

CHAPTER 17¹

ZONING CODE

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¹ Repealed and Re-enacted by Ordinance No. 8, 2004-0-5, enacted November 2, 2004.

17.01 Introduction, Authority, Purpose and Interpretation

For the purposes listed in Wisconsin Statute § 62.23, the City Council ordains zoning regulations as follows: The provisions of this chapter shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the City. This chapter shall not repeal, impair, or modify private covenants or public ordinances, except that it shall apply whenever it imposes stricter restrictions on land use.

17.02 Definitions

(1) Accessory Building -²

Any building, except the principal building on a lot.

(2) Alley -

A public street or thoroughfare affording only secondary access to abutting properties.

(3) Basement -

A story partly underground, which, if occupied for living purposes or used for business purposes, shall be counted as a story for purposes of height measurement.

(4) Boarding House -

A building other than a hotel where meals or lodging and meals are furnished for compensation for three (3) or more persons not members of a family.

(5) Building -

Any structure used, designated or intended for the protection, shelter, enclosure or support of persons, animals or property.

(6) Building Height -

The vertical distance from the top of the building roof to the average elevation at the front property line.

(7) Cellar -

A story having more than one-half of its height below the mean level of the adjoining ground. A cellar shall not be occupied for living purposes and shall not be counted as a story for purposes of height measurements.

(8) Clear Space -

Any area not covered by a building.

² Amended by Ordinance No. 15-1980-81, Adopted June, 1980.

(9) Dwelling, Single Family -

A detached building designated for, or occupied exclusively by one (1) family. All single-family dwellings (including manufactured dwellings and manufactured homes) shall meet all of the following requirements:

- (a) Shall be set on an enclosed foundation in accordance with Wisconsin Statute § 70.043(1), which meets the standards set forth in Subchapters III, IV, and V of Chapter COMM 21, Wisconsin Administrative Code, or is set on a comparable enclosed foundation system approved by the Building Inspector. The Building Inspector may require a plan certified by a registered architect or registered professional engineer to be submitted in order to ascertain that a proposed comparable foundation system provides proper support for the structure.
- (b) Shall be properly connected to utilities.
- (c) Shall have a minimum width of 24 feet.
- (d) Shall have a minimum roof pitch of 4:12 (4 feet of rise in 12 feet of run).
- (e) Shall have a minimum floor area of 1200 square feet.
- (f) Have exterior wall coverings consisting of any of the following:
 1. Wood or simulated wood;
 2. Brick or stone, or
 3. Non-corrugated aluminum, steel or vinyl siding.
- (g) Shall have a permanent foundation meeting the requirements of the State Uniform Dwelling Code which surrounds the entire perimeter of the structure and completely encloses the space between the siding and the finished grade, and shall have a basement with concrete flooring.

(10) Dwelling, Two-Family -

A building designed for or occupied exclusively by two (2) families living independently from each other, and complies with all of the requirements for a single-family dwelling set forth in subparagraph (9) immediately above.

(11) Dwelling, Multiple-Family -

A building or portion thereof, designed for and occupied by three (3) or more families.

(12) Family -

A group of persons related by blood or marriage, and living together as a single housekeeping entity.

(13) Floor Area -

The area within the exterior walls of a building, which is usable as living quarters.

(14) Garage, Private -

An accessory building or space, for the noncommercial storage only of not more than four (4) motor-driven vehicles per dwelling.

(15) Garage, Public -

Any building or premises, other than a private or storage garage, where motor-driven vehicles are equipped, repaired, serviced, hired, sold, or stored.

(16) Garage, Storage -³

Any building or premises used for commercial storage only, of motor-driven vehicles and where no vehicle equipment, parts, fuel or oil are sold, and where no vehicles are serviced, repaired, hired, or sold.

(17) Home Occupation -

A gainful occupation conducted by members of the family only, within their place of residence; provided, that no article is offered for sale on the premises, except such as is produced by such occupation, that no stock in trade is kept or sold, that no mechanical equipment is used other than such as is permissible for purely domestic purposes and that no sign other than one unlighted name plate, not more than two (2') feet in height and five (5') feet in length, is installed.

(18) Hotel-Motel -

A building in which lodging, with or without meals, is offered to transient guests for compensation, and in which there are more than five (5) sleeping rooms with no cooking facilities in any individual room or apartment.

(19) Lodging House -

A building other than a hotel, where lodging only is provided for compensation for not more than twelve (12) persons, not members of the family.

(20) Lot -

A parcel of land described in a recorded plat or deed.

(21) Lot, Corner -

A lot abutting on two (2) or more streets at their intersection, provided that the interior angle of such intersection is less than 135°.

(22) Mobile Home -

A mobile home is that which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway, and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; and includes any additions, attachments, annexes, foundations, and appurtenances.

³ Amended by Ordinance No. 15-1980-81, enacted June, 1980.

(23) Nonconforming Use -

A building or premises lawfully used or occupied at the time of the passage of this chapter, which use or occupancy does not conform to the regulations of this chapter or any amendments thereto.

(24) Permit -

An official certificate granting permission to act within the provisions of this chapter.

(25) Recreation Vehicle -

A portable unit used for temporary shelter or transportation not exceeding eight (8') feet in width, thirty (30') feet in length and ten (10') feet in height.

(26) Setback -

The minimum horizontal distance between the street right-of-way line or rear lot line, and the nearest point of a building.

(27) Sign -

A structure or device, except those placed by the public authorities for public purposes, on which advertising is displayed, or attention is directed to advertising on the same or any other structure by means visible to the eye.

(28) Street -

All property dedicated or intended for public or private street purposes, or subject to public easements for such purpose.

(29) Street Right-of-Way -

The dividing line between a lot, tract, or parcel of land and an abutting street.

(30) Story -

That portion of a building included between the surface of the floor next above it, or the space between the floor and the ceiling next above it if there be no floor above it. A basement or cellar having one-half or more of its height above grade is a story for purposes of height regulation.

(31) Story, Half -

The space under any roof, except a flat roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four (4') feet above the floor of such story.

(32) Structure -

Anything constructed or erected having location on the ground designated for human occupancy or for protection of goods or chattels and forming an enclosure.

(33) Temporary Structure -

A removable structure not designed for human occupancy, nor for the protection of goods or chattels, and not forming an enclosure.

(34) Structural Alterations -

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

(35) Tourist Camp or Court -

A tract of land of at least one (1) acre upon which two (2) or more camp cottages are located, or where temporary accommodations are provided for two (2) or more automobile trailers or house cars, open to the public, either free or for a fee.

(36) Variance -

A departure from the terms of the zoning code where it is shown that unique, physical circumstances applying to a land parcel causes a hardship to the owner, and that the variance still will be in fundamental harmony with surrounding uses.

(37) Yard, Front -

A yard extending the full width of the lot between the front lot line and the nearest wall of a building.

(38) Yard, Rear -

A yard extending the full width of the lot between the rear lot line and the nearest wall of a building.

(39) Yard, Side -

A yard extending from the front hard to the rear yard between the side lot lines and nearest wall of the principal building.

17.03 General Provisions

(1) Lot Area -

After adoption of this chapter, no lot area shall be so reduced that the dimensions and yard requirements imposed herein cannot be met. However, where existing lots do not satisfy such requirements, they shall be governed by Chapter 14; however, the zoning classification requirements of this chapter shall be met.

(2) Accessory Buildings -⁴

Accessory buildings shall not occupy more than 30% of the required area for the rear yard. Any accessory buildings projected forward of the rear building line of the principal building shall satisfy the same side yard requirements as the principal building.

⁴ Former para. (2) entitled "Dimensional Requirements," repealed by Ordinance No. 15-1980-81, Adopted June, 1980. Subsequent paras. (3), (4), (5), (6) and (7) renumbered accordingly.

(3) Area Obstructions -

Every part of the required area of a yard shall be open to the sky unobstructed, except for accessory buildings and the ordinary projection of sills, cornices, and ornamental features which shall not exceed twelve (12") inches into the set back, except that in commercial area, a permanent awning, plus its accessory columns or struts, may project not more than five (5') feet into a required front or side yard.

(4) Vision Clearance Triangle -

In each quadrant of every street intersection there shall be designed a vision clearance triangle, bounded by the inner street lines and a line connecting them thirty-five (35') feet from their intersection. Within this triangle, no object shall be allowed above a height of two and one-half (2-1/2') feet above the streets if it obstructs the view across the triangle. This section shall not apply to tree trunks, posts, wire fences, or the C1 District.

(5) Cul-de-Sacs -

In the use of a cul-de-sac, a lot width shall be constructed as that distance from side boundaries to side boundaries at the front setback line.

(6) Principal Buildings -

No lot shall have more than one principal building.

17.04 Single Family Residence District (R1)

(1) Permitted Uses -

The R1 District is intended to provide for spacious residential land uses in rural or urban areas. Permitted uses are:

- (a) Single family dwellings.
- (b) Public parks and recreational areas, but not including facilities for organized athletics.
- (c) All public utility transmission and distribution lines to be underground.
- (d) One private garage and accessory buildings.
- (e) Uses customarily incident to any of the above uses provided that no such use generates traffic or noise that would create a public nuisance.

(2) Construction Requirements -

(a) Maximum Building Height -

1. Principal building - thirty (30') feet.
2. Accessory building - fifteen (15') feet.

(b) Side Yard -

1. Principal building - fifteen (15') feet on a side, thirty (30') feet total.

- 2. Accessory building - fifteen (15') feet on a side, thirty (30') feet total.
- (c) Front Yard Setback -
Thirty-five (35') feet.
- (d) Rear Yard Setback -
Thirty-five (35') feet.
- (e) Lot Area Per Family -
24,000 square feet.
- (f) Minimum Lot Width -
One Hundred Twenty (120') feet.
- (g) Minimum Floor Area Per Family -
2,000 square feet.
- (h) Off-Street Parking: Residential -
Two (2) per family.

17.05 Single Family Residence District (R2)

- (1) Permitted Uses -

The R2 District is intended to provide a pleasant, safe and quiet neighborhood environment, free from traffic hazards or public annoyances for residential areas in the City. Permitted uses are:

- (a) Any use permitted in the R1 District.
- (b) Single family dwellings.
- (c) Churches and elementary, junior and senior high schools.
- (d) Municipal buildings, except sewage treatment plants, garbage incinerators, warehouses, public garages, public shops or storage yards, penal or correctional institutions, and asylums.
- (e) Public parks, playgrounds, recreational and community center buildings and grounds.
- (f) Telephone buildings, exchanges, and lines and transformer stations, except microwave radio relay structures, or community television antenna towers, unless their location is approved following provisions of Section 17.18.
- (g) One private garage and accessory buildings.
- (h) Home occupations subject to the provisions of Section 17.18.

- (i) Uses customarily incident to any of the above uses provided that no such use generates traffic or noise that would create a public or private nuisance.
- (2) Construction Requirements -
 - (a) Maximum Building Heights -
 1. Principal building - thirty-five (35') feet.
 2. Accessory building - fifteen (15') feet.
 - (b) Side Yard -
 1. Principal building - ten (10') feet on a side, twenty (20') total.
 2. Accessory building - five (5') feet on a side.
 - (c) Front Yard Setback -

Twenty-five (25') feet.
 - (d) Rear Yard Setback -

Thirty (30') feet.
 - (e) Lot Area Per Family -

12,000 square feet.
 - (f) Minimum Lot Width -

Eighty-five (85') feet.
 - (g) Minimum Floor Area Per Family -

(Excluding garage area) - 1,200 square feet.
 - (h) Parking -
 1. Off-street residential - Four (4) per family including garage.
 2. Places of public gathering - one (1) per five seats.

17.06 Two-Family Residence District (R3)

- (1) Permitted Uses -

The R3 District is intended to provide for single and two-family residence dwellings, such as duplexes, flats, or apartment conversions in older single family dwellings. (Source - Cedarburg 16.54.1) Permitted uses are:

- (a) Any use permitted in the R2 District.

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- (b) Two-family dwellings, including duplexes, flats, and apartment conversions in existing single family dwellings.
 - (c) Rooms for up to four (4) paying guests or boarders, not members of the family.
 - (d) One (1) private garage and accessory buildings.
 - (e) Uses customarily incident to any of the above uses provided that no such use generates traffic or noise that would create a public or private nuisance.
- (2) Construction Requirements -
- (a) Maximum Building Height -
 - 1. Principal building - thirty-five (35') feet.
 - 2. Accessory building - fifteen (15') feet.
 - (b) Side Yard -
 - 1. Principal Building - ten (10') feet on a side, twenty-four (24') feet total.
 - 2. Accessory building - five (5') feet.
 - (c) Front Yard Setback -
Twenty-five (25') feet.
 - (d) Rear Yard Setback -
Thirty (30') feet.
 - (e) Lot Area Per Family -
 - 1. One (1) family - 10,000 square feet.
 - 2. Two (2) family - There shall be a minimum of 3,000 square feet of clear space per family.
 - (f) Minimum Lot Width -
One Hundred (100') feet.
 - (g) Minimum Floor Area Per Family -
One Thousand (1000') square feet, excluding garage area.
 - (h) Parking -
 - 1. Off-street residential - three (3) per family, including garage.
 - 2. Places of public gathering - one(1) per five (5) seats.

17.07 Multiple Family Residence (R4)(1) Permitted Uses -⁵

The R4 District is intended to provide a living area that is pleasant but not as spacious as the R3 District. The following uses of land are permitted:

- (a) Passive, outdoor, recreational land uses such as aboretums, natural areas, wildlife areas, hiking trails, bicycle trails, cross country ski trails, horse trails, picnic areas, gardens, fishing and hunting areas, and similar land uses.
- (b) Single one – four (1-4) unit residential dwelling per parcel.

(2) Conditional Uses -⁶

Those conditional uses as provided by Section 17.18 shall require a conditional use permit as provided in Section 17.18.

(3) Construction Requirements -

(a) Maximum Building Height -

- 1. Principal building - forty-five (45') feet.
- 2. Accessory building - fifteen (15') feet.

(b) Side Yard -

- 1. Principal building - twelve (12') feet on a side, twenty-four (24') feet total.
- 2. Accessory building - five (5') feet on a side, four (4') feet on rear.
- 3. Swimming pool - ten (10') feet.

(c) Front Yard Setback -

Twenty-five (25') feet.

(d) Rear Yard Setback -

Thirty (30') feet.

(e) Lot Area Per Family -

- 1. One family dwelling unit - 9,000 square feet.
- 2. Two family dwelling unit - there shall be a minimum of 3,000 square feet of clear space per family.

⁵ Amended by Ordinance No. ___ 2008/09. Enacted March 3, 2009.

⁶ Amended by Ordinance No. ___ 2008/09. Enacted March 3, 2009.

