

CITY OF SHEBOYGAN
GENERAL ORDINANCE 39-25-26

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MARCH 16, 2026

AN ORDINANCE repealing and replacing Chapter 105 of the Municipal Code relating to zoning.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

SECTION 1: REPEAL AND REPLACE “Chapter 105 Zoning” of the Sheboygan Municipal Code is hereby repealed and replaced with the following:

“Chapter 105 Zoning

Article I. Procedures and Administration

Section 1.01 Introduction

a. **Title.** This chapter shall be known, cited, and referred to as the City of Sheboygan Zoning Ordinance, except as referred to herein, where it shall be known as “this Chapter.”

b. **Authority.** The city adopts this zoning chapter under the authority granted per Wis. Stat. s. 62.23(7) and other local, state, and federal ordinances, statutes, regulations, and laws as specifically cited in this chapter or which are otherwise applicable. ~~This zoning chapter is adopted under the authority of the powers granted and limitations imposed by Wisconsin law. The intent of this chapter is to promote the health, safety, morals, and general welfare of the community by regulating and restricting by ordinance, subject to Wis. Stat. s. 62.23(7)(hm), 1) the height, number of stories and size of buildings and other structures; 2) the percentage of lot that structures may occupy; 3) the size of yards, courts and other open spaces; subject to Wis. Stat. s. 66.10015(3), the density of population; and 4) the location and use of buildings, structures and land for trade, industry, mining, residence, or other purposes if there is no discrimination against temporary structures. The public shall liberally construe this chapter and any ordinance, resolution, or regulation enacted or adopted under this chapter in favor of the City and as minimum requirements adopted for the purposes stated. No person may deem this chapter a limitation of any power granted elsewhere.~~

c. **Effective Date.** This ordinance shall take effect and be in force from and after its passage and publication. All plans approved under previous zoning regulations shall be valid and may be used to obtain permits for a period of not more than one year after the effective date of this chapter, except where subject to developer agreement provisions such as Planned Development Districts.

d. **Purpose and Design.** The city adopts this chapter to protect the health, safety, and general welfare of the public. The city also intends this chapter to:

1. Promote land use and development patterns that are consistent with the relevant, officially adopted plans of the city, and to inform such plans as may be amended or subsequently adopted;
2. Protect the public health, safety, and general welfare of the city;
3. Secure safety from fire, flooding, pollution, contamination, and other dangers;
4. Maintain and promote safe motorized and nonmotorized circulation;
5. Ensure the provision of adequate open space for light, air, and recreation;
6. Promote the appropriate density and intensity of development;
7. Protect and enhance environmentally sensitive areas, groundwater resources, and other natural resources;
8. Facilitate the adequate, efficient, and cost-effective provision of infrastructure and other public services and facilities;
9. Preserve the natural scenic beauty of the city and enhance the appearance of the natural and built environments;
10. Remove obstacles and provide opportunities for energy conservation and renewable energy use;
11. Stabilize, protect, and enhance property values;
12. Protect productive agricultural land from premature urbanization and provide opportunities for local food production;
13. Preserve burial sites as defined in Wis. Stat. s. 157.70(1)(b);
14. Accommodate innovative project designs, including developments that incorporate mixed uses and housing variety and choice;
15. Promote the orderly development and economic vitality of the city;
16. Provide an adequate variety of housing and commercial building types to satisfy the city's social and economic goals; and
17. Provide for the administration and enforcement of this zoning chapter, as well as remedies and penalties for ordinance violations.

e. **District Transitions.** The zones listed below generally transitioned to the new zoning districts as listed in Table I-1: District Transition Table. However, some districts may shift due by Council resolution over time.

Prior Zoning District	New Zoning District
RA-35ac Rural Agricultural	AG Agricultural
ER-1 Estate Residential	E-N Estate Neighborhood
SR-3 Suburban Residential-3	S-N Suburban Neighborhood
SR-5 Suburban Residential-5	S-N Suburban Neighborhood
NR-6 Neighborhood Residential	U-N Urban Neighborhood
MR-8 Mixed Residential	S-N Suburban Neighborhood or U-N Urban Neighborhood (based on lot size per Sec. 2.05)
UR-12 Urban Residential	U-N Urban Neighborhood
NO Neighborhood Office	U-CO Urban Corridor
SO Suburban Office	S-CO Suburban Corridor
NC Neighborhood Commercial	U-CO Urban Corridor
SC Suburban Commercial	S-CO Suburban Corridor
UC Urban Commercial	S-CO Suburban Corridor
CC Central Commercial	U-DT Urban Downtown
SI Suburban Industrial	I Industrial
UI Urban Industrial	I Industrial
HI Heavy Industrial	I Industrial
None	OS Open Space (new district)

Section 1.02 Application.

a. The provisions of this chapter are separable in accordance with Section 1-14 of this Code and the following:

1. If any court of competent jurisdiction shall adjudge invalid the application of any portion of this chapter to a property, water, building, or other structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.
2. If a court of competent jurisdiction finds any requirement or limitation attached to an authorization given in this chapter invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation.
3. The city does not guarantee, warrant, or represent that only those areas designated as flood lands will be subject to periodic inundation and hereby asserts that there is no liability on the part of the common council, its agencies, or employees for any flood damage, sanitation problems, or structural damages, upon reliance or conformance with this chapter.

b. Conflicting Provisions. ~~It is not intended by this ordinance to interfere with, abrogate, or annul any existing easements, covenants, or agreements between parties, nor to impair or interfere with any existing provisions of law or ordinance or any rules, regulations or permits previously adopted or issued or which shall be adopted or issued under law, relating to the use, occupancy, location and height of buildings or premises or require larger open spaces than are imposed or required by such provisions of law or ordinance or by such rules, regulations or permits, the provisions of this ordinance shall control.~~ The provisions of this ordinance are intended to promote the public health, safety, and welfare of the city and its residents. Should the provisions of this ordinance conflict with other laws, regulations, ordinances, or private agreements, the rules outlined in items (c) through (f) below shall apply.

c. Abrogation. The city does not intend the regulations of this chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law.

d. State or Federal Regulations. If the provisions of this zoning chapter are inconsistent with or conflict with state or federal law, the applicable state or federal law or regulation governs.

e. Other City Ordinances. If the provisions of this chapter are inconsistent with one another or if they conflict with provisions found in other adopted ordinances or regulations of the city, the more restrictive provision governs unless otherwise expressly stated. The more restrictive provision is the one that imposes more stringent controls.

f. Private Agreements and Covenants. The city is not responsible for monitoring or enforcing agreements, deed restrictions, or covenants, or other property restrictions among private parties. If the provisions of this chapter impose a greater restriction than imposed by a ~~an agreement or covenant~~ property restriction among private parties, the provisions of this chapter govern.

g. Jurisdiction. This chapter is applicable to all territory located within the corporate limits of the City of Sheboygan.

h. Compliance Required. All lots created or modified, all land uses, and all structures erected, located, moved, reconstructed, extended, or structurally altered must comply with the provisions of this chapter.

i. Minimum Requirements. Every person shall hold the provisions of this ordinance as the minimum requirements adopted for promoting public health, safety, morals, comfort, prosperity, and general welfare. The common council designed them to legally implement and influence the city's development, per the powers granted under Wis. Stat. s. 62.23.

Section 1.02 Review and Decision-Making Authority.

a. **Zoning Administrator.** The common council, through the Plan Commission, vests the power to administer this chapter with the ~~City Administrator~~ **Director of Planning and Development.** The ~~City Administrator~~ **Director of Planning and Development** may delegate any administration powers to others as they see fit.

b. **Review and Decision-Making Authority Table.** This subsection provides a summary of review and decision-making authority under the procedures of this zoning chapter. If this summary table conflicts with the written procedures contained elsewhere in this chapter, the written procedures shall govern.

Table I-2: Review and Decision-Making Authority

Procedure	City Staff	Plan Commission	Common Council	Board of Appeals
Zoning Text Amendments	R	R*	DM	-
Zoning Map Amendments	R	R*	DM	-
Zoning Compliance Review	DM	-	-	A*
PDD	R	R*	DM	-
Administrative Adjustment	DM	-	-	A*
Zoning Variances	R	-	-	DM*
Sign Permits	DM	-	-	A*
Certificates of Occupancy	DM	-	-	A*
Sound Waivers	DM			A*
R = Recommendation; DM = Decision Maker; A = Appeals				
*Denotes a public hearing is required				

Section 1.03 Common Application Procedures

a. **Applicability.** The application and fee provisions of this section apply to zoning applications filed by eligible applicants.

b. **Form of Application.** The Zoning Administrator may determine the specific form of application for all zoning procedures unless specifically noted within this chapter. All applications must include materials and information to assist authorized review and decision-making bodies in their consideration of the application, for example:

1. Names, addresses, and phone numbers of all owners of record of the subject property; and

2. Maps, plats, surveys, dimensioned site plans, architectural drawings, engineering documents, environmental reports, traffic studies, and other materials and information, as required by this zoning chapter or application checklists established by the official responsible for accepting the application.

c. **Availability.** The Zoning Administrator shall ensure the public may view and access all application forms and submittal requirements.

d. **Fees.** The common council shall establish application fees to cover the cost of providing hearing notices and other costs related to reviewing and processing applications. These fees may include late fees, penalties, and expedited processing fees.

e. **Completeness, Accuracy, and Sufficiency.** The Zoning Administrator shall consider an application complete and sufficient for processing only if it is submitted in the required number and form, includes all required information, and is accompanied by the required fees.

1. **Incomplete Applications.** The Zoning Administrator may refuse acceptance of an incomplete or incorrect application due to omissions or errors which hinder the timely or competent evaluation of the application's compliance with the zoning chapter requirements or applications subject to the authority of a different decision-making body.

If they determine an application incomplete or incorrect, the Zoning Administrator shall provide the applicant written notice within 30 days and explain the application's deficiencies. The Zoning Administrator shall consider the application withdrawn unless the applicant corrects the deficiencies within 90 days.

The Zoning Administrator may require that applications or plans be revised before being placed on an agenda for possible action if they determine that the application or plan contains inaccuracies or omissions that hinder timely or competent evaluation of the application's compliance with this Chapter's requirements or other regulations.

2. **Processing Cycle.** When the Zoning Administrator deems an application complete, they shall place it in the first available application processing cycle for review by staff and other relevant decision-making bodies per the applicable review and approval procedures.

f. **Denied Applications.** No applicant may resubmit a substantially similar application denied by the applicable decision-making body within one year from the date of denial.

g. **Notices.** Whenever the provisions of this zoning chapter require that the Zoning Administrator publishes a notice, they must publish the notice per Wis. Stat. Ch. 985.

When the Zoning Administrator's records document the publication, mailing, or posting of notices, the Zoning Administrator will presume the required notice given. The failure of notices to reach any intended recipient does not invalidate any action taken on the subject matter of the notice. The Zoning Administrator shall not deem minor defects in required notices to impair the notice or invalidate proceedings under the notices. These minor defects include errors in a legal description of the notice to affected parties. If questions arise at the hearing regarding the adequacy of notice, the body conducting the hearing shall make a formal finding about whether there was substantial compliance.

h. Public Hearings.

1. **Rules.** The body conducting the hearing is authorized to establish reasonable rules and regulations governing the conduct of hearings and the presentation of information and comments.
2. **Continuation.** Once commenced, the hearing body may continue a public hearing. The Zoning Administrator does not need to republish notices if the body sets and announces continuance for a specified date and time.
3. **Indefinite Continuation.** If the body continues or postpones the hearing indefinitely from the date of the originally scheduled public hearing, the Zoning Administrator shall publish new notices before the rescheduled hearing. If the applicant requests, and the body grants, a continuance or postponement requiring notification, the body conducting the hearing may require the application to pay any notification costs.

Conditions of Approval. Review bodies, including staff, are authorized to recommend conditions and decision-making bodies are authorized to approve the subject application with conditions. Any conditions recommended or approved must relate to a situation likely created or aggravated by the proposed use or development and must be roughly proportional to the use or development's impacts. Per Wis. Stat. s. 66.10016(3), any conditions relating to new by-right residential developments shall coincide with ordinances and approved plans at the time of application. The city shall assume any conditions of approval recommended by staff are included in any motion for approval made by the decision-making body, unless otherwise explicitly stated by the decision-making body.

j. **Burden of Proof.** Applicants must address relevant review and decision-making criteria. In all cases, the applicant is responsible for showing that an application or proposal complies with all applicable review or approval criteria.

k. **Required Time Frames for Action.** Any time limit specified in this zoning chapter for any decision or action on behalf of a review or decision-making body may be extended if the applicant agrees to an extension. Unless otherwise expressly stated, if a review or decision-making body does not render a decision or take action within any time period required under this zoning chapter, and the applicant has not agreed to an extension of that time limit, the application is deemed denied.

l. **Less Intense Modifications.** The Zoning Administrator may amend a previous property entitlement that no longer exists or is markedly different under the current version of this ordinance (e.g., conditional uses or other special zoning approvals) if the modifications reduce the entitlement’s impact on the property or are less intense or massive than originally approved.

Section 1.04 Language and Interpretation.

a. **Abbreviations.** The abbreviations in this chapter are intended to have the following meanings:

NDA	Net Developable Area
Nonres	Nonresidential
OS	Open Space (zoning district)
PPUD	Pre-Planned Unit Development (zoning district)
PDD	Planned Development District
RA-35ac	Rural Agricultural (zoning district)
Res	Residential
RPA	Resource Protection Area
S-CO	Suburban Corridor (zoning district)
S-N	Suburban Neighborhood (zoning district)
SC	Suburban Commercial (zoning district)
SI	Suburban Industrial (zoning district)
SO	Suburban Office (zoning district)
SR-3	Suburban Residential – 3 (zoning district)
SR-5	Suburban Residential – 5 (zoning district)
s.f.	Square feet
U-CO	Urban Corridor (zoning district)
U-DT	Urban Downtown (zoning district)
U-N	Urban Neighborhood (zoning district)
UC	Urban Commercial (zoning district)
UI	Urban Industrial (zoning district)
UR-12	Urban Residential – 12 (zoning district)
8-	Eight or fewer
9+	Nine or more
16+	Sixteen or more
#F	Number of floors
<	Less than
>	Greater than

b. **Definitions.** The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. **Terms Beginning with “A”**

i. **Abutting** means having a common border with or being separated from such common border by an alley or easement.

ii. **Access, Primary**, relates to a means of vehicular approach, I.e., entry to or exit from a property, street, or highway.

iii. **Access, Secondary**, relates to a means of vehicular approach, entry to, or exit from property from a source other than a public street or highway.

iv. **Accessory Use or Structure** means a use or structure subordinate to, serving, and customarily incidental to the principal use or structure on the same lot.

v. **Acre** means an area totaling 43,560 square feet.

vi. **Addition** means any walled and roofed expansion to the perimeter or height of a building in which the addition is connected by a common load-bearing wall or any walled and roofed addition that is connected by a firewall or is separated by independent perimeter load-bearing walls and is new construction.

vii. **Adjacent** means being located directly across a right-of-way from, or abutting, a separate lot.

viii. **Alley** means a public right-of-way usually with a reduced width that affords a secondary means of access to abutting property.

ix. **Ambient Noise** means the level of all of the encompassing noise associated with a given environment in the absence of the specific noise source being regulated, being usually a composite of sounds from many sources near and far. Ambient noise shall be measured at the property line of the noise source being regulated.

x. **Animal Unit** relates to a measure representing a common denominator for the purpose of defining a husbandry or intensive agricultural land use. The animal unit measure relates to the carrying capacity of one acre of land and is related to the amount of feed various species consume, and the amount of waste they produce. The following table indicates the number of common farm species which comprise a single animal unit:

1. **Table V-2: Animal Units**

Type of Livestock	Number of Animals per Animal Unit
Cattle, Bison	1
Horse, Mule, Donkey, Burro	1
Horse (34 inches or less at withers)	2
Swine	2
Mink or similar fur-bearing animals	2
Ostrich	2
Goats, Sheep, Llama, Alpaca	2
Poultry	20
Rabbits	20
Bees	No AU Limit

xi.**ANSI** refers to the American National Standards Institute.

xii.**ANSI/IES Lighting Standards** refers to the applicable outdoor lighting standards and metrics including:

1. RP-2: outdoor retail spaces
2. RP-6: outdoor sports and recreational areas
3. RP-7: outdoor industrial areas
4. RP-8: roadway and parking facilities
5. RP-40: port terminals
6. RP-43: outdoor pedestrian areas

xiii.**A.L.A.N. (Artificial Light At Night)** means light created from human technology, rather than a naturally occurring process. Also known as anthropogenic lighting.

xiv.**Appeal** is a means of obtaining review of a decision, determination, order, or failure to act pursuant to the terms of this chapter, as expressly authorized by the provisions of section 1.09.

xv.**Attic** means the part of a building that is immediately below or wholly or partly within the roof framing.

xvi.**Average Ground Elevation** means the average level of the finished surface of the ground adjacent to the exterior walls of a building or structure.

xvii. **A-Weighted Sound Pressure Level (dBA)** means the sound pressure level as measured on a sound level meter using the A-weighted network.

2. **Terms Beginning with “B”**

i. **Base Flood** is a flood having a one percent chance of being equaled or exceeded in any given year, commonly referred to as “the 100-year flood.”

ii. **Bedroom** is a room in a residence marketed, designed, or otherwise likely to function primarily for sleeping.

iii. **Bufferyard** is any permitted combination of distance, vegetation, fencing, and berming that results in a reduction of visual and other intersection with an adjoining property.

iv. **Building** is a structure built, maintained, or intended for use for the shelter or enclosure of persons, animals, or property of any kind. The term “building” is inclusive of any part thereof, where independent units with separate entrances are divided by party walls, each unit is a building.

v. **Building Envelope** is the outer shell of a structure that separates the interior environment from the exterior, including all components that protect the building from external elements, such as walls, roof, foundation, windows, and doors.

vi. **Building Front** is the exterior wall of a building facing the front lot line of the lot.

vii. **Building Height** is the vertical distance from the average elevation of the adjoining ground level or the established grade to whichever is lower, to the top of the cornice of a flat roof, to the deck line of a mansard roof, to a point of the roof directly above the highest wall of a shed roof, to the uppermost point on a round or other arch type roof, to the mean distance of the highest gable on a pitched or hip roof. “Building Height” also applies to structures. Accessory structures shall be measured from the top of the slab to the highest part of the roof.

viii. **Building Line** refers to a line on a lot, generally parallel to a lot line or road right-of-way line, located a sufficient distance therefrom to provide the minimum yards required by this chapter. The building line determines the area in which buildings are permitted subject to all applicable provisions of this chapter. The term “building line” is also referred to as a “setback.”

ix. **Building, Principal** is a building in which is conducted, or in which is intended to be conducted, the main or principal use of the lot on which it is located.

x. **Building Separation** is the narrowest distance between two buildings. See Minimum Building Separation.

xi. **Building Size** refers to the total gross floor area of a building.

xii. **Bulk (of a Building)** refers to the combination of building height, size, and location on a lot.

xiii. **Bulkhead Line** refers to the geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Wisconsin Department of Natural Resources pursuant to Wis. Stat. s. 30.11 and which allows limited filling between this bulkhead line and the original ordinary high-water mark, except where such filling is prohibited by the floodway provisions of this chapter.

xiv.

3. **Terms Beginning with “C”**

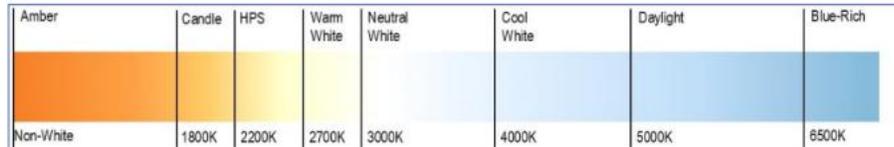
i. **Caliper** is a measurement of the size of a tree equal to the diameter of its trunk measurement one half foot above natural grade. The caliper is used for trees in a nursery setting.

ii. **Candela** is the unit of measure for luminous intensity.

iii. **Candlepower** is the amount of light that will illuminate a surface one-foot distance from a light source to an intensity of one footcandle. Maximum (peak) candlepower is the largest amount of candlepower emitted by any lamp, light source, or luminaire.

iv. **Carport (Land Use)**. A carport is an open-sided, roofed vehicle shelter, usually formed by extension of the roof from the side of a building.

v. **CCT (Correlated Color Temperature)** refers to the measured color appearance of light emitted by a light source described using a nominal value stated in kelvins (K). Lower CCTs (1800 K to 2200 K) appear very warm or amber. Medium CCTs (2700 K to 3000 K) appear “warm white,” like standard incandescent bulbs. High CCTs (4000 K and higher) appear “cool white” or “blue.”



Certificate of Appropriateness is a certificate issued by the Historic Preservation Commission approving alteration, rehabilitation, construction, reconstruction or demolition of a historic structure, historic site, or any improvement in a historic district.

vii.**City** refers to the City of Sheboygan, County of Sheboygan, State of Wisconsin.

viii.**Clerestory Window** is a window in which the lowest glassed area is a minimum of 7 feet above the level of the floor located directly under the window.

ix.**Climax Tree** is a tree that would occupy the uppermost canopy of a forest in a natural ecological situation. These trees are often referred to as shade trees. Examples include hickory, oak, and maple.

x.**Commercial Vehicle** means any motor vehicle used for business or institutional purposes or having painted thereon or affixed thereto a sign identifying a business or institution or a principal product or service of a business or institution. Agricultural equipment used as part of a permitted agricultural principal use shall not be considered as a commercial vehicle.

xi.**Community Character** refers to the impression that an area makes in regard to the type, intensity, density, quality, appearance, and age of regarding

xii.**Comprehensive Plan** refers to the guide created by the city pursuant to Wis. Stat. s. 66.1001, guiding the city’s physical, social, and economic development. A copy of the city’s comprehensive plan shall be kept on file in the office of the Zoning Administrator.

xiii.~~**Construction, Start of,** refers to the phase of construction during which the foundation footings or materials for road construction are installed.~~

xiv.**Xiii. Cornice** means the topmost projecting portion of the entablature, or top portion, of a building. Cornice also refers to any crowning projection of a building.

4. **Terms Beginning with “D”**

i. **Data Center** means an establishment engaging in the storage, management, processing, and/or transmission of digital data, and housing computer and/or network equipment, systems, servers, appliances, and other associated components related to digital data operations.

ii. **Deck** means a structure that has no roof or walls and is elevated above grade by more than 87 inches. A deck can be attached or detached to the principal structure. If attached, it is required to have main supports and continuous footings below grade by 48 inches and must be raised above grade and must comply with principal setback requirements or as modified by section 2.05(c). If detached, a deck shall be an accessory structure.

iii. **Decibel (dB)** means a unit which describes the sound pressure level or intensity of sound. The sound pressure level in decibels is twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound in microbars to a reference pressure of 0.0002 microbar.

iv. **Dedication** means the transfer of property interest from private to public ownership for a public purpose. The transfer may be fee simple interest or of a less than fee simple interest, including an easement.

v. **Density** is a term used to describe the number of dwelling units per acre.

vi. **Developer** means the legal or beneficial owner of a lot or parcel of any land proposed for inclusion in a development, including an optionee or contract purchaser.

vii. **Development** refers to the division of a parcel of land into 2 or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; any use or change in use of any buildings or land; any extension of any use of land; or any clearing, grading, or other movement of land, for which permission may be required pursuant to this chapter.

viii. **Development Pad** means the area of a lot within which site disruption occurs.

ix. **Direct Access** is a condition of immediate physical connection resulting from adjacency of a road or right-of-way abutting a property.

x. **Drainage** means the removal of surface water or groundwater from land by drains, grading, or other means. The term “drainage” also includes the control of runoff, to minimize erosion and sedimentation during and after development, and the means necessary for water supply preservation or prevention or alleviation of flooding.

xi. **Dripline** refers to the outer perimeter edge of a tree canopy as transferred perpendicularly to ground level.

xii. **Dryland Access** means a vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land which is outside the floodplain, such as the road with its surface above the regional flood elevation and wide enough to accommodate wheeled vehicles.

xiii.

xiii. **Dwelling** means a residential building, or one or more portions thereof occupied or intended to be occupied exclusively for residential purposes, but not including habitation provided in nonresidential uses such as lodging uses and commercial campgrounds.

xiv. **Dwelling, Attached** refers to a dwelling that is joined to another dwelling at one or more sides by a party wall or walls.

xv. **Dwelling, Detached** refers to a dwelling surrounded by open space on the same lot.

xvi. **Dwelling Unit** refers to a group of rooms, provided or intended to provide living quarters for not more than one family.

5. Terms Beginning With “E”

i. **Easement** means authorization by a property owner for another party to use, for a specified purpose, any designated part of the property.

ii. **Elevated Building** means a non-basement building built to have its lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings columns (post and piers), shear walls, or breakaway walls.

iii. **Encroachment** refers to any fill, structure, building, use, **object,** or development ~~in the floodway~~ **in an otherwise prohibited location.**

iv. **Environmental Control Facility** refers to any facility, temporary or permanent, that is reasonably expected to abate, reduce, or aid in the measurement, control, monitoring, or prevention of noise, air, or water pollutants, including facilities installed principally to supplement or to replace existing property or equipment not meeting or allegedly not meeting acceptable pollution control standards or which are to be supplemented or replaced by other pollution control facilities.

v. **Environs** (of the City) refers to the area in which the city exercises zoning authority, including the unincorporated area within three miles of the city's corporate limits.

vi. **Erosion** means the detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

vii. **Essential Services** refers to facilities that are owned or maintained by public utility companies or public agencies; located in public ways or in easements provided for the purpose, or on a customer's premises and not requiring a private right-of-way; reasonably necessary for the furnishing of adequate water, sewer, gas, electric, communication, or similar services to adjacent customers; and not including any cross-country line or towers.

viii. **Extraterritorial Area** refers to the area within three miles of the city's corporate limits in which the city exercises extraterritorial powers of land division or zoning review.

6. **Terms Beginning With "F"**

i. **Family** means an individual or two or more persons, each related by blood, marriage, or adoption, living together as a single housekeeping unit.; ~~or a group of not more than 4 persons not so related, maintaining a common household.~~

ii. **Floor Area** refers to the sum of the gross horizontal areas of the several floors of a building, including interior balconies, mezzanines, basements and attached accessory buildings, fitting rooms, stairs, escalators, unenclosed porches, detached accessory buildings utilized as dead storage, heating and utility rooms, inside off-street parking or loading space. Measurements shall be made from the inside of the exterior walls and to the center of interior walls.

iii. **Fully Shielded** means a luminaire designed or shielded in such a manner that no light is emitted, either directly or indirectly, at or above a horizontal plane running through the lowest light-emitting part of the luminaire.

7. **Terms Beginning With "G"**

i. **Garage (Residential)** refers to a detached accessory building or portion of the principal building, including a carport, used primarily for storing passenger vehicles, trailers, or one truck of a rated capacity not more than 10,000 pounds.

ii. **Gazebo** refers to a detached roofed accessory building, open on all sides, which is typically used for relaxation or entertaining.

- iii. **General Floor Plans** means a **scaled** graphic representation of the anticipated utilization of the floor area within a building or structure, but not necessarily as detailed as construction plans.
- iv. **Glare** means the brightness of a light source that causes eye discomfort.
- v. **Green Infrastructure** refers to any range of measures, devices, or systems that use plant or soil systems, permeable pavement, or other permeable surfaces or substrates, stormwater harvest and reuse, or landscaping to store, infiltrate, or evapotranspire stormwater, thereby reducing discharge to sewer systems or to surface waters. Green infrastructure includes, but is not limited to, rainwater harvesting and reuse, rain gardens, bioretention systems, infiltration basins, underground infiltration fields (note these may be Class V injection wells), planters that are connected to roof drainage, bioswales, permeable pavement, green roofs, and rain barrels.
- vi. **Greenhouse** means a detached, glass-enclosed accessory building used for cultivating plants.
- vii. **Group Development** means **a residential development on which multiple dwelling units are developed under a single approved site plan and located on a single parcel with shared infrastructure and common areas, such as open space, driveways, internal roads, and parking areas.**

8. Terms Beginning With “H”

- i. **Habitable Building** refers to any building, or portion thereof, meeting minimum health and sanitary standards, used for human habitation.
- ii. **Header** means a brick laid so that the end only appears on the face of the wall, as opposed to a stretcher, which is a brick laid so that the side only appears.
- iii. **Hearing Notice** means a notice for a public hearing in a form described by the Wisconsin Statutes, this ordinance, or other regulatory bodies, as applicable.
- iv. **Historic District** refers to an area designated by the common council on recommendation of the historic preservation commission that contains 2 or more historic improvements or sites.
- v. **Historic Site** means any parcel of land of historic significance due to a substantial value in tracing the history or prehistory of man, or upon which a historic event has occurred, and which has been designated as

a historic site under this section, or an improvement parcel, or part thereof, on which is situated a historic structure and any abutting improvement parcel, or part thereof, used as and constituting part of the premises on which the historic structure is situated.

vi. **Historic Structure** means any improvement that has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the city, state, or nation, and which has been designated as a historic structure pursuant to the provisions of this section.

9. **Terms Beginning With “I”**

i. **IES (Illuminating Engineering Society)** refers to an ANSI-recognized Standards Development Organization. ANSI/IES Recommended Practices are universally recognized as authoritative references for lighting applications.

ii. **Illuminance** refers to the total luminous flux incident at a point on a surface as measured in lux or foot-candles.

iii. **Impervious Area** refers to any land surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by rain or melting snow. Impervious areas include but are not limited to all areas covered by structures, roofs, roof overhangs, roof-mounted solar panels, roads, sidewalks, patios, porches, decks, driveways, parking lots, loading docks, and surfaces composed of asphalt, concrete, gravel, crushed stone, or compacted clay. Impervious area shall be measured on a horizontal plane.

Impervious area shall not include decks that maintain gaps between deck boards allowing for water to pass through and where the ground beneath is pervious.

Impervious areas shall not include ground-mounted solar panels that are elevated above grade and where the ground beneath is pervious. Any gravel, concrete, compacted surface, support posts, or equipment pads beneath the panels required for installation shall count towards the impervious area.

Impervious area shall not include the surface or systems that are demonstrated through hydrological studies or manufacturing specifications to infiltrate rain and snowmelt, including but not limited to green roofs and permeable pavement systems. Such systems shall not count towards a site’s impervious area only when installed and maintained to preserve infiltration capacity.

iv. **Improvement** means any building, structure, place, work of art or other object constituting a physical betterment of real property, or any part of such betterment, including streets, alleys, sidewalks, curbs, lighting fixtures, signs, and the like.

v. **Impulse Sound** means a single or multiple sound event characterized by a rapid rise to a maximum sound pressure of high intensity, followed by a somewhat slower decrease in sound pressure. The duration of an impulse sound event, which includes a combination of rise time, peak amplitude, and decay, shall be no more than one second. Impulse sound shall be measured using unweighted peak dB levels and the fast setting of a sound level meter.

vi. **Infill Development** refers to development located in areas that are, for the most part, already developed.

vii. ~~**Institutional Residential Unit** means a dwelling unit type consisting of an attached, multifamily residence that takes access from a shared entrance or hallway.~~

viii. **Intensity** means the amount of gross floor area or landscaped area, on a lot or site, compared to the gross area of the lot or site.

10. **Terms Beginning With “J”**

11. **Terms Beginning With “K”**

i. **Kickplate** means a horizontal area on the façade of a building located between the sidewalk/ entrance pavement and the lowest storefront windows.

12. **Terms Beginning With “L”**

i. **Lakeshore** refers to those lands lying within the following distances from the ordinary high-water mark of navigable waters: 1,000 feet from a lake, pond, or flowage; 300 feet from a river or stream; or to a landward side of the floodplain, whichever distances is the greater. The term “lakeshore” does not include those lands adjacent to farm drainage ditches where:

1. Such lands are not adjacent to a navigable stream or river;
2. Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching or had no previous stream history; and
3. Such lands are maintained on nonstructural agricultural use.

ii. **Land Use** refers to the type of development or activity occurring on a piece of property.

- iii. **Landscaped Area** refers to the area of a site that is planted and continually maintained in vegetation, including grasses, flowers, herbs, garden plants, native or introduced groundcovers, shrubs, bushes, and trees. The term “landscaped area” includes the area located within planted and continually maintained landscaped planters.
- iv. **Light Level** means the maintained luminance or illuminance value.
- v. **Light Pollution** means ALAN traveling into areas where it is not needed or wanted. This can be in the form of light trespass, glare, or atmospheric sky glow.
- vi. **Light Trespass** means ALAN illuminating past property lines without permission. Unless specified others, light trespass limits are measured at any location along a property line both horizontally at the ground plan facing upward and vertically at 5 feet above grade with the meter aimed toward the light source in question.
- vii. **Lighting Zones** refers to an ANSI/IES/DarkSky system describing the luminous environment and related lighting conditions based on land uses and expected tasks. These range from natural and intrinsically dark zones to very bright zones.
- viii. **Local Residential Street** refers to a road that primarily serves to collect traffic originating directly from residential driveways and private residential courts and streets.
- ix. **Lot** refers to a parcel of land that is undivided by any street or private road; is occupied by, or designated to be developed for, one building or principal use; and contains the accessory buildings or uses customarily incidental to such building, use, or development, including such open spaces and yards as designed and arranged or required by this chapter for such building, use, or development.
- x. **Lot Area** means the area contained within the property boundaries of a recorded lot.
- xi. **Lot, Corner** means a lot situated at the junction of and abutting on 2 or more intersection streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees.
- xii. **Lot Depth** refers to the mean horizontal distance between the front lot line and the rear lot line of a lot.

xiii. **Lot Frontage** refers to the lot width measured at the street lot line. When a lot has more than one street lot line, lot width shall be measured, and the minimum lot width required by this chapter shall be provided at each such line.

xiv. **Lot, Interior** means a lot other than a corner lot.

xv. **Lot Line** means the property line bounding a lot except that where any portion of a lot extends into the public right-of-way or a proposed public right-of-way, the line of such public right-of-way shall be the lot line for applying this chapter.

xvi. **Lot Line, Front** means a lot line that abuts a public or private street right-of-way. In the case of a lot that has 2 or more street frontages, the lot line along the street from which the structure is addressed shall be the front lot line.

xvii. **Lot Line, Rear** refers to that lot line that is parallel to and most distant from the lot line of a lot that is rectangularly or trapezoidally shaped. In the case of an irregular, triangular, or gore shaped lot, a line 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front line shall be considered to be the rear lot line. In the case of lots that have frontage on more than one road or street, the rear lot line shall be opposite the lot line along which the lot takes access to a street.

xviii. **Lot Line, Side** refers to any boundary of a lot that is not a front lot line, a street side lot line, or a rear lot line.

xix. **Lot Line, Street Side** refers to any lot line that abuts a public or private street right-of-way that is not the front lot line.

xx. **Lot of Record** is a platted lot or lot described in a certified survey map or metes and bounds description that has been approved by the city or county; and has been recorded in the office of the register of deeds.

xxi. **Lot, Through** means a lot that has a pair of opposite lot lines abutting 2 substantially parallel streets (one or more of which may be a portion of a cul de sac). Except for through lots that abut an arterial or nonresidential collector street, through lots shall be prohibited under the provisions of this chapter.

xxii. **Lot Width** means the maximum horizontal distance between the side lot lines of a lot, measured parallel to the front lot lines and at the rear of the required front yard. See Minimum Lot Width.

xxiii. **Lowest Floor** refers to the lowest enclosed floor (including basement). Any unfinished or flood resistant enclosure, usable solely for parking

vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosed area is not built so as to render the structure in violation of the applicable non elevation design requirements of this chapter.

xxiv. **Lumen (LM)** is a unit of measure of the luminous flux of a light source.

xxv. **Lux** is the SI metric system unit of measure for illuminance.

13. **Terms Beginning With "M"**

i. **Maintenance Guarantee** is a guarantee of facilities or work to either ensure the correction of any failures of any improvements required pursuant to this chapter or to maintain same.

ii. **Manufactured Dwelling** is a dwelling structure or component thereof as defined in **Wis. Stat. s. 101.91(2)**, ~~Wis. Admin. Code s. SPS 320.07, which bears the department of workforce development insignia certifying that it has been inspected and found to be in compliance with Wis. Admin. Code. Ch. SPS 320, Article V.~~

iii. **Manufactured Home** is a dwelling structure or component thereof fabricated in an off-site manufacturing facility after June 15, 1976, for installation or assembly at the building site bearing a HUD label or insignia certifying that it is built in compliance with Federal Manufacturing Housing Construction Standards.

iv. **Master Plan** refers to a plan, map, report, or other document pertaining to the physical development of the city, which has been adopted by the city plan commission, as described in Wis. Stat. s. 62.23(2) and (3).

v. **Minimum Floor Elevation** refers to the lowest elevation permissible for the construction, erection, or other placement of any floor, including a basement floor.

vi. **Minimum Landscape Surface Ration** refers to the lowest permitted landscape surface ratio.

vii. **Minimum Lot Area (MLA)** is the minimum size lot permitted within the specified zoning district and development option.

viii. **Minimum Lot Width** is the smallest permissible lot width for the applicable dwelling unit type.

ix. **Minimum Setback** refers to the narrowest distance permitted from a street, side, or rear property line to a structure, excluding permitted projections.

x. **Minimum Site Area (MSA)** is the minimum gross site area in which the specified development option may occur.

xi. **Mobile Home (Land Use)** is a dwelling as defined in Wis. Stat. s. 101.91(10). ~~A mobile home is a readily transportable, factory-built structure, except a manufactured dwelling or manufactured home, intended for human habitation, which by its inherent design may be moved from site to site as necessary; which may have an oversized width for normal traffic allowances and thereby require a special travel permit from state or county highway officials; and which may have its undercarriage removed to facilitate a better location on a slab, piers, or foundation.~~ The removal of the wheels, axles, or other components of the running gear or the mounting of such a structure or vehicle on a foundation or over a basement shall not be deemed to change its status from that of a mobile home. A structure manufactured after June 15, 1976, that is certified and labeled as a manufactured home under 42 USC ss. 5401 – 5406, but which is not set on an enclosed foundation, in the manner described in this section, shall be deemed to be a mobile home under this chapter. Recreational vehicles are not classified as mobile homes and may not be used as a residence. This dwelling unit type may not split into two or more residences.

14. **Terms Beginning With “N”**

i. **Nadir** means the downward vertical vector directly beneath a luminaire, opposite to zenith.



ii. **Natural Resource Protection Overlay Zoning District** means a zoning district that primarily identifies and regulates the disturbance of areas containing protected natural resources.

iii. **Navigable Water** is all natural and manmade inland lakes within the state, and all rivers, streams, ponds, sloughs, flowages, and other waters within the territorial limits of the state, including the Wisconsin portion of boundary waters, which are navigable under state law. For purposes of this chapter, rivers and streams will be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps until such time that the Wisconsin Department of Natural Resources has made a determination that the waterway is not, in fact, navigable.

iv. **Nighttime Hours** refers to the time between 10:00 p.m. and sunrise or 7:00 a.m., whichever comes earlier. For business and events with operating hours later than 10:00 p.m., nighttime hours will begin one hour after closing.

v. **Noise, Continuous** means a sound whose intensity remains essentially constant during the period of observation. Continuous sound shall be defined for measurement purposes as sound that is measured by the slow response setting of a sound level meter.

vi. **Nonconforming Building or Structure** means any building, or other structure, that is lawfully existing under provisions preceding the effective date of the ordinance from which this chapter is derived, which would not conform to the applicable regulations if the building or structure were to be erected under the provisions of this chapter.

vii. **Nonconforming Development** refers to a lawful development approved under provisions preceding the effective date of the ordinance from which this chapter is derived, which would not conform to the applicable regulations if the development were to be created under the current provisions of this chapter.

viii. **Nonconforming Use** refers to an active and actual use of land, building, or structure lawfully existing prior to the effective date of the ordinance from which this chapter is derived, which has continued as the same use to the present and which does not comply with all the applicable regulations of this chapter.

ix. **Non-Essential** means lighting that is not directly associated with the physical safety of motor vehicle and pedestrian threats, including but not limited to: landscape lighting, illuminated signage, advertising after business hours, façade lighting, vacant sports fields, and seasonal lighting.

x. **Noxious Matter or Materials** refers to material capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects on the physical or economic well-being of individuals.

