projectors, computers, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- (5) **Adult bath house** An establishment that provides a bath as a service, 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 provides to its patrons an opportunity for engaging in specified sexual activities.
- (6) **Adult body painting studio** An establishment wherein patrons are afforded an opportunity to be painted or to paint images on specified anatomical areas. The term does not include a tattoo parlor.
- (7) **Adult book/video store** An establishment having as its stock in trade the sale, rental, or lease for any form of consideration, any one or more of the following:
 - (a) Books, magazines, periodicals or other printed or electronic matter, photographs, films, motion pictures, recordings, video cassettes, DVDs, video reproductions, slides, closed-circuit transmission, cable/satellite transmission, subscriber programming, or other visual representations or physical medium which are distinguished or characterized by their emphasis on any actual or simulated specified sexual activities or specified anatomical areas, the removal of articles of clothing, or partial or totally nude appearance;
 - (b) Instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities;
 - (c) Facilities or premises to which public patrons or members are invited or admitted for the presentation or viewing of adult entertainment as defined herein, including, but not limited to, adult-oriented films, motion pictures, video cassettes, video reproductions, slides, closed-circuit transmission, cable/satellite transmission, subscriber programming, or other visual representation or physical medium that allows an image to be displayed or transmitted; and/or any live performance, display, or dance of any type.
- (8) **Adult cabaret** An establishment, such as a nightclub, dance hall, bar, restaurant, or similar establishment, that regularly features (i) persons who appear nude or semi-nude; (ii) live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities; or (iii) film, motion pictures, video cassettes, streaming videos, DVDs, slides or other photographic or video reproduction, or closed-circuit transmission, cable/satellite transmission, subscriber programming, or other visual representation or physical medium which are characterized by the exhibition or display of specified sexual activities or specified anatomical areas.
- (9) **Adult entertainment** Any exhibition of any motion picture, video cassette or recording, photographic reproduction, closed-circuit transmission, cable/satellite transmission, subscriber programming, or other physical medium that allows an image to be displayed or transmitted; live performance, display, or dance of any type, which has as its dominant theme, or is distinguished or characterized by an emphasis on any one or more of the following: (i) specified anatomical areas, (ii) specified sexual activities, or (iii) removal of articles of clothing or partial or total nude appearance.
- (10) **Adult massage parlor** An establishment with or without sleeping accommodations that provides the service of massage or body manipulation, including exercise, heat, and light treatment of the body, and any form or method of physiotherapy, not

operated by a medical practitioner or professional physical therapist licensed by the state of Wisconsin and which also provides its patrons with the opportunity to engage in specified sexual activities.

- (11) **Adult modeling studio** An establishment that 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 other means.
- (12) **Adult motel** An establishment that (i) offers accommodations to the public for any form of consideration; provides patrons with closed circuit television transmissions, film, motion pictures, video cassettes, video reproductions, slides, closed-circuit transmission, cable/satellite transmission, subscriber programming, or other visual representation or physical medium characterized by depicting or describing specified sexual activities or specified anatomical areas; and has a sign visible from the public right-of-way which advertises the availability of this type of adult entertainment; (ii) offers a sleeping room for rent for a period of time that is less than 10 hours; or (iii) allows a tenant or occupant of a sleeping room to sublet the room for a period of time that is less than 10 hours.
- (13) **Adult theater** An enclosed building such as a theater, concert hall, auditorium, or other similar business establishment which is used for presenting adult entertainment.
- (14) **Antenna** Communications equipment that transmits and receives electromagnetic radio signals and is used in the provision of mobile services.

Note: This definition is based on the corresponding definition in s. 66.0404, Wis. Stats.

- (15) **Appeal** A process initiated by an aggrieved party to review a decision made pursuant to this chapter or an alleged failure to act as required by this chapter.
- (16) **Applicant** A person that submits an application as required by this chapter.
- (17) **Arbor** A structure over a walkway or other open area often supporting vines or other plants.



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- (18) **Assessed value** The dollar amount assigned to taxable real and personal property by the assessor for the purpose of taxation.
- (19) **Auto title loan business** Any person licensed pursuant to s. 139.09, Wis. Stats., who makes a loan that is secured by an interest, other than a purchase money security interest, in the borrower's motor vehicle.

B

- (20) **Balcony** A floor area that projects beyond the exterior wall of an upper story, is enclosed by a half wall or railing, and is only accessible from the building's interior. A balcony can be supported by columns or brackets or be cantilevered.



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- (21) **Base setback line** An imaginary line that is parallel to the centerline of certain roadways depicted on the highway width map adopted by Waukesha County.
- (22) **Base zoning district** See zoning district, base
- (23) **Basement** That portion of a building below the first floor or groundfloor with its entire floor below grade.

Note: This definition is based on the corresponding definition in s. SPS 320.07(8), Wis. Admin. Code.

- (24) **Berm** A mound or embankment of earth typically installed to provide screening or for aesthetic effect.