3. Multiple family dwelling unit -
 - a. Efficiency and one-bedroom apartments - 2,000 feet of clear space per dwelling unit.
 - b. Two-bedroom apartments - 2,500 feet of clear space per dwelling unit.
 - c. Three- or more bedroom apartments - 3,000 square feet of clear space per dwelling unit.
- (f) Minimum Lot Width -
One hundred (100') feet.
- (g) Minimum Floor Area Per Family -
 1. Efficiency and one-bedroom apartments - six hundred (600') square feet per dwelling unit.*
 2. Two-bedroom apartments - eight hundred (800') square feet per dwelling unit.*
 3. Three- or more bedroom apartments - 1,000 square feet per dwelling unit.
- (h) Parking -
 1. Off-street residential - two (2) per family including garage and one (1) per three (3) units for visitor parking.
 2. Places of public gathering - one (1) per five (5) seats.
- (i) The requirements of this section may be varied by the Common Council for any use requiring a Conditional Use Permit.⁷

17.08 Mobile Home District (R5)

(1) Permitted Uses -⁸

The R5 District is intended to provide a living area that is compatible with mobile home living. The following uses of land are permitted:

- (a) Single-family residential mobile homes placed in a licensed mobile home park.
- (b) Passive, outdoor, recreational land uses such as aboretums, natural areas, wildlife areas, hiking trails, bicycle trails, cross country ski trails, horse trails, picnic areas, gardens, fishing and hunting areas, and similar land uses.

(2) Definitions -

The definitions contained in Wisconsin Statutes § 66.0435(1) are adopted by reference.

*Exclusive of common areas.

⁷ Created by Ordinance No. 11-1984-85, enacted March 4, 1985.

⁸ Amended by Ordinance No. ____ 2008/09. Enacted March 3, 2009.

(3) Location Outside Parks

- (a) Except as provided in this section, no person shall park any mobile home on any street, alley or highway, or other public place, or on any tract of land owned by any person within the City.
- (b) Emergency or temporary stopping or parking is permitted on any street, alley or highway for not longer than one (1) hour subject to any other and further prohibitions, regulations or limitations imposed by the traffic and parking regulations or ordinances for that street, alley or highway.
- (c) No person shall park or occupy any mobile home on any premises, which is situated outside an approved mobile home camp. The parking of only one unoccupied recreation vehicle in a rear yard is permitted, provided no living quarters shall be maintained or any business practiced in such recreation vehicle, while such vehicle is so parked or stored.

(4) License for Mobile Home Parks -

(a) License Required -

No person shall establish, operate or maintain, or permit to be established, operated or maintained upon any property owned, leased or controlled by him, a mobile home park within the City, without having first secured a license for each such park from the City Council pursuant to this section. Such license shall be issued on March 1 of each year, and shall expire on February 28, following the date of issuance, but may be renewed under the provisions of this section for additional periods of one year.

(b) Fee -

The application for such a license or the renewal thereof, shall be filed with the City Clerk and shall be accompanied by a fee of \$100.00 per licensing period for fifty (50) trailer spaces or less, plus \$2.00 per trailer space per licensing period for each trailer space over fifty (50). The minimum fee shall be \$100.00. A fee of \$25.00 shall be paid for each transfer of license.

(c) Application -

The application for a license, or a renewal thereof, shall be made on forms furnished by the City Clerk and shall include the name and address of the owner in fee of the tract, and shall include such a legal description of the premises upon which the mobile home park is or shall be located, as shall readily identify and definitely locate the premises. If the fee is vested in some person other than the applicant, a duly verified statement by that person shall be submitted, that the applicant is authorized by him to construct or maintain the mobile home park and make the application. The application shall be accompanied by two (2) copies of the park plan showing the following, either existing or as proposed:

1. The extent and area used for park purpose.
2. Streets, roadways, including existing and proposed names. No street or road name shall be established or changed without prior approval of the City Council.

3. The location of mobile home units, including driveways, and existing and proposed street addresses for said units.
4. Location and number of sanitary conveniences, including toilets, washrooms, laundries and utility rooms to be used by occupants of units.
5. Method and plan of sewage disposal.
6. Method and plan of garbage removal.
7. Plan for water supply.
8. Plan for electrical lighting of units.

If the existing or proposed park is designed to serve non-dependent mobile home units, such plans shall clearly set forth the location of all sewer and water pipes and connections.

(5) Inspection and Enforcement -

No mobile home park license shall be issued until the City Clerk shall notify the Chief of Police, Health Officer, Chief of the Fire Department and Building Inspector of their authorized agent of such application, and these officials shall inspect or cause to be inspected each application and the premises to determine whether the applicant and the premises on which mobile homes shall be located comply with regulations, ordinances and laws applicable thereto. These officials shall furnish to the City Council in writing, the information derived from such investigation and a statement as to whether the applicant and the premises meet the requirements of the department for whom the officer is certifying. No license shall be renewed without a reinspection of the premises. For the purpose of making inspections and securing enforcement, such officials, or their authorized agents, may enter on any premises on which a mobile home is located, or about to be located, to inspect the same and all accommodations connected therewith at any reasonable time.

(6) Location of Mobile Home Parks -

No mobile home or mobile home park shall be located in any Zoning District other than Light Industrial District or Heavy Industrial District.

(7) Park Plan -

- (a) Every mobile home or mobile home park shall be located on a well drained area and the premises shall be properly graded so as to prevent the accumulation of storm and other waters. No mobile home or mobile home park shall be located in any area that is situated so that drainage from any barnyard, outdoor toilet or other source of filth can be deposited in its location.
- (b) Mobile home spaces shall be clearly defined and shall consist of a minimum of 4,000 square feet, and a width of not less than forty-five (45') feet. The park shall be so arranged that all spaces face or abut, on a driveway of not less than twenty (20') feet in width, giving easy access from all units to a public street. Such driveway shall be graveled or paved and maintained in good condition, have natural drainage, be well lighted at night and shall not be obstructed.

- (c) The park shall be so laid out that no mobile home unit shall be permitted to be parked for purposes of human habitation unless such unit is provided with City sanitation sewers and City water supply.
 - (d) Every mobile home space shall be furnished with an electric service outlet. Such outlet shall be equipped with an externally operated switch or fuse of not less than thirty (30) amperes capacity, and a heavy duty outlet receptacle. Electrical outlets shall be weatherproof and all power lines shall be placed underground according to approved specifications.
 - (e) No mobile home unit shall be parked in a park outside of a designated space.
- (8) Water Supply -
- An adequate supply of pure water, furnished through a pipe distribution system connected directly with the City public water main shall be furnished for drinking and domestic purposes in all parks for each mobile home unit.
- (9) Dependent Units Prohibited -
- (a) Every mobile home park shall be so designed to require each mobile home unit to be an independent unit, providing for its own toilet, lavatories and showers. Each unit shall supply its own hot water and, as is herein provided, for its own water supply and sanitary sewer disposal.
 - (b) There shall be no separate buildings provided for toilets, showers, lavatories or slop sinks.
 - (c) Laundry facilities may be provided in a separate building.
- (10) Waste and Garbage Disposal -
- All wastes from showers, toilets, laundries, faucets, lavatories and so on shall be discharged into a sewer system extended from and connected with the public sewer system. Every space shall be designed to provide such sewer connections. All such sewer connections shall comply with the State and City Plumbing Code.
- (11) Management -
- (a) In every mobile home park, there shall be located the office of the attendant or person in charge of the park. A copy of the park license and of this section shall be posted therein and the park register shall, at all times, be kept in such office.
 - (b) The attendant or person in charge, together with the licensee, shall:
 - 1. Keep a register of all guests, to be open at all times to inspection by state and federal officers and City officers, which show, for all guests:
 - a. Names and addresses.
 - b. Number of children of school age.
 - c. State of legal residence.

- d. Dates of entrance and departure.
 - e. License numbers of all mobile homes and towing or other vehicles.
 - f. States issuing such license.
 - g. Purpose of stay in park.
 - h. Place of last location and length of stay.
 - i. Place of employment of each occupant.
2. Maintain the park in a clean, orderly and sanitary condition at all times.
 3. Insure that the provisions of this section are complied with and enforced and report promptly to the proper authorities any violations of this section or any other violations of law which may come to his attention.
 4. Report to the Health Officer all cases of persons or animals affected or suspected of being affected with any communicable disease.
 5. Each mobile home unit shall be provided with a suitable fire extinguisher, as approved by the Fire Chief.
 6. Collect the monthly parking fee provided for herein. A book shall be kept showing the names of the persons paying such service charges and the amount paid.,

(12) Applicability of Plumbing, Electrical and Building Codes -

All plumbing, electrical, building and other work on or at any park licensed under this section shall be in accordance with the ordinances of the City and the requirements of the State Plumbing, Electrical, and Building Codes, and the regulations of the State Department of Health and Social Services. Licenses and permits granted under this section grant no right to erect or repair any structure, to do any plumbing work or to do any electrical work.

(13) Revocation and Suspension -

The City Council may revoke any license or permit issued pursuant to the terms of this section in accordance with Wisconsin Statute § 66.0435.

17.09 Commercial District (C1)

(1)⁹ Permitted Uses -¹⁰

The C1 District is intended to recognize the present area for the business and commercial needs of the City. The following uses of land are permitted:

- (a) Passive, outdoor, recreational land uses such as aboretums, natural areas, wildlife areas, hiking trails, bicycle trails, cross country ski trails, horse trails, picnic areas, gardens, fishing and hunting areas, and similar land uses.

⁹ Repealed and Recreated by Ordinance No. 16-1999/00.

¹⁰ Amended by Ordinance No. ___ 2008/09. Enacted March 3, 2009.

- (b) Commercial or professional offices.
- (c) Post offices.
- (2) Construction Requirements -
 - (a) The maximum building height shall be forty-five (45') feet.
 - (b) No front yard, side yard or rear yard setback shall be required, except buildings used for dwelling purposes exclusively shall have a minimum clear space of 2,000 square feet.
 - (c) The minimum lot width for existing lots shall not be subdivided to provide lots of less than thirty (30') feet.
 - (d) C2 District regulations shall apply to any redevelopment.
- (3) Conditional Uses -- ¹¹

Those conditional uses as provided by Section 17.18 shall require a conditional use permit as provided in Section 17.18.

17.10 Commercial District (C2)

- (1)¹² Permitted Uses - ¹³

The C2 District is intended to provide an area for the business and commercial needs of the City according to a modern concept. The following uses of land are permitted:

- (a) Passive, outdoor, recreational land uses such as aboretums, natural areas, wildlife areas, hiking trails, bicycle trails, cross country ski trails, horse trails, picnic areas, gardens, fishing and hunting areas, and similar land uses.
- (b) Medical facilities.
- (c) Banks or financial institutions.
- (d) Pharmacies.
- (2) Construction Requirements -
 - (a) Side Yard -
 1. Principal building - nine (9') feet on each side.
 2. Accessory building - three (3') feet on each side.

¹¹ Created by Ordinance No. ___ 2008/09. Enacted March 3, 2009.

¹² Repealed and Recreated by Ordinance No. 11-1999/00, Enacted April 4, 2000.

¹³ Amended by Ordinance No. ___ 2008/09. Enacted March 3, 2009.

- (b) Front Yard Setback -
Fifteen (15') feet.
- (c) Rear Yard Setback -
Twenty-five (25') feet.
- (d) Lot Area Per Family -
Same as R4 District.
- (e) Minimum Lot Width -
Seventy (70')_feet.
- (f) Parking -
 - 1. Off-street residential - one (1) per family.
 - 2. Off-street commercial - one (1) per two hundred (200') square feet of floor space.
 - 3. Places of public gathering - one (1) per five (5) seats.
- (g) Truck Unloading Area -
Sufficient space so that no streets or alleys need to be blocked.
- (h) Minimum Floor Area Per Family -
Same as R4 District.

(3) Conditional Uses -- ¹⁴

Those conditional uses as provided by Section 17.18 shall require a conditional use permit as provided in Section 17.18.

17.11 Highway Commercial District (C3)

(1) Permitted Uses ¹⁵¹⁶

The C3 District is intended to provide for an orderly and attractive grouping at approximate locations of those commercial establishments that are oriented to highway use. The following uses of land are permitted:

- (a) Passive, outdoor, recreational land uses such as aboretums, natural areas, wildlife areas, hiking trails, bicycle trails, cross country ski trails, horse trails, picnic areas, gardens, fishing and hunting areas, and similar land uses.
- (b) Police and fire stations.

¹⁴ Created by Ordinance No. ___ 2008/09. Enacted March 3, 2009.

¹⁵ Repealed and Recreated by Ordinance No. 16-1999/00.

¹⁶ Amended by Ordinance No. ___ 2008/09. Enacted March 3, 2009.

- (c) Coffee Shops.
- (d) Bakeries.
- (2) Construction Requirements -
 - (a) Maximum Building Height
Thirty-five (35') feet.
 - (b) Side Yard -
 1. Principal building - twenty (20') feet on each side.
 2. Accessory building - three (3') feet on each side.
 - (c) Front Yard Setback -
Twenty-five (25') feet [fifty (50') feet if parking is permitted in front].
 - (d) Rear Yard Setback -
Twenty (20') feet.
 - (e) Minimum Lot Width -
One hundred (100') feet.
 - (f) Off-Street Parking: Commercial -
One (1) per two hundred (200') square feet of floor space.
 - (g) Truck Unloading Area -
Sufficient space so that no streets or alleys need be blocked.
- (3) Conditional Uses -- ¹⁷

Those conditional uses as provided by Section 17.18 shall require a conditional use permit as provided in Section 17.18.

17.12 Light Industrial District (I1)

- (1) Permitted Uses -

The I1 District is intended to provide space for industrial and manufacturing uses at appropriate locations in the City. Any industrial use may be permitted, except those that would present a danger to residents of the community, or would generate noise, smoke, traffic or air or water pollution that would create a public or private nuisance. All other uses

¹⁷ Created by Ordinance No. ____ 2008/09. Enacted March 3, 2009.

(residential, commercial, public) are prohibited, except that a dwelling may be provided for a caretaker or superintendent if the industrial use requires constant supervision.

(2) Prohibited Uses -

Uses not permitted include:

- (a) Acetylene gas manufacture or storage.
- (b) Acid manufacture.
- (c) Alcohol manufacture.
- (d) Ammonia, bleaching power or chlorine manufacture.
- (e) Arsenal.
- (f) Asphalt manufacture or refining.
- (g) Auto wrecking or junk yard.
- (h) Bag cleaning.
- (i) Blast furnace.
- (j) Boiler works.
- (k) Brewery or malt house.
- (l) Brick, tile or terra cotta manufacture.
- (m) Candle manufacture.
- (n) Cellulose manufacture.
- (o) Cement, lime, gypsum or plaster of paris manufacture.
- (p) Coke ovens.
- (q) Concrete mixing or product manufacture.
- (r) Creamery, milk condensing, cheese factory.
- (s) Crematory.
- (t) Creosote treatment or manufacture.
- (u) Disinfectant manufacture.
- (v) Distillation of bones, coal or wood.
- (w) Explosives or fireworks manufacture or storage.