15. **Terms Beginning With “O”**

i. **Off-Premise Advertising Sign** means a sign that advertises, identifies, or directs attention to a business, service, product, activity, event, or message not located on the same premises as the sign. Off-premise advertising signs include billboards.

ii. **Official Map** refers to the map adopted by the common council, which indicates the existing and proposed location of streets, highways, parks, playgrounds, roads, rights-of-way, waterways, public transit facilities, and other public facilities as authorized by state statute.

iii. **On-Site** means located on the lot in question, except in the context of on-site detention, when the term means within the boundaries of the development site as a whole.

iv. **Opacity** means the degree to which vision is blocked by bufferyard. Opacity is the proportion of a bufferyard's vertical plane that obstructs views into an adjoining property.

v. **Open Sales Lot** refers to an unenclosed portion of a lot or lot of record where goods are displayed for sale, rent, or trade.

vi. **Ordinary High-Water Mark** is the point on the bank or shore of a body of water up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as erosion, destruction, or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

vii. **Ordinary Maintenance Repairs** refers to work done that is not substantial improvement and is not considered structural repairs, modifications or additions. The term "ordinary maintenance repairs" includes internal and external painting, decorating, paneling, and the replacement of doors, windows, and other nonstructural components. For the purposes of this definition, the term "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

viii. **Other Permanently Protected Green Space** refers to permanently protected green space areas, which are not constrained by one of the protected natural resources under article VI of this chapter. Examples include portions of private lots, outlots, or parcels commonly held by a property owners' association (as in a cluster development), which are deed restricted from site disruption.

ix. **Overlay Zoning District** refers to a zoning district that imposes uniform restrictions on all properties within its area which are in addition to the restrictions specific to the standard zoning districts.

x. **Owner** means the person or persons having the right of legal title to a lot or parcel of land.

16. **Terms Beginning With "P"**

- i. **Performance Guarantee** means a financial guarantee to ensure that all improvements, facilities, or work required by this chapter will be completed in compliance with the chapter, regulations, and the approved plans and specifications of a development.
- ii. **Performance Standard** means the criterion established to control and limit the impacts generated by, or inherent in, uses of land or buildings.
- iii. **Permanently Protected Green Space** means an area in which site disruption or development is strictly limited.
- iv. **Porch** means a covered shelter projecting in front of the entrance of a house.
- v. **Principal Use** refers to any and all of the primary uses of a property, rather than as an accessory use or a temporary use, per section 3.03.
- v. **Private Sewage System** means a sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. The term “private sewage system” also means an alternative sewage system approved by the department of workforce development including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure, or a system located on a different parcel than the structure.
- vi. **Property Entitlement** refers to the approvals granted by government enabling a property owner to use or develop their land in a particular way.
- vii. **Protected Natural Resources** refers to resources such as floodways, floodfringes, floodplain conservancy areas, wetlands, drainage, woodlands, steep slopes, and lakeshores, which are protected by the provisions of this chapter.
- viii. **Public Improvement** means any improvement, facility, or service, together with the customary improvements and appurtenances thereto, necessary to provide for public needs such as: streets, roads, alleys, or pedestrian walk or paths, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility and energy services.
- ix. **Public Art** means original works of visual art intended to be visible from public property or the public right-of-way. These works can be permanent or temporary, and include displays such as murals, sculptures, installations, mosaics, and mixed-media pieces.

x. **Public Sewer** includes the city sewer system and other forms of sewer systems approved by the Wisconsin Department of Natural Resources and maintained by a public agency authorized to operate such systems.

17. **Terms Beginning With “Q”**

18. **Terms Beginning With “R”**

i. **Recorded Lot**, see Lot of Record.

ii. **Recreational Vehicle** means a vehicular unit designed as temporary living quarters for recreational, camping, or travel use that either has its own motive power or is mounted on or drawn by another vehicle. The basic categories are travel trailer, camping trailer, truck camper, or motor home.

iii. **Residential Collector Street** is a collector street serving primarily residential land uses, which primarily serves to connect local residential streets to collector or arterial streets.

iv. **Restrictive, More (Less)** refers to a regulation imposed by this chapter that prohibits or limits development to a greater (lesser) extent or by means of more (less) detailed specifications.

v. **Rooming House** shall have the meaning set forth in SMC 12-VII-3.

19. **Terms Beginning with “S”**

i. **Scale (of Development)** means the gross floor area, height, or volume of a single structure or group of structures.

ii. **Seasonal Lighting** refers to outdoor or site lighting that is portable, temporary, decorative, and used in connection with holidays and traditions. This includes but is not limited to string lighting, icicle lighting, and lighted inflatables, none of which are intended for general illumination.

iii. **Security Lighting** refers to illumination used specifically to protect people, property, and infrastructure from criminal threat.

iv. **Sedimentation** means the deposition of soil that has been transported from its site of origin by water, ice, wind, gravity, or other natural means as a result of erosion.

v. **Setback** means the shortest distance between a building's or structure's exterior, excluding permitted projections, from the nearest point on the referenced lot line.

vi. **Sheet Two of Official Zoning Map** refers to the officially adopted map depicting the boundaries of natural resource protection overlay zoning districts. Where this document has not been officially adopted, it shall be compiled by the property owner and approved by city staff from other applicable source maps and on-site analysis as depicted on a detailed site analysis map.

vii. **Shielding** means a luminaire design, optical intervention, or physical accessory (such as a louver) preventing light emission from traveling into a particular area, angle, or region.

viii. **Shrub** means a low-lying deciduous or evergreen plant.

ix. **Sign Band** refers to a horizontal area on the façade of a building located between the transom and the cornice, which is typically opaque and provides a location for signage indicating the name of the establishment.

x. **Sill** means a horizontal, lower member or bottom of a door or window casing.

xi. **Skylight** means a window or other paned area located on the ceiling or roof of a structure.

xii. **Solid Fence** means any fence that cannot be seen through. Such fences include basketweave fences, stockade fences, plank fences, and similar fences.

xiii. **Sound** means an oscillation in pressure, particle displacement, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity, and frequency.

xiv. **Special Use** refers to a land use that must be developed per a set of requirements specifically applying to that use.

xv. **Standard Industrial Classification Code (SIC)** means the numeric code for categorizing land uses developed by the U.S. Department of Commerce. SIC codes in this chapter are based on the listing contained within the most recent edition of the manual.

xvi. **Standard Zoning Districts** are zoning districts that primarily regulate the use of land, and intensity or density of such use.

xvii. **Start of Construction** means the date at which the preconstruction engineering or planning activities have concluded and construction-related activities begin. The start of construction may occur upon site plan approval or the issuance of a building permit, as long as construction-related activities commence within four months of permit issuance. “Construction-related activities” includes the pouring or placement of a foundation, footing, or slab; the erection of structural components that are intended to become permanent. “Construction-related activities” does not include silt screen, security fence, project lighting, and similar installations intended to be temporary during a construction project. ~~The date the building permit is issued, provided the actual start of activity was within four months of the permit date. The actual start of activity means either the first placement of permanent construction of a structure on the site such as the pouring of a slab or footings, the installation of piles, or the construction of columns. Permanent construction does not include land preparation, such as clearing, grading, and filling; the installation of streets or walkways; excavation for basement, footings, piers, or foundations; the erection of temporary forms; or the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure.~~

xviii. **Steep slopes** are those areas containing a gradient of 12% or greater, equivalent to a 10-foot elevation change in a distance of 83 feet or less, as shown on USGS 7.5 min. topographic maps for the city and its environs, as updated by official city topographic maps at a larger scale.

xix. **Story** means that portion of a building included between the surface of any floor and the surface of the floor next above; or if there is no floor above, the space between the floor and the ceiling next above. Neither a basement nor a cellar shall be counted as a story.

xx. **Street** means any public or private way dedicated or permanently open to pedestrian and vehicular use, which is 22 feet or more wide, if it exists at the time of enactment of this chapter; and any such public right-of-way when established after the effective date of the ordinance from which this chapter is derived.

xxi. **Strip Development** means a pattern of land uses typified by nonresidential or multifamily development located along one or both sides of a street that is generally only one lot deep, and that is characterized by many curb cuts, low green space ratios, low landscape surface ratios, high floor area ratios, or low quantities of landscaping, typical of urban commercial developments.

xxii. **Structure** means anything constructed or erected, the use of which requires a more or less permanent location on the ground or attached

to something having a permanent location on the ground, excepting public utility fixtures and appurtenances.

xxiii. **Substandard Lot** means a lot of record that lawfully existed prior to this chapter, which would not conform to the applicable regulations if the lot were to be created under the current provisions of this chapter.

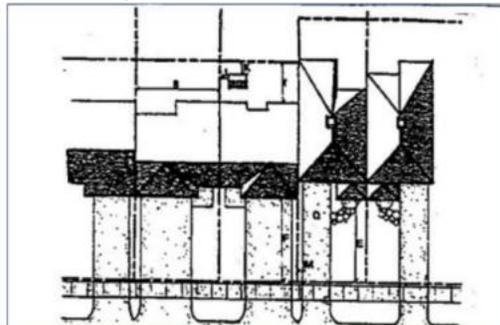
xxiv. **Substantial Improvement** means any structural repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the present equalized assessed value of the structure either before the improvement or repair is started, or if the structure has been damaged, and is being restored, before the damage occurred. The term “substantial improvement” does not include:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications that are solely necessary to ensure safe living conditions; or
2. Any alteration of a structure or site documented as deserving preservation by the state historical society or listed on the National Register of Historic Places.

xxv. **Swale** means a linear depression in land running downhill or having a marked change in contour direction in which runoff would collect and form a temporary watercourse.

20. **Terms Beginning With “T”**

i. **Townhouse** means a dwelling unit type consisting of an attached, two-story, single-family residence that has a private, individual access and is located on its own lot or within a group development. This dwelling unit type may not be split into additional residences. A minimum of one-hour fire rated wall assembly division, separating living areas from the lowest level through the roof, and individual sanitary sewer and public water laterals are required between each dwelling unit. No more than 8 and no less than 3 townhouse dwelling units may be attached per group. Refer to the illustration below.



ii. **Transom** means a horizontal bar of stone, wood, or glass across the opening of a door or window.

21. **Terms Beginning With “U”**

i. **Unnecessary Hardship** refers to the circumstance where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height, or density unnecessarily burdensome or unreasonable in light of the purposes of this chapter.

ii. **Use** means the purpose or activity for which land or any building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

iii. **Use, Temporary**, means a use that occurs for less than 60 days within a 365-day period.

22. **Terms Beginning With “V”**

i. **Variance** means permission to depart from the literal requirements of this chapter granted pursuant to section 1.09.

23. **Terms Beginning With “W”**

i. **Wetland** is an area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.

ii. **Wisconsin Wetland Inventory Map** is the map prepared by the Wisconsin Department of Natural Resources showing graphic representations of the type, size, and location of wetlands in Wisconsin.

iii. **Woodlands** are areas of mature climax trees whose combined canopies cover a minimum of 80% of an area of one acre or more, as shown on air photos for the city and its environs.

iv. **Working Days** are Monday, Tuesday, Wednesday, Thursday, and Friday; excluding **city-observed** holidays.

24. **Terms Beginning With “X”**

25. **Terms Beginning With “Y”**

i. **Yard** means a required open space on a lot, which is unoccupied and unobstructed by a structure from its lowest ground level to the sky, except as expressly permitted in this chapter. A yard shall extend along

a lot line and at right angles to such lot line to a depth or width specified in the yard regulations for the district where the lot is located.

ii. **Yard, Front**, is a yard extending along the full width of the front lot line between side lot lines and extending from the abutting front street right-of-way line to a depth required in the yard regulations for the district in which such lot is located.

iii. **Yard, Rear**, is a yard extending along the full width of the rear lot line between the front and rear yards, with a width specified in the yard regulations for the district where the lot is located.

26. Terms Beginning With “Z”

c. Interpretation.

1. **Meanings and Intent.** Words and terms expressly defined in this chapter, including those described in section 1.04, have the meanings assigned unless the context indicates another meaning. Words not expressly defined in this zoning chapter have the meaning assigned in Merriam-Webster’s Collegiate Dictionary.

2. **Conjunctions.** Unless the context expressly indicates otherwise, “and” indicates that all connected items or provisions apply, and “or” indicates that the connected items or provisions may apply singularly or in combination.

3. **Computation of Time.** References to “days” are to calendar days unless otherwise expressly stated. References to “business days” are references to regularly government working days, excluding Saturdays, Sundays, and city-observed holidays. This chapter calculates the time to complete an act by excluding the first day and including the last day. The ordinance excludes that day if the last day is a Saturday, Sunday, or a city-observed holiday. A day concludes at the close of business for the Department of Planning and Development, and the Zoning Administrator shall consider any material received after that time as the following day.

4. **Tenses and Usage.** Words used in the singular include the plural. The reverse is also true. Words used in the present tense include the future tense. The reverse is also true. The words “shall,” “will,” and “must” are mandatory. The word “may” is permissive, not mandatory or required. However, the phrase “may not” means the ordinance prohibits the referenced action. Phrases that include numbers, such as “up to x,” “not more than x,” and “a maximum of x,” all include “x.” The words “used” and “occupied” include “intended and designed to be used or occupied.”

5. **Illustrations.** This ordinance provides illustrations for convenience and reference only. They do not define or limit the scope of any provision of this zoning

chapter. In case of any difference of meaning or implication between the text of this zoning chapter and any figure or illustration, the text governs.

6. **References to Other Regulations.** All references in this zoning chapter to other city, county, state, or federal regulations are for informational purposes only and do not necessarily constitute a complete list of applicable regulations. References to other applicable regulations do not imply any responsibility by the city for enforcement of such regulations.

7. **Versions and Citations.** The public shall construe all references in this zoning chapter to other city, state, or federal regulations as referring to the most up-to-date version and citation for those regulations or successor regulations unless otherwise expressly indicated. When the subject authority repeals and does not replace any referenced regulations with successor regulations, the zoning chapter requirements for compliance are no longer in effect.

8. **Lists and Examples.** The common council intends, unless otherwise expressly indicated, lists of items or examples that use “including,” “such as,” or similar terms to provide examples only. The public should not construe them as exhaustive lists of all possibilities.

9. **Delegation of Authority.** Whenever a provision requires the head of a department or another officer or employee of the city to perform an act or duty, they shall construe the provision as authorizing the department head or officer to delegate that responsibility to others over whom they have authority. Delegation of authority is not allowed when the provisions of this zoning chapter expressly prohibit such delegation.

10. **Public Officials and Agencies.** Unless otherwise expressly stated, this ordinance references employees, public officials, boards, and commissions of the City of Sheboygan.

Section 1.05 Zoning Text Amendments.

a. **Purpose.** The purpose of this section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed amendments to provisions of this zoning chapter.

b. **Authority to Initiate.** The Mayor, Common Council, Plan Commission, or Zoning Administrator may initiate a zoning text amendment.

c. **Staff Recommendation.** The Zoning Administrator shall prepare a recommendation on the zoning text amendment for consideration by the Plan Commission.

d. **Public Hearing.** The Zoning Administrator shall direct the City to publish a class 2 notice per Wis. Stat. Ch. 985 and notify the required parties per Wis. Stat. s.

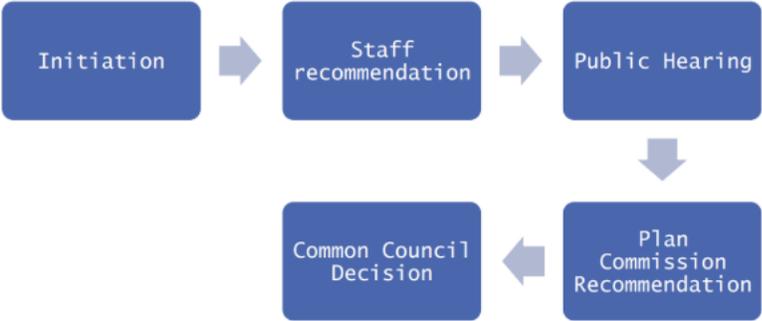
62.23(7)(d). The Plan Commission shall hold a public hearing regarding the zoning text amendment within 60 days of receiving the Zoning Administrator's recommendation.

e. **Plan Commission Recommendation.** After closing the public hearing, the Plan Commission shall provide a recommendation and report on the zoning text amendment to the common council.

f. **Common Council Decision.** Following receipt of the Plan Commission's recommendation and report, the common council shall act on the proposed zoning text amendment. If the Plan Commission does not forward a recommendation and report to the common council within 60 days of the Zoning Administrator submitting their recommendation, common council may hold the required hearing and act on the zoning text amendment.

g. **Review Criteria and Standards.** Zoning text amendments are legislative decisions of the common council based on consistency with the Comprehensive Plan and promotion of public health, safety, and general welfare.

Figure I-1: Zoning Text Amendment Process



Section 1.06 Zoning Map Amendments

a. **Purpose.** The purpose of this section is to provide regulations which govern the procedure and requirements for the review of proposed amendments to the official zoning map.

b. **Authority to Initiate.** The common council, Plan Commission, Zoning Administrator, the owner of the subject property, or the owner's authorized agent may initiate a zoning map amendment.

c. **Pre-Application Meeting.** Eligible applicants shall meet with the Zoning Administrator to discuss the proposed amendment and application procedures before applying. The Zoning Administrator shall deem a zoning map amendment

application incomplete if the eligible applicant does not complete a pre-application meeting.

d. **Application Filing.** Applicants shall file applications with the Zoning Administrator.

e. **Staff Recommendation.** The Zoning Administrator shall prepare a recommendation on the zoning map amendment for consideration by the Plan Commission.

f. **Public Hearing.** The Zoning Administrator shall direct the City to publish a class 2 notice per Wis. Stat. Ch. 985 and notify the required parties per Wis. Stat. s. 62.23(7)(d). The Plan Commission shall hold a public hearing regarding the zoning map amendment within 60 days of receiving the Zoning Administrator's recommendation.

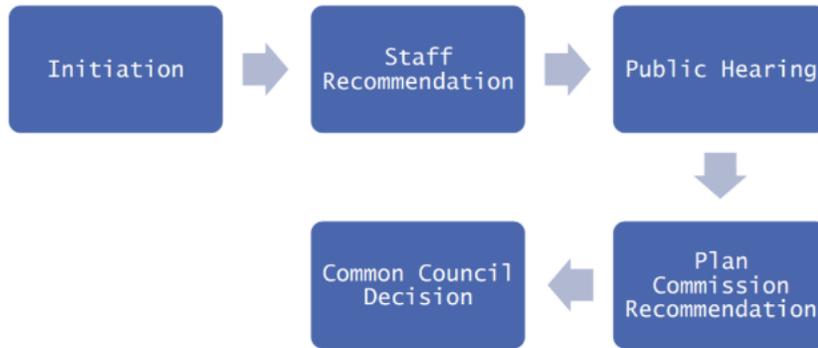
g. **Plan Commission Recommendation.** After closing the Public Hearing, the Plan Commission shall recommend and report to the Common Council on the zoning map amendment.

h. **Common Council Decision.** Following receipt of the Plan Commission's recommendation and report, the common council shall act on the proposed amendment. If the Plan Commission does not forward a recommendation and report to the common council within 60 days of the Zoning Administrator submitting their recommendation, the common council may hold the required hearing and act on the zoning map amendment.

i. **Review Criteria and Standards.** Zoning map amendments are legislative decisions of the common council based on consistency with the Comprehensive Plan and promotion of public health, safety, and general welfare.

j. **Successive Applications.** If the common council denies a proposed zoning map amendment, no applicant may file a zoning map amendment requesting the same or more intensive zoning for the subject property for one year from the date of final action by the common council unless the common council expressly acts to deny the previous application without prejudice or the new application is substantially different than the one that the common council denied.

Figure I-2: Zoning Map Amendment Process



Section 1.07 Zoning Compliance Review

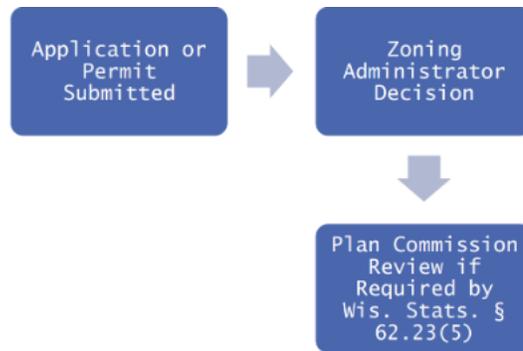
a. **Purpose.** The purpose of this section is to provide regulations which govern the procedure and requirements for the review of compliance with this zoning chapter for all changes in use, property, or structures where regulations of this chapter may apply.

b. **Timing.** The Zoning Administrator must review all building permits; changes in use or occupancy of a property; and other changes to property and structures, whether primary, accessory, temporary, or permanent, for zoning compliance before the Building Inspector or any other applicable official issues any permits.

c. **Applications.** Applicants for certificates of occupancy, building permits, and other applicable permits must include enough information to demonstrate that the permit application complies with this chapter. The Zoning Administrator may require Pre-Application meetings for complex site developments at their discretion.

d. **Decision.** The Zoning Administrator shall review each permit, certificate, or scope of proposed work for zoning compliance. They shall approve or deny the permit considering whether the proposed, use, structure, or development complies with the provisions of this chapter. The Zoning Administrator shall refer matters identified in Wis. Stat. s. 62.23(5) to the Plan Commission for its consideration.

Figure I-3: Zoning Compliance Review Procedure



Section 1.08 Sign Permits

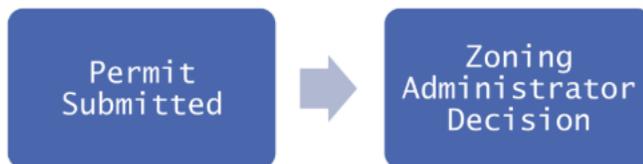
a. **Purpose.** The purpose of this section is to provide a procedure and requirement for obtaining a sign permit prior to the erection of certain signs.

b. **Sign Permit Applications.** Unless specifically exempted by Section 4.03 of this chapter, no sign shall be erected, altered or relocated after the effective date of the ordinance from which this chapter is derived until a sign permit has been secured from the Zoning Administrator.

c. **Sign Permit Procedures.** Applicants shall apply for sign permits with the Zoning Administrator. The Zoning Administrator shall review the application for completeness and approve or deny, in writing, complete applications within 10 business days.

d. **Time to Construct** A sign permit shall become invalid if the applicant has not completed the work authorized under the permit within 6 months from the issuance date. The Zoning Administrator may extend the permit for 6 months at their discretion.

Figure I-4: Sign Permit Procedures



Section 1.09 Appeals and Variances

a. **Purpose.** The purpose of this section is to provide regulations which enable the city to hear and decide appeals of the interpretations of the Zoning Administrator, and requests for permitted variation from the terms of this chapter as will not be contrary to the public interest; where owing to special factors, a literal enforcement of the provisions of this chapter would result in practical difficulty or unnecessary hardship, so that the spirit of this chapter shall be observed, public safety and

welfare secured, and substantial justice done; as provided for by Wis. Stat. s. 62.23(7)(e)7.

b. **Applicability.** The Board of Appeals shall hear and decide the following appeals:

1. If someone alleges an administrative official erred in any order, requirement, decision, or determination made in the enforcement of the zoning ordinance.
2. To hear and decide special exception to the terms of the zoning chapter upon which such Board must pass under such ordinance.
3. To authorize upon appeal in specific cases such variance from the terms of the chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in practical difficulty or unnecessary hardship, such that the applicant observes the spirit of the ordinance, secures public safety and welfare, and does substantial justice.

The Board may also permit, in appropriate cases and subject to appropriate conditions and safeguards in harmony with the general purpose and intent of this chapter, someone to erect or use for public utility purposes a building or premises in any location that is reasonably necessary for the public convenience and welfare.

c. **Prohibited Variances.** The Board of Appeals shall not:

1. Permit a principal use in a zoning district not otherwise allowed in that zoning district (i.e., use variance);
2. Waive, modify, or amend any definition or interpretation of a use classification;
3. Waive, modify, or otherwise vary any of the review and approval procedures;
4. Waive, modify, or otherwise override a condition of approval or requirement imposed by an authorized decision-making body, the state, or the federal government;
5. Waive, vary, or modify applicable minimum lot area per unit (density) standards;
6. Waive, vary, or modify provisions this Code assigns jurisdiction to another decision-making body for exceptions or other modifications; or
7. Waive, vary, or modify provisions for which this Code expressly prohibits variances.

d. **Authority to Initiate.** Any person aggrieved or any officer, department, board, or bureau of the City affected by any decision of the administrative officer may take an appeal to the Board of Appeals.

e. **Application Filing.** Applicants shall file appeals and zoning variance applications with the Zoning Administrator.

f. **Staff Record.** The Zoning Administrator shall transmit to the Board of Appeals all the papers constituting the record upon which action the applicant appealed, pursuant to Wis. Stat. s. 62.23(7)(e)(4).

g. **Public Hearing Notice.** The Board of Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it, give public notice as required by state law, and give due notice to the parties in interest, and decide the same within a reasonable time.

h. **Public Hearing.** The Board of Appeals must hold a public hearing to consider the appeal or zoning variance request. Any party may appear in person or by an agent or attorney upon the hearing. In any action involving a listed property, as defined in Wis. Stat. s. 44.31(4), the Board shall consider any suggested alternatives or recommended decision submitted by the Plan Commission.

i. **Burden of Proof.** A property owner bears the burden of proving the “unnecessary hardship,” as this section uses that term, for a variance by demonstrating that strict compliance with a zoning ordinance would unreasonably prevent the property owner from using the property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome. In all circumstances, a property owner bears the burden of proving that they based the unnecessary hardship on conditions unique to the property rather than considerations personal to the property owner and that the property owner did not create the unnecessary hardship.

j. **Additional Review Criteria and Standards.**

1. **Parcel-As-A-Whole.** If a whole parcel (but not necessarily each portion of the parcel) provides some reasonable use for its owner, then they do not meet the unnecessary hardship test.

2. **Self-Imposed Hardship.** An applicant may not claim hardship because of conditions which are self-imposed.

3. **Circumstances of Applicant.** Circumstances of an applicant shall not factor in deciding variances.

4. **Financial Hardship.** Economic loss or financial hardship do not justify variances.

5. **Nearby Violations.** Nearby ordinance violations do not provide grounds for granting a variance.

6. **Objections From Neighbors.** A lack of objections from neighbors does not provide a basis for granting a variance.

k. **Board of Appeals Decision.** In exercising their powers, the Board may, in conformity with the provisions of such section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as it determines. To that end, it shall have all the powers of the officer from whom the applicant appealed and may issue or direct the issue of a permit.

l. **Limited Effect of a Variance.** Where the Board of Appeals grants a variance, such approval shall neither change the use classification of the building or premises, nor give it any status as a nonconforming use other than that which it has because of the variance. The Board shall consider the granting of a variance unique and shall not construe it as precedent for any other proposed variance.

m. **Transferability.** A variance granted by the Board of Appeals runs with the use of the land.

n. **Lapse of Approval.** Any variance granted expires ~~within one year~~ **nine months after the Board of Appeals' decision granting the variance** unless the applicant commences the action authorized by the variance. The Board of Appeals may establish a separate mandatory commencement or completion date.

o. **Successive Applications.** If the Board of Appeals denies an appeal or variance request, they may not accept an application for the same or a substantially similar appeal or request for one year from the denial date.

p. **Appeal.** Any person aggrieved by the decision of the Board of Appeals may appeal the decision in accordance with state law.

q. **Administrative Adjustments.** The Zoning Administrator may, upon receipt of an administrative adjustment **application**, modify a dimensional, physical, or locational requirement such as a setback, frontage, height, bulk, or density restriction for a structure by up to 10% if they notify all adjoining property owners of the proposed administrative adjustment in writing and do not receive any objections within ~~10~~ **15** business days of mailing the notice. When reviewing Administrative Adjustments, the Zoning Administrator shall **consider the additional review criteria set forth in Section 1.09(j) as well as the likely impact on the neighborhood and community if an administrative adjustment were granted, and whether the applicant demonstrated by clear, convincing, and satisfactory evidence that they've met the burden of proof set forth in Section 1.09(i).** ~~follow Section 1.15(b), (i), and (j).~~ The Zoning Administrator may choose to refer any Administrative Adjustment to the Board of Appeals as a variance.

Figure I-5: Appeals and Variances Procedure

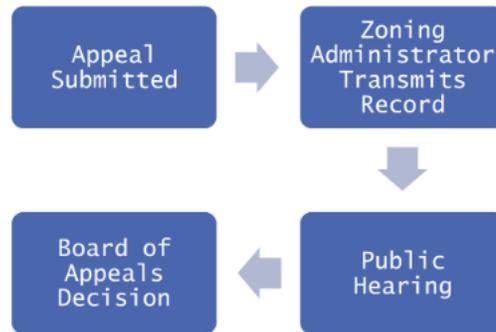
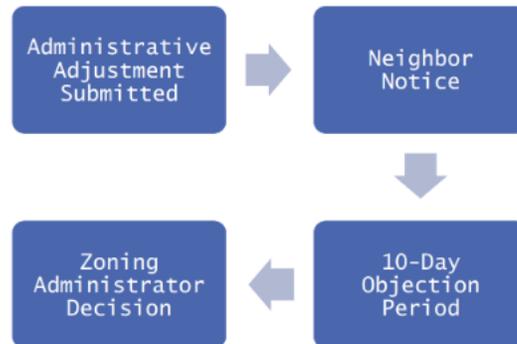


Figure I-6: Administrative Adjustment Procedure



Section 1.10 Planned Development Districts

a. **Purpose.** The common council may establish Planned Development Districts (PDDs) that, over time, promote the maximum benefit from coordinated area site planning by permitting the diversified location of structures and mixed dwelling types and mixed compatible uses.

b. **General Regulations.**

1. **When Appropriate.** The common council may consider a PDD only when a use, structure, or development is not feasible under the current zoning regulations and when that use, structure, or development meets the purpose of this section.

2. **Permitted Uses.** The common council may permit a mix of any or all uses within a PDD.

3. **Density, Intensity, and Bulk Requirements.** The common council may permit unique density, intensity, and bulk (building height, setback, area, etc.,) regulations within a PDD.

4. **Site Development Standards.** The common council may permit unique site development standards within a PDD.

c. **Approval Criteria for Planned Development Districts.** In recommending approval or conditional approval of a PDD, the common council shall find that the application meets all the criteria below.

1. **Necessity.** Before creating any PDD, the common council shall first consider whether amending the existing zoning text could accomplish the purpose without adversely affecting the health, safety, and welfare of the City.

2. **Quality Design.** A PDD must include a high-quality level of design and amenities. Among the features that may evidence such quality and amenities are:

a. Enclosed, underground, depressed, or highly landscaped parking areas;

b. Varied building setbacks or other measures to reduce monotony in design;

c. The quality of building materials and architectural design;

d. Leadership in Energy and Environmental Design (LEED), LEED Neighborhood Design (LEED-ND), or other nationally recognized sustainable design criteria and standards;

e. Provision of a buffer or transition between the PDD and adjacent and nearby zoning districts, land uses, and development intensities.

f. Provision for a wide range of housing opportunities;

g. Other features as determined by the Plan Commission or common council.

3. **Meets PDD Requirements.** The PDD meets the requirements set forth in this section.

4. **Consistent with Comprehensive Plan.** The PDD is consistent with the goals and objectives of the city's comprehensive plan.

5. **Natural Features.** The design of the PDD is consistent with the preservation of natural features of the site such as flood plains, wooded areas, steep slopes, river or lake shoreline, natural drainage ways, or other areas of sensitive or valuable environmental character.

6. **Circulation and Access.** The PDD provides streets, sidewalks, pedestrian ways, bicycle paths, off-street parking, and off-street loading as appropriate to the planned land uses; and they are adequate in location, size, capacity, and design to ensure safe and efficient circulation of pedestrians, bicycles, vehicles, freight, emergency services, and city services.

7. **Open Space and Landscaping.** The PDD provides public, common, and landscaping open spaces beyond the standard level of landscaping required by this chapter and the comprehensive plan.

8. **Public Services.** The land uses, intensities, and phasing of the PDD are consistent with the anticipated ability of the city, the school district, and other public bodies to provide and economically support police and fire protection, water supply, stormwater management, sewage disposal, schools, and other public facilities and services without placing undue burden on existing residents and businesses.

9. **Phasing.** Each development phase of the PDD can, together with any phases that precede it, exist as an independent unit that meets all the foregoing criteria and all other applicable regulations herein even if the property owner should not complete any subsequent phase.

d. **Authority to Initiate.** The owners of the subject property, the Plan Commission, or the common council may initiate PDD proceedings.

e. **Application Procedures.** A new or modification to an existing PDD shall follow both the zoning text amendment and zoning map amendment procedures contained within this chapter. After the common council adopts any PDD, the Zoning Administrator shall codify the regulations of that PDD within Article II.

f. **Lapse of Approval.** The common council may revoke an approved PDD and remove it from this chapter without public hearing or notice if the property owner has not commenced the project within one year of common council approval. If the council revokes the PDD, the zoning of the property shall automatically revert to the zoning district in place prior to the PDD.

g. Planned Development District Process.

1. Step 1 Preapplication Conference. The applicant shall contact the zoning administrator to schedule a preapplication conference regarding the PDD. At the preapplication conference, the applicant shall engage in an informal discussion regarding the potential PDD. Appropriate topics for discussion may include the PDD location, general project themes and images, the general mix of dwelling unit types and/or land uses being considered, approximate residential densities and non-residential intensities, the general treatment of natural features, the general relationship to nearby properties and public streets, and relationship to the comprehensive plan. Points of discussion and conclusions reached in this stage of the process shall be in

no way binding on the applicant or the city, but should be considered as the informal, non-binding basis for proceeding to the next step.

2. **Step 2 Concept Plan.** After the Step 1 preapplication conference, the applicant shall provide the zoning administrator with a draft PDD concept plan for a determination of completeness. This submittal shall contain all of the following items, prior to its acceptance by the zoning administrator:

i. A location map of the subject property and its vicinity within a radius of 200 feet (11" by 17"), as depicted on a copy of the city land use plan map;

ii. A general written description of proposed PDD including:

a) General project themes and images;

b) The general mix of dwelling unit types or land uses;

c) Approximate residential densities and nonresidential intensities as described by dwelling units per acre, floor area ratio, and impervious surface area ratio;

d) The general treatment of natural features;

e) The general relationship to nearby properties and public streets;

f) The general relationship of the project to the comprehensive master plan;

g) An initial draft list of zoning standards that will not be met by the proposed PDD and the locations in which they apply and, a complete list of zoning standards that will be exceeded and benefits provided by the proposed PDD and the locations in which they apply. The conventional zoning district(s) that are most applicable to the proposed development shall be used for comparison. Essentially, the purpose of this listing shall be to provide the plan commission with information necessary to determine the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility;

h) A written description of all modifications requested to the requirements of the underlying zoning district, in the following order:

1. Land use modifications;
2. Density and intensity modifications;
3. Bulk modifications;
4. Landscaping modifications;
5. Parking and loading requirements modifications;
6. A conceptual plan drawing (11" by 17") of the general land use layout and the general location of major public streets and/or private drives. The applicant may submit copies of a larger version of the plan in addition to the 11" by 17" reduction.

Within ten working days of receiving the draft PDD concept plan on the plan submittal, the zoning administrator shall determine whether the submittal is complete. Once the zoning administrator determines that the submission is complete, the zoning administrator may either place the proposed PDD concept plan on the plan commission agenda for review, or inform the applicant that the submission is complete and the application may move to Step 3.

At a plan commission meeting, the applicant shall engage in an informal discussion with the plan commission regarding the conceptual PUD. Appropriate topics for discussion may include any of the information provided in the PDD concept plan submittal, or other items as determined by the plan commission.

Points of discussion and conclusions reached in this stage of the process shall in no way be binding upon the applicant or the city, but should be considered as the informal, non-binding basis for proceeding to the next step. The preferred procedure is for one or more iterations of Plan Commission review of the Concept Plan to occur prior to introduction of the formal petition for rezoning which accompanies the General Development Plan (GDP) application, as described in subsection (g) of this section.

3. **Step 3 General Development Plan (GDP).** After completing Step 2, the applicant shall provide the zoning administrator with a draft GDP submittal packet for a determination of completeness. A complete submittal includes an application fee in the amount as established by resolution of the common council, and all of the following items.

i. A location map of the subject property and its vicinity within 200 feet (11" by 17"), as depicted on a copy of the city land use plan map together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the county register of deeds (as provided by the city). Said map shall clearly indicate the current zoning of the subject property and the properties within 200 feet of the boundary. Said map and all its parts and attachments shall be submitted in a form that is clearly reproducible with a photocopier and shall be at a scale which is not less than one inch equals 100 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided.

ii. A site map showing existing topography and significant vegetation.

iii. A general written description of the proposed PDD including all of the following:

a) General project themes and images;

b) The general mix of dwelling unit types or land uses;

c) Approximate residential densities and nonresidential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio;

d) The general treatment of natural features;

e) The general relationship to nearby properties and public streets;

f) The general relationship of the project to the comprehensive master plan;

g) A statement of rationale as to why PDD zoning is proposed, which identifies barriers that the applicant perceives in complying with the requirements of standard zoning districts and the benefits to the community the applicant suggests are available through the proposed PDD zoning;

h) A complete list of zoning standards that will not be met by the proposed PDD and the location(s) in which they apply; a complete list of zoning standards that will be met or exceeded, and benefits provided, by the proposed PDD and the location(s) in which they apply

shall be identified. This list is intended to provide the plan commission with information necessary to determine the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility;

i) A written description of all requested modifications to the requirements of the underlying zoning district, in the following order:

1. Land use modifications;

2. Density and intensity modifications;

3. Bulk modifications;

4. Landscaping modifications;

5. Parking and loading requirements modifications.

j) A GDP drawing at a minimum scale of 1:1200 and a copy reduced to 11" by 17" of the proposed project showing at least the following information in sufficient detail to make an evaluation against criteria for approval:

k) A conceptual plan drawing (at 11 inches by 17 inches) of the general land use layout and the general location of public streets and/or private drives. The applicant may submit copies of a larger version of the plan in addition to the 11 inches by 17 inches reduction;

l) Location of recreational and open space areas and facilities specifically describing those that are to be reserved or dedicated for public acquisition and/or use;

m) Statistical data on minimum lot sizes in the development, the approximate areas of large development lots and pads, density/intensity of various parts of the development, floor area ratio, impervious surface area ratio and landscape surface area ratio of various land uses, expected staging, and any other plans required by the plan commission or city council; and

n) Notations relating the written information provided to specific areas on the GDP drawing.

o) A conceptual grading plan showing general site drainage, the location of on-site stormwater management facilities, and any modification(s) of the existing topography;

p) A general conceptual landscaping plan noting approximate locations of foundation, street, yard and paving, landscaping, and the compliance of development with all landscaping requirements of this chapter (except as noted in the listing of exceptions) and, where applicable, the use of extra landscaping and bufferyards.

q) A general signage and lighting plan for the project, including all project identification signs and concepts for public fixtures and signs (such as street light fixtures or poles or street sign faces or poles) that are proposed to vary from city standards or common practices.

r) Written justification for the proposed planned development district.

The plan commission shall hold a public hearing concerning the proposed GDP designation after publication of a Class II legal notice listing the time and place, and brief description of the PDD. Following the public hearing, the plan commission shall vote whether to recommend the common council approve the PDD be approved as presented, modified, or denied.

The common council shall hold a public hearing concerning the proposed GDP designation after publication of a Class II legal notice listing the time and place, and brief description of the PDD. Following such hearing and after careful consideration of the plan commission's recommendations, the common council shall vote on the approval of the proposed PDD. After approval, the PDD boundaries shall be shown on the city's zoning map.