- (25) **Board of appeals** See Zoning board of appeals

- (26) **Body piercer** An individual who performs body piercing on another upon his or her request.
Note: This definition is based on the corresponding definition in s. DHS 173.03, Wis. Admin. Code.
- (27) **Body piercing** The perforating of any human body part or tissue, except an ear, and placing a foreign object in the perforation to prevent the perforation from closing.
Note: This definition is based on the corresponding definition in s. DHS 173.03, Wis. Admin. Code.
- (28) **Building** A structure having a roof supported by columns or walls that is used or intended for the shelter or enclosure of people, animals, equipment, or property of any kind.
- (29) **Building codes** Those regulations adopted by a municipality or the state that regulate the construction, repair, alteration, and maintenance of buildings.
- (30) **Building coverage** The area of a lot that is occupied by buildings. Depending on the context, building coverage could refer to the actual or proposed amount, or the maximum amount that is permitted in a particular zoning district.
Note: See s. 82-720 that describes how building coverage is measured.
- (31) **Building height** As the context would indicate, building height could refer to the actual or proposed height, or the maximum height that is permitted in a particular zoning district.
Note: See s. 82-721 that describes how building height is measured.
- (32) **Building permit** A permit issued by the town that authorizes an applicant to conduct a specified construction activity that is consistent with the town's building code. (In contrast see zoning permit)
- (33) **Building, accessory** A building or portion of a building used for a purpose customarily incidental to the permitted use of the lot and located on the same lot as the principal use.
- (34) **Building, principal** The building on a lot in which is conducted the principal use as permitted on such lot by the regulations of the district in which it is located.
- (35) **Burden of proof** The obligation of a party to establish a fact by evidence.

C

- (36) **Campground space** A designated portion of a campground that is rented for the exclusive use of its occupants. A campground space may include a parking area, fire ring, table, and other amenities.
- (37) **CFR** An abbreviation for Code of Federal Regulations
- (38) **Clear vision triangle** See vision clearance triangle
- (39) **Co-location** The location of multiple antennas of more than one commercial wireless communication service provider or governmental entity on a single tower or alternative tower structure.



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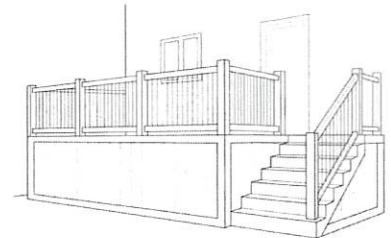
- (40) **Common open space** In a planned unit development, that portion of the project that will remain undeveloped and which is jointly owned and maintained by those owning property in the development.
- (41) **Comprehensive plan** The document adopted by the town board consistent with s. 66.1001, Wis. Stats.
- (42) **Conditional use** See land use, conditional
- (43) **Conditional use order** A written decision issued by the town board authorizing the zoning administrator to issue a conditional use permit provided those conditions imposed by the board precedent to the issuance of the permit have been satisfied.
- (44) **Conditional use order** A written decision issued by the town board that indicates whether the conditional use is approved or denied, and the terms of the approval if so granted. The conditional use may only be established on the subject property when the zoning administrator issues a conditional use permit indicating that all initial conditions of the approval have been satisfied.
- (45) **Conditional use permit** A permit issued by the zoning administrator indicating that the conditional use may be established

following a determination that all initial conditions of the conditional use order have been satisfied.

- (46) **Condominium** A form of property ownership where multiple owners individually own specified portions of a building along with any common elements.
- (47) **Conversion order** A written decision issued by the town board authorizing the property owner to convert an existing nonconforming use to a different nonconforming use that is determined to be of the same or lesser degree of nonconformity.
- (48) **Corner lot** See lot, corner

D

- (49) **Deck** A structure characterized by a flat, unroofed, horizontal surface or platform suspended above the grade of the land it covers and which may be supported by posts, beams, cantilever, or other similar methods. (In contrast see stoop)



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(##) **Decommissioning** The process of removing all components of a solar energy system and restoring the land to a safe, nonhazardous, and productive condition following the end of the facility's serviceable life, abandonment, or cessation of energy generation.

- (50) **Density** As the context would indicate, the number of existing, proposed, or permitted dwelling units in a given area. For example, a 40-acre parcel with 7 dwelling units has a density of one dwelling unit per 5.7 acres.
- (51) **Developer agreement** A contract between a developer and a municipality that describes the obligations of both parties regarding a private development project.
- (52) **Development** Any activity that must comply with, or is anyway regulated by, this chapter.
- (53) **Disability** A mental or physical impairment that substantially limits one or more life activity.
- (54) **Distinguished or characterized by** The dominant or principal theme of the object referenced. For instance, when the phrase refers to films "which are distinguished or characterized by an emphasis upon the exhibition or display of specified sexual activities or specified anatomical areas", the films so described are those whose dominant or principal character and theme are the exhibition or display of specified sexual activities or specified anatomical areas.
- (55) **District** See zoning district
- (56) **Domesticated animal** An animal that is not wild and is kept as a pet or to produce food.
- (57) **Double frontage lot** See lot, through
- (58) **Driveway, private** A private route of ingress and egress from a private or public right-of-way, which provides access to residential dwellings/units, business buildings, or properties.
- (59) **Dwelling unit** A building, or portion thereof, that provides complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

E

- (60) **Easement** A non-possessory legal interest a person has in the property of another for a specific use. An easement may apply to the entire property or a portion thereof and may be perpetual or temporary, expiring after a period of time or after a certain event occurs. A utility easement, for example, gives any person with a right to use the easement the right to install and maintain utilities across, over, or under the subject land. A road easement would likewise allow the installation and maintenance of a driveway or roadway along with ancillary utilities.
- (61) **Equipment compound** When used in the context of telecommunication facilities, the area surrounding or adjacent to the base of an existing support structure within which is located mobile service facilities.