- (x) Exterminator or insect poison manufacture.
- (y) Emery cloth or sand paper manufacture.
- (z) Fat rendering.
- (aa) Fertilizer manufacture.
- (ab) Fish smoking or curing.
- (ac) Forge plant.
- (ad) Garbage, offal or deal animal reduction or dumping.
- (ae) Gas (illuminating or heating) manufacture.
- (af) Glue, size or gelatine manufacture.
- (ag) Iron, steel, brass or copper foundry or fabricating plant.
- (ah) Match manufacture.
- (ai) Oil cloth or linoleum manufacture.
- (aj) Oiled or rubber goods manufacture.
- (ak) Ore reduction.
- (al) Paint, oil, shellac, turpentine or varnish manufacture.
- (am) Paper or pulp manufacture.
- (an) Planing mills.
- (ao) Plastics manufacturing and processing.
- (ap) Potash works.
- (aq) Pyroxlin manufacture.
- (ar) Refining or wholesale storage of petroleum or petroleum products, or retail storage of petroleum in tanks exceeding 2,000 gallons capacity.
- (as) Rock crushing.
- (at) Rolling mills, feed grinding.
- (au) Rubber manufacture or treatment.
- (av) Sauerkraut or pickling manufacture.
- (aw) Shoe polish manufacture.

- (ax) Salt works.
- (ay) Smelting of tin, copper, zinc or iron ores.
- (az) Soap manufacture.
- (ba) Soda or washing compound manufacture.
- (bb) Stable, riding academy, livestock corral, barn for livestock, except on farms of ten (10) or more acres.
- (bc) Stock yards or slaughter of animals.
- (bd) Stone quarry or mill.
- (be) Storage or boiling of rags, or storage of iron or junk.
- (bf) Sulfuric, nitric or hydrochloric acid manufacture.
- (bg) Tallow, grease or lard manufacturing or refining from animal fat.
- (bh) Tanning, curing or storage of raw hides or skins.
- (bi) Tar distillation or manufacture.
- (bj) Vinegar manufacture.
- (bk) Wool pulling or scouring.
- (bl) Yeast plant.

And in general, those uses which may be obnoxious or offensive by reason of the emission of odor, dust, smoke, gas or noise.

(3) Construction Requirements -

(a) Maximum Building Height -

Forty-five (45') feet.

(b) Side Yard -

1. Principal building - ten (10') feet on each side, fifty (50') feet on any side abutting a residential boundary.
2. Accessory building - ten (10') feet on each side, fifty (50') on any side abutting a residential boundary.

(c) Front Yard Setback -

Twenty-five (25') [fifty (50') feet if parking is permitted in front].

- (d) Rear Yard Setback -
Twenty (20') feet [fifty (50') feet on any side abutting a residential boundary].
- (e) Minimum Lot Width -
One hundred (100') feet.
- (f) Parking -
One (1) per two (2) employees.
- (g) Truck Unloading Area -
Sufficient space so that no streets or alleys need be blocked.

17.13 Heavy Industrial District (I2)

(1) Permitted Uses -

The I2 District is intended to provide space for industrial and manufacturing uses at appropriate locations in the City. Any industrial use may be permitted, except those that would present a danger to residents of the community, or would generate noise, smoke, traffic or air or water pollution that would create a public or private nuisance. All other uses (residential, commercial, public) are prohibited, except that a dwelling may be provided for a caretaker or superintendent if the industrial use requires constant supervision.

(2) Prohibited Uses -

Uses not permitted include:

- (a) Acid manufacture.
- (b) Automobile or machinery wrecking, salvaging or rebuilding.
- (c) Cement, lime, gypsum or plaster of paris manufacture.
- (d) Distillation of bones.
- (e) Explosives, manufacture or storage.
- (f) Fat rendering.
- (g) Fertilizer manufacture.
- (h) Forge plant.
- (i) Garbage, offal or dead animal reduction or dumping.
- (j) Glue manufacture.
- (k) Salvage yard.

- (l) Petroleum refining.
- (m) Smelting of tin, copper, zinc or iron ores.
- (n) Stock yard, stock loading yard or chute or slaughter house.
- (3) Construction Requirements -
 - (a) Maximum Building Height -
Sixty-five (65') feet.
 - (b) Side Yard -
 - 1. Principal building - ten (10') feet on each side, seventy-five (75') feet on any side abutting a residential boundary.
 - 2. Accessory building - ten (10') feet on each side, seventy-five (75') feet on any side abutting a residential boundary.
 - (c) Minimum Lot Width -
One Hundred Twenty-five (125') feet.
 - (d) Front Yard Setback -
Thirty (30') feet, fifty-five (55') feet if parking is permitted in front.
 - (e) Rear Yard Setback -
Twenty-five (25') feet.
 - (f) Parking -
One (1) per three (3) employees.
 - (g) Truck Unloading Area -
Sufficient space so that no streets or alleys need be blocked.

17.14 Agricultural District (A)

- (1) Purpose and Permitted Uses -

This district is established to help conserve good farming areas and prevent uncontrolled, uneconomical spread of residential development, since it results in excessive costs to the community for provision of essential public improvements and services. The following uses are permitted:

- (a) Farming, provided that buildings in which farm animals are kept shall be at least one hundred (100') feet from the nearest residential district.

- (b) In-season roadside stands for the sale of farm products produced on the premises.

Buildings and open space shall be compatible and adequate for a bona fide farm operation.

17.15 Conservancy District (W)

- (1) Permitted Uses -

The W District is intended to preserve the natural state of scenic areas, to preserve natural areas and buffer strips and to discourage intensive development of marginal lands so as to prevent potential hazards to public and private property. The following uses are permitted:

- (a) Management of forestry, wildlife and fish.
 - (b) Harvesting of wild crops, such as marsh hay, ferns, moss, berries, fruit trees and tree seeds.
 - (c) Hunting, fishing and trapping.
 - (d) Dams, power stations and transmission lines.
 - (e) Upon written permission from the City Council (based upon the purpose of this section and on the recommendation of the Plan Commission following a public hearing), sewage disposal plants, water pumping or storage facilities, golf courses and public camping grounds.
 - (f) Bicycle or hiking trails.
 - (g) Parks.
 - (h) Uses customarily incident to any of the above uses.
- (2) There are no setback, lot size or other dimensional requirements applicable to the W. District.

17.16 Planned Unit Development District (PUD)

- (1) Purpose and Uses -

The PUD District is intended to provide for large-scale residential development. This District shall have no definite and measurable boundaries until such are approved by the City Council on the recommendation of the Plan Commission, in accordance with procedures prescribed for zoning amendments by Wisconsin Statute § 62.23. Plans for proposed development shall be submitted in duplicate, and shall show the location, size and proposed use of all structures and land included in the area involved. The plans may provide for a combination of single and multi-family development, as well as closely related commercial uses, provided the plans indicate that.

- (a) A single area of at least six (6) acres is involved.
- (b) Each residential building and lot in the district shall conform to the appropriate R District lot area and building site requirements and each commercial building and lot shall

conform to the requirements of the appropriate C District in which it would otherwise be placed.

- (c) Paved streets and sidewalks adequate to serve the needs of the area involved shall be provided.
- (d) Adequate access to public streets and proper internal circulation shall be provided.
- (e) Adequate sewer and water facilities shall be provided.
- (f) The development shall constitute a reasonable extension of the living areas in the City, and shall be compatible with surrounding land uses.

17.17 Official Map

- (1) To Be On File -

The official zoning map is an integral part of this chapter. The single official copy of this map, entitled "City of Sheboygan Falls Official Zoning Map," and all amendments thereto, together with a copy of this chapter, shall be kept at the office of the City Clerk and shall be certified by the Mayor and attested by the City Clerk. Any changes in zoning district boundaries shall be recorded on the map. No such change shall be effective until so recorded and until a duly certified and attested certificate describing the change is filed with the map.

- (2) Street Lines to Be Boundaries -

The district boundaries are either streets or alleys, unless otherwise shown, and where the designation on the map indicates that the various districts are approximately bounded by a street or alley line, such street or alley line shall be construed to be the district boundary line.

- (3) When Lot Lines Shall Be Boundaries -

Where the district boundaries are not otherwise indicated, and where the property has been, or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lot lines where the designations on the map are approximately bounded by lot lines, such lot line shall be construed to be the boundary of the district.

- (4) Unsubdivided Property -

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

17.18 Conditional Uses

- (1) When Permitted -

Conditions related to landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, operational control, hours of operation, traffic circulation, deed restrictions, access restrictions, increased yards, and parking requirements may be required by the Common Council, upon recommendation of the Plan Commission, upon its finding that such conditions are necessary to fulfill the purposes and intent of this chapter. Conditional uses shall comply with all other provisions of this chapter such as lot width and area, yards, height, parking and loading. The following are conditional uses:

- (a) In the R1 Districts: None.
- (b) In the R2, R3, R4 and R5 Districts:
 - 1. Home occupations.
 - 2. Art galleries.
- (c) In the R3, R4 and R5 Districts: Medical and dental clinics.
 - 1. Any use permitted in the R3 District.
 - 2. Multi-family dwellings.
 - 3. Charitable institutions, rest homes and private, non-profit clubs and lodges, subject to the provisions of Section 17.18.
 - 4. Hospitals, except animal hospitals, medical and dental clinics.
 - 5. Rooms for no more than six (6) paying guests or boarders not members of the family.
 - 6. Accessory buildings, garages, carports, and paved parking areas serving exclusively the occupants of the structure.
 - 7. Colleges and vocational schools.
 - 8. Public museums.
 - 9. Microwave radio relay structures and community television towers.
 - 10. Uses customarily incident to any of the above uses provided that no such use generates traffic or noise that would create a public or private nuisance.
- (d) The following highway-oriented uses in the C3, Highway Commercial District:
 - 1. Drive-in establishments serving food or beverages for consumption.
 - 2. Motels.
 - 3. Service stations, washing and repair stations, and garages, provided all gas pumps are not less than thirty (30') feet from any existing or proposed street line.
 - 4. Recreational establishments, including drive-in theaters, golf or baseball driving ranges, archery fields, miniature golf courses, or similar uses.
 - 5. Uses clearly similar in character to those listed above.
- (e) In the C2 Districts the following business and commercial uses:¹⁸
 - 1. Any use permitted in the R4 District, except one and two-family residences.

¹⁸ Amended by Ordinance No. ___ 2008/09. Enacted March 3, 2009.

2. Post offices.
 3. Parking lots.
 4. Municipal services buildings.
 5. General business and commercial uses, which do not generate noise, smoke, or odors that would create a public or private nuisance. These uses generally include:
 - a. Telephone offices.
 - b. Hotels and motels.
 - c. Theaters, bowling alleys, and places of amusement.
 - d. Restaurants, taverns, and bars.
 - e. Personal service, automobile service, and equipment service establishments.
 - f. Bus depots.
 - g. Uses customarily incident to any of the above uses.
- (f) The establishment of any condominium or conversion of an existing use to condominium ownership shall be a conditional use pursuant to this section.
- (g) In the C1 District:¹⁹
1. Any use permitted in the R4 District, except one and two-family residences. If multiple construction is used, R-4 regulations shall govern accessory buildings side and rear yards, also principal building.
 2. Municipal service buildings.
 3. Parking lots.
 4. General business and commercial uses, which do not generate noise, smoke or odors that would create a public or private nuisance. These uses generally include:
 - a. Banks and telephone offices.
 - b. Hotels and motels.
 - c. Theaters, bowling alleys and places of amusement.
 - d. Restaurants, taverns and bars.
 - e. Personal service, automobile service and equipment service establishments.

¹⁹ Amended by Ordinance No. ____ 2008/09. Enacted March 3, 2009.

g. Uses customarily incident to any of the above uses.

(h) Conditional Uses -²⁰

In the Business Park District (BPD):

1. Indoor athletic facilities.
2. Day care facilities.
3. Medical and dental clinics.
4. Veterinary offices and small animal hospitals without outdoor kennels.
5. Banks, credit unions, and similar financial institutions.
6. Public or municipal buildings.
7. Public utility structures.
8. Buildings for the storage of goods and materials, where such goods or materials are stored inside a building, provided such buildings are not mini-warehouse buildings subdivided into more than three (3) multiple warehouse and storage facilities containing less than one thousand five hundred (1,500) square feet each and available for sublease.
9. Communication towers and antennas.
10. Truck terminals.

(2) Application for Permit -

Application for conditional use permits shall be submitted to the Building Inspector on forms provided by the Inspector, and shall be accompanied by a plan showing the location, size and shape of the lot(s) involved, and any proposed structures, and the existing and proposed use of each structure and lot. The cost of permits shall be established by the City Council.

(3) Plan Commission to Review -

The Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation.

(4) Issuance of Permit -

The Common Council, upon recommendation of the Plan Commission, may authorize the Building Inspector to issue a conditional use permit for the conditional uses specified in this section after review and a public hearing, provided such uses are in accordance with the purpose and intent of this chapter.

²⁰ Created by Ordinance No. 5-2007/08, enacted November 6, 2007.

17.19 Signs

(1) Purpose of Sign Ordinance -

The purpose of this Sign Ordinance is to provide the legal framework and standards to safeguard life, property, economic development, city aesthetics, and historic preservation by regulating and controlling the reasonable, orderly and effective display of signs. Throughout this ordinance, regulations regarding the design, number, size, quality of materials, construction, location, illumination, installation and maintenance of all signs will encourage effective communication of information and orientation for both citizens and visitors, and promote visual harmony with respect for the environmental character of the community.

(2) Sign Definitions -

The following definitions are used in this ordinance. Any definitions not contained in this section can be found in the body of the ordinance.

(a) Aggregate Sign Area -

Total allowable signage allowed per parcel of land. Aggregate area is based on the frontage of the parcel. At corner locations, the two frontages are added together to determine allowable signage. Information signage which is necessary for the lawful operation of the business, such as 'Handicapped Parking,' 'No Parking,' and 'Canopy Height,' are not included in the allowable signage area.

(b) Banner -

A non-illuminated, temporary sign made of paper, plastic or other flexible materials.

(c) Billboard -

See Off-Premise Advertising Sign.

(d) Canopy -

A structure, other than an awning, made of cloth, metal or other material with frames attached to a building and carried by a frame supported by the ground or sidewalk.

(e) Canopy Sign -

Any sign attached to or constructed in, on or under a canopy or marquee.

(f) Changeable Copy Sign -

A sign such as a time/temperature sign or message center where the copy or message changes by electronic, electric or manual means.

(g) Directional Sign -

Any sign which serves to designate the location or direction of any place or area without reference to or inclusion of the name of a product sold or service performed.

(h) Flashing Sign -

Any directly or indirectly illuminated sign on which the artificial light is not constant in intensity and color at all times. Time/temperature and message signs are considered changeable copy signs, not flashing signs.