4. Step 4 Specific Implementation Plan (SIP).

i. After the effective date of the PDD rezoning, the applicant shall file an application for a proposed specific implementation plan (SIP) with the plan commission. This submittal packet shall include an application fee in the amount established by a

resolution of the common council, and all of the following items, prior to its acceptance by the zoning administrator and placement of the item on a plan commission agenda for review:

a. A location map of the subject property and its vicinity within 200 feet at 11 inches by 17 inches, as depicted on a copy of the city land use plan map;

b. A map of the subject property showing all lands included in the PUD and clearly indicating the current zoning of the subject property and the properties located within 200 feet. The map and all its parts and attachments shall be submitted in a form that is clearly reproducible with a photocopier and shall be at a scale of not less than one inch equals 100 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;

c. A detailed written description of the proposed SIP including:

1. Specific project themes and images;

2. The specific mix of dwelling unit types and/or land uses;

3. Specific residential densities and nonresidential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio;

4. The specific treatment of natural features;

5. The specific relationship to nearby properties and public streets.

d. A specific implementation plan drawing at a minimum scale of one inch equals 100 feet (11 inches by 17 inches) reduction shall also be provided by applicant) of the proposed project showing at least the following information in sufficient detail to make an evaluation against criteria for approval:

1. A SIP site plan conforming to any and all the requirements of the PDD/GDP;

2. Location of recreational and open space areas and facilities and specifically describing

those that are to be reserved or dedicated for public acquisition and/or use;

3. Statistical data on minimum lot sizes in the development, the precise areas of large development lots and pads, density/intensity of various parts of the development, floor area ratio, impervious surface area ratio and landscape surface area ratio of various land uses, expected staging, and any other plans required by the plan commission or city council; and

4. Notations relating the written information provided above to specific areas on the SIP drawing.

e. A landscaping plan for the subject property, specifying the locations, species, and installed size of all trees and shrubs. This plan shall also include a chart that provides a cumulative total for each species, type and required location (foundation, yard, street, paved area or bufferyard) of all trees and shrubs.

f. A series of building elevations for the entire exterior of all buildings in the planned development district, including detailed notes as to the materials and colors proposed.

g. An engineering plan showing existing and proposed topography with contours at intervals not exceeding two feet, proposed drainage patterns, site grading plan, sanitary sewer system, and water supply system, including fire hydrants.

h. A signage and lighting plan for the project, including all project identification signs, concepts for public fixtures and signs (such as street light fixtures or poles or street sign faces or poles) and group development signage themes. The plan shall identify which signs and lights are proposed to vary from city standards or common practices and the plan shall identify which zoning district sign regulations shall apply to the project.

i. An outline of the intended organizational structure for a property owners' or condominium association, if any; deed restrictions, restrictive covenants and/or rules

or regulations contained in owners or condominium associations documentation, and provisions for private provision of common services, if any.

j. A written description demonstrating that the proposed SIP complies in all respects with the approved GDP.

k. Any and all variations between the requirements of the applicable PDD/GDP zoning district and the proposed SIP development.

The applicant shall submit proof of financing capability pertaining to construction and maintenance and operation of public works elements of the proposed development.

The area included in a SIP may be only a portion of the area included in a previously approved general implementation plan.

The SIP submission may include site plan and design information, allowing the plan commission to combine design review and review of the SIP. Design review may, at the choice of the Applicant, be deferred until a later time when specific site and building developments will be brought forth.

The plan commission or common council may specify other plans, documents, or schedules that must be submitted prior to consideration or approval of the SIP, as such may be relevant to review.

The plan commission shall review and consider the SIP and forward its recommendation to the council. The common council shall vote to approve as presented, approve with conditions, or deny the SIP.

All portions of an approved PDD/SIP not fully developed within five years of final city council approval shall expire, and no additional PDD-based development shall be permitted. The common council may extend this five-year period by up to five additional years with a majority vote following a public hearing.

5. Combining Steps. An applicant may request approval to combine the pre-application conference and concept plan steps (Steps 1 and 2) together. The Director of Planning and Development shall determine if that request is appropriate based on the complexity and nature of the proposed development. If approved, the director will provide all of the required application materials and any public notice requirements for both of the combined steps to the applicant. An applicant may also request approval to combine the GDP and SIP steps together. If this request is approved by the

plan commission, the director will provide all of the required application materials and all of the public notice requirements for both of the combined steps.

h. **Conditions and Restrictions.** The developer shall enter into a development agreement with the city to comply with all applicable laws and regulations, including any conditions and restrictions adopted to regulate a specific Planned Development District, and to assure the construction of all facilities and infrastructure associated with the project.

i. No building permit shall be issued until all applicable fees and assessments have been paid and either all public construction has been completed and approved, or a development agreement has been approved and executed, and financial security has been provided. For staged development, such development agreements may provide for the construction of improvements and the use of common areas outside of the subject stage.

j. The common council may revoke an approved PDD if the project has not commenced within five years of final common council approval. In the event the PDD is revoked, the zoning of the property shall revert to the zoning district in place prior to approval of the PDD.

k. The common council may revoke portions of an approved PDD-SIP that are not fully developed within ten years of final common council approval. If the PDD is revoked, the common council may rezone the property to a different zoning district or may consider an application for a new PDD-GDP.

l. Pursuant to Wisconsin Statutes s. 349.03, approval of the PDD shall constitute an agreement permitting the city to enforce traffic regulations under Chapter 346 Wisconsin Statutes or local ordinances in conformity with such regulations on any private streets and driveways located within the PDD. The city shall also have the right to access the PDD for the purposes of snow removal, weed cutting, and trash disposal. If the city performs such services, the city shall have the right to impose a special charge against the property for the costs of these services, pursuant to Wisconsin Statutes s. 66.0627.

m. **Changes or Revisions.**

1. All proposed changes, revisions, and additions to any aspect of an approved PDD project shall be submitted to the plan commission for its review. The plan commission shall hold a public hearing and determine whether the change, revision, or addition is minor or if the change is substantial. A minor change would include small modifications to the approved SIP. A substantial change would include major modifications to the SIP, or modifications to the GDP, because the change materially affects the intended design of the project and the impact of the project on neighboring uses

2. If the change is determined to be a minor adjustment to the SIP, the plan commission shall review the request and forward the recommendation to the

common council for final action. The common council may consider the change without a public hearing.

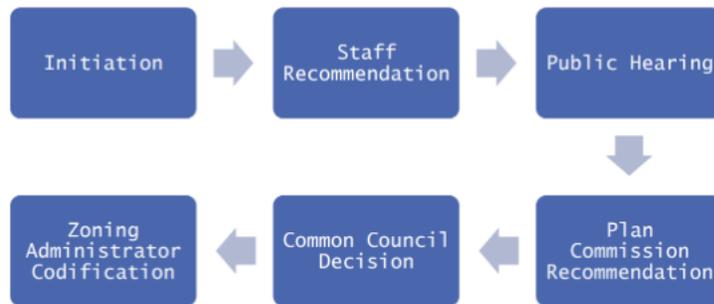
3. If the requested change is determined by the Plan Commission to be substantial, because of its effect on the intended design of the project or on neighboring uses, the Plan Commission shall review the request and forward the recommendation to the common council for final action. A substantial change may also require that the common council hold a public hearing before taking final action on the amendment.

4. If the common council approves any substantial or material change, an ordinance shall be passed and any necessary amendments to any development agreement(s) shall be executed prior to the developer proceeding with implementation of any approved change or modification.

h. **Approved Planned Development Districts.** The following Planned Development Districts are subject to the below regulations:

1. (Reserved).

Figure I-7: Planned Development District Procedure



Section 1.11 Nonconformities.

a. **Authority to Continue.** A property owner may continue any existing lot, structure, use, or sign that no longer conforms upon the adoption of any amendment to this zoning chapter under regulations of this section unless otherwise expressly stated.

b. **Determination of Nonconformity.** Property owners are responsible for proving legally established nonconformities. The Zoning Administrator will determine whether a property owner provided adequate proof of nonconforming status.

c. **Repairs and Maintenance.** Property owners must maintain nonconformities per all other applicable building and property maintenance codes. They may repair and maintain nonconformities so long as repair and maintenance activities do not expand the extent of the nonconformity unless the repair and maintenance activities are an express order from a duly authorized city official to strengthen or restore nonconformity to a safe condition or to comply with state or federal requirements.

Intentionally disregarding the property's maintenance in a way that causes the property's destruction may disqualify a property owner for nonconforming status.

d. **Change in Ownership.** Nonconforming status runs with the land. Ownership, tenancy, or management changes do not solely affect nonconforming status.

e. **Nonconforming Lots.** Property owners may use lawfully created nonconforming lots under the use regulations that apply in their subject zoning district, subject to compliance with all applicable setback and building regulations.

f. **Nonconforming Structures.**

1. **Alterations and Expansions.** Property owners may only expand a nonconforming structure in a way that complies with all applicable lot and building regulations of the subject zoning district and does not increase the extent of the existing nonconformity, except as stated in (c).

2. **Movement.** Property owners may only move a nonconforming structure to another location on the same lot if the movement reduces the extent of the nonconformity.

3. **Replacement.** Property owners may restore or replace a nonconforming structure at the size, location, and use that it had immediately before the damage or destruction occurred so long as violent wind, vandalism, fire, flood, ice, snow, mold, or infestation unintentionally caused the damage or destruction. Unless otherwise approved by the Zoning Administrator, such restoration or replacement shall commence within one year of damage or destruction.

g. **Nonconforming Uses.**

1. **Change of Use.** Property owners may only change nonconforming uses to new uses if the subject zoning district allows the new use.

2. **Expansion of Use.** Property owners may only expand nonconforming uses within the structure designed for that use before the use gained nonconforming status.

3. **Discontinuance.** Property owners lose nonconforming use status when they change the use to conforming or discontinue the use for a continuous year. Periods of discontinued use caused by other government action, violent weather, or other causes beyond the property owner's control do not count towards calculating the length of any discontinuance.

h. **Existing Nonconforming Signs.**

1. **Existing Signs.** Property owners may continue signs that lawfully existed at the time of the adoption or amendment of this ordinance if the size or

location does not conform to the provisions of this ordinance. This section deems such signs as nonconforming structures, and this ordinance's nonconforming structure provisions apply.

2. **Change in Use.** When use changes necessitate a new sign structure, the property owner shall bring the sign into conformance with the provisions of this ordinance. Changes in tenant panels within a multi-tenant sign do not constitute a change to the sign structure so long as they do not modify the panel size.

3. **Change of Copy and Sign Face.** The copy and sign face of a nonconforming sign may be changed providing the Building Inspector determines that the other features of the sign are structurally sound and properly maintained.

4. **Change of Location.** A nonconforming sign shall not be relocated.

5. **Change of Area and Height.** A nonconforming sign shall not be enlarged or reconfigured in any manner. A nonconforming sign shall not be placed higher than the height of the sign at time of the adoption of this ordinance.

6. **Change in Lighting.** A nonconforming sign that is not illuminated may not hereafter be illuminated. A nonconforming sign that is illuminated may not hereafter be illuminated in any other manner than the manner in effect at the time of adoption of this ordinance except to bring the lighting into compliance with the National Electric Code.

7. **Change to Electronic Message Display.** A nonconforming sign with a static display shall not be changed, in whole or in part, to an electronic message display.

8. **Abandonment.** A nonconforming sign that is abandoned for more than 60 days shall thereafter be made to conform with applicable standards or be removed.

9. **Reconstruction After Damage.** A nonconforming sign that is damaged by violent wind, vandalism, fire, flood, ice, snow may be restored to its condition in size, location, and use prior to the damage. Such sign may only be made larger when necessary to comply with state or federal requirements.

10. **Loss of Nonconforming Status.** A nonconforming sign that is altered in violation of this chapter is no longer considered a nonconforming sign and must therefore conform with all applicable standards in effect on the date of such work or be removed within 60 calendar days. The building inspector may direct removal within a lesser time if the sign poses an unacceptable risk to public health or safety.

- a. **Required.** No entity shall occupy or use land or structures until the ~~Zoning Administrator~~ Building Inspector issues a Certificate of Occupancy. Situations for which the city requires a Certificate of Occupancy include new residential uses; alterations which include additional bedrooms to residential structures; new commercial buildings; alterations to commercial buildings; changes in use, including those resulting in changes to applicable licensure; adding accessory uses or structures; and new businesses. Certificates of Occupancy shall not be needed when a business' operations do not substantially change upon change of ownership.
- b. **Issuance.** The ~~Zoning Administrator shall issue~~ a Certificate of Occupancy shall only be issued once the Building Inspector, City Engineer, Fire Chief, Assessor, or any other affected regulatory agency confirms that the applicant followed their applicable regulations. ~~The Zoning Administrator may issue~~ Certificates of Occupancy for existing uses or structures may only be issued after the affected regulatory agencies have inspected and verified whether the use or structure conforms to this chapter.
- c. **Temporary Certificates.** The ~~Zoning Administrator~~ Building Inspector may issue a Temporary Certificate of Occupancy for up to 6 months during the completion of any final improvements. ~~The Zoning Administrator and~~ may extend a Temporary Certificate of Occupancy at their discretion so long as that extension does not affect the rights, duties, and obligations of the owner or the city.
- d. **Application.** Parties may file complete applications for Certificates of Occupancy with the Zoning Administrator.
- e. **Work Description and Valuation.** Applicants shall submit work descriptions and scheduled valuations for all improvements subject to the commercial building code before the Zoning Administrator may issue a Certificate of Occupancy.

Section 1.13 Fees.

- a. **Fees for Procedures Requested by a Private Party.** The common council establishes a fee schedule annually. The fee schedule establishes and requires fees for all zoning applications when requested by a private party. Base fees may be modified by (d). Applicants shall contact the ~~Zoning Administrator~~ Planning Department for the current application fees.
- b. **Fees for Procedures Requested by the City.** There shall be no fee in the case of applications filed in the public interest by the common council, Plan Commission, other agency, or official of the city.
- c. **Payment of Fees.** Fees shall be submitted to Building Inspection at time of application submission. Fees are not refundable.

d. **Professional Consultant Review Services.** The city may retain the services of professional consultants including planners, engineers, architects, attorneys, environmental specialists, recreation specialists, and other experts, to assist in the city's review of an application. The city may apply the charges for these services to the applicant. The city may delay acceptance of the application or petition as complete, or may delay final approval of the proposal, until the applicant pays such fees. The city construes the submittal of an application under this chapter as an agreement to pay for professional review services applicable to the proposal. Applicants waive all rights to contest the city's special assessment for any unpaid review fees to an applicant and property owner.

Section 1.14 Enforcement and Penalties.

a. **Enforcement.** The Zoning Administrator and the City of Sheboygan Police Department may enforce this chapter.

b. **Forfeiture.** Any entity who violates, disobeys, omits, neglects, refuses to comply with, or resists the enforcement of any of the provisions of this chapter shall, upon conviction, forfeit not less than \$1 nor more than \$200 for each offense, together with the costs of prosecution. Each day that a violation continues to exist shall constitute a separate offense.

c. ~~**Default of Payment.** The City may imprison any entity in default of payment under (b) in this Sheboygan County Jail until they pay their forfeiture and costs. This imprisonment shall not exceed 30 days for each violation.~~

d. ~~**Compliant Required.** In addition to the penalty above provided, any entity shall, upon conviction, comply with the provisions of this chapter. Upon failure to comply, the City Attorney shall subject such entity to appropriate action to prevent, enjoin, abate, or remove each violation under the laws of the State of Wisconsin.~~

e. **Remedies not Exclusive.** The remedies and penalties provided in this section are not exclusive. Nothing in this section shall be construed to prevent the city or any person from commencing any action, or enforcing any remedy authorized by any other law.

f. **Other Remedies.** The Zoning Administrator may withhold or revoke any permit, certificate, or other form of authorization required when they determine that the applicant departed from the plans, specifications, or conditions required under the permit's terms. The Zoning Administrator may also grant permits subject to the condition that the applicant corrects outstanding violations.

g. **No Permit Defenses.** In any violation, the fact that a city officer, board, or department may have issued a permit shall not constitute a defense, nor shall an error, oversight, or dereliction of duty on the party of any public official, body, or department constitute a defense.

h. **Cost of Abatement.** In addition to any other penalty imposed by this chapter, for a violation of the provisions of this chapter, the cost of abating a violation of this chapter per subsection (d) or (e) of this section, shall be collected as a debt from the owner of the property on which said violation has occurred. The city shall keep an account of the expenses incurred to abate the violation and shall charge such expenses to the property owner. The city shall mail a notice of the bill for abatement of the violation to the last-known address of said property owner by registered mail. The property owner shall pay the bill within 30 calendar days from receipt. If any charges are unpaid after 60 calendar days, the City Clerk, in consultation with the Comptroller, shall enter any unpaid charges onto the tax roll as a special tax as provided by state law.

Section 1.15 Historic Preservation Regulations.

a. **Purpose and Intent.** It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of improvements or sites of special character or special architectural or historic interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people. The purpose of this section is to:

1. Effect and accomplish the protection, enhancement and preservation of such improvements, sites and districts which represent or reflect elements of the city's cultural, social, economic, political and architectural history.
2. Safeguard the city's historic, prehistoric and cultural heritage, as embodied and reflected in such historic structures, sites and districts.
3. Stabilize and improve property values and enhance the visual and aesthetic character of the city.
4. Protect and enhance the city's attractions to residents, tourists and visitors, and serve as a support and stimulus to business industry.

b. **Definitions.** The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

1. **Certificate of appropriateness** means the certificate issued by the historic preservation commission approving alteration, rehabilitation, construction, reconstruction or demolition of a historic structure, historic site or any improvement in a historic district.
2. **Commission** means the city historic preservation commission.
3. **Historic district** means an area designated by the common council on recommendation of the commission, that contains two or more historic improvements or sites.

4. **Historic site** means any parcel of land of historic significance due to a substantial value in tracing the history or prehistory of man, or upon which a historic event has occurred, and which has been designated as a historic site under this section, or an improvement parcel, or part thereof, on which is situated a historic structure and any abutting improvement parcel, or part thereof, used as and constituting part of the premises on which the historic structure is situated.

5. **Historic structure** means any improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the city, state or nation and which has been designated as a historic structure pursuant to the provisions of this section.

6. **Improvement** means any building, structure, place, work of art or other object constituting a physical betterment of real property, or any part of such betterment, including streets, alleys, sidewalks, curbs, lighting fixtures, signs and the like.

c. **Historic Preservation Commission Composition.** A historic preservation commission is hereby created, consisting of seven voting members. Of the membership, if available in the community, one shall be a registered architect; one shall be a historian; one shall be a licensed real estate broker; one shall be an alderperson; and three shall be citizen members with various backgrounds in areas such as finance, housing, construction and low-to-moderate income programs. The mayor shall appoint the commissioners subject to confirmation by the common council. Of the initial members so appointed, the alderperson and one other member shall serve a term of one year, two shall serve a term of two years, and three shall serve a term of three years, so as to stagger the terms. Thereafter, with the exception of the alderperson member whose term shall be one year, the term of each member shall be three years.

d. **Historic structure, historic site and historic district designation criteria.**

1. For the purposes of this section, a historic structure, historic site, or historic district designation may be placed on any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historic architectural, archeological or cultural significance to the city such as historic structures, sites, or districts which:

a. Exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community;

b. Are identified with historic personages or with important events in national, state or local history;

c. Embody the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style,

method of construction, or of indigenous materials or craftsmanship;

d. Are representative of the notable work of a master builder, designer or architect who influenced their age; or

e. Have yielded, or may be likely to yield, information important to prehistory or history.

2. The commission may adopt specific operating guidelines for historic structure, historic site and historic district designation providing such are in conformance with the provisions of this section.

e. **Powers and Duties- Designation.** The commission shall have the power subject to subsection (f) of this section, to designate historic structures and historic sites and to recommend designation of historic districts within the city limits. Such designations shall be made based on subsection (d) of this section. Historic districts shall be approved by the common council. Once designated, such historic structures, sites and districts shall be subject to all the provisions of this section.

f. **Regulation of construction, reconstruction, alteration, and demolition.**

1. No owner or person in charge of a historic structure, historic site or structure within a historic district shall be issued a permit to reconstruct, alter or demolish all or any part of the exterior of such property or to construct any exterior improvement upon such designated property or properties or cause or permit any such work to be performed upon such property or demolish such property unless a certificate of appropriateness has been granted by the commission. Also, unless such certificate has been granted by the commission, the building inspector shall not issue a permit for any such work.

2. Upon filing of any application for a certificate of appropriateness with the historic preservation commission, the commission shall approve the application unless:

a. In the case of a designated historic structure or historic site, the proposed work would detrimentally change, destroy or adversely affect any exterior feature of the improvements or site upon which said work is to be done;

b. In the case of the construction of a new improvement upon a historic site, or within a historic district, the exterior of such improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such site or within the district;

c. In the case of any property located in a historic district, the proposed construction, reconstruction, exterior alteration or demolition does not conform to the purpose and intent of this section and to the objectives and design criteria of the historic preservation plan for said district;

d. The building or structure is of such architectural or historical significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the city and state;

e. In the case of a request for the demolition of a deteriorated building or structure, any economic hardship or difficulty claimed by the owner is self-created or is the result of any failure to maintain the property in good repair.

3. If the commission determines that the application for a certificate of appropriateness and the proposed changes are consistent with the character and features of the property or district, it shall issue the certificate of appropriateness. The commission shall make this decision within 45 days of the filing of the application.

4. The issuance of a certificate of appropriateness shall not relieve the applicant from obtaining other permits and approvals required by the city. A building permit or other municipal permit shall be invalid if it is obtained without the presentation of the certificate of appropriateness required for the proposed work.

5. Ordinary maintenance and repairs may be undertaken without a certificate of appropriateness, provided that the work involves repairs to existing features of a historic structure or site or the replacement of elements of a structure with pieces identical in appearance and, provided that the work does not change the exterior appearance of the structure or site and does not require the issuance of a building permit.

g. **Appeals.** Should the commission fail to issue a certificate of appropriateness due to the failure of the proposal to conform to the guidelines, the applicant may appeal such decision to the common council within 30 days. In addition, if the commission fails to issue a certificate of appropriateness, the commission shall, with the cooperation of the applicant, work with the applicant in an attempt to obtain a certificate of appropriateness within the guidelines of this section.

h. **Recognition of Historic Structures, Sites and Districts.** At such time as a historic structure, site or district has been properly designated, the commission, in cooperation with the property owner may cause to be prepared and erected on such property at city expense, a suitable plaque declaring that such property is a historic structure, site or district.

i. Procedures.

1. Designation of Historic Structures and Historic Sites.

a. The commission may, after notice and public hearing, designate of historic structures and historic sites or rescind such designation or recommendation, after application of the criteria in subsection (d) of this section. At least ten days prior to such hearing, the commission shall notify the owners of record, as listed in the city assessor's office, who are owners of property in whole or in part situated adjacent to the boundaries of the property affected.

b. The commission shall then conduct such public hearing and, in addition to the notified persons, may hear expert witnesses and shall have the power to subpoena such witnesses and records as it deems necessary. The commission may conduct an independent investigation into the proposed designation or rescission. Within ten days after the close of the public hearing, the commission may designate the property as either a historic structure or historic site or rescind the designation. After the designation or rescission has been made, notification shall be sent to the property owner or owners. Notification shall also be given to the city clerk, building inspector, plan commission and city assessor. The commission shall cause the designation or rescission to be recorded, at the city's expense, in the county register of deeds office.

2. **Creation of Historic District.** For preservation purposes, the commission shall select geographically defined areas within the city to be designated as Historic Districts and shall, with the assistance of the city department of community development, prepare a historic preservation plan for each area. A Historic District may be designated for any geographic area of particular historic, architectural or cultural significance to the city, after the application of the criteria in subsection (d) of this section. Each historic preservation plan prepared for or by the commission shall include a cultural and architectural analysis supporting the historic significance of the area, the specific guidelines for development, and a statement of preservation objectives.

3. Review and Adoption Procedure.

a. **Historic Preservation.** The commission shall hold a public hearing when considering the plan for a historic district. Notice of the time, place and purpose of such hearing shall be given by publication as a Class 1 notice under state statute in the official city paper. Notice of the time, place and purpose of the public hearing shall also be sent by the city clerk to the alderperson of the district in which the Historic District is located, and the owners of record, as listed in the city assessor's office, who are owners of the property within the proposed Historic District or are situated in whole or in part adjacent

to the boundaries of the proposed Historic District. Said notice is to be sent at least ten days prior to the date of the public hearing. Following the public hearing, the commission shall vote to recommend, reject or withhold action on the plan.

b. **Common Council.** The common council, upon receipt of the recommendations from the commission shall hold a public hearing, notice to be given as notice in subsection (f)(2)b.1 of this section, and shall following the public hearing either designate or reject the historic district. Designation of the historic district shall constitute adoption of the plan prepared for that district and direct the implementation of said plan.

c. **Interim Control.** No building permit shall be issued by the building inspector for alteration, construction, demolition, or removal of a nominated historic structure, historic site, or any property or structure within a nominated historic district from the date of the meeting of the commission at which a nomination form is first presented until the final disposition of the nomination by the commission or the common council unless such alteration, removal or demolition is authorized by formal resolution of the common council as necessary for public health, welfare or safety. In no event shall the delay be for more than 180 days.

d. **Penalties for Violations.** Any person or persons violating any provision of this section shall be fined \$50.00 for each separate violation. Each and every day during which a violation continues shall be deemed to be a separate offense. Notice of violations shall be issued by the building inspector.

Section 1.16. Plan Commission.

a. **Powers and Duties.**

1. The Plan Commission, together with its other statutory duties, shall make reports and recommendations relating to the plan and development of the city to the common council, other public officials, and other interested organizations and citizens. The commission, its members, and employees, in the performance of its functions, may enter upon any land and make examinations and surveys.

2. In general, the Plan Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning. Under this article, its functions are primarily recommendatory to the common council pursuant to guidelines set forth in this article as to various matters, and always being mindful of the intent and purpose of this article.

3. The Plan Commission shall be subject to the same requirements and restrictions with respect to its meetings and rules as are contained in this section, relating to meetings and rules of the Zoning Board of Appeals.

Section 1.17. Zoning Board of Appeals

a. **Establishment and Membership.** A Zoning Board of Appeals is hereby established. The Zoning Board of Appeals shall consist of five members appointed by the mayor, subject to confirmation by the common council, for three years, except that of those first appointed, one shall serve for one year; two for two years. The members shall serve without compensation and shall be removable by the mayor for cause upon written charges and after public hearing. The mayor shall designate one of the members as chairperson. The mayor shall appoint, subject to confirmation of the city council for staggered terms of three years, two alternate members of such board, in addition to the five members provided for above. Annually, the mayor shall designate one of the alternate members as first alternate and the other as second alternate. The first alternate shall act, with full power, only when a member of the board refuses or declines to vote, is disqualified because of interest, or when a member is absent. The second alternate shall so act when the first alternate so refuses or declines to vote, is disqualified because of interest or is absent or when more than one member so refuses or declines, is disqualified, or is absent. Other provisions herein appearing, with regard to removal and filling vacancies, shall apply to such alternates. Vacancies shall be filled for the unexpired terms of members whose terms become vacant. Appointments shall be made at the organizational meeting the third Tuesday in April. Terms of office shall commence May 1. The building inspector clerk shall serve as secretary of the board. The board of appeals may employ other employees.

b. **Powers and Duties.** The board of appeals shall have the power and duty to review and determine all matters relating to requested variances from the provisions of this chapter, or appeals regarding an interpretation of the Zoning Administrator of the provisions of this chapter. In exercising the below-listed powers, the board of appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision, or determination appealed from and shall make such order, requirement, decision, or determination in its opinion ought to be made in the premises and to that end shall have all the powers of the Community Development Director or other administrative officer from whom the appeal is taken. If a quorum is present, the board of appeals may take action under this subsection by a majority of the members.

The board of appeals shall have the following powers:

1. To hear and decide appeals when it is alleged there is error in any order.
2. To hear and decide special exceptions to the terms of this article upon which the board of appeals is required to pass.

3. To authorize, upon appeal in specific cases, such variance from the terms of this article as will not be contrary to the public interest, when owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.
4. Permit in appropriate cases, and subject to appropriate conditions and safeguards in harmony with the general purpose and intent of this article, a building or premises to be erected or used for such public utility purposes in any location which is reasonably necessary for the public convenience and welfare.
5. To interpret the provisions of this ordinance in such a way as to carry out the intent and purpose of the plan, as shown on the zoning map accompanying and made a part of this ordinance, where the street layout actually on the ground varies from the street layout on the aforesaid map.
6. The board of appeals shall have the power to call on any other city department for assistance in the performance of its duties and it shall be the duty of such other departments to render such assistance as may be reasonably required.

Except as specifically provided, no action of the board of appeals shall have the effect of permitting in any district uses prohibited in such districts.

c. **Organization.** The board of appeals shall adopt rules for its government and procedure. Meetings of the board of appeals shall be held at the call of the chairperson, and at such other times as the board of appeals may determine. The chairperson or, in the chairperson's absence, an elected acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

d. **Appeals.**

1. Appeals to the board of appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the city affected by any decision of the administrative officers. Such appeal shall be taken within a reasonable time, as provided by the rules of the board of appeals, by filing with the officers from whom the appeal is taken and with the board of appeals a notice of appeal specifying the grounds thereof, together with payment of a filing fee as may be established by the city council. The officers from whom the appeal is taken shall forthwith transmit to the board of appeals all papers constituting the record of appeals upon which the action appealed from was taken. The board of appeals shall fix a reasonable time for the hearing of appeals and give public notice thereof as well as due notice to the parties in interest and shall decide to same within a reasonable time.

2. **Notice of Hearing.** The board of appeals shall fix a reasonable time and place for the hearing, cause notice thereof to be published in the official newspaper not less than seven days prior thereto, cause notice to be given to the appellant or applicant and the administrative officer appealed from by regular mail or by personal service not less than five days prior to the date of hearing. In every case involving a variance, notice shall also be mailed not less than five days prior to the hearing to the fee owners of record of all land within 100 feet of any part of the subject building or premises involved in the appeal.

3. **Hearings.** Hearings on appeals shall be public and shall be conducted according to the rules of procedure adopted by the board. At the hearing, the appellant or applicant may appear in person, by agent or by attorney. Decisions of the board following the public hearing may be made either in public or closed session as the board shall determine.

4. **Findings.** Findings of the fact and reasons for all actions taken shall be reduced by the board to writing in the minutes of the proceedings. In the case of appeal based on variance, for the same to be granted, the findings shall affirmatively show the following together with the fact and the grounds therefor:

a. A literal enforcement of the terms of city zoning regulations would result in a practical difficulty or unnecessary hardship to the appellant.

b. The variance is not contrary to the public interest and will not endanger public safety.

c. The variance is in accordance with the spirit of the zoning regulations.

d. The variance will cause substantial justice to be done.

5. **Variance Considerations.** When the board considers an appeal based on variance, it shall also consider the following in its decision:

a. **Preservation of Intent.** No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted use, accessory use, or conditional use in that particular district.

b. **Exceptional Circumstances.** There may be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties or uses in the same district and the

granting of the variance would not be of so general recurrent nature as to suggest that city zoning regulations should be changed.

c. **Hardship.** No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.

d. **Preservation of Property Rights.** Such variance may be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.

e. **Absence of Detriment.** Such variance should not create substantial detriment to adjacent property and shall not materially impair or be contrary to the purpose and spirit of this article or the public interest.

e. **Decision.** The zoning board of appeals shall decide all appeals and applications within 30 days after the public hearing and shall transmit a signed copy of the board's decision to the appellant or applicant, Community Development Director, and city plan commission.

1. Conditions may be placed upon any zoning permit ordered or authorized by this Board.

2. Variances, substitutions, or use permits granted by the Board shall expire within six months unless substantial work has commenced pursuant to such grant.

3. Applicants receiving variances in flood lands shall be notified in writing, by the Board that increased flood insurance premiums and risk to life or property may result from the granting of a variance. The Board shall keep a record of the notification in its files.

f. **Review by Court of Record.** Any persons aggrieved by any decision of the board of appeals may present to a court of record a petition, duly verified, setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the offices of the board.

Article II. Districts

Section 2.01 Purpose. The city hereby divides the area located within the jurisdiction of this chapter into zoning districts of such number and community character as are necessary to achieve compatibility of land uses within each district, to implement the officially adopted city comprehensive plan, and to achieve the other purpose of this chapter.

Section 2.02 Zoning Districts. The common council divides the city into the following zoning districts.

Table II-1: Zoning Districts

Zoning District Symbol	Zoning District Name
OS	Open Space
AG	Agricultural
E-N	Estate Neighborhood
S-N	Suburban Neighborhood
S-CO	Suburban Corridor
U-N	Urban Neighborhood
U-CO	Urban Corridor
U-DT	Urban Downtown
I	Industrial
NRP-O	Natural Resource Protection Overlay

The city characterizes the zoning districts identified in Table II-1: Zoning Districts as follows:

- a. **Open Space.** The Open Space (OS) zoning district accommodates preserved areas of open space and recreational opportunities.
- b. **Agricultural.** The Agricultural (AG) zoning district accommodates areas of rural character, farming, and agricultural activities, including low-density residential development and limited commercial uses.
- c. **Estate Neighborhood.** The Estate Neighborhood (E-N) zoning district accommodates low-density, estate-style residential development. This includes primarily single-family detached houses on larger lots.
- d. **Suburban Neighborhood.** The Suburban Neighborhood (S-N) zoning district accommodates predominantly suburban-style residential development with one dwelling unit per lot.
- e. **Suburban Corridor.** The Suburban Corridor (S-CO) zoning district accommodates large lot commercial development.
- f. **Urban Neighborhood.** The Urban Neighborhood (U-N) zoning district accommodates traditional residential development patterns, with smaller lot sizes and allowing for up to two attached dwelling units per lot and townhouses.
- g. **Urban Corridor.** The Urban Corridor (U-CO) zoning district accommodates commercial uses primarily located along collector and arterial streets. This district includes primarily commercial uses, with residential uses allowed on upper floors.

h. **Urban Downtown.** The Urban Downtown (U-DT) zoning district accommodates higher-intensity development with a mix of commercial and residential uses in a walkable historic downtown context.

i. **Industrial.** The Industrial (I) zoning district accommodates low-, medium-, and high-intensity manufacturing, warehousing, storage, and transportation uses separated from most commercial and residential uses.

j. **Natural Resource Protection – Overlay.**

1. **Purpose.** The Natural Resource Protection – Overlay (NRP-O) zoning district sets the requirements for the mandatory protection of natural resources and permanently protected green space areas within the jurisdiction of this chapter. The provisions of this district ensure the implementation of the city comprehensive plan and Wis. Stat. ss. 62.231 and 87.30.

2. **Resources Included.** This consolidated district includes wetlands, woodlands, and steep slopes. See Chapter 107 for floodplain zoning regulations and Chapter 109 for shoreland zoning regulations.

3. **Permitted Uses.** The city permits those uses listed within Section 3.01, the maintenance, repair, replacement, and reconstruction of existing public infrastructure, and the maintenance of legal nonconforming uses, structures, and signs within NRP-O district.

4. **Development Pads.** The city limits all site disruption, including selective cutting, proposed to occur within the NRP-O district to development pads. Beyond visible damage to natural resources, vegetation, soil, and drainage patterns, site disruption activities shall not compact soil covering tree roots, or otherwise damage trees beyond the area from which trees are to be removed. All trees with calipers exceeding 3 inches, whose canopies are located adjacent to disturbed areas, which die within a period 5 years following site disruption shall be replaced by the property owner with a 3-inch caliper tree of the same type (canopy or understory).

Therefore, care shall be taken to ensure that equipment and actions associated with permitted site disruption activities are limited to the area in which they are permitted. The use of snow fences and other barriers to outline development pads during disruption activity is strongly recommended to limit the extent of inadvertent compaction or other disturbance of earth, and collision damage to vegetation intended for protection. Such barriers should be placed no closer to protected trees than a point on the ground directly under their outer canopy edge.

Section 2.03 Zoning Map. The common council establishes the boundaries of districts as shown on a map entitled Zoning Map, City of Sheboygan, Wisconsin, as a part of this ordinance. All

notations, references, and other information shown on it shall be as much a part of this ordinance as if the matters and things set forth by said map were all fully described within this chapter. The city may establish this map as a layer of its geographic information system (GIS).

Section 2.04 Interpretation of Zoning District Boundaries. The city shall use the following rules to determine the precise location of any zoning district boundary shown on the official zoning map:

- a. The city shall construe the zoning district boundaries shown as following or approximately following the limits of any city, village, town, or county boundary as following such limits.
- b. Zoning district boundaries shown as following or approximately following streets or railroad lines shall be construed as following the centerline of such streets or railroad lines.
- c. Zoning district boundaries shown as following or approximately following platted lot lines or other property lines as shown on the city or county tax maps shall be construed as following such lines.
- d. Zoning district boundaries shown as following or approximately following the centerlines of streams, rivers, or other continuously flowing watercourses shall be construed as following the channel centerlines of such watercourses, and, in the event of a natural change in the location of such streams, rivers, or other watercourses, the zoning district boundary shall be construed as moving with the channel centerline.
- e. Zoning district boundaries shown as following or approximately following ridgelines or watershed boundaries shall be construed as following such lines.
- f. Zoning district boundaries shown as separated from any of the features listed in subsections (a) through (e) of this section, shall be construed to be at such distances therefrom as are shown on the official zoning map.
- g. Where any uncertainty exists as to the exact location of a zoning district boundary line, as shown on the official zoning map, the location of the line shall be determined by the Zoning Administrator.

Section 2.05 Lot and Structure Regulations.

- a. **Regulations Table.** Lots and structures within the city shall follow the regulations contained within Table II-2: Lot and Structure Regulations, and with the supplemental regulations identified throughout section 3.03.

Table II-2: Lot and Structure Regulations

District	OS	AG	E-N	S-N	U-N	S-CO	U-CO	U-DT	I	PDD
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Lot Occupation										
Lot Width (ft.)	N/A	120 min.	80 min. 250 max.	50 min. 110 max.	30 min. 90 max.	60 min. 90 max.	30 min. 90 max.	180 max.	900 max. N/A	Established during district adoption
Min. Lot Size	N/A	5 acres	9,600 sf	5,000 sf	3,600 sf	As needed to meet all other regulations				
Net Density (DU/Acre)	NA	No min. 2 max.	1 min. 10 max.	4 min. 15 max.	6 min. 25 max.	8 min. 50 max.	20 min. 100 max.	40 min. 150 max.	N/A	
Max. Impervious Coverage	NA	25%	30%	50%	70%	70%	80%	100%	100%	
Principal Building Setbacks										
Street Setback (ft.)	Regulation of Most Restrictive Abutting District	50 min.	20 min.	20 min. 30 max.	10 min. 20 max.	20 min. 40 max.	0 min. 20 max.	0 min. 25 max.	20 min.	Established during district adoption
Side Setback (ft.)		10 min.	5 min.	5 min.	10 min.	5 min.	0 min.	12* min.		
Rear Setback (ft.)		30 min.	20 min.	15 min.	20 min.	10 min.	3 min.	12* min.		
Accessory Building Setbacks										
Street Setback (ft.)	Regulations of Most Restrictive Abutting District	Even with or behind principal structure				Allowed in rear yard only				Established during district adoption
Side Setback (ft.)		25 min.	5 min.	3 min.	3 min.	5 min.	3 min.	3 min.	6* min.	
Rear Setback (ft.)										
Corner Lot Setbacks										
Primary Street Setback (ft.)	Regulations of Most Restrictive Abutting District	50 min.	20 min.	20 min. 30 max.	10 min. 20 max.	20 min. 40 max.	0 min. 20 max.	0 min. 15 max.	20 min.	Established during district adoption

Secondary Street Setback (ft.)	50 min.	10 min.	10 min.	7 min.	10 min.	0 min.	0 min. 15 max.	12 min.
Side Setback (ft.)	50 min.	10 min.	5 min.	5 min.	10 min.	5 min.	0 min.	12* min.
Rear Setback (ft.)	50 min.	30 min.	20 min.	15 min.	20 min.	10 min.	3 min.	12* min.

Sites in the U-DT and I districts exceeding 80% impervious coverage shall include green infrastructure that captures at least the first ½ inch of rainfall over the total site impervious area

Setbacks for I districts adjacent to E-N, S-N, U-N, U-CO, S-CO are subject to 50 ft. minimum side and rear setbacks.

b. **Contextual Street-Yard Building Setbacks.** If a primary structure exists on any immediately adjacent parcel, not including parcels separated by a public right-of-way, the minimum street-yard setback for the subject parcel shall be the average minimum street-yard setback of the subject zone and the setback of the adjacent primary structure(s). In no circumstance shall the street-yard setback exceed the maximum street-yard setback of the subject zone.

c. **Setback Encroachments.** Open or enclosed fire escapes, terraces, eaves, gutters, overhangs, chimneys, flues, sills, pilasters, lintels, ornamental fixtures, and unenclosed stairways may project into a side or rear yard not more than 4 feet; provided that they are not closer than two feet to any lot line.