- (62) **Established road grade** The elevation of the finished road at the centerline or curb as fixed by the town engineer, or by such authority as shall be designated by law to determine such an elevation.

F

- (63) **FAA** An abbreviation for Federal Aviation Administration
- (64) **Fall zone** When used in the context of telecommunication facilities, the area over which a mobile support structure is designed to collapse.
- Note: This definition is based on the corresponding definition in s. 66.0404, Wis. Stats.
- (65) **Family** An individual living alone in a dwelling unit, or 2 or more individuals living together in a dwelling unit who are related by blood, marriage, adoption, or other legal means, or a group of not more than 4 individuals who are not so related who live together as a single housekeeping unit in a dwelling unit. A single housekeeping entity infers the use in common of all spaces, household services, and utilities with a single source of food preparation for all occupants.
- (66) **FCC** An abbreviation for Federal Communications Commission
- (67) **Flag lot** See lot, flag
- (68) **Flood** A general and temporary condition or partial or complete inundation of normally dry land areas caused by the overflow or rise of inland waters or the rapid accumulation of stormwater runoff or surface waters from any source.
- (69) **Floodplain** Those lands subject to inundation by the 100-year reoccurrence flood, or, where such data is not available, the maximum flood of record.
- (70) **Floor area** The maximum horizontal projected area of a building measured at each level from outside wall to outside wall.
- (71) **Front yard** See yard, front
- (72) **Fugitive dust** Solid airborne particulate matter resulting from any activity conducted on a parcel.

H

- (73) **Hazard** A condition, whether manmade or natural, that presents a tangible danger to the public health, safety, and general welfare.
- (74) **Hazardous substance** A material regulated by the Emergency Planning and Community Right-to-Know Act of 1986, 42 USC 1101-11050, as may be amended.
- (75) **Hazardous waste** A waste or combination of wastes that because of its quantity, concentration, or physical, chemical, or infectious characteristics, may (i) cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or (ii) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise managed.
- (76) **Highway** A State or County highway.

I

- (77) **Impervious surface** The portion of a lot that substantially reduces or prevents the infiltration of stormwater into the ground. It includes areas of compacted soil, buildings, and nonporous surfaces such as sidewalks, parking lots, driveways, and similar features.
- (78) **Interior lot** See lot, interior

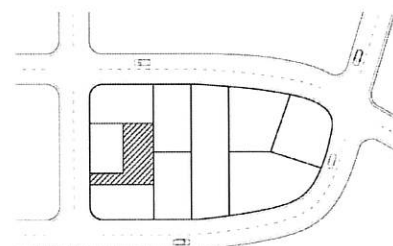
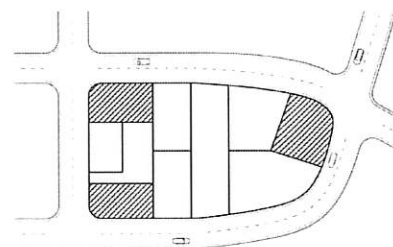
L

- (79) **Land** The earth, water, and air, above, below, or on the surface.
- (80) **Land use** As the context indicates (i) the development that has occurred on the land, (ii) development that is proposed for the land, or (iii) the use permitted for the land under this chapter.
- (81) **Land use, accessory** A land use that is subordinate to, and customarily incidental to, the permitted principal use of the property or buildings and located upon the same lot as the principal use.
- (82) **Land use, conditional** A land use, which by its nature, character, or circumstance, is so unique or so dependent upon

specific conditions that permissibility by right is not practical, but which may be permitted subject to certain conditions and requirements as determined by the reviewing authority.