(i) Gross Signage -

The total square footage of all signage on a property and/or building. Gross signage may not exceed two (2') square feet per linear foot of street frontage. No more than twenty-five (25%) of allowed signage for the building's main front can be used on other sides of the building. Allowable gross signage for any parcel of land is two hundred (200') square feet.

(j) Ground Freestanding Sign -

A sign that is placed directly on the ground and is not attached to any building.

(k) Group Directory Sign -

Any sign whose purpose is limited to the group listing and identification of office or business establishments within a single building.

(l) Illuminated Sign -

A sign lighted by or exposed to artificial lighting, either by lights in the sign or lights directed toward the sign.

(m) Internally Illuminated Sign -

Any sign in which the source of illumination is an integral part of the sign.

(n) Message Center -

See Changeable Copy Sign.

(o) Multi-faced Sign -

A sign which has two (2) or more surface areas used for identification or advertising.

(p) Off-premise Advertising Sign -

A sign not located on the business premises that advertises goods, products, facilities, or provides directions.

(q) Parcel -

Such lots or lands identified by a tax identification number.

(r) Permanent Sign -

A sign that is permanently affixed or attached to the ground or to a structure.

-
- (s) Planned Sign Program -
A coordinated design plan of one (1) or more signs for a municipality, business establishment or a business center.
 - (t) Prohibited Sign -
A sign failing to conform to the provisions of this sign ordinance.
 - (u) Projecting Sign -
A sign, normally double-faced, that is attached to and projects from a face or wall of a structure.
 - (v) Pylon Sign -
A sign that is supported by one (1) or more freestanding uprights or poles and is not attached to any building.
 - (w) Secondary Entrance Sign -
A sign on the minor face of a building.
 - (x) Sign -
Any structure or device displaying advertising in the form of lettering, pictures, symbols or other media.
 - (y) Temporary Sign -
An advertising device that is not permanently attached to a building or the ground and which is intended to be displayed for a limited period of time.
 - (z) Time or Temperature Sign -
See Changeable Copy Sign.
 - (aa) Wall Sign -
Any sign attached to, erected on, or painted on the vertical wall of a building.
 - (bb) Window Sign -
Any sign affixed to and visible through an exterior window or door.
 - (3) General Requirements -
 - (a) No sign shall be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without an approved permit. The sign shall meet all the structural and safety requirements as set forth in this ordinance.
 - (b) Subject to the provisions of paragraphs (4) through (9), total gross signage allowed for any one parcel of land is two hundred (200') feet. The total gross signage of a parcel's

main front may not exceed two (2') square feet per linear foot of street frontage. No more than twenty-five (25%) of allowed signage for the parcel's main front can be used on other sides of the parcel. Total signage does not include any informational signage which is necessary for the lawful operation of the business, such as 'Handicapped Parking,' 'No Parking,' 'Canopy Height,' signs.

- (c) Sign area is the entire surface area of a sign, including non-structural trim. The supports, uprights or structures on which the sign is mounted are not included in size. Sign area for cutout letters, symbols, or statuary shall include the total area within the periphery of the display, which can be enclosed within a triangle. Multi-faced signs shall be computed as the areas of a single face.
 - (d) Projects or buildings containing more than one business shall have an overall planned sign program. Buildings with common entrances shall be allowed one (1) group directory sign at each entrance. Buildings with individual entrances shall be allowed one (1) group directory sign for common identification. Each individual entrance shall be allowed one sign per entrance whose size shall be determined by dividing the remaining total gross signage for the parcel by the number of businesses.
- (4) General Physical Requirements for All Signs -
- (a) Ground/Freestanding Signs -

Ground/freestanding signs shall not exceed a maximum of eight (8') feet in height. Ground/freestanding signs shall not have more than two (2) faces and not permitted to move or rotate in whole or part. One ground/freestanding sign (where permitted) is allowed per building. The use of ground/freestanding signs is encouraged and preferred over pylon signs.
 - (b) Pylon Signs -

Pylon signs shall not exceed twenty (20') feet in height, and be set back one (1') foot for every two (2') feet of sign height from property line. Pylon signs shall not have more than two (2) faces and shall not be permitted to move or rotate in whole or in part. One pylon sign (where permitted) is allowed per building.
 - (c) Wall Signs -

Wall signs, including dimensional letter signs, shall not exceed forty-eight (48') square feet. A wall sign shall not extend above the lowest point of the roof nor beyond the ends of the wall to which it is attached, and not extend more than eight (8") inches outside a building's wall surface.
 - (d) Projecting Signs -

One (1) projecting sign is allowed per building, not to exceed forty-eight (48') square feet, and must be twenty-five (25') feet from another projecting sign. Minimum clearance to grade shall be ten (10') feet measured from the lowest part of the sign. Projecting signs may extend not more than five (5') feet over the lot line and in no case shall extend to within three (3') feet of the street curb line.
 - (e) Changeable Copy Signs -

Changeable copy signs are allowed as follows: only one (1) changeable copy sign is permitted per parcel, and is limited to two (2) faces not exceeding twenty (20') square

feet with a maximum letter height of four (4") inches. All changeable copy signs must be permanently installed. Service stations are allowed one changeable copy sign for each street frontage. Time and temperature signs and message center signs shall not exceed six (6') square feet in surface.

(f) Awning or Canopy Signs -

Awning or canopy signs or any lettering or imagery applied on an awning or canopy, is considered a sign. The size of the lettering shall not exceed one-fourth (1/4) of the total surface area of the awning. Additional signs cannot extend beyond, or be attached to the underside of an awning or canopy.

(g) Window Signs -

Window signs shall not exceed twenty-five percent (25%) of the total area of the window in which the sign is placed.

(h) Group Directory Signs -

The maximum size shall be twenty-four (24') square feet per sign. Also see Section 17.19(3)(d) for further instruction.

(i) Off-Premise Advertising Signs -

Off-premise advertising signs are regulated under Section 17.19(9).

(j) Illumination -

1. Flood lighting and internally illuminated signs shall illuminate only the immediate area of the sign, concentrating light upon the sign without radiating light on adjacent public or private property.
2. White light and neon emitting different colors of light are permitted.
3. Where signs face a residential zoning district, the illumination shall cease after 11:00 p.m., or after the business closing time, whichever comes first.
4. Flashing signs are prohibited.
5. Exposed reflective type bulbs, incandescent lamps or other illumination devices which exceed forty (40) watts shall not be used on the exterior surface of any sign so as to expose the face of the bulb, light or lamp to adjacent property.

(k) Structural and Safety Specifications -

1. All new signs shall comply with the appropriate provisions of the City Building Code and the National Electric Safety Code, as well as additional standards set forth in this section.
2. No sign shall be erected, constructed, or maintained so as to obstruct any fire escape, required exit, window, or door, or opening required for ventilation.

3. Clearances from high voltage power lines must meet horizontal and vertical clearances outlined in the National Electric Safety Code.
 4. All ground freestanding or pylon signs shall be self-supporting and permanently attached to sufficient foundations. Engineering certification of safety will accompany all pylon signs over ten (10') feet in height.
 5. All electrical work must be performed by a licensed electrician.
 6. Only safety or tempered glass shall be used.
 7. Supports or braces must be of adequate material to meet wind loads that are structurally safe.
- (5) Historic District Physical Requirements (Includes the Downtown Historic District and the Cole Historic District) -

Regulations in this section shall provide for the preservation and enhancement of these state and nationally recognized historic districts as recorded with the Federal Register of Historic Places and to further the national interest as it pertains to the preservation and enhancement of historic places.

- (a) Pylon signs are prohibited.
- (b) Ground/freestanding signs shall not exceed thirty-two (32') square feet per sign face.
- (c) Projecting signs shall not exceed twenty (20') square feet surface area.
- (d) Off-premise advertising signs are prohibited.
- (e) Changeable copy digital electronic time and temperature signs and message center signs are prohibited.
- (f) Illumination shall be external only.
- (g) Only cloth awnings are allowed, whether plain or with lettering.
- (h) Canopies, whether plain or with lettering, are prohibited.
- (i) Painted wall or ghost signs of historic significance to the community shall not be covered up or destroyed, but rather allowed to face, or repainted to restore original style and appearance.
- (j) Reliefs, such as sculptured figures, letters, or forms projecting from a flat surface and usually made of masonry, wood, or metal, shall not be covered or destroyed.
- (k) Secondary entrance signs shall not exceed twelve (12') square feet in surface area. These may be projection signs but must conform to placement requirements state in Section 17.19(4)(d).

- (6) Commercial/Business District/Modern Concept (C1, C2, C3 Zones) - Physical Sign Requirements -

Signs that are allowable under this ordinance and that are visible from both the street and the sidewalk must satisfy the legitimate needs of commerce without visual clutter and without obstructing the view of buildings and traffic signs. Business District/Modern Concept, when adjacent to the Historic District, shall be regulated as provided in this paragraph so as to preserve the aesthetics retained by the Historic District.

- (a) Pylon signs shall not exceed forty-eight (48') square feet per sign face.
 - (b) Ground/freestanding signs shall not exceed forty-eight (48') square feet per sign face.
 - (c) Projecting signs shall not exceed twenty-four (24') square feet surface area.
 - (d) Secondary entrance shall not exceed twelve (12') square feet in surface area. These may be projection signs, but must conform to placement requirements stated in Section 17.19(8)(d).
- (7) Industrial District (I1, I2) Physical Requirements -

The purpose of signage in industrial areas is for the identification of business establishments, services and products available on the premises where the sign is located.

- (a) Pylon signs shall not exceed forty-eight (48') square feet per sign face.
 - (b) Ground/freestanding signs shall not exceed forty-eight (48') square feet per sign face.
 - (c) Projecting signs shall not exceed forty-eight (48') square feet surface area.
- (8) Residential District (R1, R2, R3, R4, R5, PUD) Physical Sign Requirements.-

Signs erected in the City's residential districts shall be maintained so the values and enjoyment of all properties in the neighborhood shall not be substantially impaired or diminished by the establishment, maintenance, or operation of the sign. Signs will be compatible with the use of adjacent land.

- (a) Pylon signs, changeable copy signs, wall signs and projecting signs are prohibited.
- (b) One (1) ground/freestanding sign identifying a residential business, not to exceed two (2') square feet in area is permitted. Signs must be set back at least five (5') feet from the edge of the sidewalk, or five (5') feet from the property line if sidewalks are not in place. Signs shall not exceed four (4) feet in height.
- (c) Off-premise advertising signs are prohibited.
- (d) Signs that exclusively identify a subdivision or residential area and are located at principal entrances shall not exceed twenty-four (24') square feet in area and shall be maintained by a corporation or association of homeowners. If the corporation or association disbands, signs must be removed.

(9) Off-Premise Advertising Signs -

(a) Permitted Zoning Districts -

Off-premise advertising signs are permitted only in C2, C3, I1, and I2 zoning districts.

(b) Size Requirements -

Off-premise signs shall not exceed one hundred (100') square feet of sign surface area per face, with no more than two (2) sides per sign structure and only one (1) face per side. The sign surface area per face shall be calculated by adding together the area of the off-premise sign face(s) that can be read from one (1) direction at a time. Where two (2) identical off-premise signs are placed back-to-back on the same sign supports, the signs shall not be separated by more than four (4') feet so that both faces cannot be read from one (1) direction simultaneously.

(c) Setback Requirements -

Off-premise signs shall be set back from the public right-of-way of any street or highway fifteen (15') feet and must comply with setback requirements of state regulations when located on federal or state highways, or interchanges. No off-premise signs shall be any closer than thirty (30') feet from any building.

(d) Spacing Between Off-premise Signs -

Off-premise signs shall comply with the spacing requirements of state laws, rules, and regulations, and in no case shall be permitted within a seven hundred fifty (750') foot radius of another off-premise sign.

(e) Height -

Off-premise advertising signs shall not exceed twenty (20') feet in height, as measured from the elevation of the public right-of-way roadway pavement to the top of the structure.

(f) Prohibited Off-premise Signs -

Off-premise signs are prohibited in any historic or residential district. Off-premise signs shall not be erected or constructed within one hundred fifty (150') feet or any residential district or within five hundred (500') feet of any historic site or district, school, church, public park or recreation area, public playground, or environmental corridor. This distance shall be measured from the outermost portion of the off-premise sign structure.

(g) Replacement Sign Credit -

The owner of a nonconforming off-premise sign may receive a replacement sign credit upon removal of a nonconforming off-premise sign face. The owners of nonconforming off-premise signs, which are ordered to be removed to protect the public's welfare and safety, or signs which are damaged or destroyed beyond twenty-five percent (25%) of their current value, may also receive a replacement sign credit.

Replacement sign credits shall be subject to the following conditions:

1. The replacement sign credit shall be valid for a period of one (1) year.
2. The holder of the replacement sign credit shall locate and construct an off-premise sign in accordance with this ordinance as it exists at the time relevant, prior to the expiration of the replacement sign credit.
3. Replacement sign credits are nontransferable.
4. Upon expiration of each replacement sign credit, the total number of allowable off-premise signs within Sheboygan Falls shall be reduced by one (1).

(10) Prohibited Signs -

The following signs, including unclassified signs, shall be prohibited within all zoning districts in the City of Sheboygan Falls:

- (a) Abandoned signs that are no longer in use or a sign providing obsolete or outdated copy.
- (b) Animated signs, either alternating, rotating or swinging, in whole or part, or signs which emit audible sound, odor or visible matter. Exceptions include the rotation of barber poles, and currently licensed vehicles or trailers that display, in a permanent manner, the name of the product they deliver and/or the name and address of the owner.
- (c) Obstructing signs of a size, location, content, coloring, or manner of illumination that may be confused with an official traffic control device, or which hides any traffic sign or signal, or obstructs the view at an intersection.
- (d) Displaced signs, those erected on a tree, utility pole, painted on or attached to any fence or wall that are not structurally a part of a building, except to identify a residence, or as traffic control.
- (e) Obscene signs that contain statements, words, or pictures of an pornographic or immoral character.
- (f) Inflatable signs, such a balloons, used as off-premise advertising devices. On-premise devices of this nature may be used only for the opening of a new business or special promotion in Business/Modern Concept and Industrial Districts.
- (g) Mobile signs on a vehicle parked primarily for the purpose of displaying an advertisement.
- (h) Roof signs.

(11) Signs Requiring a Temporary Permit -

The following signs are allowable with a temporary sign permit. A temporary sign can be displayed for up to two (2) weeks at a time during no more than three (3) different periods per year unless otherwise stated below. Each such two (2) week period requires a permit.