In residential uses, uncovered entry platforms necessary to comply with ingress and egress regulations provided they do not extend more than three feet into the front yard setback and are not more than five feet wide. Steps from a platform may extend into the front yard setback only for the distance needed to satisfy minimum building code requirements for risers and treads. Replacement steps for porches may be as wide as the steps being replaced and may extend into the front setback area for the distance needed to minimum building code requirements for risers and treads.

Eaves, gutters, overhangs, and unenclosed stairways may project into a front yard not more than 2 feet 6 inches; provided that they are not closer than 5 feet to any lot line.

Walks, ~~driveways~~, paved terraces and decorative yard accessories, such as fountains, pools, statuary, flagpoles, clothesline poles, children's play apparatuses, etc., are permitted within required zoning district setbacks but must be set back at least two feet from an abutting property line. Walks and drives ~~and paved terraces~~ may abut property lines abutting a street or alley

Terraces, steps, ~~uncovered porches~~, ~~covered~~ porches, decks, stoops, and similar appurtenances shall not be considered part of the principal structure for purposes of determining minimum street yard setbacks for accessory buildings.

Fences may encroach into required minimum setbacks up to a property line. For fence requirements, reference Section 4.07(b).

d. **Height Regulations.** Property owners may construct buildings no taller than the limits listed in Table II-3: Height Regulations, measured at the shared property line with the right-of-way. All principal buildings may increase in height by one foot for every foot beyond the minimum street setback.

Table II-3: Height Regulations

Right-of-way type	Principal Building Height (ft.)	Accessory Building Height (ft.)	
		Residential uses (R)	All other uses
Major Arterial	120	15	24
Minor Arterial	100	15	24
Collector	80	15	24
Local	30	15	24

The height regulations set forth in Table II-3 shall not apply in the Urban Downtown (U-DT) zoning district.

For buildings not fronting a public right-of-way, the Zoning Administrator shall determine the maximum allowable building height. They shall consider adjacent parcels of similar use in the same zoning district.

1. **Contextual Building Heights.** If a primary structure exists on any immediately adjacent parcel, not including parcels separated by a public right-of-way, the maximum building height of the subject parcel shall not exceed the height of the adjacent principal building multiplied by the ratio in Table II-4: Contextual Building Height Increases, or the limits listed in Table II-3: Height Regulations, whichever is less.

Table II-4: Contextual Building Height Increases

Adjacent Zone	Increase above structure on adjacent parcel
OS	None
AG	None
E-N	2.0x
S-N	2.0x
U-N	2.0x
S-CO	3.0x
U-CO	4.0x
U-DT	4.0x
I	No limit

2. **Height.** The city measures height as the vertical distance from the average ground elevation along the structure's base to the highest point of the subject structure. The average ground elevation is the midpoint between the highest and lowest ground elevations along the exterior building wall.

3. **Exceptions.**

a. **Mechanical Equipment.** Chimneys, cooling towers, elevators, necessary mechanical appurtenances, and public utility structures not intended for human occupancy may exceed the limitations of this ordinance.

b. **Accessory Dwelling Units.** Accessory dwelling units may exceed the accessory building height limit on lots occupied by R uses; however, the total height ~~of an accessory structure including a permitted accessory dwelling unit,~~ shall not exceed 24 feet or the height of the principal building, whichever is shorter.

e. **One Building Per Lot.** The city permits only one principal building per lot except if the city approved them in accordance with a condominium plat or otherwise where specifically allowed.

f. **Pavement Setbacks.** On lots occupied exclusively by an R-3 use and any associated accessory structures, all paved areas, including but not limited to driveways, walkways, and patios, shall be setback at least 3 feet from any side or rear property line. Nonconforming paved areas located on a lot occupied by only an R-3 use which existed prior to the adoption of this chapter may be repaired, rebuilt, or replaced provided there are no further encroachments into the required setback area of this section. On lots occupied by any use other than R-3, paved areas may extend up to the property line but shall be graded to direct all stormwater runoff onto the property or toward an adjacent public right-of-way where curb and gutter are present. Paved areas shall be constructed and maintained to prevent runoff onto adjacent lots.

g. **Porches, Decks, Balconies, and Patios.** Porches may be constructed on any facade of a structure. Except for lots with public alley frontage, decks, balconies, and patios may be constructed only on a building's rear or interior side facades.

h. **Nonconforming ~~Covered~~ Front Porches.** This section shall apply to existing nonconforming covered front porches which encroach into the required front yard setback area and which existed prior to the adoption of this chapter. Nonconforming covered front porches may be rebuilt, repaired, or replaced in the same location within the existing setback. Such work shall not increase the location of the porch along the front façade, size, footprint, height, or encroachment of the porch beyond what existed prior to the adoption of this chapter. All rebuilt or replaced porches shall comply with current building codes.

Section 3.01 Use Table
Table III-1: Uses

Use	OS	AG	E-N	S-N	U-N	S-CO	U-CO	U-DT	I	NRP-0	Reference
Assembly											
A-1 (Theaters)	-	-	-	-	-	P	P	P	-	-	Section 3.03(A)(I)
A-2 (Food & Drink)	-	-	-	-	-	P	P	P	P	-	Section 3.03 (A)(II)
A-3 (Amusement)	-	-	-	-	-	P	P	P	P	-	Section 3.03 (A)(III)
A-4 (Indoor Sales)	-	-	-	-	-	P	P	P	-	-	Section 3.03(A)(IV)
A-5 (Outdoor Stadia)	-	-	-	-	-	P	P	P	-	-	Section 3.03(A)(V)
Business											
B-1 (Professional or Service)	-	P	-	-	-	P	P	P	P	-	Section 3.03(B)
Educational											
E-1 (Schools & Daycares)	-	-	-	P	P	P	P	P	-	-	Section 3.03(C)
Factory											
F-1 (Moderate Hazard)	-	-	-	-	-	-	-	-	P	-	Section 3.03(D)(I)
F-2 (Low Hazard)	-	-	-	-	-	P	-	-	P	-	Section 3.03(D)(II)
High-Hazard											
H-1 (High-Hazard)	-	-	-	-	-	-	-	-	P	-	Section 3.03(E)
Home Occupations											
HO (Home Occupation)	-	P	P	P	P	P	P	P	-	-	Section 3.03(F)
Institutional											
I-1 (24-Hour Custodial Care Facilities)	-	-	-	-	-	P	P	P	P	-	Section 3.03(G)(I)
I-2 (24-Hour Self-Care Facilities)	-	-	-	-	-	P	P	P	P	-	Section 3.03(G)(II)
I-3 (Secure Facilities)	-	-	-	-	-	-	-	-	P	-	Section 3.03(G)(III)
I-4 (Day Care Facilities)	-	P ¹	P ¹	P ¹	P ¹	P	P	P	-	-	Section 3.03(G)(IV)
Mercantile											

M (Merchandise Sales)	-	P	-	-	-	P	P	P	P	-	Section 3.03(H)
Outdoor											
O-1 (Cemeteries)	P	-	-	-	-	-	-	-	-	-	Section 3.03(I)(I)
O-2 (Natural Areas & Recreation)	P	P	P	P	P	P	P	P	P	P	Section 3.03(I)(II)
O-3 (Non-accessory Parking)	-	-	-	-	-	P	P	P	P	-	Section 3.03(I)(III)
Residential											
R-1 (Hotels)	-	-	-	-	-	P	P	P	P	P	Section 3.03(J)(I)
R-2 (3+ Units)	-	-	-	P ²	P ²	P	P	P	-	-	Section 3.03(J)(II)
R-3 (1-2 Units)	-	P ^{3,4}	P	P	P	-	P [^]	P	-	-	Section 3.03(J)(III)
R-4 (Small CBRF)	-	P	P	P	P	P	P	P	-	-	Section 3.03(J)(IV)
R-5 (Mobile Home Parks)	-	-	-	-	-	P	P	-	-	-	Section 3.03(J)(V)
Storage											
S-1 (Moderate-Hazard Storage)	-	-	-	-	-	-	-	-	P	-	Section 3.03(K)(I)
S-2 (Low-Hazard Storage)	-	P	-	-	-	-	-	-	P	-	Section 3.03(K)(II)
Utility and Miscellaneous											
U (Accessory Structures & Uses)	P	P	P	P	P	P	P	P	P	-	Section 3.03(L)
Agricultural											
AG-1 (Cultivation)	-	P	P	P	P	P	P	P	P	P	Section 3.03(M)(I)
AG-2 (Animal Husbandry)	-	P	P	-	-	-	-	-	-	-	Section 3.03(M)(II)
AG-3 (Intensive Agriculture)	-	P	-	-	-	-	-	-	-	-	Section 3.03(M)(III)
AG-4 (Agricultural Services)	-	P	-	-	-	-	-	-	-	-	Section 3.03(M)(IV)

AG-5 (On-Site Agricultural Retail)	-	P	-	-	-	-	-	-	-	-	-	Section 3.03(M)(V)
AG-6 (Community Gardens)	P	P	P	P	P	P	P	P	P	P	-	Section 3.03(M)(VI)
"P" means permitted.												
¹ At home family daycares defined in Section 3.03(G)(IV) are permitted. All other I-4 uses are not permitted.												
² Townhouses are the only R-2 use permitted in the S-N and U-N districts.												
³ Cottage court developments are not permitted in the AG and E-N districts.												
⁴ Single-family detached homes and Accessory Dwelling Units are the only permitted R-3 use in the AG												
⁵ One- and two-family residential dwelling unit is allowed on the upper story(ies).												

Section 3.02 Interpretation of the Use Table.

a. **Permitted Uses.** The city permits uses identified with “P” as-of-right in the subject zoning district, subject to compliance with any supplemental regulations identified in its definition.

b. **Prohibited Uses.** The city prohibits uses identified with “-”, and uses not listed in Table III-1: Uses, and uses that the Zoning Administrator does not interpret to fall within any defined use category.

c. **Upper-Story Uses.** The city permits uses identified with “^” as-of-right on the second story or above of a structure.

d. **References.** The final column of Table III-1: Uses includes a cross-reference to the use definition and any applicable supplemental use regulations that apply to that use. The city requires compliance with supplemental use regulations.

e. **Use Classification.** The Zoning Administrator may assign proposed uses to the appropriate category based on the provisions of this chapter. If the ordinances do not clearly define the proposed use, the Zoning Administrator may determine the most similar use category based on the actual or projected characteristics of the proposed use. When determining use categories, the Zoning Administrator shall consider:

1. The proposed use’s designation under the International Building Code Occupancy Classification and Use Designations;
2. The types of activities that typically occur in conjunction with the proposed use;
3. The proposed use’s equipment and processes;

4. The existence, number, and frequency of residents, customers, or employees;
5. Parking demands;
6. Other factors the Zoning Administrator deems relevant.

Section 3.03 Use Definitions and Standards.

a. **Assembly Uses.** Assembly uses include, among others, the use of a building or structure, or a portion thereof, for the gathering of persons for purposes such as civic, social, or religious functions; recreation; food or drink consumption; or awaiting transportation. Assembly uses shall be operated so as not to cause unreasonable light or noise trespass to neighboring properties. If business operations occur between 10:00 p.m. and 6:00 a.m., noise-producing equipment shall be deactivated or substantially minimized. Lights shall be directed downward and produce no strobing or other distracting effect.

1. **A-1: Theaters.** A-1 uses include assembly uses, usually with fixed seating, intended for the production and viewing of the performing arts or motion pictures. Theater uses are subject to the following additional regulations:

a. If located on the same side of the building as abutting Residential (R) uses, no customer entrance of any kind shall be permitted within 75 feet of a Residential (R) use.

b. Along all borders of the property abutting an Educational (E) use, an Institutional (I) use, or a Residential (R) use, excluding R-1 uses, the property owner shall provide screening using one of the options listed in Table IV-7.

2. **A-2: Food and Drink.** A-2 uses include assembly uses intended for food and drink consumption, such as banquet halls; casinos; nightclubs; restaurants; cafeterias, and similar dining facilities including associated commercial kitchens; and taverns and bars. A-2 uses also include food trucks and similar mobile food vendors parked adjacent to the applicable zoning district. In-vehicle food and drink sales, such as drive-through and drive-in restaurants are considered M- Mercantile use. Food and drink uses shall have the following additional regulations:

c. Along all borders of the property abutting an Educational (E) use, an Institutional (I) use, or a Residential (R) use, excluding R-1 uses, the property owner shall provide screening using one of the options listed in Table IV-7.

d. **Outdoor Seating Areas.** The following regulations apply to all designated outdoor seating areas on the same lot as a restaurant, café, bar, tavern, or other food service establishment where food or

beverages are served or consumed. Outdoor seating areas may include tables, chairs, umbrellas, fencing, planters, or similar furnishings, subject to all other standards of this chapter. Outdoor seating areas may be located on private property, patios, decks, sidewalks, or other approved areas. Such areas are not fully enclosed by permanent walls or a roof and operate as an accessory use to the principal establishment.

1. An outdoor seating area may not be located within a required setback area.
 2. No outdoor seating area furnishing or structure may be located within the required visibility triangle.
 3. Outdoor seating areas may not be located within a parking area necessary for meeting the standards set forth in Section 4.06(h) of this chapter.
 4. No outdoor seating area furnishing or structure shall obstruct building exits, fire lanes, standpipes, utilities, hydrants, ramps, sidewalks, or walkways necessary for providing access to the establishment.
 5. Outdoor seating areas may not operate between the hours of 10:00 p.m. and 7:00 a.m., unless otherwise specified in this chapter.
 6. Amplified sound, including speakers, live music, or DJs, shall not exceed ~~55 decibels (dB) as measured at the nearest property line;~~ the maximum sound level as set forth in Table IV-2, unless otherwise permitted by an approved Special Event Permit.
 7. ~~Amplified sound is not permitted between the hours of 10:00 p.m. and 7:00 a.m., unless otherwise permitted by an approved special event permit.~~
 8. All outdoor seating areas located on a city sidewalk or other city right-of-way shall obtain a valid sidewalk café permit, pursuant to Article 14-III of this Code.
- e. ~~In-vehicle food and drink uses. In-vehicle food and drink uses include all A-2 uses which perform sales to persons in vehicles, or to vehicles which may or may not be occupied at the time of such activity. Such land uses often have traffic volumes which exhibit their highest levels concurrent with peak traffic flows on adjacent roads. Examples of such land uses include drive-in, drive-up, and drive-through restaurants. If performed in conjunction with a~~

principal land use (for example, a restaurant), in-vehicle food and drink land uses shall be considered an accessory use. In-vehicle service uses shall have the following additional regulations:

1. Clearly marked pedestrian crosswalks shall be provided for each walk-in customer access to the facility adjacent to the drive-through lanes, subject to the design standards of Section 4.06(e).
2. The drive-through facility shall be designed so as to not impede or impair vehicular and pedestrian traffic movement or exacerbate the potential for pedestrian/vehicular conflicts.
3. In no instance shall a drive-through facility be permitted to operate which endangers the public safety, even if such land use has been permitted under the provisions of this section.
4. The setback of any overhead canopy or similar structure shall be a minimum of ten feet from all street rights-of-way lines, a minimum of 20 feet from all Residential (R) use property lines and shall be a minimum of five feet from all other property lines. The total height of any overhead canopy of similar structure shall not exceed 20 feet as measured to the highest part of the structure.
5. All vehicular areas of the facility shall provide a surface paved with concrete or bituminous material which is designed to meet the requirements of a minimum four-ton axle load.
6. Interior curbs shall be used to separate driving areas from exterior fixtures such as fuel pumps, vacuums, menu boards, canopy supports and landscaped islands. Said curbs shall be a minimum of six inches high and be of a non-mountable design. No curb protecting an exterior fixture shall be located closer than 25 feet to all property lines.

3. **A-3: Amusement.** A-3 uses include assembly uses intended for worship, recreation, amusement, and other assembly uses not classified elsewhere such as arcades; art galleries; bowling alleys; courthouses; community halls; dance halls; exhibition halls; funeral parlors, greenhouses for the conservation and exhibition of plants that provide public access; gymnasiums (without spectator seating); indoor swimming pools (without spectator seating); indoor tennis courts (without spectator seating); lecture halls; libraries; museums; pool and billiard parlors; or waiting areas for

transportation terminals. Amusement uses are subject to the following additional regulations:

a. If located on the same side of the building as abutting Residential (R) uses, no customer entrance of any kind shall be permitted within 75 feet of a Residential (R) use.

b. Along all borders of the property abutting an Educational (E) use, an Institutional (I) use, or a Residential (R) use, excluding R-1 uses, the property owner shall provide screening using one of the options listed in Table IV-7.

c. **Sexually Oriented Establishments.** The following regulations apply to adult amusement, entertainment, or mercantile establishments which as a principal portion of its activities is engaged in the sale, rental, or exhibition of materials, goods, or performances that are characterized by an emphasis on the depiction, display, or description of sexual activities or anatomical areas, for the purpose of sexual arousal or sexual gratification.

1. No property owner may establish a sexually oriented establishment within ~~1,000~~ 500 feet of any Residential (R), Educational (E), or Daycare (I-4) use.

2. No areas depicting, describing, or relating to sexual conduct shall be visible from any of the adjacent properties or public rights-of-way.

3. Property owners looking to establish a sexually oriented establishment must file a security plan with the city that specifically describes the security, staff, hours, and precautions the operator will follow. The city Police Chief, Fire Chief, and Building Inspector must unanimously approve the security plan before the city shall issue any Certificate of Occupancy. Sexually oriented establishments shall not include theaters, cabarets, restaurants, taverns, bars, or other venues that offer live performance of dance, comedy, impersonation, or other forms of expressive entertainment that are not characterized by an emphasis on sexual conduct or nudity for the purpose of sexual arousal or sexual gratification.

4. The exterior building appearance and signage shall be designed to ensure that the use does not detract from the ability of businesses within 500 feet of the sexually-oriented establishment to attract customers, nor affect the marketability of properties within 500 feet of the

sexually-oriented establishment for sale at their assessed values.

4. **A-4: Indoor Sports.** A-4 uses include uses intended for viewing of indoor sporting events and activities with spectator seating, such as arenas; skating rinks; swimming pools; or tennis courts. Indoor sports uses are subject to the following additional regulations:

a. If located on the same side of the building as abutting Residential (R) uses, no customer entrance of any kind shall be permitted within 75 feet of a Residential (R) use.

b. Along all borders of the property abutting an Educational (E) use, an Institutional (I) use, or a Residential (R) use, excluding R-1 uses, the property owner shall provide screening using one of the options listed in Table IV-7.

5. **A-5: Outdoor Stadia and Entertainment.** A-5 uses include uses intended for participation in or viewing of outdoor activities such as amusement park structures; bleachers; grandstands; outdoor swimming pools; golf courses; miniature golf courses; driving ranges; drive-in theaters; go-cart tracks; racetracks; or stadiums. Outdoor stadia uses shall have the following additional regulations:

a. Activity areas shall not be located closer than 75 feet to a Residential (R) use.

b. Along all borders of the property abutting a Residential (R) use, the property owner shall provide screening using one of the options of listed in Table IV-7.

b. **Business Uses.** Business uses (B-1: Professional or Service) include, among others, the use of a building for office, professional, or service-type transactions, including storage of records and accounts. Business uses include animal hospitals, kennels, and pounds; banks and financial services; automobile show rooms, car washes; civic administration; dry cleaning and laundry pick-up and delivery stations; food processing establishments and commercial kitchens not associated with restaurants, cafeterias, and similar dining facilities not more than 2,500 square feet (232 square meters) in area; laboratories; outpatient healthcare; salons; showrooms; post offices; print shops; and professional services offices. Business uses shall be operated so as not to cause unreasonable light or noise trespass to neighboring properties. If business operations occur between 10:00 p.m. and 6:00 a.m., noise-producing equipment shall be deactivated or substantially minimized. Lights shall be directed downward and produce no strobing or other distracting effect.

1. **Convenient Cash Businesses.** Convenient cash businesses include the following uses:

- a. **Payday lenders**, as defined by Wis. Stat. s. 62.23(7)(hi).
- b. **Auto title loan businesses**, defined as a financial service offering title loans pursuant to Wis. Stat. s. 138.16(1)(c).
- c. **Check cashing businesses** as defined in Wis. Stat. s. 218.05(1)(b).

Convenient cash business uses have the following additional regulations:

- d. A convenient cash business cannot be located within 2,500 feet of another convenient cash business.
- e. Convenient cash businesses shall not be located within 250 feet of a Residential (R) use, as defined in Section 3.03(j).
- f. Convenient cash businesses shall not operate during the hours of 9:00 p.m. and 8:00 a.m.

Any convenient cash business lawfully operating on the effective date of this section that does not conform to the additional regulations above shall be considered a legal conforming use.

2. **Outdoor Maintenance Service.** Outdoor maintenance services include all land uses which perform maintenance services, including repair, and have all, or any portion of their operations located outside of an enclosed building. Outdoor maintenance services shall have the following additional regulations:

- a. All outdoor activity areas shall be enclosed by a minimum six-foot-high fence. Such enclosure shall be located a minimum of 50 feet from any Educational (E) use, Institutional (I) use, or Residential (R) use.
- b. Along all borders of the property abutting an Educational (E) use, an Institutional (I) use, or a Residential (R) use, the property owner shall provide screening using one of the options listed in Table IV-7.

3. **In-vehicle service.** In-vehicle service land uses include all land uses which perform services to persons in vehicles, or to vehicles which may or may not be occupied at the time of such activity. Such land uses often have traffic volumes which exhibit their highest levels concurrent with peak traffic flows on adjacent roads. Examples of such land uses include drive-in, drive-up, and drive-through facilities, all forms of car washes, and all forms of engine repair or vehicle maintenance. If performed in conjunction with a principal land use (for example, a bank), in-vehicle sales and service land uses shall be considered an accessory use. In-vehicle service uses shall have the following additional regulations:

- a. Clearly marked pedestrian crosswalks shall be provided for each walk-in customer access to the facility adjacent to the drive-through lanes, subject to the design standards of Section 4.06(e).
- b. The drive-through facility shall be designed so as to not impede or impair vehicular and pedestrian traffic movement or exacerbate the potential for pedestrian/vehicular conflicts.
- c. In no instance shall a drive-through facility be permitted to operate which endangers the public safety, even if such land use has been permitted under the provisions of this section.
- d. The setback of any overhead canopy or similar structure shall be a minimum of ten feet from all street rights-of-way lines, a minimum of 20 feet from all Residential (R) use property lines and shall be a minimum of five feet from all other property lines. The total height of any overhead canopy or similar structure shall not exceed 20 feet as measured to the highest part of the structure.
- e. All vehicular areas of the facility shall provide a surface paved with concrete or bituminous material which is designed to meet the requirements of a minimum four-ton axle load.
- f. Along all borders of the property abutting an Educational (E) use, an Institutional (I) use, or a Residential (R) use, the property owner shall provide screening using one of the options listed in Table IV-7.
- g. Interior curbs shall be used to separate driving areas from exterior fixtures such as fuel pumps, vacuums, menu boards, canopy supports and landscaped islands. Said curbs shall be a minimum of six inches high and be of a non-mountable design. No curb protecting an exterior fixture shall be located closer than 25 feet to all property lines.

4. **Commercial Animal Boarding.** Commercial animal boarding uses include land uses which provide short-term or long-term boarding for animals. Examples of these land uses include commercial kennels and commercial stables. Exercise yards, fields training areas, and trails associated with such land uses are considered accessory uses. Animal boarding facilities and activities which, except for parking, are completely and continuously contained indoors, are subject to a separate set of regulations. Commercial animal boarding uses shall have the following additional regulations and setbacks:

- a. Commercial Animal Boarding Facilities shall comply with the requirements established by the Wisconsin Department of Agriculture, Trade, and Consumer Protection. ~~A maximum of one~~

~~animal unit per acre of fully enclosed outdoor area shall be permitted.~~

b. The minimum permitted size of horse or similar animal stalls shall be 100 square feet.

c. Commercial animal boarding facilities shall be properly soundproofed to minimize sound emanating from any animal within the building.

~~d. A proper ventilation and filtration system shall be installed so that no odor from the commercial animal boarding facility is discernible within six vertical feet of the grade at any property line of the premises on which the facility is located.~~

~~e. A property ventilation and filtration system shall also be installed so that any offensive odor to humans inside the premises can be kept to a minimum. The building inspection department is authorized to enforce this regulation relating to offensive odors to humans.~~

f. The following setbacks shall be required in addition to those of the zoning district:

1. No activity area, including pastures or runs, shall be located closer than ten feet to any property line.

2. Any building housing animals shall be located a minimum of 100 feet from any Educational (E) or Residential (R) use.

3. A vegetative strip at least 100 feet wide shall be maintained between any pile, or manure application area and any surface water or well in order to minimize runoff, prevent erosion, and promote nitrogen absorption.

4. Special events such as shows, exhibitions, and contests shall only be permitted when a temporary use permit has been secured.

~~5. Dogs, cats and similar animals shall have a minimum of 60 square feet of outdoor playground space per dog/cat/similar animals and shall have a minimum of 60 square feet of indoor playground space per dog/cat/similar animal.~~

6. The outdoor play area shall be enclosed with an eight-foot-high solid fence which shall match or coordinate with the color of the building.

7. ~~Operation of~~ The outdoor play area shall include removal be cleared of all animal waste prior to the close of business each day.
 8. No overnight boarding is allowed within the outdoor area, ~~and abatement of any runoff or any odors from the outdoor play area.~~
 9. Along all borders of the property abutting an Educational (E) use, an Institutional (I) use, or a Residential (R) use, the property owner shall provide screening using one of the options listed in Table IV-7.
- g. Commercial animal boarding uses which, except for parking, are completely and continuously contained indoors, are subject to the following additional regulations:
1. All activities, except vehicle parking, shall be completely and continuously contained indoors including animal exercising and display areas.
 2. Dogs, cats, and similar animals shall have a minimum of 60 square feet of indoor playground space per dog/cat/similar animal.
 3. ~~The minimum size of an indoor facility shall be 100 square feet of area per dog, cat, or similar animal.~~
 4. Any building housing animals shall be located a minimum of ~~300~~ 100 feet from any Educational (E), Institutional (I), or Residential (R) use.
 5. Special events such as shows, exhibitions, and contests shall only be permitted when a temporary use permit has been secured.
 6. Along all borders of the property abutting an Educational (E) use, an Institutional (I) use, or a Residential (R) use, the property owner shall provide screening using one of the options of listed in Table IV-7.
- h. Animal boarding operations that are secondary to the principal use of a location, including boarding and pet-sitting operations on residential uses shall comply with the standards of care established by the Wisconsin Department of Agriculture, Trade, and Consumer Protection.

1. The outdoor play area shall be cleared of all animal waste prior to the close of business each day.

2. Overnight boarding within the outdoor area is prohibited.

5. **Pet Daycare Centers.** Pet daycare centers are commercial facilities providing daytime care, supervision, and activities for dogs or other pets. Services are rendered for periods of twelve hours or less. Activities associated with pet daycare centers often have the potential to be associated with excessive noise and waste. Pet daycare centers are subject to the following additional regulations:

a. Pet daycare centers shall comply with the requirements established by the Wisconsin Department of Agriculture, Trade, and Consumer Protection.

b. Pet daycare centers within 100 feet of a Residential (R) use shall supervise not more than twelve pets at any time.

c. Hours of operation are restricted to between 6:00 a.m. and 8:00 p.m.

d. Facilities must utilize covered trash bins or dumpsters for disposal of pet waste. Waste in outdoor areas must be removed and stored in appropriate containers daily.

~~e. A pet daycare center offering outdoor space shall provide each dog at least 60 square feet of playground/outdoor play space. A pet daycare center operating exclusively indoors shall be sized to afford each dog at least 100 square feet of space.~~

f. Outdoor activity space shall be completely enclosed by a solid fence that is at least six feet high.

g. Along all borders of the property abutting an Educational (E) use, an Institutional (I) use, or a Residential (R) use, the property owner shall provide screening using one of the options listed in Table IV-7.

c. **E-1: Educational Uses.** Educational uses include, among others, the use of a building by six or more persons at any one time for educational purposes through the 12th grade such as schools or daycares. These uses include buildings, structures, or portions thereof occupied by more than 5 children older than 2.5 years of age who receive educational, supervision, or personal care services for fewer than 24 hours per day. Educational uses are subject to the following additional regulations:

1. Along all borders of the property abutting an Institutional (I) use or a Residential (R) use, the property owner shall provide screening using one of the options of listed in Table IV-7.

d. **F: Factory Uses.** Factory uses include, among others, the use of a building, structure, or a portion thereof for assembling, disassembling, fabricating, finishing, manufacturing, packaging, repair, or processing operations that the city does not classify as High-Hazard Uses or Storage Uses. Example uses include building products, chemicals; clothing; commercial food and beverage operations not associated with restaurants, cafeterias, and similar dining facilities more than 2,500 square feet (232 square meters) in area; data centers; dry cleaning and dyeing; electronics; filming without spectators; furniture; machinery; metals; plastics; printing; textiles; utility plants. Factory uses shall be operated so as not to cause unreasonable light or noise trespass to neighboring properties. If business operations occur between 10:00 p.m. and 6:00 a.m., noise-producing equipment shall be deactivated or substantially minimized. Lights shall be directed downward and produce no strobing or other distracting effect.

1. **F-1: Moderate Hazard.** F-1 uses include, among others, factory uses that are not classified as Low-Hazard Factory Uses (F-2), as set forth in International Building Code (IBC) Section 306.2. ~~F-1 uses shall include data centers and similar large-scale computer processing uses.~~ F-1 uses are subject to the following additional regulations:

a. Along all borders of the property abutting an Assembly (A) use, Business (B) use, Educational (E) use, Institutional (I) use, Mercantile (M) use, Outdoor (O) use, or a Residential (R) use, the property owner shall provide screening using one of the options listed in Table IV-7.

2. **F-2: Low-Hazard.** F-2 uses include, among others, the fabrication or manufacturing of noncombustible materials that during finishing, packing, or processing do not involve a significant fire hazard as set forth in IBC 2024 Section 306.3. F-2 uses shall include large-scale computer processing uses. F-2 uses are subject to the following additional regulations:

a. Along all borders of the property abutting an Assembly (A) use, Business (B) use, Educational (E) use, Institutional (I) use, Mercantile (M) use, Outdoor (O) use, or a Residential (R) use: the property owner shall provide screening using one of the options listed in Table IV-7.

3. **Large-Scale F Uses.** F uses that contain buildings greater than 100,000 square feet of building floor area per parcel, that have greater than 50% lot coverage, that lie on properties greater than 20 acres, that include greater than five acres of outdoor storage or mechanical equipment yards, or that include data centers and similar large-scale computer processing uses have additional regulations to mitigate the greater-than-typical visual, impervious surface, and utility impacts. These additional regulations include:

- a. Large-scale F uses must screen the entire perimeter of the occupied parcel by multiplying by five the values of Option A in Table IV-7: Outdoor Storage and Work Area Screening Options.
- b. All buildings, structures, outdoor storage areas, vehicular use areas, and mechanical equipment yards shall lie a minimum of 300 feet from all parcels with an R use and 100 feet from all other lot lines.
- c. All street-facing facades must include the following:
 1. Utilize the following materials to finish an exterior façade:
 - a. Brick masonry;
 - b. Stone or cast stone;
 - c. Cementitious siding;
 - d. Wood siding;
 - e. Glass, not including spandrel or covered glass products that prohibit all light from entering the building;
 - f. Architectural metal panels, not including standing seam panels; or
 - g. Stucco, not include EIFS or other faux stucco products.
 2. Include a change in the facade surface for every 150 horizontal feet of at least one of the following: building material, pattern, texture, color, or accent material; and
 3. Windows, doors, or similar fenestration design features such as faux windows, must be distributed horizontally and vertically across the facade and comprise a minimum of 30 percent of the individual facade.
- d. The exterior facade must include a main entrance feature that is differentiated from the remainder of the building facade by a change in building material, pattern, texture, color, or accent material. The entrance feature must also either project or recess from the adjoining building plane.
- e. The building shall be designed to minimize adverse visual impacts on surrounding development; shall have a high-quality design as evidenced by the use of materials, color, and texture, and is

encouraged to have changes in building height or other design techniques to provide variation in building mass as viewed from an abutting street.

f. ~~No Large-Scale F use may utilize vinyl or chain link fencing.~~

g. ~~Large-Scale F uses shall treat 100% of the stormwater runoff generated on-site, and the applicant shall utilize green infrastructure to the maximum extent feasible.~~

h. ~~Large-Scale F uses must replace at least 50% of their total energy consumption within alternative power sources within the energy grid. generate 100% of their domestic electricity use (i.e., the electricity demand from non-production sub-uses) on-site using solar, wind, or other renewable, carbon-free energy sources.~~

i. ~~Large-Scale F uses may not use fossil fuel generators for more than 50% of their backup energy production.~~

j. ~~Large-Scale F uses shall submit independent noise, water, wastewater, air pollution, wetland impact, and energy use projections within any zoning permit application.~~

k. ~~Site plans for large-scale F uses shall include a bufferyard, landscaping, and/or other measures to ensure noise at the nearest property line, as measured at six feet above grade, does not exceed the allowable sound levels as set forth in Table IV-2 Maximum Sound Levels. Prior to issuance of an occupancy permit, post-construction noise study must be submitted demonstrating to the Zoning Administrator's satisfaction that the operation complies therewith.~~

e. **H-1: High Hazard Uses.** H-1 High-hazard uses include, among others, the use of a building or structure, or a portion thereof, that involves the manufacturing, processing, generation, or storage of materials that constitute a physical or health hazard in quantities in excess of those allowed in control areas complying with IBC 2024 Section 414, based on the maximum allowable quantity limits for control areas set forth in IBC 2024 Tables 307.1(1) and 307.1(2). High hazard uses include the manufacturing, processing, generation, or storage of uses that pose a detonation, deflagration, combustion, or health hazards and semiconductor fabrication facilities and comparable research and development areas in which hazardous production materials (HPM) are used and the aggregate quantity of materials is in excess of those specified in IBC 2024 Tables 307.1(1) and 307.1(2). High hazard uses shall include salvage yards, scrapyards, and junkyards. High Hazard Uses shall be operated so as not to cause unreasonable light or noise trespass to neighboring properties. If business operations occur between 10:00 p.m. and 6:00 a.m., noise-producing equipment shall be deactivated or substantially minimized. Lights shall be directed downward and produce no strobing or other distracting effect.

1. **High Hazard Regulations.**

a. Along all borders of the property abutting an Assembly (A) use, Business (B) use, Educational (E) use, Institutional (I) use, Mercantile (M) use, Outdoor (O) use, or a Residential (R) use, the property owner shall provide screening using one of the options listed in Table IV-7.

2. **Expressly Prohibited High-Hazard Uses.** Any lot or portion thereof used for the collection, storage, dismantling, processing, salvaging, or sale of used, damaged, or discarded materials, including but not limited to salvage yards, scrap yards, and junk yards is expressly prohibited. As used herein, “materials” includes, but is not limited to, metals, machinery, appliances, building materials, vehicles, vehicle parts, and industrial equipment.

f. **HO: Home Occupations.** HO uses include accessory to primary residential uses which allow residents to engage in customary home-based work activities while also helping to ensure that they do not subject neighboring residents to adverse impacts, such as excessive noise, traffic, or public safety hazards, that are not typical of the areas in which the home occupation use is located. The city classifies group living (R uses), daycares (I or E uses), and bed and breakfasts (R uses) separately.

1. **Home Occupation Regulations**

a. Home occupation uses shall be operated by a resident of the dwelling unit.

b. The area devoted to conduct a home occupation use shall be limited to 33% of the dwelling unit’s floor area, or 750 square feet, whichever is less.

c. Home occupation uses may not change the character of the residential building they occupy or adversely affect the character of the surrounding neighborhood, including making any noise audible beyond the lot lines of the subject property, **causing light trespass onto adjacent properties, unreasonably increasing traffic and parking congestion within the neighborhood.**

d. Home occupation uses are allowed one wall sign per business. All other signs are not permitted. Signs for a home occupation use shall comply with Section 4.03, but shall not be illuminated and shall not exceed 3 square feet in size.

e. Home occupation uses may display a limited amount of window or other public material or merchandise. Display areas shall be confined to an area not exceeding 10 square feet and shall be located entirely within the interior of the dwelling unit or accessory building. Merchandise displayed in a window shall not be illuminated. All

displayed merchandise must be directly related to the services offered or goods produced by the home occupation.

f. Home occupation uses may not use or store hazardous substances, except at the “consumer commodity” level as defined by 49 CFR 171.8.

g. Home occupation uses may only use licensed vehicles with a GVWR 14,000 pounds or below. Home occupation uses may not park or store any other types of vehicles on the premises. The city permits deliveries and pickups by common carrier delivery vehicles (e.g., postal service, United Parcel Service, FedEx, et al.) of the type typically used in residential neighborhoods.

2. Expressly Prohibited Home Occupation Uses.

a. Any type of assembly, cleaning, maintenance or repair of vehicles or equipment with internal combustion engines or of large appliances;

b. **Salvage yards, scrapyards, junkyards;**

c. Dispatch centers or other businesses where employees come to the site and are dispatched to other locations;

d. Equipment supply or equipment rental businesses;

e. Taxi, limo, van, or bus services with more than 2 vehicles;

f. Tow truck services;

g. **Retail operations where products are sold directly to the public from the home location**

h. Eating or drinking places, in which food or beverages are prepared and served to be consumed on-site;

i. Funeral or interment services;

j. Animal care or boarding businesses, except for animal grooming, **fostering (not-for-profit)**; and,

k. Any use involving the use or storage of vehicles, products, parts, machinery, or similar materials or equipment outside of a completely enclosed building.

g. **I: Institutional Uses.** Institutional uses include, among others, the use of a building, structure, or a portion thereof, in which care or supervision is provided to

persons who are incapable of self-preservation without physical assistance, persons are detained for penal or correctional purposes, or the liberty of the occupants is restricted. Institutional occupancies shall be classified as I-1, I-2, I-3 or I-4. Institutional uses shall be operated so as not to cause unreasonable light or noise trespass to neighboring properties. If business operations occur between 10:00 p.m. and 6:00 a.m., noise-producing equipment shall be deactivated or substantially minimized. Lights shall be directed downward and produce no strobing or other distracting effect.

1. **I-1: 24-Hour Custodial Care Facilities.** I-1 uses shall include buildings, structures, or portions thereof for more than 5 people, excluding staff, who reside on a 24-hour basis in a supervised environment and receive custodial care. I-1 uses shall include assisted living facilities; alcohol and drug centers; congregate care facilities; group homes; halfway homes; residential board and care facilities; and social rehabilitation facilities. I-1 uses shall include community-based residential facilities (CBRF) classified as medium (6-20 residents) or large (21+ residents) but shall not include small (5-8 person) CBRFs.

2. **I-2: 24-Hour Self-Care Facilities.** I-2 uses shall include buildings and structures used for medical care on a 24-hour basis for more than 5 people who are incapable of self-preservation. I-2 uses shall include foster care facilities; detoxification facilities; hospitals; nursing homes; and psychiatric hospitals.

3. **I-3: Secure Facilities.** I-3 uses shall include buildings and structures inhabited by more than 5 persons who are under restraint or security. I-3 uses include correctional centers; jails; and prisons.