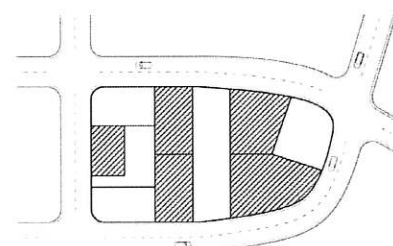
- (83) **Land use, permitted by right** A land use that is allowed throughout a specified zoning district. Land uses permitted by right may be reviewed to ensure that all provisions of local, state, and federal regulations are met.
- (84) **Land use, principal** The main or primary use of a property as may be allowed under this chapter.
Note: In some situations, a parcel of land can have more than one principal land use.
- (85) **Land use, temporary** A land use which is on a parcel of land for a limited and specified period of time.
- (86) **Legal nonconforming building** A building that at the time of construction conformed to existing regulations including size, location, and other dimensional standards, but is now inconsistent with this chapter.
- (87) **Legal nonconforming conditional use** A use that was classified as a nonconforming use but which has since been reviewed and approved as a conditional use using the procedures and requirements specified in this chapter.
- (88) **Legal nonconforming lot** A lot that at the time of creation conformed to existing regulations including lot size, dimensions, lot configuration, and other dimensional and design standards, but is now inconsistent with this chapter.
- (89) **Legal nonconforming structure** A structure that at the time of construction or placement conformed to existing regulations including size, location, and other dimensional standards, but is now inconsistent with this chapter.
- (90) **Legal nonconforming use** A use of land that at the time of establishment conformed to existing regulations, but is now inconsistent with this code.
- (91) **Livestock** When used in the context of livestock facility siting, "livestock" shall only include cattle, swine, poultry, sheep, and goats. When not used in the context of livestock facility siting, "livestock" shall include bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids (alpacas, llamas, camels), ratites (emus, ostriches), and farm-raised fish.
Note: This definition is based on the corresponding definition in s. ATCP 51.01, Wis. Admin. Code.
- (92) **Loading area** An off-street area set aside for the purpose of unloading or loading a motor vehicle, trailer, or truck.
- (93) **Lot** A land area having a definable location based on a survey or similar legal instrument recorded by the Waukesha County register of deeds. Where a navigable stream, navigable body of water, mil tax road, or public right-of-way divides a single described parcel into two or more parts, such severed portions shall be considered separate individual lots provided they meet the use, building location, and area regulations of the zoning district in which they are located. Where such separate parcels do not meet such use, building, location, and area regulations they, in combination, shall be considered to be a single lot for regulatory purposes, computation of area requirements, and other locational provisions of this chapter.
- (94) **Lot area** As the context indicates, lot area can refer to the minimum required area, actual area, or proposed area.
Note: See s. 8-712 that describes how lot area is measured.
- (95) **Lot line** A line dividing one parcel of land from another.
- (96) **Lot line, front** The lot line described for each of the following types of lots. (1) For an interior lot, the property boundary line abutting a road right-of-way. (2) For a corner lot, the line abutting a street providing physical access (i.e., driveway) to the property. (3) For a through lot, the property boundary line abutting the road providing the primary access to the lot. (4) For a flag lot, the interior lot line most parallel to and nearest the road from which physical access is obtained.
- (97) **Lot line, rear** A lot line that does not intersect a front lot line and that is most distant from and most closely parallel to the front lot line.
- (98) **Lot line, side** A lot line that is not a front or rear lot line.
- (99) **Lot width** As the context would indicate, lot width can refer to the minimum required distance, actual distance, or proposed distance.
Note: See s. 8-715 that describes how lot width is measured.
- (100) **Lot, corner** A lot situated at the junction of and fronting on two or more streets. Copyright © Civic Webware
A lot abutting on a curved street shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.

- (101) **Lot, flag** A lot which has a narrow strip of land that extends from the main part of the lot where a building could be lawfully constructed to the road.



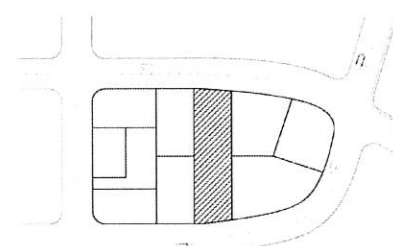
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- (102) **Lot, interior** A lot that abuts only one street.



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- (103) **Lot, through** A lot having a frontage on two streets that are more or less parallel to one another.



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M

- (104) **Maintenance and repair** See ordinary maintenance and repair
- (105) **Major road** A road so designated on the zoning map.
- (106) **Manufactured home** A dwelling unit that is constructed in an off-site facility in conformance with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the Manufactured Housing Construction and Safety Standards Act of 1974, as amended.
- Note: A manufactured home bears a red insignia which certifies that it meets all applicable federal construction and safety standards.
- (107) **Mitigate** To take an action designed to offset or rectify a negative effect.
- (108) **Mobile home** A dwelling unit that was originally constructed prior to June 15, 1976, and that is (i) constructed off-site, (ii) equipped with the necessary utility service connections, (iii) made to be readily movable as a unit or units on its (their) own running gear, and (iv) designed to be used with or without a permanent foundation.
- Note: No mobile homes have been constructed after June 15, 1976.
- (109) **Mobile service** A radio communication service carried on between mobile stations or receivers and land stations, and by mobile stations communicating among themselves, and includes (i) both one-way and two-way radio communication services; (ii) a mobile service which provides a regularly interacting group of base, mobile, portable, and associated control

and relay stations (whether licensed on an individual, cooperative, or multiple basis) for private one-way or two-way land mobile radio communications by eligible users over designated areas of operation; and (iii) any service for which a license is required in a personal communications service established pursuant to the proceeding entitled "Amendment to the Commission's Rules to Establish New Personal Communications Services" (GEN Docket No. 90-314; ET Docket No. 92-100), or any successor proceeding.

Note: This definition is based on the corresponding definition in s. 66.0404, Wis. Stats.

(110) **Mobile service facility** The set of equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment, that is necessary to provide mobile service to a discrete geographic area, but does not include the underlying support structure.

(111) **Mobile service provider** A person who provides mobile service.

Note: This definition is based on the corresponding definition in s. 66.0404, Wis. Stats.

(112) **Modular home** A dwelling unit that meets local building codes and which was constructed off site in a factory as separate modules which are joined together and set on a permanent foundation.

(113) **Municipal code** The compilation of laws as adopted by the Town of Mukwonago town board.