- (a) Banners, flags and pennants used for the purpose of advertising items shall not exceed one hundred (100') square feet or ten percent (10%) of the area of the wall on which they are placed.
 - (b) Ground/freestanding signs advertising special business promotions or events shall not exceed twelve (12') square feet in area or four (4') feet in height.
 - (c) Searchlights or balloons used as advertising devices may not be used on a permanent basis. A permit for such may be issued for up to five (5) days and two (2) permits are allowed per year.
 - (d) Subdivision advertising signs, including banners and flags used for the promotion of developing residential areas, may be issued a permit for a period of two (2) years, and may be annually renewed after two (2) years. The sign must be located on the property. Subdivision advertising signs may not exceed thirty-two (32') square feet for properties less than five (5) acres. More than five (5) acres are a maximum of ninety-six (96') square feet. One (1) sign is allowed for each major street adjacent to the subdivision.
 - (e) Construction signs used for identifying building contractors are allowed onsite for the duration of construction. Signs twelve (12') square feet to a maximum of thirty-two (32') square feet require a temporary permit.
- (12) Signs Not Requiring a Permit -

The following signs are permitted in all zoning district of the City of Sheboygan Falls without a sign permit provided they comply with the restrictions and specifications contained in this section and in no way conflict with restrictions stated in Section 17.19(10), Prohibited Signs:

- (a) Governmental or other signs required by federal state or local law including off-premise directional signs.
- (b) House number and name plates indicating occupants and/or address.
- (c) Interior signs located within any building or structure which are not visible from the public right-of-way.
- (d) Landmark signs and plaques showing names of buildings and commemorative dates, which are cut into masonry surfaces, or made of bronze or other permanent type construction and made to be an integral part of the building.
- (e) No trespassing and no dumping signs no more than two (2') square feet.
- (f) Miscellaneous signs, posters, banners, flags, or pennants promoting civic, charitable, educational or religious events may be temporarily displayed and removed after the event.
- (g) Election campaign signs can be displayed no earlier than thirty (30) days prior to primary/general elections. Permission must be granted by the owners and tenants of the property upon which the sign is erected. No sign shall be located on public property or within two hundred (200') feet of a designated polling place. The sign shall be removed within seven (7) days following the primary/general election by the candidate or person responsible for its placement. Political signs shall not exceed

twelve (12') square feet in area and no more than one (1) sign per land parcel is permitted for each candidate or issue.

- (h) Real estate signs promoting the sale of a property are limited to one(1) on any lot or parcel. In residential and commercial districts, such signs shall not exceed eight (8') square feet, and in industrial districts sixteen (16') square feet. Such signs shall be removed within thirty (30) days after sale, rental, or lease. Illumination is prohibited.
 - (i) Rummage sale signs used for advertising merchandise at a private residence shall be posted only on the days of the sale and cannot be attached to public property.
 - (j) Construction signs identifying contractors, which are less than twelve (12') square feet in area, are allowed onsite for the duration of construction.
 - (k) Over-the-street banners promoting community events may be displayed for twenty (20) days and removed promptly after the event.
 - (l) Portable signs not permanently mounted to the ground or a structure, such as special announcement signs or a menu board, shall be structurally sound, displayed in a safe manner, and brought indoors after the close of the business day.
 - (m) Non-profit organizations, civic group, religious group signs or emblems are governed by the regulations and conditions specified in Section 17.19(4), General Physical Requirements. Placement of such signs on City owned land must be by the approval of the City Council.
- (13) Existing Nonconforming Signs -
- (a) Signs existing at the time of adoption of this ordinance, although the use, size or location does not conform with the provisions of this ordinance, shall be deemed a nonconforming use or structure and the following provisions shall apply.
 - (b) A sign will lose its existing nonconforming status and must, within thirty (30) days of occurrence, be brought into compliance with this ordinance and a new permit secured if one (1) or more the following occurs:
 1. The sign is structurally altered in any way, including changes in size, area, height, location, or illumination, except for minimal maintenance or repair such as paint touch-ups.
 2. The sign is damaged to such an extent that the cost to repair or reconstruct the sign exceeds fifty percent (50%) of the value of the sign.
 3. The design, logo, or wording of the sign is altered.
 4. If the Building Inspector determines that the sign is dangerous, defective, or abandoned.
 5. If a building or place of business is occupied by a new building owner, a new business, or new tenant.
 - (c) The nonconforming sign shall be removed at the owner's expense. Nothing in this ordinance shall relieve the owner or user of a legal nonconforming sign or the owner of

the property in which the sign is located from the provisions of this ordinance regarding safety, maintenance and repair of signs.

(14) Authority - Administration and Enforcement -

- (a) The administrator of this ordinance is the Building Inspector who will enforce and carry out all provisions of this ordinance. The Building Inspector or his authorized agent shall record and file all applications for permits with any accompanying plans and documents, make inspections of the signs in the City of Sheboygan Falls, and make such reports as the City may require.
- (b) Certain signs, because of unusual circumstances, may require a special variance for conformance to this ordinance. These variances must be approved by the Common Council.
- (c) If the Building Inspector refuses to issue a permit because the proposed signage does not meet the requirements of this ordinance, the applicant will be issued a written decision outlining the reasons for any denial. Such denial may be appealed to the Common Council within forty-five (45) days of the date of decision. Information regarding the appeal process shall be included in the Building Inspector's written decision.

(15) Permits and Fees -

- (a) Application for a permit to erect or replace a sign or to change copy thereon, shall be made by the owner of the parcel or his authorized agent to the Building Inspector by submitting the required forms, fees, exhibits, and information.
- (b) Fees for sign permits for all signs shall be established by resolution of the City Council.
- (c) Application for a sign permit shall be made on forms provided by the Building Inspector, and shall contain the following information:
 - 1. Name, address, and telephone number of applicant. (When applicant is not the property owner, sign owner shall also give name and address of property owner.)
 - 2. A site plan showing the location of the building, structure, or lot to which the sign is to be attached or erected, and showing the position of the sign in relation to nearby buildings, structures, and property lines. The site plan shall include photographs of the buildings and/or site of the proposed sign, including adjoining properties.
 - 3. A drawing of the plan showing design of the sign, lettering, colors, materials to be used, illumination, and means of attachment to the building or the ground.
 - 4. Location and size of existing signs.
 - 5. Written approval of an adjoining property owner if the servicing of a sign will require access from such adjoining property or adjoining building.
 - 6. Name and address of the person, firm, corporation, or association erecting the structure.
 - 7. Such other information as the Building Inspector may require to show full compliance with this and all other applicable laws.

8. Signature of applicant along with any applicable fees.

(16) Liability -

The acceptance of fees as provided herein shall not be deemed as assumption of liability by the City. The owner of any parcel on which a sign is erected shall be liable for any damages and injuries that may be caused to persons or property.

17.20 NONCONFORMING USES⁻²¹

Present uses of buildings and premises may be continued even though they do not conform to the restrictions of this chapter. However, structural repairs or alterations of such buildings or premises shall not exceed fifty percent (50%) of their assessed value, unless a building or premises conforming to this chapter results. Any nonconforming use that is abandoned for one (1) year shall be permanently discontinued.

17.21 BOARD OF APPEALS

(1) Appointment, Compensation and Powers -

A Board of Appeals shall be appointed as specified in Wisconsin Statute § 62.23. The members shall serve without compensation. The Board of Appeals shall make and file in the office of the City Clerk its own rules of procedure consistent with the statutes. It shall have the following powers:

- (a) To hear and decide appeals where it is alleged that the Building Inspector has made an erroneous finding or order, or fails to act.
- (b) To grant specific variances from the terms of this chapter where it is shown that unique physical circumstances applying to a lot cause hardship to the owner under the chapter and that the variance still shall be in fundamental harmony with surrounding uses.

(2) Determinations of Board -

The Board may reverse or affirm, wholly or in part, or may modify any order, requirement, decision, or determination appealed from, and shall make such order, requirement, decision, or determination as in its opinion ought to be made, and to that end shall have all powers of the Building Inspector. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass, or to effect a variance. The grounds of every such determination shall be stated and recorded.

(3) Minutes of Board Meetings to Be Filed -

No action of the Board of Appeals shall have the effect of permitting, in any district, uses prohibited in such district by this chapter. The minutes of proceedings and hearing before the Board and all variances granted by it shall be filed promptly at the office of the City Clerk and shall be open for public inspection during office hours.

²¹ Amended by Ordinance No. 15-1980-81.

(4) Filing Fee -

A fee of \$25.00 shall be paid to the Clerk by any petitioner or applicant filing for a hearing before the Board of Appeals or City Plan Commission.

17.22 ENFORCEMENT AND PENALTIES

(1) Building Inspector to Enforce -

The City Council shall designate that the Building Inspector enforce this chapter by means of permits, the cost of which shall be established by the City Council.

(2) Permit Required -

The Inspector shall not issue a permit for a structure or a use that is not allowed by this chapter. No structure shall be built, moved or altered until a permit has been issued in accordance with the provisions of the Building Code.

(3) Qualifications for Permit Applications -

(a) Internal Alterations -

Plans showing alterations only.

(b) External Alterations -

Plans showing alterations and plot plan of the lot.

(c) New Structures -

Complete plans and complete plot plans, duplicate copies of the completed plans and specifications for the erection or alteration of any building within the City, including sewage disposal and water systems with all information necessary for the completion of the work, together with a statement of ownership, map of the property showing thereon the exact location of all existing and proposed buildings and systems and such other information as may be necessary to provide for the enforcement of this chapter shall be filed with the Building Inspector, but no such work or excavation for such work shall be commenced by any person without first receiving a building permit from the Building Inspector, who shall issue or refuse such permit, in writing, within ten (10) days after proper application therefor.

(d) Nonconforming Use and Unplotted Areas -

Standards for land area per dwelling unit, land coverage by buildings, density, front, side, and rear yard setback requirements, building height requirements, parking requirements, esthetic consideration and other requirements deemed necessary shall be established by the City Plan Commission and the City Council when these bodies find that such standards encourage a desirable environment and promote the intended purpose of the district.

(e) Development Plan -

A development plan shall contain such information as the Plan Commission and the City Council shall deem necessary and shall include the following:

1. A plat or survey of the development area by a registered land surveyor, with a recordable legal description, including all existing utilities and recorded easements. Plat of survey shall conform to Ch. 236 of the Wisconsin Statutes.
2. A plot plan showing location of all existing structures to be removed or retained, all other features to be constructed, and all other uses of land, to scale, and with sufficient detail to determine the extend of each use of such structures and land; plan shall also show existing uses and development within three hundred (300') feet of the boundaries of the proposed plan development.
3. A topographic map with a contour interval of not less than two (2') feet and sufficient spot elevations to determine the nature of the grade in the proposed development.
4. Building plans in sufficient detail such that the use of each floor can be determined and the bulk of the building and esthetic nature of the building may be determined.
5. A landscape plan sufficient in detail to indicate the nature of all landscaping to be done in the proposed development including fences, signs, lighting, plantings, screening for off street parking spaces and other features relating to the development of the open space.
6. A statement of the various stages, if more than one is intended, by which the development is proposed to be constructed or undertaken, and the time limit of the completion of each stage, together with a description of the real property to be included in each stage. If more than one stage is proposed, a plot plan shall be furnished showing the physical location of each stage.
7. A statement of the proposed changes, if any, in locations or levels of streets or alleys, and any proposed street or alley closings or vacations.
8. The location and type (materials) of drives, driveway entrances, walks, parking areas, loading areas refuse collection areas, and screening therefor.

(f) Pre-Petition Conference -

Prior to official submittal of a petition for consideration of a Planned Development District, the petitioner (owner, agent, or proponent) shall meet with the Plan Commission and its technical advisory staff, as may be provided by the City Council, for a preliminary discussion as to the scope and nature of the proposed development and to consider alternate solutions to the development of a given area. Failure to secure preliminary approval of the Plan Commission in the pre-petition conference shall preclude further consideration of the proposed development.

(g) Petition -

Upon securing preliminary approval from the Plan Commission and its technical advisory staff, the petitioner shall submit to the City Council the preliminary approved proposal requesting a change in zoning to that of Planned Development District. Such petition for approval of a plan and for a change of zoning shall be processed in accordance with the procedures set forth in Wisconsin Statute § 62.23(7)(d). A fee of \$100.00 shall accompany the petition; fee shall be payable to and shall be retained by the City. The petitioner shall submit evidence satisfactory to the City Council that he is or has the power to be the owner of all lands in the proposed planned development upon compliance with prescribed conditions at a date set by the City Council.

(h) Referral -

Prior to making a final determination, the proposed development plan shall be referred by the City Council to the Plan Commission, which shall refer the proposed plan to the Building Inspector for consideration, advice and recommendation. Unless extended by the City Council, the recommendation of the Plan Commission shall be made to the City Council within sixty (60) days of such referral to the Building Inspector.

(i) Findings and Action Required -

1. The City Plan Commission may recommend rezoning of an area into the Planned Development District. The City Council, after receiving the recommendations of the Plan Commission and the Building Inspector, and after public hearing held after public notice as provided by Wisconsin Statute, and in addition thereto, notification to all property owners within five hundred (500') feet in all directions from the boundaries of the proposed development project, may, by ordinance, rezone the area to a Planned Development District, provided that the information submitted with the application and presented at the hearings establishes that:
 - a. The development, as proposed, shall create an environment of sustained desirability, and shall not be detrimental to the present and potential surrounding uses, but shall have a beneficial effect which could not be achieved under other zoning districts;
 - b. The development plan is in accord with the intent and purpose of this chapter;
 - c. The area to be developed complies with the area requirements of applicable provisions of this chapter and that area shall be developed in an efficient and economically satisfactory manner and shall contribute substantially to the improvement of the area in which the development is to be located;
 - d. The various stages, if any, by which the development is proposed to be constructed or undertaken as stated in the development plan, are practical and in the public interest;
 - e. Public facilities and utilities, existing or proposed, adequate to meet the requirements imposed by the proposed, planned development project, either in conjunction with the plan or separately, are or shall be completed by the time the related stage of the development plan is completed;
 - f. The proposed changes, if any, to the City Map with regard to street and alley locations, levels, closing or vacations that are necessary, desirable and in public interest;
 - g. Exceptions from standard Zoning Code requirements are warranted by the design and amenities incorporated in the development plan;
 - h. The area surrounding the development shall have been considered in the planning and its existing uses and probable future use shall be substantially compatible with the proposed development; and
 - i. When the development is an extension to an existing planned development, the development is compatible with or complimentary in appearance and use to the existing planned development.

2. In taking action, the Plan Commission may recommend a denial of the development plan and development schedule as submitted, or may recommend approval of the plan and schedule subject to specified amendments.
3. At the time of adopting any ordinance establishing a Planned Development District, the City Council shall make appropriate arrangements with the petitioner, through contract or a performance bond, which shall insure the accomplishment and completion at scheduled times of the development plan in accordance with approvals given.
4. Any change in the development plan made after adoption of the ordinance placing an area in the Planned Development District shall be considered a change in zoning.

The owner shall record with the Register of Deeds of Sheboygan County a covenant running with the land restricting the use and development of the area within the boundaries of the development plan to that approved by the City Council.