4. **I-4: Day Care Facilities.** I-4 uses include buildings and structures occupied by more than 5 persons of any age who receive custodial care for fewer than 24 hours per day by persons other than parents or guardians; relatives by blood, marriage, or adoption; and in a place other than the home of the person cared for. I-4 uses include adult and child daycares. I-4 uses shall include at-home family daycares which provide care for at least 4 but no more than 12 individuals under 7 years of age and which are operated from a residential dwelling unit by one or more members of the household who reside in the dwelling unit. I-4 uses, except for at-home family daycares, are subject to the following additional regulations:

a. Along all borders of the property abutting an Educational (E) use, an Institutional (I) use, or a Residential (R) use, the property owner shall provide screening using one of the options listed in Table IV-7.

h. **M: Mercantile Uses.** Mercantile uses (M: Merchandise Sales), include, among others, buildings or structures or a portion thereof for the display and sale of merchandise, and involves stocks of goods, wares, or merchandise incidental to such purposes and where the public has access. The aggregate quantity of

nonflammable solid and nonflammable or noncombustible, liquid hazardous materials stored or displayed in a single area of an M use shall not exceed the limits set forth in Wis. Admin. Code Chs. SPS 301-399. Mercantile occupancies shall include department stores, drug stores, greenhouses, markets, gas stations, retail or wholesale stores, and sales rooms. Mercantile Uses shall be operated so as not to cause unreasonable light or noise trespass to neighboring properties. If business operations occur between 10:00 p.m. and 6:00 a.m., noise-producing equipment shall be deactivated or substantially minimized. Lights shall be directed downward and produce no strobing or other distracting effect.

1. Outdoor Sales and Display. Outdoor sales and display uses include properties where property owners sell and display merchandise or equipment outside of an enclosed building on more than a temporary basis. Examples of outdoor sales and display uses include, among others, outdoor garden centers, outdoor recreation equipment sales, monument sales, flea markets, vehicle sales, and manufactured and mobile housing sales. If the permanent outdoor sales and display area is less than the equivalent of 5% of the total gross square footage of the building and is secondary to a Mercantile use, such use shall instead be considered Incidental Outdoor Sales and Display as defined in Section 3.03(h)(2). Outdoor sales and display uses shall comply with the following regulations:

- a. The outdoor display area shall be calculated as the area which would be enclosed by an imaginary line that would completely enclose all materials displayed outdoors in the smallest possible rectangle.
- b. The display of items shall not be permitted in permanently protected green space areas, required landscaped areas, or required bufferyards.
- c. The display of items shall not be permitted within required setback areas for the principal structure.
- d. In no event shall the display of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of Section 4.06(h). If the number of provided parking stalls on the property is already less than the requirement, such display area shall not further reduce the number of parking stalls already present.
- e. Display areas shall be separated from any vehicular parking or circulation area by a minimum of 10 feet. This separation shall be clearly delineated by a physical separation such as a greenway, curb, fence, line of planters, or by a clearly marked paved area.
- f. Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on-site or off-

site traffic visibility, including potential traffic/traffic and traffic/pedestrian conflicts.

g. Outdoor display shall be permitted during the entire calendar year, however, if goods are removed from the display area, all support fixtures used to display the goods shall be removed within 10 calendar days of the goods' removal.

h. Inoperative vehicles or equipment, or other items typically stored or displayed in a junkyard or salvage yard, shall not be displayed with this land use.

~~i. Outdoor sales and display uses shall provide a bufferyard with a minimum opacity of 60% along all borders of the display area abutting residentially-zoned property.~~

j. Along all borders of the property abutting an Educational (E) use, an Institutional (I) use, or a Residential (R) use, the property owner shall provide screening using one of the options of listed in Table IV-7.

2. Incidental Outdoor Sales and Display. Incidental outdoor sales and display uses includes properties where the sale and display of merchandise or equipment occurs outside of an enclosed building and is incidental to a principal commercial or industrial land use. Incidental outdoor sales and display uses shall comply with the following regulations:

a. Incidental outdoor sales and display uses shall comply with all regulations of Section 3.03(h)(1).

b. The display area shall not be greater than the equivalent of 5% of the gross floor area of the building. Display areas more than 5% of the gross floor area of the building shall be considered outdoor sales and display as a principal use under Section 3.03(h)(1).

3. In-Vehicle Sales. In-vehicle sales uses include all land uses which perform sales to persons in vehicles, or to vehicles which may or may not be occupied at the time of such activity. Such land uses often have traffic volumes which exhibit their highest levels concurrent with peak traffic flows on adjacent roads. Examples of such land uses include drive-in, drive-up, and drive-through facilities. If performed in conjunction with a principal land use (for example, a convenience store), in-vehicle sales land uses shall be considered an accessory use. In-vehicle service uses shall have the following additional regulations:

a. Clearly marked pedestrian crosswalks shall be provided for each walk-in customer access to the facility adjacent to the drive-through lanes, subject to the design standards of Section 4.06(e).

b. The drive-through facility shall be designed so as to not impede or impair vehicular and pedestrian traffic movement or exacerbate the potential for pedestrian/vehicular conflicts.

c. In no instance shall a drive-through facility be permitted to operate in a way that endangers the public safety, even if such land use has been permitted under the provisions of this section.

d. The setback of any overhead canopy or similar structure shall be a minimum of ten feet from all street rights-of-way lines, a minimum of 20 feet from all Residential (R) use property lines and shall be a minimum of five feet from all other property lines. The total height of any overhead canopy or similar structure shall not exceed 20 feet as measured to the highest part of the structure.

e. All vehicular areas of the facility shall provide a surface paved with concrete or bituminous material which is designed to meet the requirements of a minimum four-ton axle load.

f. Along all borders of the property abutting an Educational (E) use, an Institutional (I) use, or a Residential (R) use, the property owner shall provide screening using one of the options listed in Table IV-7.

g. Interior curbs shall be used to separate driving areas from exterior fixtures such as fuel pumps, vacuums, menu boards, canopy supports and landscaped islands. Said curbs shall be a minimum of six inches high and be of a non-mountable design. No curb protecting an exterior fixture shall be located closer than 25 feet to all property lines.

4. **Pet Shops.** Pet shops include all retail businesses engaged in the sale of domestic animals. Pet shops may sell pet supplies, including food, accessories, and related product. Pet shops may include limited grooming services, but shall not include veterinary clinics, kennels, or animal boarding. Pet shops in which live animals are sold are subject to the following additional regulations:

a. Pet shops shall comply with all standards of care established by the Wisconsin Department of Agriculture, Trade, and Consumer Protection.

b. Not more than eight adult dogs and eight adult cats may be kept on the premises at any one time.

c. ~~No dog or cat more than six months old may be kept on the premises at any one time.~~

- d. Dogs or cats may be kept on the premises solely for the purpose of sale by the owner/operator of the pet shop. No animal boarding, whether gratuitous or for a fee, is permitted.
- e. Animals may not be kept in outdoor facilities overnight or outside of business hours.
- f. ~~Dogs and cats must be kept within the pet shop facility at all times. No outdoor pens or runs shall be permitted.~~
- g. Pet shop buildings shall be properly soundproofed to minimize sound emanating from any animal within the building.
- h. A proper ventilation and filtration system shall be installed so that no odor from the pet shop is discernible within six vertical feet of the grade at any property line of the premises on which a pet shop is located.
- i. A proper ventilation and filtration system shall also be installed so that any offensive odor to humans inside the premises can be kept to a minimum. The building inspection department is authorized to enforce the regulation relating to offensive odors to humans.
- j. No sales of Vietnamese miniature potbellied pigs within the city limits will be allowed.

5. **Convenience Stores.** Convenience stores are retail uses which sell a limited selection of food, beverages, tobacco products, household goods, and similar items, primarily for quick purchase and off-premise consumption. A convenience store may include accessory uses such as automated teller machines, lottery sales, or food preparation areas. Convenience stores are subject to the following additional regulations:

- a. Along all borders of the property abutting an Educational (E) use, an Institutional (I) use, or a Residential (R) use, the property owner shall provide screening using one of the options listed in Table IV-7.

6. **Vehicle Fueling (Gas) Stations.** Vehicle fueling stations are buildings, structures, or premises used for the retail dispensing and sale of motor vehicle fuels from pumps located on the premises. Fueling stations may include accessory activities such as convenience retail sales, car wash facilities, and air and water service. Fueling stations shall not include vehicle repair and maintenance. Fueling stations are subject to the following additional regulations.

- a. The setback of any overhead canopy or similar structure shall be a minimum of ten feet from all street rights-of-way lines, a minimum of 20 feet from all Residential (R) use property lines and shall be a

minimum of five feet from all other property lines. The total height of any overhead canopy of similar structure shall not exceed 20 feet as measured to the highest part of the structure.

b. All vehicular areas of the facility shall provide a surface paved with concrete or bituminous material which is designed to meet the requirements of a minimum four-ton axle load.

c. Along all borders of the property abutting an Educational (E) use, an Institutional (I) use, or a Residential (R) use, the property owner shall provide screening using one of the options of listed in Table IV-7.

d. Interior curbs shall be used to separate driving areas from exterior fixtures such as fuel pumps, vacuums, menu boards, canopy supports and landscaped islands. Said curbs shall be a minimum of six inches high and be of a non-mountable design.

~~e. Fueling stations shall be operated so as not to cause unreasonable light or noise trespass to neighboring properties. If business operations occur between 10:00 p.m. and 6:00 a.m., noise-producing equipment shall be deactivated or substantially minimized. Lights shall be directed downward and produce no strobing or other distracting effect.~~

i. **O: Outdoor Uses.** Outdoor uses include, among others, uses which generally lack primary buildings or structures. The city shall classify outdoor uses as O-1, O-2, or O-3.

1. **O-1: Cemeteries.** O-1 uses include lands and facilities for the interment of humans or domestic household pets.

2. **O-2: Natural Areas and Recreation.** O-2 uses include parks, recreation, and natural resource preservation areas, such as nature preserves, arboreta, campgrounds, and playgrounds.

a. Campgrounds. Campgrounds are facilities designed for overnight accommodation of persons in tents, travel trailers, or other mobile or portable shelters or vehicles. Campgrounds are subject to the following additional regulations:

1. Along all borders of the property abutting an Educational (E) use, an Institutional (I) use, or a Residential (R) use, the property owner shall provide screening using one of the options listed in Table IV-7.

2. The facility shall provide a minimum of one and one-half off-street parking spaces per campsite.

3. Campgrounds are not permitted in the Natural Resource Protection Overlay (NRP-O) district.

4. Campgrounds shall only be operated in accordance with state and county regulations.

3. **O-3: Non-Accessory Parking:** O-3 uses include parking lots that primarily serve the public at large instead of occupants of or visitors to a use under a 14,000-pound gross vehicle weight rating (GVWR). The city permits parking lots that primarily serve vehicles over a 14,000-pound GVWR only accessory to F or H uses.

j. **R: Residential Uses.** Residential uses include, among others, the use of a building or structure, or a portion thereof, for sleeping purposes when not classified as an Institutional Use. Residential uses shall be classified as R-1, R-2, R-3, ~~or~~ R-4, or R-5.

1. **R-1: Hotels.** R-1 uses contain sleeping units of more than 2 dwelling units where the occupants are primarily transient in nature, such as hotels, motels, or lodging houses with more than 5 guestrooms. Hotel uses are subject to the following additional regulations:

a. If located on the same side of a building as an abutting R-2, R-3, R-4, or R-5 uses, no customer entrance of any kind shall be permitted within 100 feet of that property.

b. Along all borders of the property abutting an Educational (E) use, an Institutional (I) use, or a Residential (R) use, excluding R-1 uses, the property owner shall provide screening using one of the options listed in Table IV-7.

c. If an R-1 building is located within 300 feet of another Residential (R) use, each and every room must take primary access via an individual interior door, and may not be accessed via an external balcony, porch or deck, except for emergency purposes.

2. **R-2: 3+ Unit Residential.** R-2 uses contain sleeping units of more than 2 dwelling units where the occupants are primarily permanent in nature, such as multi-unit buildings, convents, or emergency services living quarters. R-2 uses shall also include townhouses.

a. **Townhouse Regulations.** When individual townhouse units are located on separate parcels, the following regulations apply:

1. Minimum combined lot area of all parcels: 8,000 square feet.

2. Minimum combined lot width of all parcels: 80 feet.

3. Minimum shared side yard setback: 0 feet.
4. Minimum unshared side yard setback: setback of underlying zoning district.
5. Minimum street yard setback: setback of underlying zoning district.
6. Minimum rear yard setback: setback of underlying zoning district.

When individual townhouse units are located on a single parcel, the regulations of the underlying zoning district shall apply.

3. **R-3: 1-2 Unit Residential.** R-3 uses contain occupants that are primarily permanent in nature and not classified as R-1, R-2, or R-4 uses. Such uses include buildings with one or two dwelling units; cottage courts; care facilities that provide accommodation for 5 or fewer persons receiving care; **bed and breakfasts**; and lodging houses with 5 or fewer guest rooms.

a. **Accessory Dwelling Unit Regulations.** An accessory dwelling unit (ADU) is a smaller, independently habitable residential dwelling unit located on the same lot as a standalone (i.e., detached) single-family home. ADUs can be converted portions of existing homes (i.e., internal ADUs), additions to new or existing homes (i.e., attached ADUs), new stand-alone accessory structures, or converted portions of existing stand-alone accessory structures (i.e., detached ADUs). **An ADU shares a postal address with the principal dwelling unit. An ADU may internally link to the principal structure via internal connection and may also have an independent entrance on a side, rear, or street side elevation.** ADUs shall comply with the following regulations:

1. No more than one ADU shall be allowed on a single lot.
2. ADUs shall not be located on lots occupied by a two-unit house, townhouse, or cottage court development.
3. Additional entrances shall not be added to the front elevation of an existing residential building but may be added to side, rear, or street side elevations.
4. Entrances to ADUs may not face the nearest side or rear property line unless there is an alley abutting that property line.

5. ADU entryways within a rear, side, or street side yard shall be connected to a street frontage by a paved walkway or driveway. The owner shall post one on-building locational sign displaying the address of the ADU.
6. Attached ADUs shall adhere to the principal structure setback requirements and other regulations for the underlying zoning district.
7. Detached ADUs shall adhere to the accessory structure setback requirements and other regulations for the underlying zoning district.
8. ADUs shall not be sold separately or otherwise conveyed or titled separately from the principal dwelling.
9. The maximum size of an ADU shall not exceed the size of the principal dwelling's floor area, excluding any attached garage.
10. ~~Park impact fees shall not be charged for a permit to construct an ADU.~~

b. **Cottage Court Regulations.** A cottage court development is a grouping of at least three small, detached houses; two-unit houses; twin houses; or backyard cottages clustered around a common open space or shared courtyard. Cottage court dwelling units each have a unique postal address. Cottage court uses shall comply with the following regulations.

1. Property owners must provide at least 400 square feet of contiguous, regularly shaped, common open space per unit as the focal point of the development accessible to its residents.
2. Property owners must orient the unit entrances around at least 2 sides of the common open space, except units adjacent to local and collector streets that must face towards the street.
3. Property owners must locate all units within 75 feet of the common open space area.
4. Each dwelling unit shall contain at least 800 square feet of habitable space.
5. At least 10 linear feet of distance shall be maintained between dwelling units. Such distance shall not be

encroached upon by terrace, deck, porch, or other accessory structure.

6. For the purposes of cottage courts, the following minimum setbacks shall apply:

- a. Front yard (fronting the common open space): 10 feet.
- b. Street yard (fronting a public or private street): minimum street yard setback of the underlying zoning district.
- c. Side yard: 5 feet.
- d. Rear yard: 5 feet.
- e. Distances between a cottage court home and the side yard of an adjacent parcel which is not part of the cottage court: minimum side yard setback of the underlying zoning district.
- f. Distance between a cottage court home and the rear yard of an adjacent parcel which is not part of the cottage court: minimum rear yard setback of the underlying zoning district.

7. Property owners may provide cottage court parking in attached garages, detached garages, or in a shared parking area. Shared parking areas must be screened in accordance with the screen standards of Section 4.08 and may not be located in the required courtyard or common open space area.

8. Cottage court developments shall not be subdivided. A certificate of occupancy shall not be granted until a property owner has supplied documentation evidencing a deed restriction recorded with the Sheboygan County Register of Deeds prohibiting subdivision.

c. Bed and Breakfast Regulations. Bed and breakfast establishments are exclusively indoor lodging facilities which provide meals only to paying lodgers. Such land uses may provide indoor recreational facilities for the exclusive use of their customer.

1. All such facilities shall be properly permitted for food and beverage service.

2. One sign, not more than 20 square feet, shall be permitted on the property.
3. Along all borders of the property abutting an Educational (E) use, an Institutional (I) use, or a Residential (R) use, the property owner shall provide screening using one of the options listed in Table IV-7.
4. No premises shall be utilized for a bed and breakfast operation unless there are at least two exits to the outdoors from such premises. Rooms utilized for sleeping shall have a minimum size of 100 square feet for two occupants with an additional 30 square feet for each additional occupant to a maximum of four occupants per room. Each sleeping room used for the bed and breakfast operation shall have a separate operational smoke detector alarm, as required in the city building code. One lavatory and bathing facility shall be required for every ten occupants, in addition to the owner/occupant personal facilities.
5. The dwelling unit in which the bed and breakfast takes place shall be the principal residence of the operator/owner and said operator/owner shall live on the premises when the bed and breakfast operation is active.
6. Breakfast shall be the only meal served to overnight guests.
7. Each operator shall keep a list of names of all persons staying at the bed and breakfast operation. This list shall be kept on file for a period of one year. Such list shall be available for inspection by city officials at any time.
8. The maximum stay for any occupants of a bed and breakfast operation shall be 14 days.
9. Bed and breakfast operations shall not be permitted whenever the operation endangers, or offends, or interferes with the safety of rights of others so as to constitute a nuisance.
10. Bed and breakfast facilities shall provide one off-street parking space per bedroom, plus one space per employee.

d. **Rooming Houses Regulations.** In addition to the regulations set forth in SMC Div. 12-VII-3, rooming houses are subject to the following regulations:

1. Along all borders of the property abutting an Educational (E) use, an Institutional (I) use, or a Residential (R) use, the property owner shall provide screening using one of the options listed in Table IV-7.
2. Rooming houses shall be located in an area of transition from a Residential (R) use to a non-residential use.
3. Rooming houses shall provide one off-street parking space per room for rent, plus one space for each employee on the largest work shift.
4. Rooming houses shall not operate unless permitted by the City. The permit shall be displayed in a conspicuous manner within a communal area of the rooming house and shall set forth the maximum number of occupants permitted therein. A rooming house permit is not transferrable.

- e. Vehicles stored on site shall not be placed in the area located directly in front of a dwelling, not including accessory dwelling units. All on-site vehicle parking or storage visible from the street shall be located in front of an attached or detached garage or within a designated driveway.

4. **R-4: Small Community-Based Residential Facilities.** R-4 uses shall include buildings, structures, or portions thereof used and licensed as an adult family home, as defined in Wis. Stat. S. 50.01, a small community based residential facility (CBRF), as defined in Wis. Stat. s. 50.01(1g) and Wis. Admin. Code Sec. DHS 83.04(1)(a). R-4 uses shall include small CBRFs (5-8 adult residents) but shall not include medium (9-20 adult residents) or large (21+ adult residents) CBRFs. CBRFs shall demonstrate proof of licensure from the State Department of Health Services to the Zoning Administrator prior to issuance of a Certificate of Occupancy.

5. **R-5: Mobile Home Parks.** R-5 uses shall include manufactured and mobile homes, as defined in Chapter 34 of this Code. Manufactured and mobile homes shall only be allowed within a permitted mobile home park, pursuant to Chapter 34. In addition to the requirements of Chapter 34, mobile home parks are subject to the following restrictions:

- a. Every manufactured home and mobile home in a mobile home park shall be located on a space not less than 1,000 square feet in area, and all such spaces shall be arranged in rows, facing on a continuous driveway which is at least 25 feet wide, and each space shall have a frontage on such driveway of at least 30 feet.
- b. Every manufactured home and mobile home shall be located at least 25 feet from the nearest adjacent mobile home.

c. No structure shall be located closer than 10 feet to the exterior boundary line of any mobile home space.

d. No structure shall be located closer than 25 feet from the property line of the mobile home park.

e. ~~A maximum of~~ No more than 100 manufactured and mobile homes is permitted per mobile home park.

f. No Lean-to, shack, tent, room or similar structure of a detachable nature shall be attached to any trailer or mobile home located within a mobile home park, other than as may be required for the housing of equipment for the furnishing of power, light, water, gas or similar service to such trailer or mobile home.

g. Any and all extensions in the area of a mobile home park existing on the date the ordinance from which this chapter is derived takes effect, made after such date, as well as all mobile home parks constructed after such date, shall be laid out and maintained with regard to the spacing of mobile homes located, or to be located, therein, so as to meet the requirements of this subsection or the requirements of the county zoning ordinance, as applicable thereto, whichever requires the greater area of such spacing.

k. **S: Storage Uses.** Storage uses include, among others, the use of a building or structure or a portion thereof, for storage not classified as an H use. A room or space used for storage purposes that is accessory to another occupancy shall be classified as part of that occupancy.

1. **S-1: Moderate Hazard Storage.** S-1 uses include, among others, buildings used for storage uses that are not classified as S-2 uses, as set forth in IBC 2024 Sec. 311.2.

a. **Self-Storage and Mini-Warehouses.** The city classifies self-storage and mini-warehouses as S-1 uses, which have the following additional regulations:

1. Applications for zoning permits for Self-Storage and Mini-Warehouses shall include detailed security plans which address indoor and outdoor security procedures.

2. Self-Storage and Mini-Warehouse uses have a minimum required height of 24 feet and at least two usable internal stories.

3. Self-Storage and Mini-Warehouse uses must provide only internal access to individual storage areas within a principal building.

4. If located on the same side of the building as abutting Residential (R) uses, no customer entrance of any kind shall be permitted within 100 feet of a Residential (R) use.

2. **S-2: Low Hazard Storage.** S-2 uses include, among others, buildings used for the storage of noncombustible materials such as products on wood pallets or in paper cartons with or without single thickness divisions; or in paper wrappings, as set forth in IBC 2024 Sec. 311.3. Such products are permitted to have a negligible amount of plastic trim, such as knobs, handles, or film wrapping.

l. **U: Utility and Accessory Uses.** Utility and accessory uses include buildings and structures of an accessory character and miscellaneous structures not classified in any other specific use. Utility and miscellaneous uses include amateur radio service antennas; beekeeping; carports; composting structures; donation drop-off boxes; electric vehicle charging stations; fowl; geothermal energy systems; portable storage units; private garages; satellite antennas; sheds; solar energy systems; and temporary structures (not including children's play structures) existing no longer than ~~60~~ 30 days.

1. **General Provisions.** The city permits accessory uses only in connection with lawfully established principal uses, and they are subject to the same regulations that apply to principal uses on the subject lot, unless otherwise expressly stated.

2. **When Allowed.** The city limits accessory uses to those expressly regulated in this section or elsewhere in the zoning chapter, as well as those that, in the determination of the Zoning Administrator, satisfy all the following criteria.

- a. One may customarily find them in conjunction with the principal use of the subject property;
- b. They are subordinate and clearly incidental to the principal use of the property; and
- c. They serve a necessary function for or contribute to the comfort, safety, or convenience of occupants of the principal use.

3. **Time of Construction and Establishment.** One may only establish an accessory use after the principal use.

4. **Location.** Accessory uses must be located on the same lot as the principal use to which they are accessory, unless otherwise expressly stated.

5. **R-3 Accessory Structures.** On all lots occupied by an R-3 primary use, the following accessory structure standards apply:

a. Accessory structures shall have a maximum footprint of 1,000 square feet.

b. The footprint of an accessory structure shall not exceed the footprint of the primary structure.

c. Each lot may contain a maximum of one ~~detached~~ garage.

d. ~~All non-garage accessory structures shall have a maximum individual footprint of 250 square feet.~~ Except for accessory dwelling units and detached garages, individual accessory structures shall not exceed 250 square feet. No garage may exceed 1000 square feet.

e. All accessory structures shall meet the standards set forth in Table II-2: Lot and Structure Regulations, and Table II-3: Height Regulations.

f. Shipping containers and other portable storage units are not permitted unless specifically authorized by this chapter.

6. **Composting.**

a. **Size.** The city permits small-scale, non-commercial composting fewer than 50 cubic yards (38.2 cubic meters).

b. **Locational Limits.** Property owners may compost only landscape waste generated from plants grown and maintained on the subject lot or food waste resulting from food preparation or consumption by residents of the subject lot and their visitors. The city does not intend this provision to prohibit property owners from adding outside materials or ingredients to speed or enhance decomposition.

c. **Meat Products.** The city prohibits meat products in compost bins.

d. **Rodent Protection.** Property owners must place all compost waste within rodent-resistant compost bins.

e. **Animal Waste.** The city permits only animal waste from herbivores within compost bins.

f. **Burning Expressly Prohibited.** No person may burn compost within the city.

7. **Donation Drop-Off Boxes.**

a. **General.** The city limits donation drop-off boxes to the S-CO, U-CO, U-DT, and I zoning districts.

b. **Number Allowed.** The city permits one donation drop-off box per property.

c. **Location.** Donation drop-off boxes are exempt from the street yard setback requirements for accessory structures; however, no property owner may locate the box closer than 3 feet from any property line.

d. **Maintenance.** A property on which a donation drop-off box is located shall ensure that the area surrounding the drop-off box is maintained in a clean and orderly manner at all times.

8. **Electric Vehicle Charging Stations.** For electrical charging stations serving more than one dwelling unit and for commercially operated electrical charging stations, the following regulations apply:

a. **Parking.** Property owners must reserve public electric vehicle (EV) charging stations for parking and charging electric vehicles. Owners must post signs reserving the space for electric vehicle charging purposes.

b. **Equipment.** Property owners must design and locate EV charging equipment not to impede pedestrian, bicycle, or wheelchair movement or create safety hazards on sidewalks.

c. **Posted Information** Property owners must post information identifying voltage and amperage levels and any type of use, fees, or safety information related to the electric vehicle charging station.

9. **Geothermal Energy Systems.** Property owners must locate geothermal energy systems completely within their property or within appropriate easements. Property owners may not locate any portion of a geothermal energy system within a stream or stream buffer.

10. **Portable Storage Units.** ~~The city exempts portable storage units from street yard setbacks.~~ Portable storage units are allowed within a residentially zoned district for up to 31 consecutive days within a 12-month period. The city permits portable storage units on properties longer than 31 consecutive days for properties with an active building permit.

11. **Satellite Antennas.** Satellite antennas and dishes accessory to R uses may not exceed 36 inches (91.4 centimeters) in diameter.

12. **Solar Energy Systems.** Property owners may locate solar energy systems in any zoning district. ~~The city classifies non-accessory solar energy systems as F-1 uses.~~ Non-accessory solar energy systems are allowed in any non-residential zoning district.

13. **Short-Term Residential Rentals.** Short-term residential rentals (STR) are all lodging places and tourist cabins and cottages, other than hotels and motels, in which sleeping accommodations are offered for pay to tourists and transients. It does not include private boarding houses or rooming houses not accommodating tourists or transients, or bed and breakfast establishments regulated by Wis. Admin. Code Ch. ACTP 73.

a. **Definitions.**

1. **Tourist or Transient.** A person who travels to a location away from his or her permanent address for a short period of time, not to exceed 30 days, for vacation, pleasure, recreation, culture, business, or employment.

2. **Operator.** A person who owns or leases property being used as a STR and who is conducting the STR business by, among other things, interacting digitally and in person with guests and is identified in STR listings and advertisements as the STR “host.” An operator may not be an LLC, trust, nonprofit, or other corporate entity.

3. **Primary Residence.** A dwelling unit that serves as an individual’s true, fixed and permanent home for at least 183 days in a calendar year and to which, whenever absent therefrom, that individual intends to return. Additional characteristics of a primary residence include, among others, where an individual receives mail, claims residence for purposes of voter registration, pays for utilities, and lists as their address on state-issued identification cards. An individual can have only one primary residence.

b. **Permit Requirements.** STRs are permitted by right in all zoning districts, subject to the below supplemental regulations. All operators shall obtain a valid Operator’s Permit from the city prior to operating an STR, pursuant to Section 50-32 of this Code.

c. **Short-Term Residential Rental Regulations.**

1. An STR shall only be located as an accessory land use to a residential land use.
2. Only the owner of the property may operate a STR, except that a renter may operate if explicitly allowed in the lease. A property owner proposing to operate a STR in a dwelling unit that is subject to rules, regulations, or bylaws of a condominium association may only operate the dwelling unit as an STR if explicitly allowed by the condominium association.
3. If the STR is operated for stays of more than 6 but fewer than 29 consecutive days, the STR may be operated for no more than 180 days in any consecutive 365-day period, as provided in Wis. Stat. s. 66.1014(2)(d). The 180 allowable days in any 365-day period must run consecutively and the STR operator must give the Zoning Administrator notice of the first rental of any 365-day period.
4. If the STR is operated for stays of 1 – 6 consecutive days, the property shall be the operator’s primary residence.
 - a. If an operator who is operating an STR for stays of 1-6 consecutive days occupies the residence at the time of rental, there is no limit to the number of days the STR may operate.
 - b. If an operator who is operating an STR for stays of 1-6 consecutive days does not occupy the residence at the time of rental, the STR may operate no more than 30 days per permitting year.
5. Maximum tourist or transient occupancy shall not exceed the lesser of 2 times the number of legal bedrooms in the dwelling unit or 12. Children under the age of 12 shall not count toward the maximum tourist occupancy.
6. Each STR shall provide and maintain a guest register and shall require all guests to register their true names and addresses before allowing occupancy. The guest register shall be kept intact and available by the operator for inspection by city representatives for at least three years.
7. Each STR shall maintain the following written business record for each rental of the STR: the true names and addresses of any person renting the property, the dates of the rental period (which must be a minimum of one consecutive day), and the monetary amount or consideration paid for the

rental. The business record shall be kept intact and available by the operator for inspection by city representatives for at least three years.

8. A minimum of one off-street parking space shall be provided on the subject property for each STR. If the STR provides 3 or more bedrooms, an additional on-site parking space is required for each additional bedroom over 2.

9. All guest parking for vehicles and trailers shall be within a legal off-street parking space on an area paved with concrete or asphalt. No parking is permitted on gravel, lawn, or planter bed areas. Street parking for guests is not permitted.

10. Aside from a changing mix of guests and their vehicles, there shall be no evidence of the property being used as a STR visible on the exterior of the subject property.

11. No recreational vehicle, camper, tent, or other temporary lodging arrangement shall be permitted to accommodate guests.

12. STR areas shall comply with all applicable building, health, and safety requirements.

14. **Wireless Telecommunications.**

a. **Applicability.** The regulations of this article apply to mobile service facilities.

b. **Purpose.** The regulations of this article are intended to regulate mobile service facilities to the full extent allowed by Wis. Stat. s. 66.0404 and other applicable laws. These regulations are not intended to regulate or authorize the regulation of mobile service facilities in a manner that is preempted or prohibited by Wis. Stat. s. 66.0404 or other applicable laws.

c. **Definitions.** The definitions of this section apply only in administering and enforcing the wireless telecommunications regulations of this article.

1. **Antenna** means communications equipment that transmits and receives electromagnetic radio signals and is used in the provision of mobile services.

2. **Application** means an application for a permit under this section to engage in either:

a. The siting and construction of a new mobile service support structure and facilities; or

b. With regard to a Class 1 collocation, the substantial modification of an existing support structure and mobile services facilities or a Class 2 collocation.

3. **Class 1 Collocation** means the placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a freestanding support structure for the facility but does need to engage in substantial modification.

4. **Class 2 Collocation** means the placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a freestanding support structure for the facility or engage in substantial modification.

5. **Collocation** means a class 1 or class 2 collocation or both.

6. **Distributed Antenna System** means a network of spatially separated antenna nodes that is connected to a common source via a transport medium and that provides mobile service within a geographic area or structure.

7. **Equipment Compound** means an area surrounding or adjacent to the base of an existing support structure within which is located mobile service facilities.

8. **Existing Structure** means a support structure that exists at the time a request for permission to place mobile service facilities on a support structure is filed with the city.

9. **Fall Zone** means the area over which a mobile support structure is designed to collapse.

10. **Mobile Services** has the meaning given in 47 U.S.C. s. 153(33), as follows: a radio communication service carried on between mobile stations or receivers and land stations, and by mobile stations communicating among themselves, and includes:

a. Both one-way and two-way radio communication services;

b. A mobile service that provides a regularly interacting group of base, mobile, portable, and associated control and relay stations, whether licensed on an individual, cooperative, or multiple basis, for private one-way or two-way land mobile radio communications by eligible users over designated areas of operation; and,

c. Any service for which a license is required in a personal communications service established pursuant to the proceeding entitled "Amendment to the Commission's Rules to Establish new Personal Communication Services" (GEN Docket No. 90-314; ET Docket 92-100), or any successor proceeding.

11. **Mobile Service Facility** means the set of equipment and network components, base stations, power supplies, cabling, and associated equipment, that is necessary to provide mobile service to a discrete geographic area but does not include the underlying support structure.

12. **Mobile Service Provider** means a person who provides mobile service.

13. **Mobile Service Support Structure** means a freestanding structure that is designed to support a mobile service facility.

14. **Permit** means a permit, other than a building permit, or approval issued by a political subdivision that authorizes any of the following activities by an applicant:

a. A Class 1 colocation.

b. A Class 2 colocation.

c. The construction of a mobile service support structure.

15. **Public Utility** has the meaning given in Wisconsin Statutes.

16. **Search Ring** means a shape drawn on a map to indicate the general area within which a mobile service support structure should be located to meet radio frequency engineering requirements, taking into account other factors including topography and the demographics of the service area.

17. Substantial Modification means the modification of a mobile service support structure, including the mounting of an antenna on such a structure, that does any of the following:

- a. For structures with an overall height of 200 feet or less, increases the overall height of the structure by more than 20 feet.
- b. For structures with an overall height of more than 200 feet, increases the overall height of the structure by 10% or more.
- c. Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by 20 feet or more, unless a larger area is necessary for colocation.
- d. Increases the square footage of an existing equipment compound to a total area of more than 2,500 square feet.

18. Support Structure means an existing or new structure that supports or can support a mobile service facility, including a mobile service support structure, utility pole, water tower, building, or other structure.

19. Utility Pole means a structure owned or operated by an alternative telecommunications utility, as defined in Wisconsin Statutes; a public utility, as defined in Wisconsin Statutes; a telecommunications utility, as defined in Wisconsin Statutes; a political subdivision; or a cooperative association, as defined in Wisconsin Statutes; and that is designed specifically for and used to carry lines, cables, or wires for telecommunications service, as defined in Wisconsin Statutes; for video service, as defined in Wisconsin Statutes; for electricity; or to provide light.

d. New Facilities and Substantial Modifications.

1. Applicability. The regulations of this section apply to the siting and construction of new mobile service support structures and facilities and substantial modifications of existing mobile service support structures and facilities.

2. Application and Fee. The applicant must submit to the Zoning Administrator a written application, which must

include all of the following information. Applications for approval of a substantial modification must describe the proposed modifications, rather than the new structure.

- a. The name, business address, and contact individual for the applicant.
- b. The subject property owner.
- c. The location of the proposed tower.
- d. The location of the mobile service facility.
- e. A construction plan that describes the tower, equipment, network components, antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new tower.
- f. An explanation of why the applicant chose the proposed location, and why the applicant did not choose colocation, including a sworn statement from the responsible party attesting that colocation within the applicant's service.
- g. The application must be accompanied by the fee established by the common council to defray the cost of notification and holding of public hearing. Costs incurred by the city in obtaining legal, planning, engineering, and other technical and professional advice in connection with the review and implementation of the use will also be charged to the applicant. Such fee must be established by resolution of the common council and may not exceed the limits established by Wis. Stat. s. 66.0404(4)(d).

3. Determination of Completeness. The Zoning Administrator must review the application and determine whether the application is complete. The Zoning Administrator must notify the applicant of the determination within 10 business days of receiving the application. If the application is found to be incomplete, such notice must specify in detail the missing information. Applicants are allowed to resubmit their applications as often as necessary to provide the required information.

4. Review Procedure. Applications for new wireless telecommunications mobile service facilities and substantial

modifications of existing facilities must be reviewed pursuant to the procedures set forth below:

a. After determining that an application is complete, the Zoning Administrator must forward the application to the Plan Commission for review. The Plan Commission must forward its recommendation to the common council for a public hearing on the matter.

b. Notice of the common council's public hearing must be published by the city clerk as a class 1 notice. The city clerk must also provide by first-class mail a copy of the public hearing notice to all owners of record of real property located within 300 feet of the property for which approval is sought.

c. Approval of a new wireless telecommunications mobile service facility or a substantial modification of an existing facility may not be granted unless the tower is located so that there is sufficient radius of clear land around the tower so that its collapse will be completely contained on the subject property. If an applicant provides the city with engineering certification showing that the tower is designed to collapse within a smaller area than the radius equal to the height of the tower, the smaller area must be used unless the city has and provides the applicant substantial evidence that the engineering certification is flawed.

d. All facilities must comply with all applicable state and federal regulations.

5. Public Hearing and Decision.

a. The common council must decide on the application for a new wireless telecommunications modification of an existing facility within 90 days of a completed application unless the applicant extends the time.

b. The decision must be in writing and a copy of the decision must be made a permanent part of the city records. If approval is not granted, the reasons for disapproval must be included in such record.

c. An official record of the decision must be prepared by the Zoning Administrator. The official record must include a description of the use for which the approval is granted and all conditions attached to such approval as well as a copy of the resolution of the common council approving the application. A copy of the completed form must be recorded with the Sheboygan County Register of Deeds as a covenant on the title for the premises for which the approval was granted.

6. Conditions of Approval. Conditions such as landscaping, architectural design, type of construction, floodproofing, anchoring of structures, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yard or parking requirements, among other issues as deemed appropriate, may be required by the common council upon a finding that such conditions are necessary to fulfill the purpose and intent of this section.

7. Limitations on Authority. The city's review and action on applications for new wireless telecommunications mobile service facilities or substantial modifications of existing facilities are subject to the limitations imposed by Wis. Stat. s. 66.0404(4). If the applicant believes the city has exceeded its authority in this regard, the applicant must notify the common council in writing, in which case the common council reserves the right to reconsider the matter, to ensure that applicable laws are followed.

e. Nonsubstantial Modifications.

1. General. Nonsubstantial changes, additions or other modifications to an existing mobile service support structure or mobile service facility are subject to the requirements of this section. The application together with applicable fees must be submitted to the Zoning Administrator, who must review the application determine whether changes, additions, or other modifications shown on the application constitute a Nonsubstantial modification.

2. Application Information. The applicant must submit a written application that describes the applicant's basis for concluding that the modification is not substantial, and all of the following information:

- a. The name and business address of, and the contact individual for the applicant.
- b. The location of the affected support structure.
- c. The location of the proposed facility.

3. Determination of Completeness. The Zoning Administrator must review the application and determine whether the application is complete. The Zoning Administrator must notify the applicant of the determination within ten business days of receiving the application. If the application is found to be incomplete, such notice must specify in detail the missing information. Applicants are allowed to resubmit their applications as often as necessary to provide the required information.

4. Decision. The Zoning Administrator must decide on the application within a reasonable time after receipt of the completed application and no later than 45 days after receipt of the completed application unless the applicant extends the time. The decision must be in writing and a copy of the decision must be made a permanent part of the city records. If approval is not granted, the reasons for disapproval must be included in such record.

5. Limitations on Authority. The City's review and action on applications for Nonsubstantial modifications of existing facilities are subject to the limitations imposed by Wis. Stat. s. 66.0404(4). If the applicant believes the city has exceeded its authority in this regard, the applicant must notify the common council in writing, in which case the common council reserves the right to reconsider the matter or to direct the Zoning Administrator to reconsider the matter, to ensure that applicable laws are followed.

m. Agricultural Uses.

1. AG-1: Cultivation. AG-1 uses shall include all operations primarily oriented to the on-site, outdoor raising of plants for commercial purposes. This land use includes trees that are raised as a crop to be replaced with more trees after harvesting, such as in nursery or Christmas tree operations. Cultivation uses shall not include the incidental growing and harvesting of plants or crops for personal use or for a home occupation use within a residence or on the same lot as a residence, commonly known as home gardening.

In all zoning districts, except for the AG zoning district, the following regulations shall apply:

- a. Cultivation uses shall not exceed 20% of the lot's area.
- b. Cultivation uses shall not be located within a lot's required minimum accessory structure setback area.

The city permits only the following cultivation activities in the NRP-O district, subject to site plan review by the Zoning Administrator:

- a. Hiking, fishing, trapping, swimming, and boating, unless prohibited by other ordinances and laws;
- b. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
- c. Silviculture, including the planting, thinning, and harvesting of timber, in a manner that is not injurious to the woodland area a whole.