N

(114) **Natural Resources Conservation Service (NRCS)** A federal agency created in 1935 within the U.S. Department of Agriculture to work with private land owners and managers to conserve their soil, water, and other natural resources by providing technical and financial assistance. From 1935 to 1994, it was known as the Soil Conservation Service (SCS).

(115) **Navigable waterway** All natural inland lakes, streams, ponds, sloughs, flowages, and other waters, which are navigable under the laws of this state. The term does not include farm drainage ditches if (i) such lands are not adjacent to a natural navigable stream or river, (ii) those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching, and (iii) such lands are maintained in nonstructural agricultural use.

Note: In Wisconsin, a navigable body of water is capable of floating the lightest boat or skiff used for recreation or any other purpose on a regularly recurring basis. See *DeGayner & Co., Inc. v. DNR*, 70 Wis. 2d 936 (1975) and *Village of Menomonee Falls v. DNR*, 140 Wis. 2d 579 (Ct. App. 1987)

(116) **Nonconforming building** See legal nonconforming building

(117) **Nonconforming lot** See legal nonconforming lot

(118) **Nonconforming structure** See legal nonconforming structure

(119) **Nonconforming use** See legal nonconforming use

O

(120) **Offset** The horizontal distance between any structure and any lot line (other than a street setback line), measured from the nearest point of the structure to the nearest point of any lot line. (In contrast see setback)

(121) **Operating standards** Regulations governing the ongoing operation of a land use, including related business practices.

(122) **Ordinary maintenance and repair** Those activities related to the general day-to-day maintenance of a building or other similar structure including interior remodeling; painting, decorating, paneling, plumbing, insulation, the repair of cracks in a foundation wall, the application of waterproof coatings to a foundation wall, and the replacement of windows, doors, electric wiring, siding, roofing materials, and other nonstructural components. (In contrast see structural alteration)

(123) **Overhang** That portion of a roof over a structure and designated as an integral part of the structure, which extends from the outer wall of the structure to the eave. Rain gutters are not included or considered part of the overhang.

(124) **Overlay zoning district** See zoning district, overlay

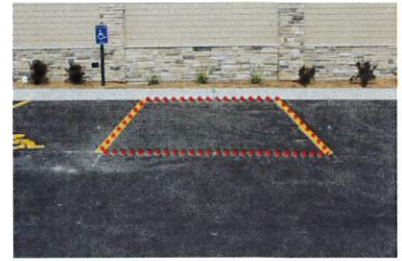
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(125) **Panelized home** A dwelling unit that meets local building codes and which was constructed off site in a factory as flat panels (e.g., walls, roof, and floor) which are joined together and set on a permanent foundation.

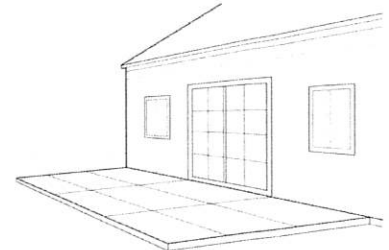
(126) **Parking space** An area permanently reserved and maintained for the parking of

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one motor vehicle that meets the dimensional standards of this chapter.



- (127) **Patio** An at-grade surfaced area intended for outdoor living that may be next to a building or separated from a building.



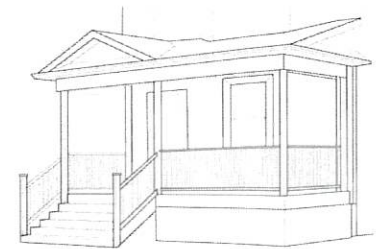
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- (128) **Payday loan business** Any person licensed pursuant to s. 218.05, Wis. Stats., or a person licensed pursuant to s. 139.09, Wis. Stats., who accepts a check, holds the check for a period of time before negotiating or presenting the check for payment, and pays to the issuer an agreed-upon amount of cash, or who refinances or consolidates such a transaction.



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- (129) **Permanent foundation** A foundation wall under the entire perimeter of a building.
- (130) **Permitted use** See land use, permitted by right
- (131) **Person** An individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.
- (132) **Plan commission** The commission established by the town board to make recommendations and decisions relating to planning and land use issues as authorized by Wisconsin Statutes.
- (133) **Plan of operation** A document describing the operation of a particular enterprise and other related matters as may be required by this chapter. (Also see site plan)
- (134) **Planned unit development district (PUD)** A zoning district established pursuant to this chapter that has "PUD" followed by a number as its abbreviation (e.g., PUD-01).
- (135) **Platted subdivision** A subdivision meeting the definition set forth in s. 236.02, Wis. Stats.
- (136) **Playhouse** An accessory building, either at ground level or elevated, or supported by a tree, characteristically used by children for play.
- (137) **Porch** A part of a building with a roof of its own that covers an entrance.



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- (138) **Potbellied pig** A pig that is white, black, or pinto in color, stands less than 14 inches at the shoulders and less than 30 inches in length when grown, weighs less than 220 pounds, that is distinguished by having erect ears, a straight tail with a plume at the end, and hair on the back that does not part, and is kept by its owners as a household pet.
- (139) **Pre-cut home** A dwelling unit that meets local building codes and which was largely constructed off site in a factory and

then disassembled and transported to the site where it is reassembled and set on a permanent foundation.