5. If no development has occurred to effectuate a planned development within the time limit established by the City Council, the Plan Commission shall review the action and determine whether or not the continuation of a given planned development is in the public interest. Upon its determination, it shall make recommendations to the City in accordance therewith.
6. Upon receipt of the recommendation of the Plan Commission and no development has occurred to effectuate a planned development within the time limit established, the City Council shall determine what action shall be taken, including whether or not the area shall be rezoned to its former classification.
7. Upon completion of a planned development area, no changes shall be made without approval of the Plan Commission and the City Council. (Changes in a completed planned development area shall be considered the same as a change in zoning and shall be made in accordance with the provisions of law.)

17.23 Amendments

The City Council may amend this chapter following the procedures prescribed by Wisconsin Statute § 62.23.

17.24 Annexation

All territory annexed by the City shall become part of the A District until definite boundaries and regulations are recommended by the Plan Commission and adopted by the City Council, such adoption to be completed within ninety (90) days of the annexation.

17.25 Restrictions for Lots Existing Prior to July 3, 1972²² and November 2, 2004

- (1) Any lot platted and existing prior to July 3, 1972 shall conform to the following requirements, any provisions of the Chapter to the contrary notwithstanding:

²² Created by Ordinance No. 15-1980/81.

- (a) Principal Building -
 - Side yards - minimum of six (6') feet; side yards - total of fourteen (14') feet.
- (b) Accessory Building -
 - Side yard - a minimum of two (2') feet; rear yard - a minimum of two (2') feet.
- (2) Any lot platted, subdivided or approved for subdivision on or after July 3, 1972, and prior to November 16, 2004, shall conform to all requirements of this chapter, except to the following existing requirements:
 - (a) Principal Building -
 - Front yard set back - twenty (20') feet.
 - Lot area per family - 9,000 square feet.
 - Minimum lot width - seventy-five (75') feet.

17.26 Fences and Walls²³

A fence or wall may be erected, placed or maintained along a lot line on residentially zoned property to a height not exceeding eight (8') feet above ground, except that no such fence or wall exceeding three and one-half (3-1/2') feet in height shall be permitted in a required front or corner side yard. The design and material of all fences or walls shall be subject to the approval of the Building Inspector, who, upon granting such approval, shall issue a permit therefor.

17.27 Adult Oriented Land Uses²⁴

- (1) Purpose -
 - (a) The purpose of this section is to control through zoning regulations certain adult oriented land uses that have a direct and detrimental effect on the character of the City's agricultural and residential neighborhoods, as well as business and commercial areas.
 - (b) It shall not impose a limitation on the content of any communication materials, including sexually orientated materials as protected by the United States and Wisconsin Constitutions.
- (2) Definitions -
 - (a) Adult Oriented Entertainment Land Uses -

An adult bookstore, adult theater, adult massage parlor, adult sauna, adult entertainment center, adult cabaret, adult health/sports club, adult steam room/bathhouse facility, any bar, dance hall, restaurant or other place of business, which features dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers or waiters or waitresses who engage in sexual conduct, or the simulation of such conduct, or any other business whose primary

²³ Created by Ordinance No. 15-1980/81.

²⁴ Created by Ordinance No. 8-2003/04, Enacted February 17, 2004.

business activity is characterized by emphasis on matters depicting, describing, or relating to nudity, sexual conduct, sexual excitement or other sexual practices.

(b) Nudity -

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

(c) Sexual Conduct -

Sexual conduct means the commission of any of the following: sexual intercourse, sodomy, bestiality, necrophilia, human excretion, masturbation, sadism, masochism, fellatio, cunnilingus or lewd exhibition of human genitals.

(d) Sexual Excitement -

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

(3) General Requirements -

(a) Zoning District -

Adult oriented entertainment land uses are not permitted uses in any zoning district, but may be operated or maintained only within the Light Industrial District (I1) with a conditional use permit provided that it is located on a minor arterial road and subject to the distance limitations and other regulations noted below. The procedures and public hearing requirements of Section 17.18 of the Zoning Code shall apply.

(b) Distance Limitations -

No adult oriented entertainment land use, as defined in this section, shall:

- (i) Be operated or maintained within 1,000 feet of the boundary of any residentially zoned, commercial zoned district, or highway commercial district;
- (ii) Be operated or maintained within 1,000 feet of a church, public park, licensed day care facility, public library, public or private educational facility, which serve persons age 17 or younger, elementary school, high school, place of worship, or elderly housing facility;
- (iii) Be operated or maintained so that there are no more than two (2) such businesses within 2,500 feet, as measured by the radius from each business;
- (iv) Distance limitations set forth herein shall be measured in a straight line from the main public entrances of said premises, to the lot lines of properties in agriculturally, residentially and business zoned districts, or other facilities described herein.

(c) Same Use Restrictions -

No adult oriented business shall be located in the same building or upon the same premises as any other such use.

(d) Sign Limitations -

Notwithstanding any other provision of this code, an adult oriented entertainment business shall not be permitted more than one sign advertising its business, which shall be an on-premise or building sign only. All such signs shall meet the following criteria:

- (i) Have no merchandise or pictures of the products or entertainment on the premises displayed in window areas or any area where they can be viewed from the sidewalk or public street in front of or adjacent to the building;
- (ii) No sign shall be placed in any window, except a one square foot sign may be placed on the door to state hours of operation and admittance to adults only;
- (iii) No sign shall contain any flashing lights, moving elements, or mechanically changing messages;
- (iv) No sign shall contain any depiction of the human form or any part thereof, nor shall it contain sexually explicit language such as 'nude dancing' or 'girls, girls, girls,' etc.;
- (v) No adult oriented entertainment business may have any off-premises sign.

(e) Operating Standards -

All adult oriented entertainment businesses shall operate in accordance with the following:

- (i) No employee shall solicit business outside the building in which the business is located;
- (ii) No male or female person, whether on the premises, shall expose to public view his or her genitals, pubic area, anus, or anal cleft. Full nudity is prohibited;
- (iii) No person on the premises shall engage in sexual conduct, or in any way fondle his or her genitals;
- (iv) No person, employee, entertainer or patron shall be permitted to have any physical contact with any entertainer on the premises during any performance. All performances shall only occur on a stage, or on a table that is in a designated area within full and unrestricted view of the bar area, either of which is elevated at least eighteen inches above the immediate floor level and removed a distance sufficient to prevent actual physical contact between the entertainer and another entertainer or any other person, employee or patron;
- (v) No person under the age of 18 years of age may be admitted to, may enter or remain on, may purchase goods or services at, or may work or be permitted to work as an employee in any capacity at an establishment subject to the provisions of this section;
- (vi) No person shall cause another to commit a violation of this section, nor shall any person permit such violation to occur on any premises under his/her control, tenancy, management or ownership.

(f) Building Exterior Appearance-

The building exterior of any premises containing an adult oriented entertainment business shall meet the following criteria:

- (i) Colors to be earth or neutral tones with primary accent colors to be within the same color family;
 - (ii) Stripes and geometric patterns are prohibited;
 - (iii) The exterior shall be adequately maintained in good condition.
- (4) Applicability; Non-conforming Use Regulation -

The provisions of this section of the Zoning Code shall apply to all existing and future adult oriented entertainment land uses. Any such existing land use or business that does not meet the zoning district restrictions or the distance limitations may continue its existence as a non-conforming use, except that such privilege of non-conforming use shall cease upon the discontinuance of the activities within such establishment for seven (7) consecutive calendar days, including any days when the establishment is normally closed for business.

17.28 Landscaping and Bufferyard Regulations²⁵

- (1) Purpose -

The purpose of this subsection is to indicate the minimum requirements for the landscaping of foundations, developed lots, street frontages, paved areas, and bufferyards.

- (2) How to Use this Subsection -

- (a) This subsection contains the standards which govern the amount, size, type, installation and maintenance of required landscaping. This subsection recognizes the important and diverse benefits which landscaping provides in terms of protecting the health, safety, and general welfare of the community, and implementing the Comprehensive Master Plan.
- (b) Each section of the subsection is oriented to a specific category of required landscaping. These include Landscaping Requirements for Foundations [subsection (4)], Landscaping Requirements for Developed Lots [subsection (5)], Landscaping Requirements for Street Frontages [subsection (6)], Landscaping Requirements for Paved Areas [subsection (7)], and Landscaping Requirements for Bufferyards [subsection (8)].
- (c) In each instance, a "landscaping point" concept is used to provide a maximum amount of flexibility in terms of the selection of plant materials. Subsection (3) presents sample landscape point combination alternatives used by this Ordinance. At the end of this section, subsection (9) provides a listing of plant species fitting into the "climax tree," "tall deciduous tree," "medium deciduous tree," "low deciduous tree," "tall evergreen tree," "medium evergreen tree," "low evergreen tree," "tall deciduous shrub," "medium deciduous shrub," "low deciduous shrub," "medium evergreen shrub," "low evergreen shrub," and "non-contributory plants" used by this ordinance. Subsection (10) provides requirements for the installation and maintenance of required landscaping, and

²⁵ Created by Ordinance No. 5-2006/07-Enacted December 5, 2006.

subsection (11) describes the procedure for calculating landscaping requirements for this section.

- (3) Landscaping Points, Sample Landscaping Schemes and Measurement for Landscaping Requirements -
 - (a) All landscaping requirements are stated in terms of the number of landscaping points required. The required number of landscaping points is dependent upon the type of land use, the zoning district, and the size of the development. A different number of points is awarded for each plant, depending upon its typical growth rate, its mature height, and whether it is a deciduous or evergreen species. A minimum installation size is required for each of these plant categories. These requirements are as follows:

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Table (3): LANDSCAPING POINTS AND MINIMUM INSTALLATION SIZES

Plant Category	Landscaping Points Per Plant	Minimum Permitted Installation Size
Climax Tree	75	2" Caliper
Tall Deciduous Tree	30	1-1/2" Caliper
Medium Deciduous Tree	15	6' Tall
Low Deciduous Tree	10	4' Tall
Tall Evergreen Tree	40	5' Tall
Medium Evergreen Tree	20	4' Tall
Low Evergreen Tree	12	3' Tall
Tall Deciduous Shrub	5	36" Tall
Medium Deciduous Shrub	3	24" Tall
Low Deciduous Shrub	1	18" Tall
Medium Evergreen Shrub	5	18" Tall/Wide
Low Evergreen Shrub	3	12" Tall/Wide
Non-Contributory Plants	0	n/a

Source: *A Guide to Selecting Landscape Plants for Wisconsin*, E. R. Hasselkus, UW-Extension Publication: A2865

(b) Depiction of Sample Landscaping Schemes -

Illustration (3), shown on Exhibit A attached hereto, depicts sample landscaping schemes that may be used for building foundations, developed lots, street frontages, paved areas, and bufferyards. In general, landscaping schemes similar to Alternative A are best for building foundations, landscaping schemes similar to Alternative B are best for developed lots, landscaping schemes similar to Alternative C are best for street frontages, landscaping schemes similar to Alternative D are best for paved areas (including parking lots, walkways and plazas), and landscaping schemes similar to Alternative F are best for bufferyards. A detailed listing of which plant species fit each plant type is provided in subsection (9).

(c) Measurement for Landscaping Requirements -

A minimum amount of landscaping points, based upon the zoning district, is required for the linear Building Foundations, the gross floor area of buildings on Developed Lots, the linear feet of Street Frontage, and the total combined area of Paved Areas. The diagram, shown on Exhibit B attached hereto, illustrates the measurement techniques used to determine these requirements.

(4) Landscaping Requirements for Building Foundations -

- (a) This subsection requires that certain buildings constructed after the effective date of this ordinance be accented by a minimum amount of landscaping placed near the building foundation.
- (b) Landscaping required by this subsection shall be placed so that at maturity, the plant's drip line is located within ten (10) feet of the building foundation. Such landscaping shall not be located in those areas required for landscaping as street, frontages, paved

areas, or bufferyards, under subsections (5) through (9) of this section. [See Exhibit A, Illustration (3), Alternative A, for a suggested scheme.]

- (c) For each 100 feet of building foundation perimeter, the following number of landscaping points [per subsection (3)] shall be provided on a prorated basis, and installed and permanently maintained per the requirements of subsection (10).
- (d) Climax trees and tall trees shall not be used to meet this requirement. The intent of this section is to require a visual break in the mass of buildings and to require a visual screen of a minimum of six (6) feet in height for all exterior perimeter appurtenances (such as HVAC/utility boxes, standpipes, stormwater discharge pipes and other pipes).²⁶

TABLE (4): BUILDING FOUNDATION LANDSCAPING REQUIREMENTS			
Minimum Required Landscaping Points per 100 Linear Feet of Building Foundation			
Zoning District	Land Use [see Subsection (6)]		
	All Other Land Uses	Single-Family Residential	Agricultural
Single Family Residence District (R2)	45	0	0
Two-Family Residence District (R3)	40	0	0
Multiple Family Residence District (R4)	40	0	0
Apartments (R4A)	50	0	0
Commercial District (C2)	45	0	0
Highway Commercial District (C3)	40	0	0
Commercial District (C1)	0	0	0
Light Industrial District (I1)	40	0	0
Heavy Industrial District (I2)	20	0	0
Business Park (BP)	40	0	0

(5) Landscaping Requirements for Developed Lots -

- (a) This subsection requires that certain lots developed after the effective date of this ordinance contain a minimum amount of landscaping.

²⁶ Amended by Ordinance No. 6-2007/08, enacted November November 6, 2007.

- (b) Landscaping required by this subsection is most effective if located away from those areas required for landscaping as building foundations, street frontages, paved areas, or bufferyards, under subsections (5) through (8) of this section. See Exhibit A, Illustration (3), Alternative B, for a suggested landscaping scheme.
- (c) The following number of landscaping points [as described in subsection (3)] shall be provided on a prorated basis for every 1,000 square feet of gross floor area, and installed and maintained per the requirements of subsection (10).
- (d) The intent of this section is to provide yard shade and to require a visual screen of a minimum of six (6) feet in height for all detached exterior appurtenances (such as HVAC, utility boxes, standpipes, stormwater discharge pipes and other pipes).²⁷

TABLE (5): DEVELOPED LOT LANDSCAPING REQUIREMENTS			
Minimum Required Landscaping Points per 1000 Square Feet of Gross Floor Area			
Zoning District	Land Use [see Subsection (6)]		
	All Other Land Uses	Single-Family Residential	Agricultural
Single Family Residence District (R2)	25	0	0
Two-Family Residence District (R3)	20	0	0
Multiple Family Residence District (R4)	20	0	0
Apartments (R4A)	20	0	0
Commercial District (C2)	20	0	0
Highway Commercial District (C3)	15	0	0
Commercial District (C1)	0	0	0
Light Industrial District (I1)	10	0	0
Heavy Industrial District (I2)	5	0	0
Business Park (BP)	10	0	0

(6) Landscaping Requirements for Street Frontages -

- (a) This subsection requires that street frontages on certain lots developed after the effective date of this ordinance contain a minimum amount of landscaping in those areas which abut the right-of-way of a public street.