2. **AG-2: Animal Husbandry.** AG-2 uses include all operations primarily oriented to the on-site raising or use of animals at an intensity of less than one animal unit as established in Table V-2 Animal Unit Table, per acre. AG-2 uses shall not include residential beekeeping or keeping of chickens. The Zoning Administrator is authorized to determine the value in animal units for mature animals not listed in Table V-2 Animal Unit Table. Any building housing animals for animal husbandry shall be located a minimum of 100 feet from all lot lines. All outdoor animal containment (pasture) shall be located a minimum of 10 feet from any residentially zoned property.

3. **AG-3: Intensive Agriculture.** AG-3 uses include all operations primarily oriented to the on-site raising or use of animals at an intensity equal to or exceeding one animal unit, as established in Table V-2 Animal Unit Table, per acre, or agricultural activities requiring large investments in structures. Examples of such land uses include feed lots, hog farms, poultry operations, fish farms, commercial greenhouse operations, and certain other operations meeting this criteria.

The following regulations apply to AG-3 uses:

- a. AG-3 uses shall not lie in, or adjacent to, an existing or platted residential subdivision.
- b. The property owner shall screen the entire perimeter of the occupied parcel using Option A in Table IV-7: Outdoor Storage and Work Area Screening Options.

c. All buildings, structures, outdoor storage areas, and outdoor animal containments shall lie a minimum of 300 feet from all parcels with an R use and 100 feet from all other lot lines.

d. AG-3 uses shall lie in an area designated for agricultural, or additionally, in the case of commercial greenhouses, industrial use on the City's comprehensive plan.

4. **AG-4: Agricultural Services.** AG-4 uses include all operations pertaining to the sale, handling, transport, packaging, storage, or disposal of agricultural equipment, products, by-products, or materials primarily used by agricultural operations. Examples of such land uses include agricultural implement sales, storage, or repair operations; feed and see stores; agricultural chemical dealers or storage facilities; animal feed storage facilities; commercial dairies; food processing facilities; canning and other packaging facilities; and agricultural waste disposal facilities.

The following regulations apply to Agricultural Services uses:

a. They shall not lie in, or adjacent to, an existing or platted residential subdivision.

b. All buildings, structures, outdoor storage areas, and outdoor animal containments shall lie a minimum of 100 feet from all lot lines.

c. They shall lie in an area designated either agricultural or industrial on the City's comprehensive plan.

5. **AG-5: On-Site Agricultural Retail.** AG-5 uses include land uses solely associated with the sale of agricultural products grown exclusively on the site. The sale of products grown or otherwise produced off-site shall not be permitted within on-site agricultural retail operations and such activity constitutes retail sales as a commercial land use. Packaging and equipment used to store, display, package, or carry products for the convenience of the operation or its customers (such as egg cartons, baskets, containers, and bags) shall be produced off-site. The following regulations apply to AG-5 uses:

a. AG-5 uses shall meet the accessory structure regulations as detailed in Table II-2: Lot and Structure Regulations, and Table II-3: Height Regulations.

b. A minimum of one parking space shall be required for every 200 square feet of product display area.

c. Structures and fencing shall be located a minimum of 100 feet from all parcels with an R use.

6. **AG-6: Community Garden.** AG-6 uses are areas ~~of not more than one acre in area~~ that are managed and maintained by a group of individuals to grow and harvest food crops or non-food crops (e.g., flowers). A community garden area may be divided into separate garden plots for cultivation by one or more individuals or may be farmed collectively by members of the group. Community gardens may be principal or accessory uses.

Article IV. City-Wide Site Design Regulations

Section 4.01 Utility Service Regulations. The city requires municipal utility service connections for development on any parcel. In addition, the city permits solar and wind installations per Wis. Stat. s. 66.0401.

Section 4.02 Intersection Visibility Regulations.

a. **Applicability.** This section's intersection visibility regulations apply to all districts except U-CO and U-DT. They do not apply to structures permitted within the right-of-way by the government, such as traffic signs or utility structures.

b. **Visibility Triangles Established.** The city establishes an imaginary visibility triangle on all streets' intersections. No property owner may erect, place, plant, or allow any object, structure, or vegetation to exist between 30 inches and 8 feet above the elevation of the center point of the street intersection within the defined visibility triangle. Fences having not more than 50% opacity are allowed within a visibility triangle up to four feet in height.

c. **Visibility Triangles Defined.** The city forms intersection visibility triangles by creating 2 lines that begin at the point of intersection of the subject lot's street lot lines. These lines extend 20 feet along each street lot line away from the point of intersection. A third connecting line completes the triangle.

Section 4.03 Sign Regulations.

a. **Purpose and Intent.** This section provides sign regulations that preserve the right of free speech and expression; avoid excessive levels of visual clutter or distraction that are potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance; and ensure that signs are well-constructed, maintained, and expressive of the identity of individual activities and the community.

b. **Compliance.** No person shall locate, erect, move, reconstruct, extend, enlarge, convert, or structurally alter any sign without conforming to the provisions of this section and obtaining a sign permit, unless exempted from sign permit requirements under (c) or (g).

c. **Application and Exemptions.** Existing signage lawfully installed prior to this ordinance's enactment date not meeting its requirements are legal and repairable but non-conforming. The city exempts the following signs from the regulations contained in this ordinance.

1. A sign posted by a governmental agency.
2. A sign integrated into or on an automatic teller machine, coin-operated machine, or vending machine.
3. Fuel price signs on lots occupied by fueling stations, as required by Wis. Stat. s. 100.18(8).
4. Street addresses and numbers.
5. Murals and other works of art not related by logo, pictorial depiction, or other means to the advertisement of any product or service or the identification of any business. See Section 4.09.
6. Holiday lights and decorations containing no commercial message and displayed during the appropriate time of year.
7. Flags, up to a maximum of 3 per parcel. The length of the hoist side of any flag shall not exceed 20% of the vertical height of the pole. The city considers any flag that does not meet these requirements or is not flown under protocol established by the U.S. Congress, a sign subject to the requirements of this ordinance.

d. **Abandoned Signs.** Property owners shall remove all signs, sign messages, and supporting structures, as applicable, when the related use concludes or it is dilapidated beyond repair under the provisions of Wis. Stat. s. 66.0413.

e. **Construction and Maintenance.**

1. **Wind Pressure and Dead Load Requirements.** Property owners shall design and construct all signs and supporting structures to withstand wind pressure of not less than 40 pounds per square foot of area and to receive dead loads as required in the Building Code.
2. **Protection of the Public.** The city permits temporary occupancy of a sidewalk, street, or other public property during the construction, removal, repair, alteration, or maintenance of a sign, provided the applicant ropes off or isolates the temporarily occupied space.
3. **Maintenance.** The owner of any sign shall keep the sign and supporting structure in good maintenance and repair, which includes restoring, repainting, or replacing worn or damaged legally existing signage to its original permitted condition. Property owners shall maintain clean, sanitary,

and inoffensive conditions, free and clear of all obnoxious substances, rubbish, and weeds.

4. **Construction.** Property owners shall construct all sign elements in materials resistant to rust, rot, or other degradation. They shall also attach all sign elements to support structures or adjacent buildings using methods approved by the Building Inspector.

5. **Prohibited Attachment Areas.** No property owner may attach, fasten, or anchor any sign element to any fire escape, ladder, or standpipe. No sign element may hinder or prevent ingress or egress through any door, window, or fire escape, or hinder or prevent the Fire Department from raising or placing ladders against a building. No property owner may post or attach any signs on the property of another, whether real or personal, public or private, without the permission of the owner or occupant of such property.

6. **Electrical Permits.** Signs with electrical wiring require a separate electrical permit from the Building Inspector. No property owner may serve any sign with electricity via overhead electrical wiring.

7. **Unmovable Base.** If the Zoning Administrator approves a sign with external illumination, the property owner shall mount the illumination fixture on a permanent, unmovable base to prevent the fixture from tampering or redirection from its permitted configuration.

f. **General Provisions.**

1. **Signs Resembling Other Signs.** No sign shall resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices, and shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices.

2. **Obstructing Signs.** No property owner shall locate a sign that obstructs or interferes with traffic visibility, nor illuminate it in a way that causes glare or impairs driver visibility upon public ways.

3. **Illuminated Signs.** Property owners may illuminate signs provided they have no elements that flash, blink, rotate, or pulsate. Public traffic control signs are exempt from this requirement.

4. A sign shall comply with Wisconsin law, including Wis. Stat. s. 944.21.

g. **Signs Permitted Without a Permit.** The city permits the following signs without a permit:

1. **Sale, Lease, or Rent Signage.** The city permits temporary, freestanding or wall signs on properties or buildings for sale, lease, or rent, not exceeding 24 square feet in area and 9 feet in height. Such signs shall meet the minimum

accessory structure setbacks or 9 feet, whichever is less. No person shall place a temporary sign in a public right-of-way. The property owner shall remove all sale, lease, or rent signage within 10 days after selling, leasing, or renting the property.

2. **Construction Signage.** When it is subject to an active building permit, each property may contain up to 32 square feet of temporary signage. Building permit placards, ~~and~~ other government-ordered signage, ~~and~~ construction site-screening do not count towards this allowance. The property owner shall remove all construction signage within 10 days after building permit expiration or certificate of occupancy issuance.

3. **Universal Temporary Signage.** The city permits one temporary, freestanding sign, not exceeding 6 square feet for R-3 uses or 32 square feet for all other uses, provided that no such signs exceed 4 feet in height or lie within a public right-of-way. The city limits universal temporary signage to no more than 30 days, 3 times in any calendar year. Common examples of temporary signage include yard sales, congratulatory postings, or notices of gatherings. The city regulates commercial sandwich boards within Section 4.03(h)(4).

a. Election Campaign Period Signage. During an election campaign period, as defined by Wis. Stat. S. 12.04, the City permits additional signage on residential property exceeding the Universal Temporary Signage limitations. Such signs may not obstruct pedestrian or traffic sight lines or otherwise interfere with pedestrian or traffic safety. Temporary signs during an election campaign period may not exceed 11 square feet in area unless affixed to a permanent structure and not extending beyond the perimeter of the structure.

4. **Small Permanent Wall Signage.** The city permits small, permanent wall signage that is mounted flush against a building and does not exceed 2 square feet in area.

5. ~~Interior and Window Signage and Coverings.~~ The city permits interior and inside-window signs for viewing from inside or outside the building, provided that such signs cover or obscure no more than 40~~33~~% of a window's area. ~~Shades, blinds, and curtains are not subject to this regulation.~~ **Sandwich Board Signs.** The city permits one sandwich board sign per business. Sandwich board signs shall be located within 10 feet of the primary access to the business.

a. Owners of sandwich board signs placed within the public right-of-way agree, by placement of said sign, to hold the entity having jurisdiction over the public property harmless from liability.

- b. Signs placed within the public right-of-way shall not obstruct vehicular/bus stops, benches, fire hydrants, or other features legally located within the right-of-way.
- c. Signs placed within the public right-of-way shall be located at least one foot from the face of the street curb but not more than four feet, or the sign must be located within three feet of the building face.
- d. Signs placed within the public right-of-way shall leave at least five feet of contiguous clear sidewalk space for pedestrian movement.
- e. **Locations.** Allowed in all uses other than R3.
- c. Property owners must remove sandwich board signs from any sidewalk by 2:30 a.m.

6. **Recognition of Historic Structures, Sites, and Districts.** When a historic structure, site, or district has been properly designated, the commission, in cooperation with the property owner, may prepare and erect, ~~at city expense,~~ a suitable plaque declaring that such property is a historic structure, site, or district. Such plaque shall be in a form approved by the zoning administrator.

7. ~~Election Campaign Signs.~~ ~~As provided in Wis. Stat. s. 12.04, the city permits election signs subject to the following requirements:-~~

- ~~a. No person may erect an election campaign sign before the first day of the election campaign period as defined in the Wisconsin Statutes. The property owner shall remove any election campaign sign within 10 days following the election. Signs not timely removed shall be subject to universal temporary sign regulations per subsection (3).-~~
- ~~b. Election campaign signs shall not exceed 11 square feet in area unless the person affixes the sign to a permanent structure, does not extend beyond the perimeter of the structure, and does not obstruct a window, door, fire escape, ventilation shaft, or other area required by the city to remain unobstructed.-~~
- ~~c. No person shall place any election campaign sign within a public-right-of-way nor so close to a pedestrian way as to hinder or endanger safe passage.-~~

h. **Signs Permitted Without a Permit.**

Table IV-1 Sign Regulations

Sign Type	Number Allowed	Max. Sign Area	Max. Sign Height	Where Allowed
Ground	1 per street yard	1 square foot per linear foot of lot frontage	10	Street yard
Wall	No maximum as long as the total square feet of signage per façade does not exceed 1 square foot per linear foot of building facade		N/A	Street-facing building facade
Projecting	1 per business	12 square feet	N/A	Within 6 feet of entrance
Wayfinding	No limit	6 square feet	5	No limit
Sandwich Board	1 per building, business, or tenant space as applicable	12 square feet	4	Street yard or public sidewalk within 10 feet of business entrance
Window Sign	N/A	33% of a window area	N/A	Street-facing building facade
Awning/ Marquee Sign	1 per business	10% of the awning's total square footage	N/A	Street-facing building facade

1. Ground Signs.

- a. **Setbacks.** Property owners must set ground signs back from the right-of-way a distance equal to their height.
- b. **Grouping of Uses.** Property owners may group multiple uses within a single property on a single sign.
- c. **Locations.** Permitted in all uses other than R3.

2. Wall Signs.

- a. **Projections Above the Roof Line.** Wall signs may not project above the roof line or eaves.
- b. **Parking Area.** A façade that faces a customer parking area counts as a street-facing building façade.
- c. **Canopy signs shall count toward a building's wall sign total square footage.**
- d. **Locations.** Permitted in all uses other than R3.

3. **Projecting Signs.** A projecting sign is one which projects more than ten inches beyond the wall or building it is fastened to.

a. **Extension Distance.** Projecting signs may project no more than 6 feet into the public right-of-way or beyond the face of the street curb, whichever is less. Owners of signs projecting into the public right-of-way agree, by accepting a permit, agree to hold the entity having jurisdiction over the public property harmless from liability.

b. **Vertical Clearance.** Projecting signs must have a minimum vertical clearance of at least 8 feet above the ground surface.

c. **Locations.** Permitted in all uses other than R3.

4. **Interior and Window Signage and Coverings.** The city permits interior and inside-window signs for viewing from inside or outside the building, provided that such signs cover or obscure no more than 40~~33~~% of a window's area. A window sign may be painted/adhered on the interior or exterior of pane of glass. Shades, blinds, and curtains are not subject to this regulation.

5. **Awning and Marquee Signs.** An awning or marquee sign must be located above the primary public access to a building and must complement the scale and proportion of the awning and the architectural style of the building on which it is to be attached.

a. Awning and marquee signs shall be supported entirely on the building on which it is erected and there shall be no posts, brackets or other obstacles located on public property except where approved by permit.

b. All awnings, canopies, and marquees, except those constructed of canvas, cloth, or soft plastics, shall have gutters pitching toward the building with conductors at this point leading down to grade.

c. **Locations.** Permitted in all uses other than R3.

6. **Pylon Signs.** Pylon signs must comply with all applicable building regulations and construction standards, must comply with the National Electric Code, and must be self-supporting. A pylon sign may be double-faced but shall not have more than two sign areas. A pylon sign shall not incorporate a three-dimensional sign feature.

a. A pylon sign shall be located at least 15 feet from an access drive, and at least 5 feet from a public street right-of-way.

b. A pylon sign shall not unreasonably obstruct the view of a conforming sign on another property.

c. A pylon sign shall not be placed within the vision clearance of an area unless expressly authorized by this chapter.

d. The bottom of a pylon sign shall not be less than 8 feet from the ground surface.

e. Locations. Permitted in all uses other than R3.

i. **Signs Prohibited in any District.** The city prohibits the following signs.

1. A sign not specifically allowed in this chapter is prohibited.

2. Off-premise advertising signs (e.g. billboards). Billboards considered legal nonconforming structures may be repaired or replaced but may not be enlarged.

3. Abandoned signs. Signs and sign messages shall be removed for any business within 60 days after the business it advertises is no longer conducted. Sign structures may remain only if the sign contains a face that may be replaced and used by future tenants. Sign faces must be removed and replaced with a blank sign face.

4. A vehicle or trailer used exclusively as a sign or advertising device. No person shall park any such vehicle or trailer on a public right-of-way, public property, or private property to be visible from a public right-of-way. This provision does not prohibit vehicle signs customarily attached, lettered, or painted on a vehicle or trailer to identify the ownership or function of the vehicle.

5. Signs whose content violates any laws or regulations, including but not limited to the obscenity provisions of Chapter 944 of the Wisconsin Statutes.

6. Signs painted, attached, or affixed to rocks, trees or other living vegetation.

7. Permanent corrugated plastic signs and other materials intended for interior use.

8. Signs painted, attached, or affixed to utility poles or existing sign poles.

9. Signs erected upon, against, or above a roof.

10. Signs placed upon any land, structure, or object of any description on any public ground or public waterway. City staff may remove signs found in violation of this restriction. Such signs shall be stored with the police department for thirty days and thereafter may be disposed of. If a sign owner's name and mailing address or telephone number is readily

identifiable, city staff may notify the owner of the sign's removal and impeding disposal absent timely collection.

j. **Sign Measurements.**

1. ~~**Signable Area.** The city designates a building's signable area as the façade area up to the roof line, free of windows and doors or major architectural details on which people may display signs. In computing the signable area, a person may utilize any façade that faces or abuts a public right-of-way. Calculations may include parapet walls but shall exclude door and window openings.~~

2. **Measuring Sign Face.**

a. **Area of Copy.** In calculating the area of a sign to determine whether it meets the requirement of this ordinance, the Zoning Administrator shall include the sign copy and any border or frame surrounding that copy but shall exclude supporting posts or foundations from the area calculation.

b. **Irregular Shapes.** The Zoning Administrator shall determine the area of irregularly shaped signs or signs containing 2 or more detached elements by measuring the area of the smallest regular polygon that will encompass all elements of the sign.

c. **Multi-Sided Signs.** The Zoning Administrator shall use the area of only one side of a multi-sided sign if the sides are less than or equal to 30° from parallel to each other. If the sides are greater than 30° from the parallel, the Zoning Administrator shall count all sign faces towards the total sign area.

3. **Measuring Sign Height.** The Zoning Administrator shall calculate sign height by measuring the vertical distance from the normal grade at the base to the highest point of the sign structure. The Zoning Administrator shall set the normal grade as the lowest of:

- a. The existing grade before construction;
- b. The newly established grade after construction, excluding any filling, berms, mounds, or excavating solely for locating the sign;
- c. The average elevation of the property within 100 feet of the sign location; and
- d. The average between the sign elevation and the centerline elevation of an adjacent public right-of-way within 100 feet of the sign location.

Section 4.04 Architectural Regulations

a. **Purpose and Scope.** The city intends for this section to implement the urban design recommendations of the comprehensive plan by preserving and enhancing the historical and visual aesthetic qualities of the city, and by achieving a consistent, visually pleasing image for various portions of the city. This section governs the site design and appearance of development within the city, ensuring consistency with sound land use, urban design, and economic development principles. These regulations apply to all uses except R-3 uses.

b. **Building Facades.**

1. **Horizontal Emphasis.** Architects may combine building wall materials on each façade with visually heavier materials (stone, concrete) generally placed below the lighter ones (glass, wood). Architects may apply materials vertically to delineate corners, differentiate tenants, monument entrances, or other similar limited applications if the total square feet of the vertical material on upper stories does not exceed the total linear feet of building façade.

2. **Required Materials.** Architects must utilize the following materials to finish an exterior façade: brick masonry; stone or cast stone; concrete; cementitious siding; wood siding; vinyl siding in Suburban Districts only; glass, not including spandrel or covered glass products that prohibit all light from entering the building; architectural metal panels; or stucco, not include EIFS or other faux stucco products.

3. **Accessory Building Matching.** Accessory buildings visible from a public right-of-way must match the architectural style and major building materials of the principal building.

4. **Urban District Design Regulations.** Architects shall design buildings in urban districts to match historical and aesthetic design of urban buildings by incorporating features such as recessed door openings, first-floor glass storefronts and knee walls, dimensional fenestrations and finishes, cornices, transom areas, and proportional upper-story windows.

5. **Alternative Compliance.** Architects may apply for alternative compliance from the regulations of this section per section 4.10.

6. Porches, Balconies, Decks and Patios (Design Standards). Porches, decks, and patios that can be viewed from a public street shall include elements such columns, posts, railings, and spindles/balusters. Porches, decks, and patios shall be constructed in cedar, cypress, redwood, or appropriate composite materials such as wood- sawdust- or mineral-composite/high density polyurethane plastic (HDPE), plastic, and pressure treated lumber. Porches, decks, and patios may be constructed in decorative

metal, wrought iron, metal cable, or glass, if in keeping with the architectural style of the building, as determined by the Zoning Administrator. Elements constructed in pressure-treated lumber shall be painted or stained after a curing period of no greater than 18 months. Spindles or balusters shall not be secured to the outside face of the deck or other supports (including but not limited to, rails, rim joists, beams, or columns. Fasteners that connect vertical components (spindles, balusters, posts, etc.) to horizontal components (top or bottom rails) shall be concealed so that they are not visible from the public right-of-way.

c. **General Maintenance Standards.** All buildings and components thereof shall be maintained in good repair.

1. **Windows.** Windows may not be boarded except when temporarily boarded due to a weather event or during repair activities. In any event, a window shall not be boarded for more than 45 calendar days. This period may be extended by the Building Inspector upon a showing of good cause. When a property owner intends to remove or modify the size of a window, the opening shall be closed on the interior and exterior wall surface by the same or similar materials as used for the remainder of the building.

Section 4.05 **Historic Preservation Regulations: Noise Regulations.**

~~a. **Purpose and Intent.** The city declares that the protection, enhancement, perpetuation, and use of improvements or sites of special character, architectural interest, historic interest, or value is a public necessity. The city requires it in the interest of the people's health, prosperity, safety, and welfare. This section's purpose includes the protection, enhancement, and preservation of such improvements, sites, and districts which represent or reflect elements of the city's cultural, social, economic, political, and architectural history; safeguarding the city's historic, prehistoric, and cultural heritage, as embodied and reflected in such historic structures, sites, and districts; stabilizing and improving property values; enhancing the visual and aesthetic character of the city; and protecting and enhancing the city's attractions to residents, tourists, and visitors, and serve as a support and stimulus to business industry.~~ Purpose and Intent. The City finds and declares that certain noise is a hazard to the public health, welfare, peace and safety, and quality of life for City residents; that people have a right to and should be ensured of an environment free from sound that degrades the quality of life; and that it is the City's policy to prevent such noise to the extent such action is not inconsistent with state or federal law.

~~b. **Historic Structure, Historic Site, and Historic District Designation.** The city may designate a historic structure, historic site, or historic district on any site, natural or improved, including any building, improvement, or structure located thereon, or any area of particular historic architectural, archeological, or cultural significance to the city, such as historic structures, sites, or districts that exemplify or reflect the broad cultural, political, economic or social history of the nation, state, or community; are identified with historic personages or with important events in national, state, or local~~

history; embody the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship; represent the notable work of a master builder, designer, or architect who influenced their age; or yielded, or may be likely to yield, information important to prehistory or history. The city shall follow the designation procedures documented in Article II-V-8 of the Code of Ordinances. **Sound Generation.** Unless otherwise addressed by this Code, no person shall permit, operate, or cause any source of sound or sound generation to create a sound that exceeds the limits set forth in the following table titled, "Maximum Sound Levels" when measured at the property boundary line of the sound source or at any point within any other property affected by the sound. When a sound source can be identified and its sound measured in more than one zoning district classification, the sound shall not exceed the sound limits set forth in the "Maximum Sound Levels" table for the zoning district or area in which the source of sound is located, and the sound levels on the affected properties shall not exceed the sound levels set forth in the table for the affected property.

Table IV-2 Maximum Sound Levels.

Uses	Time of Day	Continuous Sound (dBA)	Impulse Sound (dB)
R Uses	6:00 a.m. to 9:00 p.m.	60	100
R Uses	9:01 p.m. to 5:59 a.m.	55	80
B, E, A, M, HO, U Uses	6:00 a.m. to 9:00 p.m.	65	100
B, E, A, M, HO, U Uses	9:01 p.m. to 5:59 a.m.	60	80
F, H, I Uses	6:00 a.m. to 9:00 p.m.	72	120
F, H, I Uses	9:01 p.m. to 5:59 a.m.	65	100
AG Uses	6:00 a.m. to 9:00 p.m.	72	120
AG Uses	9:01 p.m. to 5:59 a.m.	65	100
O Uses	All	65	100

c. **Certificate of Appropriateness Required.** No person shall reconstruct, alter, demolish, or improve any exterior part of a historic structure, site, or district unless the Historic Preservation Commission grants a Certificate of Appropriateness for that work, per the process and standards documented in Article II-V-8 of the Code of Ordinances. The building inspector shall not permit such work without a Certificate of Appropriateness. **Exceptions.** The provisions of this section do not apply to:

1. The emission of sound for the purpose of alerting persons to the existence of an emergency, provided that such alarm signals cease once any such threat is no longer imminent.
2. The emission of sound in the performance of emergency work.

3. Activities for which the regulation of sound has been preempted by federal or state law.
4. Motor vehicles on public right-of-way.
5. The operation of airplanes and helicopters.
6. Trains traveling on tracks located in railroad right-of-way or easements.
7. Back-up generators subject to the following.
 - a. The operation of back-up generators during power outages resulting from storms and other emergencies.
 - b. The routine testing and maintenance of back-up generators provided that such activity occurs between 6:00 a.m. and 9:00 p.m. and the routine testing shall not occur for more than two consecutive or non-consecutive hours in any one day. The testing and maintenance of such generators is prohibited for more than two consecutive or non-consecutive hours in any one day or during the hours of 9:01 p.m. and 5:59 a.m.
8. Mechanical equipment, including heat pumps, air conditioners, and swimming pool pumps, located on residential property and that is operated in accordance with manufacturer's specifications and serves the dwelling and/or permitted accessory structure.
9. Activities associated with the removal of snow and/or ice from walkways, parking areas, and travel lanes.
10. Activities related to construction-related activities when such activities take place between the hours of 6:00 a.m. and 6:00 p.m., Monday through Saturday.
11. Activities associated with lawn care and maintenance when such activities take place between the hours of 6:00 a.m. and 9:00 p.m.
12. Bells, carillons, and other calls to worship.

d. ~~Ordinary Maintenance and Repairs.~~ Property owners may undertake ordinary maintenance and repairs without a Certificate of Appropriateness provided that the work repairs existing features of a historic structure or site or replaces elements of a structure with pieces identical in appearance, does not change the exterior appearance of the structure or site, and does not require issuance of a building permit. **Waivers.** Any person responsible for any noise source may apply to the Zoning Administrator for a waiver or partial waiver from the provisions of this section. The Zoning Administrator may grant such request upon a finding that:

1. The noise does not endanger the public health, safety, or welfare; or
2. Compliance with the provisions of this section would produce serious hardship without producing equal or greater benefit to the public; and
3. Reasonable efforts shall be made to minimize the adverse impacts of the noise on adjacent properties.
4. The waiver application shall be filed at least fourteen (14) days prior to the date on which the waiver or partial waiver is to take effect.

The Zoning Administrator shall consider the time of day when noise will occur, duration of the noise, its loudness relative to the required limits of this section, whether the noise is intermittent or continuous, its extensiveness, ambient noise levels, the technical and economic feasibility of bringing the noise into conformance with this section and such other matters as are reasonably related to the impact of the noise on the health, safety, and welfare of the community and the degree of hardship that may result from enforcement of this section.

Any waiver or partial waiver granted shall expire no later than one year after issuance. Waivers and partial waivers may be renewed by application to the Zoning Administrator, who shall apply the considerations set forth herein.

Section 4.06 Parking and Access Regulations.

- a. **Purpose.** The regulations of this section help protect the public health, safety, and general welfare by promoting economically viable and beneficial land use and providing flexible methods of responding to the transportation and access demands of various land uses in different areas of the city.
- b. **Applicability.** The regulations of this section apply to all zoning districts and uses, including new uses and development, changes of use, and building enlargements or enhancements.
- c. **Bicycle Parking.**
 1. **General Design.**
 - a. **Amount.** All uses that employ or house more than 100 people on the same parcel or connected facility shall provide 2 short-term bicycle parking spaces plus one additional space for every 20,000 square feet of building floor area. Except in the U-DT district, nonresidential uses offering onsite sales or service, the facility shall provide at least 4 short-term bicycle parking spaces near the primary entrance.

b. **Location.** Property owners must locate bicycle parking spaces in areas readily visible by the public or building users, except for long-term spaces in secure areas accessible only to employees, staff, or residents. Property owners must locate short-term bicycle parking spaces on private property within 75 feet of a building entrance accessible to the public. The Zoning Administrator may approve locations within the public right-of-way, upon review and approval by the City Engineer.

b. **Accessibility.** Property owners must locate bicycle parking spaces in areas accessible without climbing stairs, going up or down a slope of more than 12%, and via a route on the property designed to minimize conflicts with motor vehicles and pedestrians.

c. **Clearance.** Property owners must locate bicycle parking spaces in areas with at least 2 feet of clearance surrounding the space.

d. **Size.** Property owners must provide bicycle parking spaces with a minimum dimensioned area of 2 feet wide by 6 feet long, with at least 7 feet of overhead clearance.

2. Short-Term Bicycle Parking.

~~a. **Amount.** All uses that employ or house more than 100 people on the same parcel or connected facility shall provide 2 short-term bicycle parking spaces plus one additional space for every 20,000 square feet of building floor area.~~

b. **Public Parking Credit.** Property owners shall count existing publicly accessible bicycle parking spaces within 500 feet of the property towards the mandatory parking ratios.

~~c. **Location.** Property owners must locate short-term bicycle parking spaces on private property within 75 feet of a building entrance accessible to the public. The Zoning Administrator may approve locations within the public right-of-way, upon review and approval by the City Engineer.~~

~~d. **Sidewalks.** Property owners must provide pedestrian accommodation, such as sidewalks or multi-use pathways, along all sides abutting a public street unless specifically prohibited, in writing, by the Wisconsin Department of Transportation or Sheboygan County on roadways under their jurisdiction, or unless approved in a development plan or plat prior to the adoption date of this ordinance.~~

e. **Internal Pedestrian Circulation.** Property owners must provide an internal circulation system for pedestrian and nonmotorized travel on all lots except those solely occupied by R-3 uses.

1. **Connection to Public Sidewalks.** The internal pedestrian circulation system must connect the main building entrance to all sidewalks along street frontages abutting the site. Required connections must follow a direct route and not involve significant out-of-direction travel.

2. **Internal Connections.** The internal pedestrian circulation system must connect all primary buildings on the site and provide connections to other areas used by pedestrians and nonmotorized travel, such as parking areas, bicycle parking, usable open spaces, recreation areas, and similar amenity features.

3. **Design.**

a. **ADA Compliance.** The internal pedestrian circulation system must comply with the Americans with Disabilities Act.

b. **Drive-Aisle Crossings.** Property owners must clearly differentiate when the internal pedestrian circulation system crosses drive aisles by elevation changes, different paving material, or other equally effective methods of safely accommodating nonmotorized travel, as approved by the Zoning Administrator. Striping alone does not meet this requirement.

c. **Parallel Design.** Property owners must raise the internal pedestrian circulation systems at least 6 inches above the vehicle travel lane surface when it is parallel and adjacent to a motor vehicle travel lane. Alternatively, property owners may separate the system from the vehicle travel lane by a raised curb, bollards, landscaping, or another physical barrier.

f. **Accessible Parking.** Property owners must provide accessible parking facilities for persons with disabilities per all applicable state and federal regulations.

g. **Use of Motor Vehicle Parking Areas.** Property owners may only park licensed, operable motor vehicles in outdoor off-street motor vehicle parking spaces. They may not work on any motor in any outdoor motor vehicle parking space. They may not use any motor vehicle parking spaces for storing, displaying, or selling any goods or materials unless specifically approved by the Zoning Administrator.

h. **Parking Area Ratios.**

1. **Amount.** Property owners shall provide motor vehicle parking spaces in accordance with the following ratios except in the U-DT District, which does not have a minimum vehicle parking requirement.

Table IV-2 Minimum Vehicle Parking Spaces Required

Uses	Minimum Parking Spaces Required
------	---------------------------------

R Uses	1 per unit
B, E, F, H, I, S Uses	1 per 1,000 square feet of building area
A Uses	1 per 1,000 square feet of building area OR 1 per 5 persons at the maximum capacity of the establishment
M Uses	2 per 1,000 square feet of building area
AG Uses	1 space per employee on the largest work shift
HO, O, U Uses	No minimum

The Plan Commission may allow for off-street parking totals exceeding the maximum allowed based on a parking analysis that demonstrates the need for extra parking.

2. Parking Calculations.

a. **On-Street Parking Credit.** Property owners shall count abutting parking spaces towards the mandatory parking ratios.

b. **Long-Term Bicycle Parking Credit.** Property owners shall count each 6 long-term bicycle parking spaces as one motor vehicle parking space towards the mandatory parking ratios.

c. **Public Parking Credit.** Property owners shall subtract one mandatory parking space per every 4 spaces provided in a public parking lot or garage within 1,000 feet of the subject property.

d. **Off-Street Parking.** Property owners may count private off-site parking spaces owned or rented by the property owner towards the mandatory parking requirements so long as the private parking lies within 1,000 feet of the subject property, is in a zone that permits O-3 uses, and provides the Zoning Administrator legal proof authorizing use of the off-site parking spaces.

e. **Proximity to Transit.** On parcels of land that are within 500 feet of a public transit stop with regular, scheduled service, as measured from any point along the lot line, property owners shall subtract 2 mandatory parking spaces.

f. **Car-Share Credit.** Residential uses that provide car-share parking spaces shall subtract 3 mandatory parking spaces for each car-share parking space provided, subject to the following regulations:

1. The property owner shall provide documentation of an agreement with a car-share provider in a format approved by the City Attorney.

2. The car-share parking spaces shall be located on-site, clearly signed and reserved exclusively for car-share vehicles, and be available for use by registered members of a recognized car-share provider.

3. If the care-share vehicle is removed or service discontinued, the property owner shall either replace the car-share vehicle within 90 days or provide the number of parking spaces reduced under this credit.

g. **Shared Parking.** On parcels of land with multiple uses, the property owner shall divide the sum of the total for each use required in (1) by the following ratio to calculate the minimum number of required parking spaces.

Table IV-3 Shared Parking Ratios

	R Uses	B, E, F, H, I, S Uses	A, M Uses	HO, O, U Uses
R Uses	1.0	1.6	1.4	1.0
B, E, F, H, I, S Uses	1.6	1.0	1.4	1.0
A, M Uses	1.4	1.4	1.0	1.0
HO, O, U, AG Uses	1.0	1.0	1.0	1.0

i. **Parking Area Layout and Design.** Property owners shall design and lay out all off-street motor vehicle parking areas and drive aisles per this subsection.

1. **Location.** Property owners shall place all off-street motor vehicle parking areas behind buildings to the maximum extent feasible.

2. **Ingress and Egress.** Property owners must design all areas serving all uses, except R-3 uses on a local street, to allow vehicles to enter and exit streets and cross public sidewalks in a forward motion. **Driveway construction must comply with Section 48-II and 48-IV. The City Engineer must permit ingress and egress per 48-IV.**

3. **Alley Access.** **Except where alley access is insufficient for emergency response,** property owners shall access all parking areas from an alley if the lot has legal access to an alley. Where alley access is impossible, property owners shall prioritize vehicular access to sites from local streets.

4. **Parking Dimensions.** Property owners shall design all parking spaces to **at least** the following dimensions.

Table IV-4: Parking Stall Dimensions

Stall Type	Width (ft.)	Length (ft.)	Aisle Width (ft.)

Standard 90°	9	18	20 (one-way) 24 (two-way)
Angled 45°, 60°	9	18	16 (one-way)
Compact	7.5	15	See Standard or Angled
Accessible (Standard)	8 + 5 (min.) side aisle shall comply with ADA	18	See Standard or Angled
Accessible (Van)	11 + 5 (min.) side aisle shall comply with ADA	18	See Standard or Angled
Parallel	8 measured from curb edge	22	10 (one-way) 20 (two-way)
Oversized	12	30	See Standard or Angled

5. **Oversized and Compact Spaces.** Property owners may provide oversized or compact spaces with modified sizes as approved by the Zoning Administrator, so long as the total number of spaces is not greater than 50% of the total number of off-street motor vehicle parking spaces.

6. **Driveway Width.** The maximum width of driveways (measured from edge of pavement to edge of pavement or curb face to curb face) at the point of connection to the street property line is 24 25 feet for two-way travel and 12 feet for one-way travel, unless otherwise approved by the City Engineer or recommended in a Traffic Impact Analysis.

For all driveways providing access to an R-3 use, the following additional standards apply:

a. Driveways providing access to an R-3 use shall have a minimum width of 10 8 feet and a maximum width of 24 25 feet at the property line. Driveways must access a legal parking pad or garage.

b. Driveways serving an attached garage shall not be located more than 9 feet beyond the uttermost edge of the attached garage, as measured along the building façade.

~~c. Vehicles stored on site shall not be placed in the area located directly in front of a dwelling, not including accessory dwelling units. All on-site vehicle parking or storage visible from the street shall be located in front of an attached or detached garage or within a designated driveway.~~

d. Driveways serving attached duplexes or condominiums with adjoining garages may be constructed up to the lesser of the total width of the garage doors, including the space between the garage doors or forty-eight (40) feet.

e. Driveways serving attached single-family dwelling or duplexes utilizing a circle drive or separate driveways, if approved, with two curb openings shall not exceed an aggregate total driveway width at the property line of forty (40) feet with no single driveway width to exceed the maximum width otherwise allowed.

7. **Number of Access Points.** The city allows each property one vehicular access point per street. Properties exceeding 150 feet of street frontage shall be allowed a second vehicular access point. The minimum distance between access drives serving the same property shall be 100 feet on 25 miles-per-hour speed limit streets, and 150 feet on streets of ~~25~~ 35 miles per hour or more, as measured at the property line.

Additional vehicular access points and exceptions from the above spacing requirements may be allowed for any property, if,

a) In the written opinion of a Professional Engineer (PE) who has a valid Wisconsin PE license/registration and experience in traffic engineering operations ~~Wisconsin licensed traffic engineer~~ or the Fire Chief, life safety requires separate ingress and egress or when the use meets the threshold to require a traffic impact analysis per section 4.06(l) and the TIA recommends exceptions from city code.

b) Driveways serving attached single-family dwellings or duplexes utilizing a circle drive or separate driveways with two curb openings shall be permitted with approval of the Director of Planning and Zoning and the City Engineer.

8. **Vertical Clearance.** Property owner's dwellings or duplexes utilizing a circular drive or separate driveways with two curb openings shall be permitted with approval of the 98 inches of vertical clearance above all parking spaces.

9. ~~Surfacing. Property owners shall surface all areas with asphalt, concrete, or other hard, dust-free surfaces approved by the Zoning Administrator and City Engineer.~~

10. **Tandem and Stacked Parking.** Property owners may utilize tandem or stacked parking areas when they assign those spaces to the same dwelling unit.

11. **Curbs and Barriers.** Property owners must provide 6-inch curbs and gutters, wheel stops, or other physical barriers for all areas abutting setbacks, landscaped areas, and adjoining property lines. They shall locate all barriers parallel to the protected area and perpendicular to the parking angle at least 2 feet from the edge of the protected area.

j. **R Use Heavy Vehicle Parking Limitations.** Property owners may only park vehicle over 14,000 pounds gross vehicle weight rating on lots occupied by R uses in a completely enclosed building.

k. **Stacking Spaces.**

1. **Number Required.** For uses including drive-throughs, property owners must provide at least 5 stacking spaces before the first service window, one stacking space at each service window, and 2 stacking spaces after the last window.

2. **Dimensions.** Stacking spaces must meet the Parallel dimensions of (I)(IV).

3. **Bypass Lane.** Drive-throughs must include a minimum 9-foot-wide bypass lane to allow vehicles to circumvent or leave the stacking lane without waiting for other queued vehicles to exit.