- (140) **Preserved lands** When used in the context of transfer of development rights, the sending parcel or part thereof that will be protected in perpetuity from any development or use except as consistent with its preservation as agricultural land or as a form of common "preserved lands" for the environmental or recreational benefit of the area.
- (141) **Principal building** The primary building on a lot housing a principal use.
- (142) **Principal land use** See land use, principal

(###) **Project Owner** The individual, partnership, corporation, limited liability company, cooperative, land owner, or other legal entity that applies for, owns, leases, constructs, operates, or maintains a Utility-Scale Solar Energy System, and that is responsible for compliance with all conditions of approval, permits, financial assurance requirements, decommissioning obligations and restoration duties under this Section. For purposes of this ordinance, the terms "Project Owner" and "Developer" shall be synonymous and shall include the property owner and any successors, assigns, or entities holding an ownership interest or operational control in the facility. All Project Owners, including the landowner, shall be jointly and severally responsible for all obligations that run with the land.

- (143) **Property boundary line** See lot line
- (144) **Public notice** The means that a governmental body uses, or is required to use, to formally notify people and other interested entities of a pending governmental hearing or proposed action.
- (145) **Public utility** A public utility as defined in s. 196.01, Wis. Stats.

Note: This definition is based on the corresponding definition in s. 66.0404, Wis. Stats.

R

- (146) **Rear yard** See yard, rear
- (147) **Receiving parcel** The tract of land to which the additional residential development potential is added.
- (148) **Recreational vehicle** A motorized or nonmotorized vehicle that includes a cabin for living accommodations, commonly used for recreational travel and touring. Vehicles included in this category come in several forms: travel trailers, tent trailers and camping trailers, all of which must be towed by another vehicle; and truck campers, motor homes and camper vehicles, all of which have a motor within the body of the vehicle and are self-propelled.
- (149) **Regularly features or regularly shows** A consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as part of the ongoing business of the adult establishment.
- (150) **Repair and maintenance** See ordinary maintenance and repair
- (151) **Reviewing authority** As the context would indicate, the zoning administrator, plan commission, town board, or zoning board of appeals.
- (152) **Right-of-way** A strip of land dedicated to or acquired by the Town of Mukwonago, Waukesha County, or state of Wisconsin for public use. (In contrast see easement)
- (153) **Road** A hard-surfaced travelway, generally within a public right-of-way or an easement, that is open to the public for vehicular travel.
- (154) **Road, private** A road not maintained by the Town of Mukwonago, Waukesha County, the state of Wisconsin, or the federal government.
- (155) **Road, public** A road maintained by the Town of Mukwonago, Waukesha County, the state of Wisconsin, or the federal government.

S

- (156) **Screen** A feature, such as a wall, fence, hedge, berm, or similar feature used to shield or obscure elements of a development from adjacent sites.
- (157) **Search ring** When used in the context of telecommunication facilities, a shape drawn on a map to indicate the general area within which a mobile service support structure should be located to meet radio frequency engineering requirements, taking into account other factors including topography and the demographics of the service area.

Note: This definition is based on the corresponding definition in s. 66.0404, Wis. Stats.

Referred on: 06/02/26 File Number: 18F-C-012 Referred to: LU

- (158) **Seasonal high-water table** The upper limit of the zone of saturation caused by underlying groundwater at its highest level.
- (159) **Semi-nude or nude condition** The showing of the human male or female genitals, pubic area, vulva or anus, with not more than a complete opaque covering, or the showing of the female breast with not more than a complete opaque covering of any part of the nipple or areola.
- (160) **Sending parcel** The tract of land from which residential development rights are transferred.

(###) **Serviceable Life** The period during which a solar energy system is actively generating electricity and is maintained in functional condition in accordance with an approved permit.

- (161) **Setback** The horizontal distance between any structure and the base setback line, measured from the nearest vertical wall to the nearest point of the base setback line. (In contrast see offset)
- (162) **Setback averaging** An approach to determining the minimum setback when the subject property is in an area of previously developed lots and the actual setbacks on those lots are less than the required setback for the district in which the subject property is located.
- (163) **Setback, base** See base setback line
- (164) **Side yard** See yard, side
- (165) **Sight triangle** See vision clearance triangle
- (166) **Site plan** A drawing of a subject property that shows existing and proposed conditions and other features required by this chapter. (Also see plan of operation)
- (167) **Site-built home** A dwelling unit that meets the Wisconsin Uniform Dwelling Code standards and which was largely constructed on-site. Also known as a "conventional home" or "stick-built home."

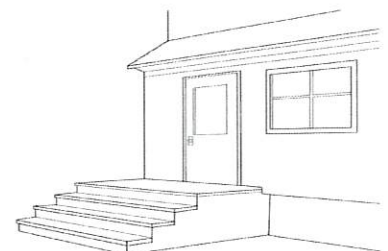
(###) **Solar Energy System, Utility-Scale** A solar energy system designed and operated for the principal purpose of generating electricity for commercial sale or distribution to the electric grid and not primarily intended to serve the energy needs of the principal use of the parcel on which it is located. The term includes all associated components.