²⁷ Amended by Ordinance No. 6-2007/08, enacted November 6, 2007.

- (b) All landscaping used to meet this requirement shall be located within ten (10) feet of the public right-of-way. In no instance shall such landscaping be located within a public right-of-way. See Exhibit A, Illustration (3), Alternative C, for a suggested landscaping scheme. Landscaping shall not impede vehicle or pedestrian visibility.
- (c) For every 100 linear feet of street frontage where a developed lot abuts a public street right-of-way, the following number of landscaping points [as described in subsection (3)] shall be provided on a prorated basis, and installed and maintained per the requirements of subsection (10).
- (d) Shrubs and evergreens shall not be used to meet this requirement. A minimum of fifty percent (50%) of all points shall be devoted to climax and/or tall trees and a minimum of thirty percent (30%) of all points shall be devoted to medium trees.²⁸

TABLE (6): STREET FRONTAGE LANDSCAPING REQUIREMENTS			
Minimum Required Landscaping Points per 100 Linear Feet of Street Frontage			
Zoning District	Land Use [see Subsection (6)]		
	All Other Land Uses	Single-Family Residential	Agricultural
Single Family Residence District (R2)	45	0	0
Two-Family Residence District (R3)	40	0	0
Multiple Family Residence District (R4)	40	0	0
Apartments (R4A)	50	0	0
Commercial District (C2)	45	0	0
Highway Commercial District (C3)	40	0	0
Commercial District (C1)	0	0	0
Light Industrial District (I1)	40	0	0
Heavy Industrial District (I2)	20	0	0
Business Park (BP)	40	0	0

(7) Landscaping Requirements for Paved Areas -

- (a) This subsection requires that paved areas on certain lots developed after the effective date of this ordinance contain a minimum amount of landscaping within, or within ten

²⁸ Amended by Ordinance No. 6-2007/08, enacted November 6, 2007.

(10) feet of, the paved area. The intent is to require a continuous visual screen of parking areas from public rights-of-way at a minimum height of forty (40) inches.

- (b) A minimum of 360 square feet of landscaped area, which shall be located within ten (10) feet of the paved area, is required for the placement of every 100 landscaping points. Said area does not have to be provided in one contiguous area – sample configurations are depicted in subsection (3) above. Plants used to fulfill this requirement shall visually screen parking, loading and circulation areas from view from public streets.
- (c) All landscaping areas located adjacent to paved areas shall be separated from the paved area by a continuous minimum four (4) inch tall curb, which is constructed of concrete, asphalt, timber or like material approved by the Director of Public Works.
- (d) For every twenty (20) off-street parking stalls or 10,000 square feet of pavement (whichever yields the greater landscaping requirement) located in a development, the following number of landscaping points [as described in subsection (3)] shall be provided on a prorated basis, and installed and maintained per the requirements of subsection (10). A minimum of thirty percent (30%) of all points shall be devoted to climax and/or tall trees and a minimum of forty percent (40%) of all points shall be devoted to shrubs.²⁹

TABLE (7): PAVED LOT LANDSCAPING REQUIREMENTS			
Minimum Required Landscaping Points per 1000 Square Feet of Pavement			
Zoning District	Land Use [see Subsection (7)]		
	All Other Land Uses	Single-Family Residential	Agricultural
Single Family Residence District (R2)	90	0	0
Two-Family Residence District (R3)	80	0	0
Multiple Family Residence District (R4)	80	0	0
Apartments (R4A)	100	0	0
Commercial District (C2)	95	0	0
Highway Commercial District (C3)	80	0	0
Commercial District (C1)	0	0	0
Light Industrial District (I1)	80	0	0
Heavy Industrial District (I2)	40	0	0
Continued on next page			

²⁹ Amended by Ordinance No. 6-2007/08, enacted November 6, 2007.

Business Park (BP) – In addition to the herein described point system, all development in the BP District must comply with the requirements of Section 17.29(9) of this Code.	80	0	0
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(8) Landscaping Requirements for Bufferyards -

(a) Purpose -

This subsection provides the landscaping and width requirements for bufferyards on lots developed after the effective date of this ordinance. A bufferyard is a combination of distance and a visual buffer or barrier. It includes an area, together with the combination of plantings, berms and fencing, that are required to eliminate or reduce existing or potential nuisances. These nuisances can often occur between adjacent zoning districts. Such nuisances are dirt, litter, noise, glare of lights, signs, and incompatible land uses, buildings or parking areas.

Rationale: One of zoning's most important functions is the separation of land uses into districts, which have similar character and contain compatible uses. The location of districts is supposed to provide protection, but in the City of Sheboygan Falls, this is not the case since zoning districts permitting uses as diverse as single-family residential and industrial uses were located next to one another long before the effective date of this ordinance. Bufferyards will operate to minimize the negative impact of any future use on neighboring uses.

(b) Required Locations for Bufferyards -³⁰

Bufferyards shall be located along (and within) the outer perimeter of a lot wherever two different zoning districts abut one another. Bufferyards may be located in required setback areas. The following chart defines when a buffer yard is required:

- R-2 To R-3 – Not Required
- R-2 or R-3 To R-4 – Required
- R-2 or R-3 To R-5 – Required
- R-4 To R-5 – Not Required
- R-2 or R-3 or R-4 or R-5 To PUD – Required
- R-2 or R-3 or R-4 or R-5 To C-1 – Required
- R-2 or R-3 or R-4 or R-5 To C-2 – Required
- R-2 or R-3 or R-4 or R-5 To C-3 – Required
- R-2 or R-3 or R-4 or R-5 to I-1 – Required
- R-2 or R-3 or R-4 or R-5 to I-2 – Required
- R-2 or R-3 or R-4 or R-5 To BP – Required
- C-1 To C-2 – Not Required
- C-1 To C-3 – Not Required
- C-1 To BP – Not Required
- C-2 To C-3 – Not Required
- C-2 To BP – Not Required

³⁰ Amended by Ordinance No. 6-2007/08, enacted November 6, 2007.

- C-3 to BP – Not Required
- C-1 To I-1 – Required
- C-2 To I-1 – Required
- C-3 To I-1 – Required
- I-1 To BP – Not Required
- I-2 To BP – Required
- I-1 To I-2 – Not Required
- A (Agricultural) to any other District – Not Required
- C (Conservancy) to any other District – Not Required

Bufferyard requirements are at a minimum one and one-half times general landscape ordinance requirements. All bufferyard requirements are considered part of the conditional use permit for development and will be reviewed by the Plan Commission for the City Council. All bufferyard designs are subject to approval by the City Plan Commission for recommendation to the City Council. The City Council has final approval or denial of all bufferyard requirements.

(9) Classification of Plant Species -

For the purpose of this ordinance, plant materials are classified into thirteen (13) groupings: "climax tree," "tall deciduous tree," "medium deciduous tree," "low deciduous tree," "tall evergreen tree," "medium evergreen tree," "low evergreen tree," "tall deciduous shrub," "medium deciduous shrub," "low deciduous shrub," "medium evergreen shrub," "low evergreen shrub," and non-contributory plants. Species suitable for landscaping use and compatible with Sheboygan County climate and soil factors are listed in Table (11) below. The Zoning Administrator shall review proposals for, and the applicability of, species not contained in this list and is authorized to approve appropriate similar species.

See Exhibit C for a very detailed listing of plant species and characteristics.

TABLE (8): CLASSIFICATION OF PLANTS

Climax Trees (75 Landscaping Points)		Low Deciduous Trees (10 Landscaping Points)	
Botanical Name	Common Name	Botanical Name	Common Name
<i>Acer saccharum</i>	Sugar Maple	<i>Amelanchier sp.</i>	Serviceberry
<i>Ginkgo biloba</i>	Ginko	<i>Crataegus sp.</i>	Hawthorn: Cockspur, Downy, Washington
<i>Quercus sp.</i>	Oak: Red, White, Pin	<i>Malus sp.</i>	Crabapple sp.
Tall Deciduous Trees (30 Landscaping Points)		Tall Evergreen Trees (40 Landscaping Points)	
Botanical Name	Common Name	Botanical Name	Common Name
<i>Acer sp.</i>	Maple: Red, Silver, Norway	<i>Abies concolor</i>	White Fir
<i>Fraxinus sp.</i>	Ash: White, Green	<i>Pinus sp.</i>	Pine: Red, White, Scots
<i>Gleditsia triacanthos</i>	Honeylocust	<i>Tsuga Canadensis</i>	Canada Hemlock
<i>Populus grandidentata</i>	Bigtooth Aspen		
<i>Tilia sp.</i>	Linden: Basswood, Littleleaf, Redmond		

**Medium Deciduous Trees
(15 Landscaping Points)**

Botanical Name	Common Name
<i>Betula sp.</i>	Birch: River, Paper
<i>Prunus sp.</i>	Cherry: Choke, Pin
<i>Salix sp.</i>	Willow

**Medium Evergreen Trees
(20 Landscaping Points)**

Botanical Name	Common Name
<i>Thuja occidentalis</i>	American Arborvitae

TABLE (8): CLASSIFICATION OF PLANTS (Continued)

**Low Evergreen Trees
(12 Landscaping Points)**

Botanical Name	Common Name
<i>Juniperus sp.</i>	Juniper: Mountain, Redcedar
<i>Thuja sp.</i>	Arborvitae: Pyramidal, Techny

**Low Deciduous Shrubs
(1 Landscaping Point)**

Botanical Name	Common Name
<i>Berberis thunbergii</i>	Japanese Barberry
<i>Spiraea sp.</i>	Spirea: Froebel, Snowmound

**Tall Deciduous Shrubs
(5 Landscaping Points)**

Botanical Name	Common Name
<i>Cornus sp.</i>	Dogwood: Grey, Pagoda
<i>Syringa sp.</i>	Lilac: Chinese, Hyacinth
<i>Viburnum sp.</i>	Viburnum: Arrowwood, Wayfaringtree, Nannyberry

**Tall - Medium Evergreen Shrubs
(5 Landscaping Points)**

Botanical Name	Common Name
<i>Hybuoerys chinensis</i>	Juniper: Pfitzer,
<i>Taxus sp.</i>	Yew: Japanese

**Medium Deciduous Shrubs
(3 Landscaping Points)**

Botanical Name	Common Name
<i>Corylus americana</i>	American Filbert, Hazelnut
<i>Cotoneaster sp.</i>	Cotoneaster
<i>Forsythia sp.</i>	Forsythia: Border, Early, Weeping
<i>Rosa sp.</i>	Rose: Virginia, Rugosa

**Low Evergreen Shrubs
(3 Landscaping Points)**

Botanical Name	Common Name
<i>Juniperus sp.</i>	Juniper: Sargent, Creeping, Andorra

-
- (10) Requirements for the Installation, Maintenance and Use of Landscaped and Bufferyard Areas
- (a) Installation -
1. Any and all landscaping and bufferyard material required by the provisions of this section shall be installed on the subject property, in accordance with the approved site plan within 365 days of the issuance of an occupancy permit for any building on the subject property.
 2. Surety -
 - a. If the subject property is to be occupied prior to the installation of all required landscaping and bufferyard materials, the property owner shall file, subject to approval by the Zoning Administrator, a bond, a certificate of deposit, an irrevocable letter of credit, or a certified check, in an amount equal to 110% of the estimate of landscaping materials and installation cost. An enforceable contract, for all work on the subject property indicated on the detailed landscaping plan required under the provisions of this subsection, from a qualified contractor (valid for said 365 day period), shall be used to determine the amount of surety.
 - b. If a part of a plat of subdivision approved per the requirements of this section, said amount may be split into amounts which are applicable to phases of the plat approved per the requirements of the City of Sheboygan Falls Land Division Ordinance.
 - c. Governmental units to which these bond and guarantee provisions apply, may, in lieu of said contract or instrument of guarantee, file a resolution or letter from officers authorized to act in its behalf, agreeing to comply with the provisions of this subsection.
 3. Existing plant material which meets the requirements of subsection (3) and which will be preserved on the subject property following the completion of development, may be counted as contributing to the landscaping requirements.
 4. All landscaping and bufferyard areas shall be seeded with lawn or native ground cover unless such vegetation is already fully established.
 5. The exact placement of required plants and structures shall be depicted on the required detailed landscaping plan shall be the decision of each property owner within the requirements of this subsection, except that the following requirements shall be met:
 - a. Evergreen shrubs shall be planted in clusters in order to maximize their chance for survival.
 - b. Where a combination of plant materials, and/or berming and/or fencing is used in a bufferyard, the fence and/or berm shall be located toward the interior of the subject property and the plant material shall be located toward the exterior of the subject property.
 - c. A property owner may establish through a written agreement, recorded with the Register of Deeds Office, that an adjacent property owner shall agree to

provide a partial or full portion of the required bufferyard on an immediately adjacent portion of their land, thereby exempting the developer from providing all or a portion of the required bufferyard on his property.

- d. In no manner shall landscaping or bufferyard materials be selected and/or located in a manner which results in the creation of a safety or visibility hazard.
- e. The restrictions on types of plants listed in subsections (4) - (7) shall apply.

(b) Maintenance -

The continued and continual maintenance of all required landscaping and bufferyard materials shall be a requirement of this section and shall be the responsibility of the owner of the property on which said materials are required. This requirement shall run with the property and is binding upon all future property owners. Development of any and all property following the effective date of this section shall constitute an agreement by the property owner to comply with the provisions of this subsection. Upon failure to comply with these provisions, the City may enter upon the property for the purpose of evaluating and maintaining all required landscaping and bufferyard materials, and may specially assess the costs thereof against the property. Failure to comply with this requirement shall be considered a violation of this section, and shall be subject to any and all applicable enforcement procedures and penalties.

(c) Use of Required Bufferyard and Landscaped Areas -

Any and all required bufferyards or landscaped areas may be used for passive recreation activities. Said areas may contain pedestrian, bike or equestrian trails provided that: no required material is eliminated; the total width of the required bufferyard, or the total area of required landscaping, is maintained; and all other regulations of this section are met. In no event, however, shall swimming pools, tennis courts, sports fields, golf courses, or other such active recreation used be permitted in such areas. Furthermore, in no instance shall any parking be permitted in such areas, nor shall any outdoor display of storage of materials be permitted in such areas. Paving in such areas shall be limited to that required for necessary access to, through, or across the subject property.

(d) Utility Easements -

Landscaping materials, fences and berms which are located within a duly recorded utility easement and/or a pedestrian easement shall not count toward meeting a landscaping requirement. However, the width of such areas may be counted as part of a landscaping requirement.

(11) Calculating Landscaping and Bufferyard Requirements -

In calculating the number of required landscaping points under the provisions of this subsection, all areas and distances on which required calculations are based shall be rounded up to the nearest whole number of square feet or linear feet. Any partial plant derived from the required calculations of this subsection shall be rounded up to the nearest whole plant.