4. **Location.** Property owners must enclose all stacking spaces completely within the subject property. They may not locate them within areas that interfere with access to parking areas, areas that provide ingress or egress to the street, or between the principal building and the street.

5. **Pedestrian Access.** Property owners shall design stacking lanes to not obstruct any sidewalk or internal pedestrian circulation system.

l. **Traffic Impact Analysis (TIA)**

1. **Purpose.** The purpose of this ordinance is to ensure that development proposals adequately assess impacts on the city's street network; to promote the safe and efficient movement of people and goods; and to provide consistency with Wisconsin Department of Transportation (WisDOT), and City of Sheboygan design standards.

2. **Applicability.** Property owners shall provide a TIA when:

a. A development contains more than 25 dwelling units;

b. The City Engineer anticipates a development will generate more than 25 peak hour vehicle trips;

c. A development accesses or is bisected by a state highway or arterial;

d. A development contains a drive-through; or

e. The Department of Public Works believes that a TIA is warranted due to a history of crashes, safety conflicts, or traffic issues.

3. Requirements. TIAs shall include, at a minimum:

a. A current traffic count for all adjacent streets and intersections during peak hours.

b. Trip ~~general~~ **generation** estimates for the proposed land use, using ITE rates, or rates appropriate for the proposed use (as approved by the City Engineer).

c. Future (design year) traffic volumes, accounting for background growth and proposed site traffic.

d. Phased Years of Completion. If the project involves construction or occupancy in phases, the applicant shall assess the expected roadway, intersection, and land use conditions resulting from major development phases. Phased years of analysis will be determined in coordination with city staff.

e. Level of Service (LOS) calculations for study intersections and roadway segments under current and future conditions.

f. Sight distance analyses at all site access points, in accordance with WisDOT policies.

g. Identification of needed mitigation measures such as additional turning lanes, signalization, sidewalk extensions, or signage to maintain acceptable LOS and safety.

h. A phasing plan for any recommendations requiring future roadway or intersection improvements.

4. Study Area. TIAs shall include the following facilities in the study area, unless expanded or modified by the City Engineer:

a. All site access points and intersections adjacent to the proposed site. If the proposed site fronts an arterial or collector street, the analysis shall address:

1. All intersections and driveways along the site frontage, including those serving parcels on the opposite side of the street(s); and

2. All intersections within 1,000 feet of the proposed site.

- b. Roads through and adjacent to the site.
- c. Any intersection of 2 streets, each with a classification of collector or arterial, where site traffic will exceed 20 vehicles during a peak hour.
- d. All intersections needed for signal progression analysis.

5. Peak Hour Analysis.

- a. The TIA shall address the weekday a.m. and p.m. peak hours.
- b. Depending upon the proposed land use action and the expected trip-generating characteristics of that development, other periods may be specified, either as a substitute for or in addition to the a.m. and p.m. peak hours.
 - 1. Schools: Peak period prior to and at the end of school days.
 - 2. Churches and worship facilities: Peak period prior to and after worship services.
 - 3. Restaurants: Midday weekday peak hour.
- c. The above list is not necessarily an all-inclusive list of uses for which additional analysis periods are required. The City Engineer shall inform the property owner of additional study periods prior to the start of the TIA.

6. Submittal Procedures.

- a. The TIA shall be submitted concurrently with the project's initial application for preliminary plat, site plan review, or building permit, whichever is first.
- b. The TIA shall be prepared by, or under the supervision of, a Professional Engineer (PE) who has a valid Wisconsin PE license/registration and experience in traffic engineering operations. The report must be stamped by the registered PE identified above.
- ~~c. Fees for the TIA review shall be paid at the time of submittal, as set forth in the city's fee schedule.~~

7. Review and Approval.

- a. The Department shall evaluate the TIA within 30 days of receipt and may request additional information or clarifications.

b. If the TIA identifies mitigation measures, the Applicant shall revise the site plan to incorporate those measures or post a performance bond guaranteeing completion.

c. No building permits or occupancy approvals shall be issued until the Department confirms that all required TIA-related improvements are constructed or financially guaranteed.

d. Where the traffic impact analysis indicates that a project may cause off-site public roads, intersections, or interchanges to function below a level of service (LOS) C, the city may deny the application, require a size reduction in the proposed development, and/or require the developer to construct and/or pay for required off-site improvements to achieve a LOS C for a planning horizon of a minimum of 10 years assuming full build-out of the site.

8. **Loading Areas.** Property owners must locate all loading areas designed to receive deliveries, materials, or merchandise on private property except in Urban districts or unless approved by the Zoning Administrator.

9. **Alternative Compliance.** Property owners may apply for alternative compliance from the regulations of this section per section 4.10.

Section 4.07 Landscaping and Screening Regulations

a. **Purpose.** The city intends the landscaping and screening sections of this section to maintain and enhance the city's appearance; mitigate adverse impacts of different abutting uses; reduce noise and glare; improve air quality; reduce the negative impacts of stormwater runoff; moderate heat; encourage the preservation of existing landscaping elements; and reestablish plant species native to the city.

b. **Applicability.** These regulations apply to all zones when a property owner adds a new, expands an existing, or reconstructs an existing vehicular use area; outdoor storage area; work area; or trash, recycling, and mechanical equipment area. Reconstruction expressly includes repaving activities that remove and replace; apply an additional surface course; or pulverize and stabilize asphalt paved areas.

1. **Exempt Uses.** The city exempts landscaping areas related to lots occupied by only R-3 uses **or the U-DT district** from these landscaping requirements.

c. **Vehicular Use Areas.**

1. **Street Frontage Screening.** Property owners must screen street frontages using one of the options in Table IV-5 from vehicular use areas located outside of a public right-of-way, trail, or pedestrian walkway.

The requirements do not apply if there are buildings or other site features that effectively block views of such vehicular use areas.

Table IV-5: Vehicular Use Area Street Frontage Screening Options

Regulation	Option A	Option B	Option C
Minimum width of landscaped area (ft.)	10	5	-
Minimum number of trees and shrubs per 50 ft.	2	2	1
Flowers and grasses	Remaining landscaped area		
Screening required	-	Ornamental metal fence	Masonry wall
Screening height	Must install and maintain maximum allowed per b(ii)1		

2. **Side and Rear Screening.** Property owners must screen side and rear property lines using one of the options of Table IV-6 from vehicular use areas located within 25 feet of the side or rear of an adjacent property line. The requirements do not apply if there are buildings or other site features that effectively block views of such vehicular use areas.

Table IV-6: Vehicular Use Area Side and Rear Screening Options

Regulation	Option A	Option B	Option C
Minimum width of landscaped area (ft.)	10	5	-
Minimum number of trees and shrubs per 50 ft.	10	5	-
Flowers and grasses	Remaining landscaped area		
Screening required	-	Opaque fence or wall	Masonry wall
Screening height	Must install and maintain maximum allowed per B(II)1, except for trees		

d. **Outdoor Storage and Work Areas.** Property owners must screen outdoor storage and work areas using one of the options of Table IV-7 when such areas are visible from any publicly accessible right-of-way, trail, pedestrian walkway, or adjacent property. The requirements do not apply if there are buildings or other site features that effectively block views of such outdoor storage and work areas.

Table IV-7: Outdoor Storage and Work Area Screening Options

Regulation	Option A	Option B	Option C
Minimum width of landscaped area (ft.)	20	10	5

Minimum number of trees and shrubs per 50 ft.	10	5	0
Flowers and grasses	Remaining landscaped area		
Screening required	-	Opaque fence or wall	Masonry wall
Screening height	Must install and maintain maximum allowed per B(II)1, except for trees		

e. **Trash, Recycling, and Mechanical Equipment Areas**

1. **When Required.** Property owners must screen trash, recycling, and mechanical equipment areas using one of the options of Table IV-8 that are visible from any publicly accessible right-of-way, trail, pedestrian walkway, or adjacent property. The requirements do not apply if there are buildings or other site features that effectively block views of such trash, recycling, or mechanical equipment areas.

Table IV-8: Trash, Recycling, and Mechanical Equipment Area Screening Options

Regulation	Option A	Option B	Option C
Minimum width of landscaped area (ft.)	10	5	-
Minimum number of trees and shrubs per 50 ft.	10	5	-
Flowers and grasses	Remaining landscaped area		
Screening required	-	Opaque fence or wall	Masonry wall
Screening height	Must install and maintain maximum allowed per B(II)1, except for trees		

f. **Interior Parking Lot Landscaping.**

1. **Trees and Landscape Areas Required.** Property owners must install at least one canopy tree and 100 square feet of landscape area for every 4 motor vehicle parking spaces or fraction thereof. Trees and landscaped areas used to meet the screening requirements of this section count towards the interior parking lot landscaping requirements.

2. **Location and Distribution.** Property owners must locate all trees, landscaped areas, and green infrastructure used to meet the requirements of this section within 50 feet of the subject parking area. No portion of a parking area may lie more than 100 feet from a landscaped area or tree.

g. **Landscape and Screening Elements.**

1. **Landscaped Areas.** Property owners must plant landscaped areas only with plants listed in the Native Species List contained within Section 4.07(m).

2. **Mulch and Rock.** Property owners may not fill landscaped areas with more than 25% mulch or decorative rock.

3. **Lawns.** No mandatory landscaped area may contain non-native lawn grasses.

4. **Seed Mixes.** Property owners may utilize seed mixes containing species listed in the Native Species List; however, those mixes may not contain species not listed.

5. **Native Hybrids.** The Zoning Administrator may approve hybrids of listed native species; but may not approve hybrids of native and non-native species except in circumstances of hybrids to provide disease resistance and only with documentation from a licensed landscape architect or arborist.

6. **Mandatory Trees.** The trees listed as mandatory were the predominant species within the city under pre-settlement conditions. Property owners must utilize the species listed as mandatory in the Native Species List for at least 50% of all trees and shrubs required by this section.

7. **Planting Diversity.** No single species may comprise more than 30% of the plantings used to meet the requirements of this section.

8. **Planting Soil.** Landscaped areas must have healthy noncompact planting soil at least 1.5 feet deep.

9. **Berms.** Property owners may use berms in addition to the landscaping and screening elements required by this section but may not use them in place of any of the required elements.

10. **Location With Fences and Walls.** Property owners must place any fence or wall in the interior-most area of the required landscaping area so that the adjacent property or public views landscaping and then fencing.

11. **Location with Structures.** Property owners may not place any landscaping elements within 5 feet of any structure unless otherwise specifically required by this section.

12. **Plant Size at Time of Planting.**

Plant Type	Minimum Container Size at Time of Planting (gal.)	Minimum Height at Time of Planting (ft.)	Minimum Caliper at Time of Planting (in.)
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Flowers and grasses	1	1	-
Low shrubs	3	1.5	-
Tall shrubs	3	4	-
Deciduous trees	-	6	2.5
Coniferous trees	-	6	-

h. Installation and Maintenance.

2. **Installation.** Property owners must install all landscaping and screening elements in accordance with an approved landscaping plan and sound nursery practices.

3. **Protection From Vehicles.** Property owners must protect all landscaped areas perpendicular to vehicular use areas with curbs or wheel stops.

3. **Encroachment Into Right-of-Way.** No property owner may place landscaping elements within any public right-of-way or public property without common council’s express permission.

4. **Maintenance.** Property owners must continuously maintain all landscaped areas including necessary watering; weeding; pruning; pest control; litter and debris cleanup; and replacement of dead, diseased, or damaged plant material.

5. **Landscape Plans.** For lots of one acre or larger, property owners shall submit any change to a property’s landscaping triggered by this section within a landscaping plan stamped by a landscape architect licensed to practice in the State of Wisconsin. The plan shall describe each individual landscape area and the calculations used for each area to meet the requirements of this section. The plan shall also include a species list, installation instructions, and maintenance standards prescribed by the landscape architect of record.

j. **Alternative Compliance.** Landscape architects may apply for alternative compliance from the regulations of this section per section 4.10.

k. **Screening.** These regulations apply to all fences, walls, and similar structures intended to screen property or limit access.

1. **Prohibited Locations.** Property owners may build screening structures up to the property line, but they may not encroach upon public property or rights-of-way.

2. **General Regulations.**

a. **Maximum Height.**

Yard	Maximum Height (ft.)
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Zone	OS, E-N, S-N, U-N	S-CO, U-CO, U-DT, AG, I	Educational
Street	4*	4*	6*
Side & Rear	6	9	9

*Fences in the street yard must not exceed 50% opacity.

b. **Sides.** Property owners shall erect fences so the more aesthetically pleasing side faces the adjacent neighbor, public right-of-way, or city-approved private drive.

3. Materials.

a. **Required Materials.** Property owners may construct screening structures of masonry, stone, metal, wood, vinyl, composite material, chain link, or gabions filled with stone material. The Zoning Administrator may approve the use of alternative materials provided that the materials are equivalent in suitability, strength, and durability.

1. **Masonry.** Property owners must construct masonry walls of attractive, high-quality, durable-finish materials such as brick, cast stone, decorative block, or stucco over standard concrete masonry blocks. The color, texture, and type of materials used on masonry walls must match or compliment the materials used on the principal building on the subject lot.

2. **Ornamental Metal Fence.** Ornamental metal fences must have decorative pickets at least 0.75 inches wide, spaced no farther apart than an average 6 inches on center. Ornamental metal fences may include masonry, stone, or wood piers.

3. **Opaque Fences.** Opaque fences shall completely obscure the view of the screened area. Property owners may construct an opaque fence of masonry, stone, metal, wood, vinyl, or composite material, gabions filled with stone material, chain link with privacy slats, or a combination of such materials.

b. **Hazardous Materials.** No property owner may install any electrified, barbed wire, razor wire, or any other type of material designed to cause bodily harm except in the Industrial (I) zoning district.

c. **Battery-Powered, Alarmed Electric Security Fences.** Property owners may install battery-powered, alarmed electric security fences per Wis. Stat. s. 66.0440.

4. Height Measurement. The city measures the height of screening structures as the vertical distance from the average finished grade on the inside of the fence to the top of the fence or wall. The city measures fences atop walls or landscape features from the average finished grade at the base of the wall or landscape feature. Fence posts, supporting structures, and ornamentation may extend up to one foot above the maximum fence height limits.

l. Alternative Compliance. Architects may apply for alternative compliance from the regulations of this section per section 4.10.

m. Native Plant Species List.

Common Name	Scientific name	Type	Mandate or Option
American Beech	<i>Fagus grandifolia</i>	Trees and Shrubs	Mandate
Sugar Maple	<i>Acer saccharum</i>	Trees and Shrubs	Mandate
Basswood	<i>Tilia americana</i>	Trees and Shrubs	Mandate
Northern Red Oak	<i>Quercus rubra</i>	Trees and Shrubs	Mandate
White Oak	<i>Quercus alba</i>	Trees and Shrubs	Mandate
Black Oak	<i>Quercus velutina</i>	Trees and Shrubs	Mandate
Missouri River Willow	<i>Salix eriocephala</i>	Trees and Shrubs	Option
Canadian Plum	<i>Prunus nigra</i>	Trees and Shrubs	Option
Chokecherry	<i>Prunus virginiana var. virginiana</i>	Trees and Shrubs	Option

Pin Cherry	<i>Prunus pensylvanica</i> var. <i>pensylvanica</i>	Trees and Shrubs	Optional
Bog Birch	<i>Betula pumila</i>	Trees and Shrubs	Optional
Paper Birch	<i>Betula papyrifera</i>	Trees and Shrubs	Optional
Yellow Birch	<i>Betula alleghaniensis</i>	Trees and Shrubs	Optional
Boxelder	<i>Acer negundo</i>	Trees and Shrubs	Optional
Boxelder	<i>Acer negundo</i> var. <i>negundo</i>	Trees and Shrubs	Optional
Boxelder	<i>Acer negundo</i> var. <i>violaceum</i>	Trees and Shrubs	Optional
Mountain Maple	<i>Acer spicatum</i>	Trees and Shrubs	Optional
Red Maple	<i>Acer rubrum</i>	Trees and Shrubs	Optional
Prairie Crab Apple	<i>Malus ioensis</i> var. <i>ioensis</i>	Trees and Shrubs	Optional
Cranberry	<i>Vaccinium macrocarpon</i>	Trees and Shrubs	Optional
Lowbush Blueberry	<i>Vaccinium angustifolium</i>	Trees and Shrubs	Optional
Velvetleaf Huckleberry	<i>Vaccinium myrtilloides</i>	Trees and Shrubs	Optional
Grey Alder	<i>Alnus incana</i>	Trees and Shrubs	Optional
Speckled Alder	<i>Alnus incana</i> subsp. <i>rugosa</i>	Trees and Shrubs	Optional

Eastern White Pine	<i>Pinus strobus</i>	Trees and Shrubs	Optional
Jack Pine	<i>Pinus banksiana</i>	Trees and Shrubs	Optional
Bitternut Hickory	<i>Carya cordiformis</i>	Trees and Shrubs	Optional
Shagbark Hickory	<i>Carya ovata</i>	Trees and Shrubs	Optional
American Elm	<i>Ulmus americana</i>	Trees and Shrubs	Optional
Rock Elm	<i>Ulmus thomasii</i>	Trees and Shrubs	Optional
Bigfruit Hawthorn	<i>Crataegus macrosperma</i>	Trees and Shrubs	Optional
Cockspur Hawthorn	<i>Crataegus crus-galli</i>	Trees and Shrubs	Optional
Dodge's Hawthorn	<i>Crataegus dodgei</i>	Trees and Shrubs	Optional
Dotted Hawthorn	<i>Crataegus punctata</i>	Trees and Shrubs	Optional
Downy Hawthorn	<i>Crataegus mollis</i>	Trees and Shrubs	Optional
Dunbar's Hawthorn	<i>Crataegus beata</i>	Trees and Shrubs	Optional
Fanleaf Hawthorn	<i>Crataegus flabellata</i>	Trees and Shrubs	Optional
Fireberry Hawthorn	<i>Crataegus chrysocarpa</i>	Trees and Shrubs	Optional
Fleshy Hawthorn	<i>Crataegus succulenta</i>	Trees and Shrubs	Optional

Fort Sheridan Hawthorn	<i>Crataegus apiomorpha</i>	Trees and Shrubs	Optional
Fuller's Hawthorn	<i>Crataegus fulleriana</i>	Trees and Shrubs	Optional
Grove Hawthorn	<i>Crataegus lucorum</i>	Trees and Shrubs	Optional
Holmes' Hawthorn	<i>Crataegus holmesiana</i>	Trees and Shrubs	Optional
Kansas Hawthorn	<i>Crataegus coccinioides</i>	Trees and Shrubs	Optional
Pear Hawthorn	<i>Crataegus calpodendron</i>	Trees and Shrubs	Optional
Quebec Hawthorn	<i>Crataegus submollis</i>	Trees and Shrubs	Optional
Red Hawthorn	<i>Crataegus chrysoarpa</i> var. <i>chrysoarpa</i>	Trees and Shrubs	Optional
Rough Hawthorn	<i>Crataegus scabrida</i>	Trees and Shrubs	Optional
Roundleaf Hawthorn	<i>Crataegus lumaria</i>	Trees and Shrubs	Optional
Scarlet Hawthorn	<i>Crataegus pedicellata</i>	Trees and Shrubs	Optional
Shchuette's Hawthorn	<i>Crataegus schuettei</i>	Trees and Shrubs	Optional
Shiningbranch Hawthorn	<i>Crataegus corusca</i>	Trees and Shrubs	Optional
Waxyfruit Hawthorn	<i>Crataegus pruinosa</i>	Trees and Shrubs	Optional
Dwarf Red Blackberry	<i>Rubus pubescens</i> var. <i>pubescens</i>	Trees and Shrubs	Optional

American Basswood	<i>Tilia americana</i>	Trees and Shrubs	Optional
Black Ash	<i>Fraxinus nigra</i>	Trees and Shrubs	Optional
Green Ash	<i>Fraxinus pennsylvanica</i>	Trees and Shrubs	Optional
White Ash	<i>Fraxinus americana</i>	Trees and Shrubs	Optional
White Spruce	<i>Picea glauca</i>	Trees and Shrubs	Optional
American Hazelnut	<i>Corylus americana</i>	Trees and Shrubs	Optional
Beaked Hazelnut	<i>Corylus cornuta</i>	Trees and Shrubs	Optional
Black Walnut	<i>Juglans nigra</i>	Trees and Shrubs	Optional
Alternateleaf Dogwood	<i>Cornus alternifolia</i>	Trees and Shrubs	Optional
Gray dogwood	<i>Cornus racemosa</i>	Trees and Shrubs	Optional
Roundleaf Dogwood	<i>Cornus rugosa</i>	Trees and Shrubs	Optional
Silky Dogwood	<i>Cornus obliqua</i>	Trees and Shrubs	Optional
Allegheny Serviceberry	<i>Amelanchier laevis</i>	Trees and Shrubs	Optional
Roundleaf Serviceberry	<i>Amelanchier sanguinea</i>	Trees and Shrubs	Optional
Running Serviceberry	<i>Amelanchier stolonifera</i>	Trees and Shrubs	Optional

Tamarack	<i>Larix laricina</i>	Trees and Shrubs	Optional
American Cranberrybush	<i>Viburnum opulus</i> var. <i>americanum</i>	Trees and Shrubs	Optional
Blackhaw	<i>Viburnum prunifolium</i>	Trees and Shrubs	Optional
Downy Arrowwood	<i>Viburnum rafinesqueanum</i>	Trees and Shrubs	Optional
Mapleleaf Viburnum	<i>Viburnum acerifolium</i>	Trees and Shrubs	Optional
Eastern Hemlock	<i>Tsuga canadensis</i>	Trees and Shrubs	Optional
Hophornbeam	<i>Ostrya virginiana</i>	Trees and Shrubs	Optional
American Hornbeam	<i>Carpinus caroliniana</i>	Trees and Shrubs	Optional
Fox Grape	<i>Vitis labrusca</i>	Trees and Shrubs	Optional
Riverbank Grape	<i>Vitis riparia</i>	Trees and Shrubs	Optional
American Witchhazel	<i>Hamamelis virginiana</i>	Trees and Shrubs	Optional
Common Hackberry	<i>Celtis occidentalis</i>	Trees and Shrubs	Optional
New Jersey Tea	<i>Ceanothus americanus</i>	Trees and Shrubs	Optional
Arborvitae	<i>Thuja occidentalis</i>	Trees and Shrubs	Optional
Black Huckleberry	<i>Gaylussacia baccata</i>	Trees and Shrubs	Optional

American Black Elderberry	<i>Sambucus nigra</i> subsp. <i>canadensis</i>	Trees and Shrubs	Optional
Red Elderberry	<i>Sambucus racemosa</i> var. <i>racemosa</i>	Trees and Shrubs	Optional
Atlantic Ninebark	<i>Physocarpus opulifolius</i> var. <i>intermedius</i>	Trees and Shrubs	Optional
American Fly Honeysuckle	<i>Lonicera canadensis</i>	Trees and Shrubs	Optional
Limber Honeysuckle	<i>Lonicera dioica</i>	Trees and Shrubs	Optional
Swamp Fly Honeysuckle	<i>Lonicera oblongifolia</i>	Trees and Shrubs	Optional
Catberry	<i>Ilex mucronata</i>	Trees and Shrubs	Optional
Ohio Buckeye	<i>Aesculus glabra</i>	Trees and Shrubs	Optional
Common Juniper	<i>Juniperus communis</i> var. <i>depressa</i>	Trees and Shrubs	Optional
Eastern Redcedar	<i>Juniperus virginiana</i> var. <i>virginiana</i>	Trees and Shrubs	Optional
Common Snowberry	<i>Symphoricarpos albus</i> var. <i>albus</i>	Trees and Shrubs	Optional
Coralberry	<i>Symphoricarpos orbiculatus</i>	Trees and Shrubs	Optional
Russet Buffaloberry	<i>Shepherdia canadensis</i>	Trees and Shrubs	Optional
Common Buttonbush	<i>Cephalanthus occidentalis</i>	Trees and Shrubs	Optional
Leatherleaf	<i>Chamaedaphne calyculata</i>	Trees and Shrubs	Optional

Burningbush	<i>Euonymus atropurpureus</i>	Trees and Shrubs	Optional
Eastern Wahoo	<i>Euonymus atropurpureus</i> var. <i>atropurpureus</i>	Trees and Shrubs	Optional
Blue Ridge Carrionflower	<i>Smilax lasioneura</i>	Trees and Shrubs	Optional
Bristly Greenbrier	<i>Smilax tamnoides</i>	Trees and Shrubs	Optional
Bog Rosemary	<i>Andromeda polifolia</i>	Trees and Shrubs	Optional
American Bittersweet	<i>Celastrus scandens</i>	Trees and Shrubs	Optional
Canada Yew	<i>Taxus canadensis</i>	Trees and Shrubs	Optional
Common Hoptree	<i>Ptelea trifoliata</i> var. <i>trifoliata</i>	Trees and Shrubs	Optional
Kentucky Coffeetree	<i>Gymnocladus dioicus</i>	Trees and Shrubs	Optional
Northern Bush Honeysuckle	<i>Diervilla lonicera</i>	Trees and Shrubs	Optional
Eastern Leatherwood	<i>Dirca palustris</i>	Trees and Shrubs	Optional
Creeping Snowberry	<i>Gaultheria hispidula</i>	Trees and Shrubs	Optional
Eastern Teaberry	<i>Gaultheria procumbens</i>	Trees and Shrubs	Optional
Early Goldenrod	<i>Solidago juncea</i>	Flowers and Grasses	Optional
Giant Goldenrod	<i>Solidago gigantea</i>	Flowers and Grasses	Optional

Gray Goldenrod	<i>Solidago nemoralis</i> var. <i>nemoralis</i>	Flowers and Grasses	Optional
Missouri Goldenrod	<i>Solidago missouriensis</i> var. <i>fasciculata</i>	Flowers and Grasses	Optional
Showy Goldenrod	<i>Solidago speciosa</i> var. <i>speciosa</i>	Flowers and Grasses	Optional
Zigzag Goldenrod	<i>Solidago flexicaulis</i>	Flowers and Grasses	Optional
Virginia Strawberry	<i>Fragaria virginiana</i> subsp. <i>virginiana</i>	Flowers and Grasses	Optional
Woodland Strawberry	<i>Fragaria vesca</i>	Flowers and Grasses	Optional
Woodland Strawberry	<i>Fragaria vesca</i> subsp. <i>americana</i>	Flowers and Grasses	Optional
Cheerful Sunflower	<i>Helianthus</i> × <i>laetiflorus</i> [<i>pauciflorus</i> × <i>tuberosus</i>]	Flowers and Grasses	Optional
Fewleaf Sunflower	<i>Helianthus occidentalis</i>	Flowers and Grasses	Optional
Fewleaf Sunflower	<i>Helianthus occidentalis</i> subsp. <i>occidentalis</i>	Flowers and Grasses	Optional
Giant Sunflower	<i>Helianthus giganteus</i>	Flowers and Grasses	Optional
Maximilian Sunflower	<i>Helianthus maximiliani</i>	Flowers and Grasses	Optional
paleleaf woodland sunflower	<i>Helianthus strumosus</i>	Flowers and Grasses	Optional
sawtooth sunflower	<i>Helianthus grosseserratus</i>	Flowers and Grasses	Optional
stiff sunflower	<i>Helianthus pauciflorus</i>	Flowers and Grasses	Optional

stiff sunflower	<i>Helianthus pauciflorus</i> subsp. <i>pauciflorus</i>	Flowers and Grasses	Optional
stiff sunflower	<i>Helianthus pauciflorus</i> subsp. <i>subrhomboideus</i>	Flowers and Grasses	Optional
thinleaf sunflower	<i>Helianthus decapetalus</i>	Flowers and Grasses	Optional
alpine violet	<i>Viola labradorica</i>	Flowers and Grasses	Optional
arrowleaf violet	<i>Viola sagittata</i>	Flowers and Grasses	Optional
arrowleaf violet	<i>Viola sagittata</i> var. <i>sagittata</i>	Flowers and Grasses	Optional
birdfoot violet	<i>Viola pedata</i>	Flowers and Grasses	Optional
common blue violet	<i>Viola sororia</i>	Flowers and Grasses	Optional
downy yellow violet	<i>Viola pubescens</i>	Flowers and Grasses	Optional
downy yellow violet	<i>Viola pubescens</i> var. <i>pubescens</i>	Flowers and Grasses	Optional
downy yellow violet	<i>Viola pubescens</i> var. <i>scabriuscula</i>	Flowers and Grasses	Optional
longspur violet	<i>Viola rostrata</i>	Flowers and Grasses	Optional
marsh blue violet	<i>Viola cucullata</i>	Flowers and Grasses	Optional
prairie violet	<i>Viola pedatifida</i>	Flowers and Grasses	Optional
sand violet	<i>Viola affinis</i>	Flowers and Grasses	Optional

small white violet	<i>Viola macloskeyi</i>	Flowers and Grasses	Optional
smooth white violet	<i>Viola macloskeyi</i> subsp. <i>pallens</i>	Flowers and Grasses	Optional
sweet white violet	<i>Viola blanda</i>	Flowers and Grasses	Optional
sweet white violet	<i>Viola blanda</i> var. <i>palustriformis</i>	Flowers and Grasses	Optional
common boneset	<i>Eupatorium perfoliatum</i>	Flowers and Grasses	Optional
common boneset	<i>Eupatorium perfoliatum</i> var. <i>perfoliatum</i>	Flowers and Grasses	Optional
lateflowering thoroughwort	<i>Eupatorium serotinum</i>	Flowers and Grasses	Optional
leadplant	<i>Amorpha canescens</i>	Flowers and Grasses	Optional
Bicknell's cranesbill	<i>Geranium bicknellii</i>	Flowers and Grasses	Optional
fall panicgrass	<i>Panicum dichotomiflorum</i> var. <i>dichotomiflorum</i>	Flowers and Grasses	Optional
switchgrass	<i>Panicum virgatum</i> var. <i>virgatum</i>	Flowers and Grasses	Optional
hemlock waterparsnip	<i>Sium suave</i>	Flowers and Grasses	Optional
bog willowherb	<i>Epilobium leptophyllum</i>	Flowers and Grasses	Optional
downy willowherb	<i>Epilobium strictum</i>	Flowers and Grasses	Optional
fringed willowherb	<i>Epilobium ciliatum</i> subsp. <i>ciliatum</i>	Flowers and Grasses	Optional

purpleleaf willowherb	<i>Epilobium coloratum</i>	Flowers and Grasses	Optional
eastern daisy fleabane	<i>Erigeron annuus</i>	Flowers and Grasses	Optional
Philadelphia fleabane	<i>Erigeron philadelphicus</i>	Flowers and Grasses	Optional
Philadelphia fleabane	<i>Erigeron philadelphicus</i> var. <i>philadelphicus</i>	Flowers and Grasses	Optional
prairie fleabane	<i>Erigeron strigosus</i> var. <i>septentrionalis</i>	Flowers and Grasses	Optional
prairie fleabane	<i>Erigeron strigosus</i> var. <i>strigosus</i>	Flowers and Grasses	Optional
robin's plantain	<i>Erigeron pulchellus</i>	Flowers and Grasses	Optional
robin's plantain	<i>Erigeron pulchellus</i> var. <i>pulchellus</i>	Flowers and Grasses	Optional
prairie ironweed	<i>Vernonia fasciculata</i>	Flowers and Grasses	Optional
prairie ironweed	<i>Vernonia fasciculata</i> subsp. <i>fasciculata</i>	Flowers and Grasses	Optional
great St. Johnswort	<i>Hypericum ascyron</i>	Flowers and Grasses	Optional
spotted St. Johnswort	<i>Hypericum punctatum</i>	Flowers and Grasses	Optional
parasol whitetop	<i>Doellingeria umbellata</i>	Flowers and Grasses	Optional
parasol whitetop	<i>Doellingeria umbellata</i> var. <i>umbellata</i>	Flowers and Grasses	Optional
arctic brome	<i>Bromus kalmii</i>	Flowers and Grasses	Optional

earlyleaf brome	<i>Bromus latiglumis</i>	Flowers and Grasses	Optional
fringed brome	<i>Bromus ciliatus</i>	Flowers and Grasses	Optional
fringed brome	<i>Bromus ciliatus</i> var. <i>ciliatus</i>	Flowers and Grasses	Optional
hairy woodland brome	<i>Bromus pubescens</i>	Flowers and Grasses	Optional
hairy evening primrose	<i>Oenothera villosa</i> subsp. <i>villosa</i>	Flowers and Grasses	Optional
little evening primrose	<i>Oenothera perennis</i>	Flowers and Grasses	Optional
meadow evening primrose	<i>Oenothera pilosella</i> subsp. <i>pilosella</i>	Flowers and Grasses	Optional
northern evening primrose	<i>Oenothera parviflora</i>	Flowers and Grasses	Optional
Oakes' evening primrose	<i>Oenothera oakesiana</i>	Flowers and Grasses	Optional
American vetch	<i>Vicia americana</i> subsp. <i>americana</i>	Flowers and Grasses	Optional
Carolina vetch	<i>Vicia caroliniana</i>	Flowers and Grasses	Optional
western brackenfern	<i>Pteridium aquilinum</i> var. <i>latiusculum</i>	Flowers and Grasses	Optional
hybrid cattail	<i>Typha</i> × <i>glauca</i> [<i>angustifolia</i> or <i>domingensis</i> × <i>latifolia</i>]	Flowers and Grasses	Optional
narrowleaf cattail	<i>Typha angustifolia</i>	Flowers and Grasses	Optional
wild quinine	<i>Parthenium integrifolium</i> var. <i>integrifolium</i>	Flowers and Grasses	Optional

largeleaf wild indigo	<i>Baptisia alba</i> var. <i>macrophylla</i>	Flowers and Grasses	Optional
longbract wild indigo	<i>Baptisia bracteata</i>	Flowers and Grasses	Optional
longbract wild indigo	<i>Baptisia bracteata</i> var. <i>leucophaea</i>	Flowers and Grasses	Optional
white wild indigo	<i>Baptisia alba</i>	Flowers and Grasses	Optional
waxyleaf meadow-rue	<i>Thalictrum revolutum</i>	Flowers and Grasses	Optional
Canadian milkvetch	<i>Astragalus canadensis</i>	Flowers and Grasses	Optional
Canadian milkvetch	<i>Astragalus canadensis</i> var. <i>canadensis</i>	Flowers and Grasses	Optional
Cooper's milkvetch	<i>Astragalus neglectus</i>	Flowers and Grasses	Optional
big bluestem	<i>Andropogon gerardii</i>	Flowers and Grasses	Optional
Norwegian cinquefoil	<i>Potentilla norvegica</i> subsp. <i>monspeliensis</i>	Flowers and Grasses	Optional
tall cinquefoil	<i>Potentilla arguta</i> subsp. <i>arguta</i>	Flowers and Grasses	Optional
dwarf lake iris	<i>Iris lacustris</i>	Flowers and Grasses	Optional
Shreve's iris	<i>Iris virginica</i> var. <i>shrevei</i>	Flowers and Grasses	Optional
Virginia iris	<i>Iris virginica</i>	Flowers and Grasses	Optional
prairie cordgrass	<i>Spartina pectinata</i>	Flowers and Grasses	Optional

wingstem	<i>Verbesina alternifolia</i>	Flowers and Grasses	Optional
American mannagrass	<i>Glyceria grandis</i> var. <i>grandis</i>	Flowers and Grasses	Optional
floating mannagrass	<i>Glyceria septentrionalis</i>	Flowers and Grasses	Optional
rattlesnake mannagrass	<i>Glyceria canadensis</i>	Flowers and Grasses	Optional
butterfly milkweed	<i>Asclepias tuberosa</i>	Flowers and Grasses	Optional
butterfly milkweed	<i>Asclepias tuberosa</i> subsp. <i>interior</i>	Flowers and Grasses	Optional
common milkweed	<i>Asclepias syriaca</i>	Flowers and Grasses	Optional
green comet milkweed	<i>Asclepias viridiflora</i>	Flowers and Grasses	Optional
oval-leaf milkweed	<i>Asclepias ovalifolia</i>	Flowers and Grasses	Optional
poke milkweed	<i>Asclepias exaltata</i>	Flowers and Grasses	Optional
purple milkweed	<i>Asclepias purpurascens</i>	Flowers and Grasses	Optional
swamp milkweed	<i>Asclepias incarnata</i>	Flowers and Grasses	Optional
swamp milkweed	<i>Asclepias incarnata</i> subsp. <i>incarnata</i>	Flowers and Grasses	Optional
biennial wormwood	<i>Artemisia biennis</i>	Flowers and Grasses	Optional
field sagewort	<i>Artemisia campestris</i>	Flowers and Grasses	Optional

field sagewort	<i>Artemisia campestris</i> subsp. <i>caudata</i>	Flowers and Grasses	Optional
white sagebrush	<i>Artemisia ludoviciana</i> subsp. <i>ludoviciana</i>	Flowers and Grasses	Optional
red columbine	<i>Aquilegia canadensis</i>	Flowers and Grasses	Optional
hoary verbena	<i>Verbena stricta</i>	Flowers and Grasses	Optional
narrowleaf vervain	<i>Verbena simplex</i>	Flowers and Grasses	Optional
vervain	<i>Verbena</i> × <i>engelmannii</i> [<i>hastata</i> × <i>urticifolia</i>]	Flowers and Grasses	Optional
white vervain	<i>Verbena urticifolia</i>	Flowers and Grasses	Optional
white vervain	<i>Verbena urticifolia</i> var. <i>leiocarpa</i>	Flowers and Grasses	Optional
white vervain	<i>Verbena urticifolia</i> var. <i>urticifolia</i>	Flowers and Grasses	Optional
foxglove beardtongue	<i>Penstemon digitalis</i>	Flowers and Grasses	Optional
hairy beardtongue	<i>Penstemon hirsutus</i>	Flowers and Grasses	Optional
marsh hedgenettle	<i>Stachys palustris</i>	Flowers and Grasses	Optional
smooth hedgenettle	<i>Stachys tenuifolia</i>	Flowers and Grasses	Optional
flowering spurge	<i>Euphorbia corollata</i>	Flowers and Grasses	Optional
bottomland aster	<i>Symphotrichum ontarionis</i>	Flowers and Grasses	Optional

calico aster	<i>Symphyotrichum lateriflorum</i> var. <i>lateriflorum</i>	Flowers and Grasses	Optional
common blue wood aster	<i>Symphyotrichum cordifolium</i>	Flowers and Grasses	Optional
crookedstem aster	<i>Symphyotrichum prenanthoides</i>	Flowers and Grasses	Optional
Drummond's aster	<i>Symphyotrichum drummondii</i> var. <i>drummondii</i>	Flowers and Grasses	Optional
hairy white oldfield aster	<i>Symphyotrichum pilosum</i> var. <i>pilosum</i>	Flowers and Grasses	Optional
Lindley's aster	<i>Symphyotrichum ciliolatum</i>	Flowers and Grasses	Optional
New England aster	<i>Symphyotrichum novae-angliae</i>	Flowers and Grasses	Optional
northern bog aster	<i>Symphyotrichum boreale</i>	Flowers and Grasses	Optional
Pringle's aster	<i>Symphyotrichum pilosum</i> var. <i>pringlei</i>	Flowers and Grasses	Optional
purplestem aster	<i>Symphyotrichum puniceum</i> var. <i>puniceum</i>	Flowers and Grasses	Optional
rayless alkali aster	<i>Symphyotrichum ciliatum</i>	Flowers and Grasses	Optional
Short's aster	<i>Symphyotrichum shortii</i>	Flowers and Grasses	Optional
skyblue aster	<i>Symphyotrichum oolentangiense</i> var. <i>oolentangiense</i>	Flowers and Grasses	Optional
smooth blue aster	<i>Symphyotrichum laeve</i> var. <i>laeve</i>	Flowers and Grasses	Optional
western silver aster	<i>Symphyotrichum sericeum</i>	Flowers and Grasses	Optional