- (168) **Special exception** An approval that may be granted by the Plan Commission to deviate from otherwise applicable provisions of this chapter when certain circumstances apply. (In contrast see variance)
- (169) **Specified anatomical areas** The human male genitals in a discernibly turgid state, whether simulated or in fact, even if completely and opaquely covered; or less than completely and opaquely covered human genitals, pubic region, pubic hair, vulva, anus, buttocks, and/or the nipple and areola of the human female breast.
- (170) **Specified sexual activity** Any of the following (i) the fondling or erotic touching of human genitals, pubic region, anus, or female breasts; (ii) the act of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio, cunnilingus, or anilingus; or (iii) excretory functions as part of, or in connection with any of the activities described in (i) or (ii).
- (171) **Sport court** A hard-surfaced area located out of doors used exclusively for basketball, tennis, or other similar sports-related activity. This term does not include any portion of a driveway that is also used for a sport-related use.



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- (172) **State** The state of Wisconsin.
- (173) **Stoop** A raised platform in front of an entrance to a building with one or more steps. (In contrast see deck, which is intended for outdoor living.)



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- (174) **Stormwater** Water from a rainfall event or melting snow or ice.
- (175) **Stream** A natural body of running water flowing continuously or intermittently in a channel on or below the surface of the ground.
- (176) **Street** See road
- (177) **Structural alteration** Any change in a supporting member of a structure such as foundation, bearing wall, column, beam or girder, footing, or pile, or any substantial change in the roof structure or in an exterior wall. (In contrast see ordinary maintenance and repair)
- (178) **Structure** A manmade object with form, shape, and utility that is either permanently or temporarily placed on or into the ground, a stream bed, or a lake bed or on another structure. Examples include buildings, decks, patios, stoops, play structures, swimming pools, hot tubs, bridges, storage tanks, fences, towers, flag poles, utility poles, pipelines, transmission lines, smokestacks, and signs.
- (179) **Substandard lot** A lot, with or without a structure, having a lesser dimension or area, or both, than what is required for the

zoning district in which it is located.

- (180) **Substantial evidence** Facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

Note: This definition is based on the definition in s. 62.23(7)(de), Wis. Stats.

- (181) **Substantial modification** When used in the context of telecommunication facilities, the modification of a mobile service support structure, including the mounting of an antenna on such a structure, that does any of the following:
- (a) For structures with an overall height of 200 feet or less, increases the overall height of the structure by more than 20 feet, except as provided below.
 - (b) For structures with an overall height of more than 200 feet, increases the overall height of the structure by 10 percent or more, except as provided below.
 - (c) Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by 20 feet or more, unless a larger area is necessary for collocation, except as provided below.
 - (d) Increases the square footage of an existing equipment compound to a total area of more than 2,500 square feet.

An activity is not a substantial modification under subs. (a) and (b) above, if a greater height is necessary to avoid interference with an existing antenna. Furthermore, an activity is not a substantial modification under sub. (c) above, if a greater protrusion is necessary to shelter the antenna from inclement weather or to connect the antenna to the existing structure by cable.

Note: This definition is based on the corresponding definition in s. 66.0404, Wis. Stats.

- (182) **Support structure** An existing or new structure that supports or can support a mobile service facility, including a mobile service support structure, utility pole, water tower, building, or other structure.

Note: This definition is based on the corresponding definition in s. 66.0404, Wis. Stats.

T

- (183) **Tattoo** To insert pigment under the surface of the skin of an individual by pricking with a needle or other instrument or technique so as to produce an indelible mark or figure through the skin.

Note: This definition is based on the corresponding definition in s. DHS 173.03, Wis. Admin. Code.

- (184) **Tattooist** An individual who tattoos another upon his or her request.

Note: This definition is based on the corresponding definition in s. DHS 173.03, Wis. Admin. Code.

- (185) **Temporary use** See land use, temporary

- (186) **Through lot** See lot, through

- (187) **Trellis** A structure consisting of lattice with supporting posts and rails often supporting vines or other plants and used for aesthetic purposes or as a visual screen or barrier, or both.

U

- (188) **Utility pole** In the context of telecommunication facilities, a structure owned or operated by an alternative telecommunications utility, as defined in s. 196.01 (1d), Wis. Stats.; a public utility, as defined in s. 196.01 (5), Wis. Stats.; a telecommunications utility, as defined in s. 196.01 (10), Wis. Stats.; a city, village, town, or county; or a cooperative association organized under ch. 185, Wis. Stats.; and that is designed specifically for and used to carry lines, cables, or wires for telecommunications service, as defined in s. 182.017 (1g)(cq), Wis. Stats.; for video service, as defined in s. 66.0420 (2)(y), Wis. Stats.; for electricity; or to provide light.

Note: This definition is based on the corresponding definition in s. 66.0404, Wis. Stats.

V

- (189) **Variance** A grant of relief, as approved by the zoning board of appeals, from the strict application of a rule or regulation that would permit development in a manner otherwise prohibited. (In contrast see special exception)

- (190) **Vision clearance triangle** The area in the shape of a triangle located at the intersection of two roads or at the intersection of a road and a driveway within which the type and placement of structures and vegetation are controlled to ensure adequate sight distances for pedestrians and motorists. The configuration and size of this area is based on standards included in this chapter.