(12) Depiction on Required Site Plan -

Any and all proposed landscaping on the subject property, required to meet the standards of this section, shall be clearly depicted and labeled as to its location and make-up on the site plan required for the development of the subject property.

17.29 Business Park District (BPD)³¹**(1) Intent -**

The Business Park District is intended to provide for the development of compatible manufacturing, warehouse, service business and office uses. The physical and operational characteristics of uses in this District are based on performance standards which would not be detrimental to the public health, safety or welfare or detrimental to the surrounding area as a result of noise, vibration, external lighting, odor, particulate emissions, other visible emissions, hazardous pollutants, traffic, physical appearance, or other similar factors. All uses in this District must comply with applicable local, state, and federal codes and standards. Uses in the District are also intended to provide ample off-street parking and loading areas, and landscaped planting screens in those areas adjacent to or abutting residential areas or other non-commercial uses, to prevent adverse effects upon the adjoining areas.

(2) Permitted Uses -

- (a) Uses involving the manufacture and fabrication of goods within the confines of a building and in which any noise, vibration, heat, or flash produced in any process is confined within a building at all times. Any odors produced or emitted in any process must meet applicable federal and state regulations for air emissions. See the Performance Standards in subsection (12) below.
- (b) Uses providing a service in which noise, vibration, heat, or flash produced on the premises by such service uses is confined within a building at all times. Any odors produced or emitted must meet applicable federal and state regulations for air emissions.
- (c) Business, professional, clerical, or general offices.
- (d) Research laboratories.

(3) Permitted Accessory Uses -

- (a) Retail sales of products integral with and incidental to a service or manufacturing business located on the same premises.
- (b) Off-street parking and loading areas.
- (c) Garages or buildings used for the storage of vehicles or equipment used in conjunction with the operation of a permitted use.
- (d) Ground-mounted and building-mounted dish antennas.
- (e) Food service areas or cafeterias incidental to permitted use, but not restaurants.
- (f) Outdoor storage of materials or manufactured products, trucks, trailers, and equipment accessory to the principal use. All such outdoor storage areas shall be screened from view from nearby public streets and from nearby residential areas in accord with a site plan providing for such screening or fencing.

³¹ Created by Ordinance No. 5-2007/08, enacted November 6, 2007.

(4) Conditional Uses -

See Section 17.18(1)(h).

(5) Prohibited Uses -

- (a) Motor vehicle storage or salvage, recycling yards, or similar uses.
- (b) Churches, synagogues, schools, or similar institutional uses or places of religious worship.
- (c) Drop forges, ferrous and brass foundries, grain elevators, refineries and tanneries.
- (d) Stockyards, slaughterhouses, rendering plants, asphalt and concrete plants.
- (e) Fertilizer storage or packaging.
- (f) Principal uses involving the storage, utilization, or manufacture of hazardous materials or products which decompose by detonation.
- (g) Storage and dispensing of fuels and petroleum products.
- (h) Retail uses and wholesale buying clubs unrelated to products manufactured on the premises.
- (i) Contractor's yards and the outdoor storage of construction equipment.
- (j) Mini-warehouses.
- (k) New and used car and truck sales.
- (l) Solid or liquid waste disposal, dumping, incineration, medical waste storage or disposal, or similar waste management uses.
- (m) All types of residential uses, except guard's quarters.
- (n) Restaurants, but not prohibiting food service areas or cafeterias incidental to a permitted use.

(6) Site Design Standards -

Sites shall be designed to comply with the following standards:

(a) Number of Buildings Per Lot

Each lot shall contain a maximum of one principal building. There shall be no limit on the number of accessory buildings, provided they comply with the lot coverage and open space requirements of subsection (6)(c).

(b) Lot Area and Width

1. Lots shall be a minimum of 40,000 square feet (.918 acres) in area.
2. Lots shall not be less than two hundred (200) feet in width at the building setback line.

(c) Lot Coverage and Open Space

1. To achieve an attractive appearance and to provide green areas for stormwater management and sedimentation control, lot coverage by buildings, accessory structures, and surface parking and driveways shall not exceed seventy percent (70%) of the lot area. Landscaped open space not covered by buildings, accessory structures, and surface parking and driveways shall occupy a minimum of thirty percent (30%) of the lot area. The open space may include stormwater retention/detention areas. All landscaped space in the parking lot shall be considered part of the open space requirement.
2. All sites shall also meet the City's Landscaping and Bufferyard Regulations in Section 17.28 of this Code.

(d) Setbacks and Yards

1. Minimum setbacks for buildings:
 - a. street (front) yard 40 feet from any existing or planned street right-of-way.
 - b. interior side yard 25 feet on a side.
 - c. street side corner lot 40 feet from any existing or planned street right-of-way.
 - d. rear yard 25 feet.
2. Accessory uses, accessory buildings, accessory structures and outdoor storage areas shall be located in side or rear yards only, and shall be setback a minimum of ten (10) feet from a side or rear lot line.
3. Parking lots located in side or rear yards shall be setback a minimum of ten (10) feet from a side or rear lot line. This includes parking lots in corner lot side yards.
4. Parking lots located in front yards shall be set back a minimum of twenty-five (25) feet from the street right-of-way.
5. Loading areas or docks shall be located in side or rear yards. No outdoor loading docks shall be allowed in the BPD.
6. All trash must be kept in proper containers enclosed by a fence of solid decorative material that will provide a visual screen. Such fence shall be a minimum of six (6) feet in height and shall be painted or otherwise maintained so as to present a good appearance and be in good repair at all times. Planting shall be provided at the base of all fencing where such base is visible from any existing or planned public street right-of-way.
7. All utility lines within said property shall, where feasible, be installed underground in easements provided therefor.
8. Setbacks and buffer yards adjacent to residential districts. See the Landscaping and Bufferyard Regulations in Section 17.28 of this Code.

(e) Building Height

No building or parts thereof shall exceed thirty-five (35) feet in height. Accessory buildings or structures shall not exceed fifteen (15) feet in height. Communication towers or antennas require a conditional use permit and the approval of the Architectural Review Board.

(f) Site Plan and Architectural Approval Required

No building, structure, or improvement shall be constructed, placed on any lot, remodeled or altered, until a detailed site plan for the same has been reviewed and approved by the Architectural Review Board pursuant to Section 1.34 of this code. At least five (5) business days before a meeting at which the Board is scheduled to hear a matter, the following must be submitted:

1. a completed application (available from the City Clerk);
2. Eight (8) sets of site plans, floor plans, and colored elevations of all building views; and,
3. samples of proposed building materials.

(7) Architectural Standards -

(a) Buildings and structures shall comply with the following standards:

1. Buildings shall be designed by an architect or engineer. All sides, elevations and facades of buildings and structures shall be visually pleasing and architecturally and aesthetically compatible with the surrounding environment. Building materials shall be selected for their ability to present a visual statement of a building's purpose, attractiveness, and permanence. Building materials shall be harmonious with the general character of other buildings and structures in the business park.
2. The front, side, and rear walls of all buildings shall be faced sixty percent (60%) with brick, decorative masonry, stone, architecturally finished precast concrete panels or other decorative material approved by the Architectural Review Board; if special conditions exist the Board may approve as little as fifty percent (50%) coverage with such materials. For the purpose of this architectural standard, light weight or cinder concrete block shall not be considered a decorative masonry material. Exterior gutters and downspouts shall be permitted only along the side and rear of buildings.
3. Metal siding shall be used only as a minor building component not to exceed twenty-five percent (25%) of exterior wall surface, excluding roofing, in combination with one of the above materials unless the Architectural Review Board approves exceeding this amount. The metal panels must be attractive, durable, of an earth tone or compatible color, and not merely an inexpensive method of building.
4. All mechanical equipment should be screened with parapets or the roof form.
5. The architectural standards and design of any accessory buildings shall be consistent with the design and materials of the principal buildings(s).

(b) Approval of Building Plans

No building, structure, or improvement shall be constructed, placed on any lot, remodeled or altered until detailed plans and specifications for such building, structure, improvement, remodeling, alteration, or addition have been reviewed and approved by the Architectural Review Board.

(8) Exterior Lighting Standards -

Exterior lighting shall be in accord with the following standards:

- (a) Exterior lighting shall be located, oriented, and shielded and of an intensity so as to illuminate only the building or lot without adversely affecting activity on adjacent buildings, lots, or traffic on streets and highways. Exterior light poles shall not exceed a maximum height of twenty (20) feet.
- (b) The emission of exterior light shall be directed away from nearby residential areas.
- (c) Exterior lights shall not flash, pulsate, nor impair or hinder vision on public streets rights-of-way or adjacent properties.
- (d) Exterior lighting shall meet the standards promulgated by the Illuminating Engineering Society of North America.

(9) Parking Standards

Parking shall be in accord with the following standards:

- (a) The amount of parking spaces provided shall be in accord with other applicable requirements of this Chapter.
- (b) Parking facilities, driveways, and loading and storage areas shall be paved with either asphaltic concrete or portland cement concrete prior to the occupancy of the building.
- (c) Parking lots shall incorporate the following landscaping design standards:
 - 1. Perimeter and interior lot line greenbelt. A perimeter greenbelt of at least five (5) feet wide shall be installed along all interior lot lines. Perimeter edges should be landscaped with a combination of plant material and earth berming whenever possible. Perimeter greenbelt landscaping may be omitted along side lot lines which have shared driveways with adjacent lots. The omitted area is limited to that portion from the street to the required minimum building setback line or as necessary to accommodate access cuts.
 - 2. Additional interior greenspace. The interior of parking lots shall be provided with landscape areas consisting of at least five percent (5%) of the total surface area intermittently placed throughout the parking area.
 - 3. Location. Interior landscape plantings may be located in protected areas such as along walkways, in center islands, in end islands, or between parking stalls. Perimeter edge screening and berming should be limited in height to allow a line of sight to the buildings and not obstruct sight distance at entry drives. Parking areas located beyond the forty- (40-) foot setback required from existing or planned public street right-of-way shall be screened by berm(s) and/or landscaping.

4. Landscape Materials. Landscape materials may include shrubs, hardy flowering trees and/or decorative evergreen and deciduous trees. New trees shall have a minimum caliper of two inches (2") for canopy trees. The area around trees and planting beds shall be planted with shrubs or ground cover and covered with mulch, bark, or appropriate landscape stones.

(10) Landscaping Standards -

All developments within the Business Park District shall adhere to the Landscaping and Bufferyard Regulations in Section 17.28 of this Code.

(11) Signage Standards

All signs within the Business Park District shall adhere to the Sign regulations in Section 17.19 of this Code.

(12) Performance Standards -

(a) Intent and Compliance

It is the intent of this subsection to describe performance standards for the regulation of industrial and commercial uses in the Business Park District to establish an objective and equitable basis for control and to insure that the community is adequately protected from potential hazardous and nuisance-like effects. These performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises and outside the BPD. In addition, these performance standards are intended to comply with other applicable local, state, and federal codes and standards. All uses, structures, land, air, and water in the BPD shall hereafter comply with the performance standards set forth herein.

(b) Control of Hazardous Air Pollutants and Emissions

Operations or activities which emit into the ambient air from any direct or portable source any matter that will affect air quality shall perform in accord with the limitations and procedures established in Chs. NR 400 through NR 449, Wis. Adm. Code, including any revisions or amendments thereto. Hazardous pollutants shall be specifically controlled and perform in accord with NR 445, including any revisions or amendments thereto.

(c) Control of Particulate Emissions and Dust

1. Operations or activities which emit into the ambient air from any direct or portable source any particulate emissions shall perform in accord with the limitations and procedures established in Ch. NR 415, Wis. Adm. Code, or in other applicable chapters which regulate particulate emissions.
2. Fugitive dust and other types of emissions and air pollution from sources such as storage areas, outdoor operation yards, and roads or parking lots shall be kept to a minimum by appropriate paving, spraying and watering, application of suitable chemicals, landscaping, or other acceptable and environmentally safe methods in accord with Ch. NR 415.04, Wis. Adm. Code, including any revisions or amendments thereto.

(d) Control of Odors

No operation or activities shall emit any substance or combination thereof in such quantities that create an objectionable odor as defined in Ch. NR 429, Wis. Adm. Code, including any revisions or amendments thereto.

(e) Control of Fire and Explosive Hazards

1. All uses involving the manufacturing, utilization, processing, or storage of flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire fighting and fire suppression equipment and devices as may be required by the City's Fire Prevention Code or the City Fire Department.
2. All materials that range from active to intense burning shall be manufactured, utilized, processed, and stored only in completely enclosed buildings which have noncombustible exterior walls and an automatic fire extinguishing system.
3. The storage of fuels and other materials that produce flammable or explosive vapors shall be permitted only after review and approval by the City Fire Department and in accord with their requirements to minimize fire and explosive hazards.

(f) Glare, Heat, and External Lighting

1. No operation or activity shall produce any intense lighting, glare, or heat with the source directly visible beyond the boundary of the Business Park District. Operations producing light, glare, or heat shall be conducted entirely within an enclosed building at all times.
2. External lighting shall be shielded so that light rays do not adversely affect adjacent uses.

(g) Water Quality

1. No activity shall locate, store, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that might runoff, seep, percolate, or wash into surface or subsurface waters so as to contaminate, pollute, or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste or unsightliness, or be harmful to human, animal, plant, or aquatic life.
2. No activity shall withdraw water or discharge any liquid or solid materials so as to exceed or contribute toward exceeding the minimum standards and those other standards and the application of those standards set forth in Wis. Adm. Code NR 102, including any revisions or amendments thereto, or in other applicable chapters which regulate water quality.
3. No activity shall discharge wastewater other than toilet wastewater to the City's sanitary sewer system without installing a sampling manhole to allow monitoring of wastewater discharges.

(h) Noise

No operation or activity shall transmit any noise so that it unreasonably disturbs the peace and quiet of persons beyond the boundaries of the Business Park District.

(i) Vibration

1. No operation or activity shall transmit any physical vibration that is above the vibration perception threshold of an individual at or beyond the property line of the source. Vibration perception threshold means the minimum ground- or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by direct means such as, but not limited to, sensation by touch or visual observation of moving objects.
2. Vibrations not directly under the control of the property user and vibrations from temporary construction or maintenance activities shall be exempt from the above standard.

(13) Business Park District Regulations to Control in Case of Discrepancy -

The specific uses, requirements, and standards contained in this section shall be applicable and control development in Business Park Districts. Any provisions of the City zoning or other developmental codes that are in conflict or inconsistent with the regulations contained herein shall be inapplicable and shall not control development in Business Park District zoned areas.

17.30 Penalty

Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in Section 25.04 of this Code. A separate offense shall be deemed committed on each day on which a violation of this chapter occurs or continues. This section shall not preclude the City from maintaining any appropriate action to prevent or remove a violation of this chapter.

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