W

- (191) **Wetland** An area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.
- (192) **Written or in writing** Any representation of words, letters, drawings, graphics, or pictures.

Y

- (193) **Yard** The area of a lot that is required to be unoccupied and unobstructed from the ground upward, except by trees, shrubbery, or as otherwise provided in this chapter.
- (194) **Yard, front** A yard as described for each of the following types of lots. (1) For an interior lot, that area that extends across the front of a lot between the side lot lines from the front lot line to the front of the principal building. (2) For a corner lot, that area that extends across the front of a lot between the side lot lines from the front lot line to the front of the principal building and that area that extends between the rear lot line to the front lot line from the side lot line to the side of the building. (3) For a double frontage lot, that area that extends across the front of a lot between the side lot lines from the front lot line to the front of the principal building and also that area that extends across the rear of a lot between the side lot lines from the rear lot line to the rear of the principal building.
- (195) **Yard, rear** A yard as described for each of the following types of lots. (1) For an interior lot, that area that extends across the rear of a lot between the side lot lines from the rear lot line to the rear of the building. (2) For a corner lot, that area that extends between the front yard abutting the street right of way and the opposing side lot line from the rear lot line to the rear of the principal building.
- (196) **Yard, side** A yard as described for each of the following types of lots: (1) interior lot, the area that extends between the front yard and rear yard from the side lot line to the side of the building; (2) corner lot, that area that extends between the front yard and the rear yard from the side lot line to the side of the principal building; (3) and double frontage lot, that area that extends between the front yard from the side lot line to the side of the principal building.

Z

- (197) **Zoning administrator** The individual so designated by the town board chairman to perform those duties as enumerated in this chapter and as authorized by state law.
- (198) **Zoning board of appeals (ZBA)** A board created by the town board to render decisions relating to variances and administrative appeals and other matters enumerated in this chapter and in state law.
- (199) **Zoning district** An area on the zoning map within which the zoning code is uniformly applied to all properties. Zoning districts can be classified as base zoning districts or overlay zoning districts.
- (200) **Zoning district, base** A type of zoning district that establishes uniform regulations for the use and development of land. (In contrast see zoning district, overlay)
- (201) **Zoning district, overlay** A type of zoning district that is superimposed over one or more base districts, or parts of districts, and that modifies the requirements of the base district or imposes additional requirements, or both. (In contrast see zoning district, base)
- (202) **Zoning permit** A written permit issued for a specified parcel of land prior to the issuance of a building permit to ensure that the proposed use is consistent with the zoning requirements of the zoning district in which it is to be located.

VOTE RESULTS

19 AYE 3 NAY 0 ABSTAIN 3 ABSENT

Ordinance 181-O-012

Majority Vote of Members Present

Approve Town of Mukwonago Ordinance Which Amends Town of Mukwonago Zoning Code Relative to Utility Scale Solar Energy Uses (RZ177) – APPROVED: 5-1 (Kolb)

 **Passed**

D1 - Styza	S	AYE	D10 - Thieme	AYE	D19 - Enriquez	AYE
D2 - Euclide		AYE	D11 - Howard	AYE	D20 - Schellinger	AYE
D3 - Gscheidmeier		AYE	D12 - Wolff	ABSENT	D25 - Johnson	NAY
D4 - Batzko		AYE	D13 - Leisemann	AYE	D21 - O'Brien	ABSENT
D5 - Dondlinger		AYE	D14 - Nissen	ABSENT	D22 - Gryczka	AYE
D6 - Walz		AYE	D15 - Kolb	NAY	D23 - Hammitt	AYE
D7 - LaFontain		AYE	D16 - Crowley	AYE	D24 - Schroeder	AYE
D8 - Koremenos		NAY	D17 - Meier	M		
D9 - Heinrich		AYE	D18 - Nelson	AYE		

1 APPROVE TOWN OF MUKWONAGO ORDINANCE NO. 2026-O-069
2 WHICH AMENDS THE TOWN OF MUKWONAGO ZONING CODE RELATIVE TO
3 UTILITY SCALE SOLAR ENERGY USES
4 (RZ177)
5

6 WHEREAS, after proper notice was given, a public hearing was held and the subject matter of
7 this Ordinance was approved by the Mukwonago Town Board on May 6, 2026; and
8

9 WHEREAS, the Town of Mukwonago Ordinance No. 2026-O-069, creates or modifies various
10 sections of the Town of Mukwonago Zoning Code to provide regulatory provisions for utility
11 scale solar energy uses; and
12

13 WHEREAS, the matter was referred to and considered by the Waukesha County Park and
14 Planning Commission, which recommended approval and reported that recommendation to the
15 Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors,
16 as required by Section 60.62, Wis. Stats.
17

18 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS
19 that the amendments to the Town of Mukwonago Zoning Code, approved by the Town Board of
20 Mukwonago by Town of Mukwonago Ordinance No. 2026-O-069, relating to utility scale solar
21 energy uses, as more specifically described in the "Staff Report and Recommendation" on file in
22 the office of the Waukesha County Department of Parks and Land Use and made a part of this
23 Ordinance by reference is hereby approved.
24

25 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of
26 this Ordinance with the Town Clerk of Mukwonago.