white heath aster	<i>Symphyotrichum ericoides</i> var. <i>ericoides</i>	Flowers and Grasses	Optional
white panicle aster	<i>Symphyotrichum lanceolatum</i> var. <i>lanceolatum</i>	Flowers and Grasses	Optional
nodding fescue	<i>Festuca subverticillata</i>	Flowers and Grasses	Optional
red fescue	<i>Festuca rubra</i>	Flowers and Grasses	Optional
red fescue	<i>Festuca rubra</i> subsp. <i>rubra</i>	Flowers and Grasses	Optional
downy phlox	<i>Phlox pilosa</i> subsp. <i>fulgida</i>	Flowers and Grasses	Optional
Lapham's phlox	<i>Phlox divaricata</i> subsp. <i>laphamii</i>	Flowers and Grasses	Optional
common sneezeweed	<i>Helenium autumnale</i>	Flowers and Grasses	Optional
common sneezeweed	<i>Helenium autumnale</i> var. <i>autumnale</i>	Flowers and Grasses	Optional
bulblet-bearing water hemlock	<i>Cicuta bulbifera</i>	Flowers and Grasses	Optional
American white waterlily	<i>Nymphaea odorata</i> subsp. <i>tuberosa</i>	Flowers and Grasses	Optional
panicked bulrush	<i>Scirpus microcarpus</i>	Flowers and Grasses	Optional
rufous bulrush	<i>Scirpus pendulus</i>	Flowers and Grasses	Optional
woolgrass	<i>Scirpus cyperinus</i>	Flowers and Grasses	Optional
broadfruit bur-reed	<i>Sparganium eurycarpum</i>	Flowers and Grasses	Optional

clammy groundcherry	<i>Physalis heterophylla</i> var. <i>heterophylla</i>	Flowers and Grasses	Optional
longleaf groundcherry	<i>Physalis longifolia</i> var. <i>longifolia</i>	Flowers and Grasses	Optional
longleaf groundcherry	<i>Physalis longifolia</i> var. <i>subglabrata</i>	Flowers and Grasses	Optional
Virginia groundcherry	<i>Physalis virginiana</i> var. <i>virginiana</i>	Flowers and Grasses	Optional
Michigan lily	<i>Lilium michiganense</i>	Flowers and Grasses	Optional
wood lily	<i>Lilium philadelphicum</i> var. <i>andinum</i>	Flowers and Grasses	Optional
varigated yellow pond-lily	<i>Nuphar lutea</i> subsp. <i>variegata</i>	Flowers and Grasses	Optional
prairie rosinweed	<i>Silphium terebinthinaceum</i> var. <i>terebinthaceum</i>	Flowers and Grasses	Optional
wholeleaf rosinweed	<i>Silphium integrifolium</i> var. <i>integrifolium</i>	Flowers and Grasses	Optional
arctic rush	<i>Juncus arcticus</i>	Flowers and Grasses	Optional
Dudley's rush	<i>Juncus dudleyi</i>	Flowers and Grasses	Optional
knotted rush	<i>Juncus nodosus</i>	Flowers and Grasses	Optional
knotted rush	<i>Juncus nodosus</i> var. <i>nodosus</i>	Flowers and Grasses	Optional
mountain rush	<i>Juncus arcticus</i> subsp. <i>littoralis</i>	Flowers and Grasses	Optional
northern green rush	<i>Juncus alpinoarticulatus</i>	Flowers and Grasses	Optional

northern green rush	<i>Juncus alpinoarticulatus</i> subsp. <i>nodulosus</i>	Flowers and Grasses	Optional
saltmeadow rush	<i>Juncus gerardii</i>	Flowers and Grasses	Optional
saltmeadow rush	<i>Juncus gerardii</i> var. <i>gerardii</i>	Flowers and Grasses	Optional
triangle orache	<i>Atriplex prostrata</i>	Flowers and Grasses	Optional
brightblue speedwell	<i>Veronica serpyllifolia</i> subsp. <i>humifusa</i>	Flowers and Grasses	Optional
neckweed	<i>Veronica peregrina</i> subsp. <i>peregrina</i>	Flowers and Grasses	Optional
nodding chickweed	<i>Cerastium nutans</i>	Flowers and Grasses	Optional
nodding chickweed	<i>Cerastium nutans</i> var. <i>nutans</i>	Flowers and Grasses	Optional
cinnamon fern	<i>Osmunda cinnamomea</i> var. <i>cinnamomea</i>	Flowers and Grasses	Optional
flat-top goldentop	<i>Euthamia graminifolia</i>	Flowers and Grasses	Optional
flat-top goldentop	<i>Euthamia graminifolia</i> var. <i>graminifolia</i>	Flowers and Grasses	Optional
flatstem pondweed	<i>Potamogeton zosteriformis</i>	Flowers and Grasses	Optional
leafy pondweed	<i>Potamogeton foliosus</i> subsp. <i>foliosus</i>	Flowers and Grasses	Optional
longleaf pondweed	<i>Potamogeton nodosus</i>	Flowers and Grasses	Optional
ribbonleaf pondweed	<i>Potamogeton epihydrus</i>	Flowers and Grasses	Optional

small pondweed	Potamogeton pusillus subsp. pusillus	Flowers and Grasses	Optional
golden tickseed	Coreopsis tinctoria var. tinctoria	Flowers and Grasses	Optional
lanceleaf tickseed	Coreopsis lanceolata	Flowers and Grasses	Optional
fourflower yellow loosestrife	Lysimachia quadriflora	Flowers and Grasses	Optional
tufted loosestrife	Lysimachia thyrsoiflora	Flowers and Grasses	Optional
bulbous bittercress	Cardamine bulbosa	Flowers and Grasses	Optional
crinkleroot	Cardamine diphylla	Flowers and Grasses	Optional
cuckoo flower	Cardamine pratensis	Flowers and Grasses	Optional
cuckoo flower	Cardamine pratensis var. pratensis	Flowers and Grasses	Optional
cutleaf toothwort	Cardamine concatenata	Flowers and Grasses	Optional
limestone bittercress	Cardamine douglassii	Flowers and Grasses	Optional
Pennsylvania bittercress	Cardamine pennsylvanica	Flowers and Grasses	Optional
great Indian plantain	Arnoglossum reniforme	Flowers and Grasses	Optional
groovestem Indian plantain	Arnoglossum plantagineum	Flowers and Grasses	Optional
pale Indian plantain	Arnoglossum atriplicifolium	Flowers and Grasses	Optional

widowsfrill	<i>Silene stellata</i>	Flowers and Grasses	Optional
common cowparsnip	<i>Heracleum maximum</i>	Flowers and Grasses	Optional
largeflower yellow false foxglove	<i>Aureolaria grandiflora</i>	Flowers and Grasses	Optional
largeflower yellow false foxglove	<i>Aureolaria grandiflora</i> var. <i>pulchra</i>	Flowers and Grasses	Optional
bluejoint	<i>Calamagrostis canadensis</i>	Flowers and Grasses	Optional
bluejoint	<i>Calamagrostis canadensis</i> var. <i>canadensis</i>	Flowers and Grasses	Optional
lanceleaf figwort	<i>Scrophularia lanceolata</i>	Flowers and Grasses	Optional
fireweed	<i>Chamerion angustifolium</i>	Flowers and Grasses	Optional
fireweed	<i>Chamerion angustifolium</i> subsp. <i>circumvagum</i>	Flowers and Grasses	Optional
little bluestem	<i>Schizachyrium scoparium</i> var. <i>scoparium</i>	Flowers and Grasses	Optional
Allegheny monkeyflower	<i>Mimulus ringens</i> var. <i>ringens</i>	Flowers and Grasses	Optional
creamflower rockcress	<i>Arabis hirsuta</i> var. <i>pycnocarpa</i>	Flowers and Grasses	Optional
hairy rockcress	<i>Arabis hirsuta</i>	Flowers and Grasses	Optional
lyrate rockcress	<i>Arabis lyrata</i>	Flowers and Grasses	Optional
Short's rockcress	<i>Arabis shortii</i>	Flowers and Grasses	Optional

sicklepod	<i>Arabis canadensis</i>	Flowers and Grasses	Optional
smooth rockcress	<i>Arabis laevigata</i>	Flowers and Grasses	Optional
smooth rockcress	<i>Arabis laevigata</i> var. <i>laevigata</i>	Flowers and Grasses	Optional
tower rockcress	<i>Arabis glabra</i>	Flowers and Grasses	Optional
white turtlehead	<i>Chelone glabra</i>	Flowers and Grasses	Optional
Great Plains flatsedge	<i>Cyperus lupulinus</i>	Flowers and Grasses	Optional
Great Plains flatsedge	<i>Cyperus lupulinus</i> subsp. <i>macilentus</i>	Flowers and Grasses	Optional
redroot flatsedge	<i>Cyperus erythrorhizos</i>	Flowers and Grasses	Optional
Schweinitz's flatsedge	<i>Cyperus schweinitzii</i>	Flowers and Grasses	Optional
slender flatsedge	<i>Cyperus bipartitus</i>	Flowers and Grasses	Optional
strawcolored flatsedge	<i>Cyperus strigosus</i>	Flowers and Grasses	Optional
umbrella flatsedge	<i>Cyperus diandrus</i>	Flowers and Grasses	Optional
purplestem angelica	<i>Angelica atropurpurea</i>	Flowers and Grasses	Optional
old man's whiskers	<i>Geum triflorum</i>	Flowers and Grasses	Optional
old man's whiskers	<i>Geum triflorum</i> var. <i>triflorum</i>	Flowers and Grasses	Optional

purple avens	<i>Geum rivale</i>	Flowers and Grasses	Optional
white avens	<i>Geum canadense</i>	Flowers and Grasses	Optional
white avens	<i>Geum canadense</i> var. <i>canadense</i>	Flowers and Grasses	Optional
yellow avens	<i>Geum aleppicum</i>	Flowers and Grasses	Optional
bastard toadflax	<i>Comandra umbellata</i> subsp. <i>umbellata</i>	Flowers and Grasses	Optional
longflower beeblossom	<i>Gaura longiflora</i>	Flowers and Grasses	Optional
common threeseed mercury	<i>Acalypha rhomboidea</i>	Flowers and Grasses	Optional
purple false foxglove	<i>Agalinis purpurea</i>	Flowers and Grasses	Optional
roundstem false foxglove	<i>Agalinis gattingeri</i>	Flowers and Grasses	Optional
slenderleaf false foxglove	<i>Agalinis tenuifolia</i>	Flowers and Grasses	Optional
Texas croton	<i>Croton texensis</i>	Flowers and Grasses	Optional
Texas croton	<i>Croton texensis</i> var. <i>texensis</i>	Flowers and Grasses	Optional
Virginia tephrosia	<i>Tephrosia virginiana</i>	Flowers and Grasses	Optional
feverwort	<i>Triosteum perfoliatum</i>	Flowers and Grasses	Optional
orangefruit horse-gentian	<i>Triosteum aurantiacum</i>	Flowers and Grasses	Optional

orangefruit horse-gentian	<i>Triosteum aurantiacum</i> var. <i>aurantiacum</i>	Flowers and Grasses	Optional
cardinalflower	<i>Lobelia cardinalis</i>	Flowers and Grasses	Optional
Ontario lobelia	<i>Lobelia kalmii</i>	Flowers and Grasses	Optional
palespike lobelia	<i>Lobelia spicata</i> var. <i>spicata</i>	Flowers and Grasses	Optional
Canadian lousewort	<i>Pedicularis canadensis</i> subsp. <i>canadensis</i>	Flowers and Grasses	Optional
swamp lousewort	<i>Pedicularis lanceolata</i>	Flowers and Grasses	Optional
eastern marsh fern	<i>Thelypteris palustris</i>	Flowers and Grasses	Optional
eastern marsh fern	<i>Thelypteris palustris</i> var. <i>pubescens</i>	Flowers and Grasses	Optional
golden zizia	<i>Zizia aurea</i>	Flowers and Grasses	Optional
meadow zizia	<i>Zizia aptera</i>	Flowers and Grasses	Optional
northern purple pitcherplant	<i>Sarracenia purpurea</i> var. <i>purpurea</i>	Flowers and Grasses	Optional
bald spikerush	<i>Eleocharis erythropoda</i>	Flowers and Grasses	Optional
flatstem spikerush	<i>Eleocharis compressa</i>	Flowers and Grasses	Optional
flatstem spikerush	<i>Eleocharis compressa</i> var. <i>compressa</i>	Flowers and Grasses	Optional
needle spikerush	<i>Eleocharis acicularis</i> var. <i>acicularis</i>	Flowers and Grasses	Optional

annual wildrice	<i>Zizania aquatica</i>	Flowers and Grasses	Optional
annual wildrice	<i>Zizania aquatica</i> var. <i>aquatica</i>	Flowers and Grasses	Optional
northern wildrice	<i>Zizania palustris</i>	Flowers and Grasses	Optional
northern wildrice	<i>Zizania palustris</i> var. <i>palustris</i>	Flowers and Grasses	Optional
sideoats grama	<i>Bouteloua curtipendula</i>	Flowers and Grasses	Optional
sideoats grama	<i>Bouteloua curtipendula</i> var. <i>curtipendula</i>	Flowers and Grasses	Optional
Canadian clearweed	<i>Pilea pumila</i> var. <i>pumila</i>	Flowers and Grasses	Optional
blue cohosh	<i>Caulophyllum thalictroides</i>	Flowers and Grasses	Optional
slender cottongrass	<i>Eriophorum gracile</i>	Flowers and Grasses	Optional
slender cottongrass	<i>Eriophorum gracile</i> var. <i>gracile</i>	Flowers and Grasses	Optional
tall cottongrass	<i>Eriophorum angustifolium</i>	Flowers and Grasses	Optional
tall cottongrass	<i>Eriophorum angustifolium</i> subsp. <i>angustifolium</i>	Flowers and Grasses	Optional
thinleaf cottonsedge	<i>Eriophorum viridicarinatum</i>	Flowers and Grasses	Optional
tussock cottongrass	<i>Eriophorum vaginatum</i>	Flowers and Grasses	Optional
tussock cottongrass	<i>Eriophorum vaginatum</i> var. <i>spissum</i>	Flowers and Grasses	Optional

Culver's root	<i>Veronicastrum virginicum</i>	Flowers and Grasses	Optional
composite dropseed	<i>Sporobolus compositus</i> var. <i>compositus</i>	Flowers and Grasses	Optional
poverty dropseed	<i>Sporobolus vaginiflorus</i> var. <i>vaginiflorus</i>	Flowers and Grasses	Optional
false boneset	<i>Brickellia eupatorioides</i>	Flowers and Grasses	Optional
false boneset	<i>Brickellia eupatorioides</i> var. <i>corymbulosa</i>	Flowers and Grasses	Optional
marsh seedbox	<i>Ludwigia palustris</i>	Flowers and Grasses	Optional
hairy four o'clock	<i>Mirabilis hirsuta</i>	Flowers and Grasses	Optional
curlycup gumweed	<i>Grindelia squarrosa</i> var. <i>serrulata</i>	Flowers and Grasses	Optional
curlycup gumweed	<i>Grindelia squarrosa</i> var. <i>squarrosa</i>	Flowers and Grasses	Optional
American hogpeanut	<i>Amphicarpaea bracteata</i>	Flowers and Grasses	Optional
scarlet Indian paintbrush	<i>Castilleja coccinea</i>	Flowers and Grasses	Optional
Canada mayflower	<i>Maianthemum canadense</i>	Flowers and Grasses	Optional
threeleaf false lily of the valley	<i>Maianthemum trifolium</i>	Flowers and Grasses	Optional
poverty oatgrass	<i>Danthonia spicata</i>	Flowers and Grasses	Optional
yellow pimpernel	<i>Taenidia integerrima</i>	Flowers and Grasses	Optional

golden ragwort	<i>Packera aurea</i>	Flowers and Grasses	Optional
button eryngo	<i>Eryngium yuccifolium</i>	Flowers and Grasses	Optional
button eryngo	<i>Eryngium yuccifolium</i> var. <i>yuccifolium</i>	Flowers and Grasses	Optional
shrubby cinquefoil	<i>Dasiphora fruticosa</i>	Flowers and Grasses	Optional
shrubby cinquefoil	<i>Dasiphora fruticosa</i> subsp. <i>floribunda</i>	Flowers and Grasses	Optional
white snakeroot	<i>Ageratina altissima</i>	Flowers and Grasses	Optional
white snakeroot	<i>Ageratina altissima</i> var. <i>altissima</i>	Flowers and Grasses	Optional
crested woodfern	<i>Dryopteris cristata</i>	Flowers and Grasses	Optional
Goldie's woodfern	<i>Dryopteris goldieana</i>	Flowers and Grasses	Optional
intermediate woodfern	<i>Dryopteris intermedia</i>	Flowers and Grasses	Optional
Canadian anemone	<i>Anemone canadensis</i>	Flowers and Grasses	Optional
andle anemone	<i>Anemone cylindrica</i>	Flowers and Grasses	Optional
common threesquare	<i>Schoenoplectus pungens</i> var. <i>pungens</i>	Flowers and Grasses	Optional
wild comfrey	<i>Cynoglossum virginianum</i>	Flowers and Grasses	Optional
wild comfrey	<i>Cynoglossum virginianum</i> var. <i>boreale</i>	Flowers and Grasses	Optional

goosefoot cornsalad	<i>Valerianella chenopodiifolia</i>	Flowers and Grasses	Optional
stiff cowbane	<i>Oxypolis rigidior</i>	Flowers and Grasses	Optional
American eelgrass	<i>Vallisneria americana</i>	Flowers and Grasses	Optional
low false bindweed	<i>Calystegia spithamea</i>	Flowers and Grasses	Optional
shortawn foxtail	<i>Alopecurus aequalis</i>	Flowers and Grasses	Optional
shortawn foxtail	<i>Alopecurus aequalis</i> var. <i>aequalis</i>	Flowers and Grasses	Optional
hoary frostweed	<i>Helianthemum bicknellii</i>	Flowers and Grasses	Optional
longbranch frostweed	<i>Helianthemum canadense</i>	Flowers and Grasses	Optional
Ohio goldenrod	<i>Oligoneuron ohioense</i>	Flowers and Grasses	Optional
prairie goldenrod	<i>Oligoneuron album</i>	Flowers and Grasses	Optional
Riddell's goldenrod	<i>Oligoneuron riddellii</i>	Flowers and Grasses	Optional
stiff goldenrod	<i>Oligoneuron rigidum</i> var. <i>rigidum</i>	Flowers and Grasses	Optional
purple giant hyssop	<i>Agastache scrophulariifolia</i>	Flowers and Grasses	Optional
common ladyfern	<i>Athyrium filix-femina</i>	Flowers and Grasses	Optional
subarctic ladyfern	<i>Athyrium filix-femina</i> subsp. <i>angustum</i>	Flowers and Grasses	Optional

softhair marbleseed	<i>Onosmodium bejariense</i> var. <i>hispidissimum</i>	Flowers and Grasses	Optional
Fraser's marsh St. Johnswort	<i>Triadenum fraseri</i>	Flowers and Grasses	Optional
Mexican muhly	<i>Muhlenbergia mexicana</i>	Flowers and Grasses	Optional
scratchgrass	<i>Muhlenbergia asperifolia</i>	Flowers and Grasses	Optional
slimflower muhly	<i>Muhlenbergia tenuiflora</i>	Flowers and Grasses	Optional
spiked muhly	<i>Muhlenbergia glomerata</i>	Flowers and Grasses	Optional
ostrich fern	<i>Matteuccia struthiopteris</i>	Flowers and Grasses	Optional
white prairie clover	<i>Dalea candida</i>	Flowers and Grasses	Optional
white prairie clover	<i>Dalea candida</i> var. <i>candida</i>	Flowers and Grasses	Optional
field pussytoes	<i>Antennaria neglecta</i>	Flowers and Grasses	Optional
Parlin's pussytoes	<i>Antennaria parlinii</i>	Flowers and Grasses	Optional
Parlin's pussytoes	<i>Antennaria parlinii</i> subsp. <i>fallax</i>	Flowers and Grasses	Optional
spotted joe pye weed	<i>Eutrochium maculatum</i>	Flowers and Grasses	Optional
spotted joe pye weed	<i>Eutrochium maculatum</i> var. <i>maculatum</i>	Flowers and Grasses	Optional
sweetscented joe pye weed	<i>Eutrochium purpureum</i>	Flowers and Grasses	Optional

rabbit-tobacco	<i>Pseudognaphalium obtusifolium</i> subsp. <i>obtusifolium</i>	Flowers and Grasses	Optional
prairie sandreed	<i>Calamovilfa longifolia</i>	Flowers and Grasses	Optional
prairie sandreed	<i>Calamovilfa longifolia</i> var. <i>magna</i>	Flowers and Grasses	Optional
American searocket	<i>Cakile edentula</i>	Flowers and Grasses	Optional
American searocket	<i>Cakile edentula</i> subsp. <i>edentula</i>	Flowers and Grasses	Optional
American searocket	<i>Cakile edentula</i> var. <i>lacustris</i>	Flowers and Grasses	Optional
skunk cabbage	<i>Symplocarpus foetidus</i>	Flowers and Grasses	Optional
smooth oxeye	<i>Heliopsis helianthoides</i>	Flowers and Grasses	Optional
smooth oxeye	<i>Heliopsis helianthoides</i> var. <i>scabra</i>	Flowers and Grasses	Optional
bluejacket	<i>Tradescantia ohiensis</i>	Flowers and Grasses	Optional
Clayton's sweetroot	<i>Osmorhiza claytonii</i>	Flowers and Grasses	Optional
longstyle sweetroot	<i>Osmorhiza longistylis</i>	Flowers and Grasses	Optional
bloody butcher	<i>Trillium recurvatum</i>	Flowers and Grasses	Optional
nodding wakerobin	<i>Trillium flexipes</i>	Flowers and Grasses	Optional
snow trillium	<i>Trillium nivale</i>	Flowers and Grasses	Optional

whip-poor-will flower	Trillium cernuum	Flowers and Grasses	Optional
Canada wildrye	Elymus canadensis	Flowers and Grasses	Optional
eastern bottlebrush grass	Elymus hystrix	Flowers and Grasses	Optional
eastern bottlebrush grass	Elymus hystrix var. bigeloviana	Flowers and Grasses	Optional
eastern bottlebrush grass	Elymus hystrix var. hystrix	Flowers and Grasses	Optional
hairy wildrye	Elymus villosus	Flowers and Grasses	Optional
slender wheatgrass	Elymus trachycaulus subsp. trachycaulus	Flowers and Grasses	Optional
Virginia wildrye	Elymus virginicus	Flowers and Grasses	Optional
Virginia wildrye	Elymus virginicus var. virginicus	Flowers and Grasses	Optional
Richardson's alumroot	Heuchera richardsonii	Flowers and Grasses	Optional
bluebell bellflower	Campanula rotundifolia	Flowers and Grasses	Optional
marsh bellflower	Campanula aparinoides	Flowers and Grasses	Optional
largeflower bellwort	Uvularia grandiflora	Flowers and Grasses	Optional
common bladderwort	Utricularia macrorhiza	Flowers and Grasses	Optional
bloodroot	Sanguinaria canadensis	Flowers and Grasses	Optional

California poppy	<i>Eschscholzia californica</i>	Flowers and Grasses	Optional
California poppy	<i>Eschscholzia californica</i> subsp. <i>californica</i>	Flowers and Grasses	Optional
American spikenard	<i>Aralia racemosa</i>	Flowers and Grasses	Optional
American spikenard	<i>Aralia racemosa</i> subsp. <i>racemosa</i>	Flowers and Grasses	Optional
wild sarsaparilla	<i>Aralia nudicaulis</i>	Flowers and Grasses	Optional
false melic	<i>Schizachne purpurascens</i>	Flowers and Grasses	Optional
tarweed fiddleneck	<i>Amsinckia lycopsoides</i>	Flowers and Grasses	Optional
closed bottle gentian	<i>Gentiana andrewsii</i>	Flowers and Grasses	Optional
closed bottle gentian	<i>Gentiana andrewsii</i> var. <i>andrewsii</i>	Flowers and Grasses	Optional
plain gentian	<i>Gentiana alba</i>	Flowers and Grasses	Optional
coon's tail	<i>Ceratophyllum demersum</i>	Flowers and Grasses	Optional
dwarf scouringrush	<i>Equisetum scirpoides</i>	Flowers and Grasses	Optional
meadow horsetail	<i>Equisetum pratense</i>	Flowers and Grasses	Optional
scouringrush horsetail	<i>Equisetum hyemale</i>	Flowers and Grasses	Optional
scouringrush horsetail	<i>Equisetum hyemale</i> var. <i>affine</i>	Flowers and Grasses	Optional

smooth horsetail	<i>Equisetum laevigatum</i>	Flowers and Grasses	Optional
variegated scouringrush	<i>Equisetum variegatum</i>	Flowers and Grasses	Optional
variegated scouringrush	<i>Equisetum variegatum</i> var. <i>variegatum</i>	Flowers and Grasses	Optional
water horsetail	<i>Equisetum fluviatile</i>	Flowers and Grasses	Optional
green dragon	<i>Arisaema dracontium</i>	Flowers and Grasses	Optional
Jack in the pulpit	<i>Arisaema triphyllum</i>	Flowers and Grasses	Optional
Jack in the pulpit	<i>Arisaema triphyllum</i> subsp. <i>triphyllum</i>	Flowers and Grasses	Optional
greater yellow lady's slipper	<i>Cypripedium parviflorum</i> var. <i>makasin</i>	Flowers and Grasses	Optional
greater yellow lady's slipper	<i>Cypripedium parviflorum</i> var. <i>pubescens</i>	Flowers and Grasses	Optional
moccasin flower	<i>Cypripedium acaule</i>	Flowers and Grasses	Optional
ram's head lady's slipper	<i>Cypripedium arietinum</i>	Flowers and Grasses	Optional
showy lady's slipper	<i>Cypripedium reginae</i>	Flowers and Grasses	Optional
white lady's slipper	<i>Cypripedium candidum</i>	Flowers and Grasses	Optional
Mexican lovegrass	<i>Eragrostis mexicana</i>	Flowers and Grasses	Optional
Mexican lovegrass	<i>Eragrostis mexicana</i> subsp. <i>mexicana</i>	Flowers and Grasses	Optional

purple lovegrass	<i>Eragrostis spectabilis</i>	Flowers and Grasses	Optional
sandbar lovegrass	<i>Eragrostis frankii</i>	Flowers and Grasses	Optional
teal lovegrass	<i>Eragrostis hypnoides</i>	Flowers and Grasses	Optional
tufted lovegrass	<i>Eragrostis pectinacea</i> var. <i>pectinacea</i>	Flowers and Grasses	Optional
Carolina mosquitofern	<i>Azolla caroliniana</i>	Flowers and Grasses	Optional
Mexican Mosquito Fern	<i>Azolla microphylla</i>	Flowers and Grasses	Optional
whip nutrush	<i>Scleria triglomerata</i>	Flowers and Grasses	Optional
eastern purple coneflower	<i>Echinacea purpurea</i>	Flowers and Grasses	Optional
eastern swamp saxifrage	<i>Saxifraga pensylvanica</i>	Flowers and Grasses	Optional
walking fern	<i>Asplenium rhizophyllum</i>	Flowers and Grasses	Optional
bearded sprangletop	<i>Leptochloa fusca</i> subsp. <i>fascicularis</i>	Flowers and Grasses	Optional
Malabar sprangletop	<i>Leptochloa fusca</i>	Flowers and Grasses	Optional
roundleaf sundew	<i>Drosera rotundifolia</i> var. <i>rotundifolia</i>	Flowers and Grasses	Optional
tobacco root	<i>Valeriana edulis</i>	Flowers and Grasses	Optional
tobacco root	<i>Valeriana edulis</i> var. <i>ciliata</i>	Flowers and Grasses	Optional

American water plantain	<i>Alisma subcordatum</i>	Flowers and Grasses	Optional
northern water plantain	<i>Alisma triviale</i>	Flowers and Grasses	Optional
eastern waterleaf	<i>Hydrophyllum virginianum</i>	Flowers and Grasses	Optional
eastern waterleaf	<i>Hydrophyllum virginianum</i> var. <i>virginianum</i>	Flowers and Grasses	Optional
Canadian waterweed	<i>Elodea canadensis</i>	Flowers and Grasses	Optional
liverleaf wintergreen	<i>Pyrola asarifolia</i> subsp. <i>asarifolia</i>	Flowers and Grasses	Optional
waxflower shinleaf	<i>Pyrola elliptica</i>	Flowers and Grasses	Optional
light poppymallow	<i>Callirhoe alcaeoides</i>	Flowers and Grasses	Optional

Section 4.08 Outdoor Lighting Regulations

a. **Purpose.** The city adopts these outdoor lighting regulations to protect the health and welfare of all residents within the city, enhance its character and quality of life, prevent inappropriate and poorly installed outdoor lighting, reducing lighting conflicts between property owners, prevent the increase of potentially harmful sky glow, and preserve the naturally dark sky for the benefit of residents, visitors, wildlife, and the environment.

b. **Applicability.** This section applies to all sources of outdoor lighting installed or replaced within the city after this ordinance’s enactment date. This includes newly permitted development and construction projects involving homes, dwellings, ~~roadways, public rights-of-way~~, signage, billboards, buildings, facilities, properties, landscape, parking lots, hardscape, non-habitable structures, and monuments.

Existing outdoor lighting lawfully installed prior to this ordinance’s enactment date not meeting its requirements are legal and repairable but non-conforming. Property owners may continue to use and maintain all non-conforming Luminaires until one of the following occurs:

1. A determination by the Zoning Administrator that an outdoor light source constitutes a hazard to public safety or constitutes a nuisance;
2. The property is vacant with no continuous underlying use for more than one year;
3. The property owner voluntarily replaces the luminaires; or
4. The property owner modifies the underlying site or structure beyond normal maintenance activities.

c. **Exemptions.**

1. **Lawful.** Lighting requirements mandated by a legal jurisdiction with broader authority than the city, including but not limited to:
 - a. Navigational lighting systems regulated by the Federal Aviation Administration and the U.S. Coast Guard.
 - b. Any contradictory building code or WisDOT illumination requirements.
 - c. Lighting for worker safety as mandated by the Occupational Safety and Health Administration.
2. **Safety.** Luminaires installed for the benefit of public safety, including but not limited to:
 - a. Security lighting as determined by the Zoning Administrator.
 - b. Temporary lighting used by authorized first responders during emergency procedures.
3. **Historic.** Luminaires replicating historical character and lighting effect protected by historical registration or otherwise permitted by an authority having jurisdiction.
4. **Permitted.** Temporary and semi-permanent lighting approved by city permit for special events, festivals, and community benefit, provided the permitted lighting still meets light trespass requirements and does not add further disruption to ecological migration or habitat.

d. **Prohibitions.**

1. The city prohibits any lighting that distracts or disables the vision of a motor vehicle operator (e.g., excessively bright, rapid blinking, flashing, and/or motion video) or contributes to traffic control confusion (e.g., sources resembling or imitating traffic or railroad signals).

2. Beacons and searchlights, except for emergency use by authorized first responders.

e. **Outdoor Lighting Requirements.**

1. **General.**

a. **Distribution.** Unless otherwise specified in this ordinance, property owners shall fully shield all luminaires emitting more than 500 lumens. Those luminaires shall emit no more than 5% of their total lumen output above 80 degrees from nadir. Exceptions are:

1. Festoon string lighting where no individual lamp emits more than 50 lumens, and the lumen density of the string is no greater than 25 lumens per foot.

b. **Trespass.** Unless otherwise specified in this ordinance, light trespass shall meet the following:

1. Luminaire light sources shall not be visible from federal or state designated wilderness, natural area, habitat, or reserves, and light trespass shall measure no greater than 0.1 lux.

2. Light trespass onto waters of the United States or the State of Wisconsin shall measure no greater than 1 lux.

3. Light trespass onto residential use property shall measure no greater than 1 lux.

4. Light trespass onto all other property and public rights-of-way shall measure no greater than 3 lux.

c. **Curfew.** For all non-residential uses, property owners shall extinguish non-essential outdoor lighting, including but not limited to, landscape and decorative lighting elements, between 10:00 p.m. and sunrise, or 7:00 a.m., whichever comes earlier. For business and events with operating hours later than 10:00 p.m., non-essential outdoor lighting shall be extinguished within one hour after closing.

d. **Controls.** Luminaires activated by motion detection shall automatically turn off or return to their dimmed state no more than 5 minutes after they no longer detect activity.

e. **Spectrum.** The maximum allowable correlated color temperature (CCT) for outdoor luminaries for all non-residential uses is 3,000 K. The maximum allowable CCT for outdoor luminaries for residential

uses is 2,700 K. To the maximum extent feasible, property owners shall install the lowest CCT offered by the manufacturer of any given fixture, excluding amber.

2. Sports Lighting. The following requirements supplement (1) and shall further regulate outdoor lighting for sports and recreational areas:

a. 85% of the lumens generated by sports lighting luminaires shall be confined to within 33 feet or one pole height, whichever is greater, of the playing field or the spectator track or bleacher area, whichever is greater.

b. Lighting installations for aerial sports are allowed a maximum of 8% of the total lumen output to be emitted above 80 degrees from nadir.

c. When the recommended sports field light level is higher than 100 lux, installed lighting shall not exceed 10% more than the light level recommended by the applicable ANSI/IES lighting standard, or a state approved alternate.

d. The maximum CCT for outdoor sports lighting should be the lowest possible for the sport, class of play, and viewing audience as defined by the relevant ANSI/IES lighting standard, or state approved alternative, but never exceeding 5,700 K.

e. The maximum luminous intensity from any luminaire lighting a sports field shall not exceed 10,000 candelas as measured along a perimeter that is 150 feet from the edge of the field, at 5 feet above grade.

3. Illuminated Signage. The following requirements supplement (1) and shall further regulate outdoor illuminated signage.

a. On-premise signage larger than 20 square feet may only be illuminated while the associated business or activity is taking place and must otherwise extinguish during nighttime hours.

b. Illumination for off-premise signage (e.g., advertising billboard) shall not exceed 5 lux at the property line.

c. The maximum luminous or illuminated surface area of an individual sign must not exceed 300 square feet.

d. Static signage may be illuminated externally, internally, or backlit, provided the light source itself is not directly visible from the public right-of-way or adjacent property.

- e. External illumination of static signage shall be mounted above the sign and directed downward.
- f. Illuminated signs shall not exceed a luminance of 100 nits (100 candelas per square meter).
- g. Electronic signs shall have automatic dimming controls to properly adjust the sign luminance according to ambient conditions, including nighttime. Should an electronic problem prevent normal function, the sign shall default to night-mode or remain unlit.
- h. Excluding trademark logos, electronic messages shall be positive-contrast (i.e., light-colored fonts and features on a dark background) and shall contain no more than 35% white area within the displayed image.
- i. Unless otherwise allowed by law or specified within this section, electronic messages shall not change more often than every 8 seconds. Video and motion effects are prohibited.
- j. An electronic message display shall not be located within 100 feet from an electronic message display on an adjoining parcel.

f. **Administrative Requirements.**

1. **Permit Application.**

a. **Submittal.** Any site plan submitted for review or any building permit application must contain outdoor lighting plans meeting the following requirements:

1. **Schedule Method.** For renovation and residential use lighting, the outdoor lighting plans shall include a spreadsheet listing the luminaire identifications (i.e., manufacturer, model number, type), luminaire quantities, installation locations, and lumen outputs for each.

2. **Calculation Method.** For all project types, ~~but required for sports lighting,~~ the applicant shall submit an outdoor lighting plan prepared by a certified lighting professional or licensed professional engineer, using lighting design software and luminaire .ies files. This outdoor lighting plan shall include:

a. Luminaire identification (model number), installation locations, mounting heights, targeted directions, buildings and other physical objects within the site that could affect the lighting outcomes.

b. Site plan and illuminance calculation plots demonstrating conformance with this ordinance, including the sports lighting luminous-intensity light trespass limit.

Section 4.09 Public Art Regulations

a. **Purpose.** The purpose of this section is to encourage and regulate the installation of public art to enhance the character and enrich the civic life of the city. The city acknowledges the complex interplay between art, culture, and first-amendment rights, and specifically encourages public artwork intended to bring the community together through beautifying public spaces.

b. **Applicability.** This section applies to all public art within the city, whether installed on public or private property. This section does not relate to installations with commercial messages intended for advertisement regulated by section 4.03.

c. **No Endorsement.** The city does not endorse the content of any public art.

d. **Permit Required.** No person shall install any public art without first obtaining approval from the Plan Commission and a permit from the Zoning Administrator under this section.

e. **Permit Application Materials.** An applicant for a public art permit shall submit the following materials with their application:

1. The applicant's name, contact information, studio or place of business, and examples of the artist's previous work.
2. A site plan showing the location of the proposed artwork with adjacent property lines, buildings, and rights-of-way.
3. Graphic representations of the proposed artwork that denote materials, dimension, and colors.
4. A written description of the artwork, including its title, fabrication methods, and thematic intent.
5. A written statement of how the proposed artwork complies with the review criteria.
6. Evidence of property owner consent.
7. Structural documentation by a licensed engineer for any structural or elevated artworks.
8. An estimated budget for the fabrication of the artwork.

9. A schedule of installation.

10. A maintenance plan.

f. **Review Criteria.**

1. **Compatibility.** The proposed artwork should complement the installation site and not dominate the adjacent architecture or streetscape.

2. **Safety.** The proposed artwork must not create safety hazards, block entrances or pedestrian pathways, create blind spots, or cause any other obstruction to normal public travel.

3. **Aesthetic Value.** The proposed artwork should reflect community values, cultural heritage, history, and local identity.

4. **Outdoor Lighting.** The artwork shall comply with all outdoor lighting regulations of section 4.08.

5. **Content Restrictions.** The proposed artwork may not contain obscene, pornographic, illicit, defamatory, libelous, or otherwise unlawful imagery contrary to city, state, or federal law. The artwork may not contain advertising, corporate logos, or explicit commercial branding.

6. **Durability.** The proposed artwork must be able to withstand weathering, and corrosion; be fire-safe and vandalism resistant; and be structurally stable for its intended duration.

Section 4.10 Alternative Compliance Regulations

a. **Purpose.** To accommodate creativity in architectural design and to allow for flexibility in addressing site-specific challenges, the Zoning Administrator may approve alternative compliance plans sealed by an architect, landscape architect, or professional engineer licensed to practice in the State of Wisconsin.

b. **Limitations.** The Zoning Administrator may only approve alternative compliance plans when the zoning chapter identifies.

c. **Required Alternative Compliance Conditions.** To approve alternative compliance, the Zoning Administrator must find that one or more of the following conditions or opportunities are present:

1. The subject site has space limitations, an unusual shape, or other factors that make strict compliance with applicable architectural regulations impossible or impractical;

2. Physical conditions on or next to the site, such as topography, soils, vegetation, or existing structures or utilities, are such that strict compliance is impossible, impractical, or of no value in terms of advancing the general purposes of this division;
3. Safety considerations, such as intersection visibility, utility locations, etc., make alternative compliance necessary; or
4. Alternative architectural plans will provide an equal or better means of meeting the intent of this division's regulations.

d. **Required Alternative Compliance Elements.** To approve alternative compliance, the Zoning Administrator must find that the plan includes at least three of the following:

1. The inclusion of permeable paving, rain gardens, bioswales, or other sustainable stormwater management practices found in the National Association of City Transportation Officials Urban Street Stormwater Guide or other designs from nationally recognized organizations;
2. The inclusion of site amenities that, paired with scoring sheets and applications, qualify for sustainable development certifications from nationally recognized organizations such as the International Code Council, the U.S. Green Building Council, the International Living Future Institute, the U.S. Green Building Initiative, or SITES;
3. The inclusion of safety-focused street design elements such as those found within the National Association of City Transportation Officials Urban Street Design Guide;
4. The development of the parcel meets economic development objectives set by the city in Tax Incremental Financing District Project Plans or other formally adopted policies;
5. The plans include a unique design from a renowned architect that the Plan Commission believes will generate tourism from the architectural design itself, not the underlying use; or
6. The inclusion of amenities specifically referenced in an element of the comprehensive plan or other city-adopted development plans.

SECTION 2: Sheboygan Municipal Code Section 8-18 is amended to read as follows:

“Sec 8-18 Animal Fancier Permit

...

(h) A person holding an animal fancier permit who does not conform to the following requirements shall have their permit revoked and shall be ineligible for an animal fanciers permit for a period of one year. A person who is found not to conform to the requirements below on two or more occasions within a period of five years shall be permanently ineligible for an animal fanciers permit.

1. All animals shall be maintained in a healthy condition or, if ill, shall be given appropriate treatment immediately.
2. The quarters in which the animals are kept shall be maintained in a clean condition and in a good state of repair.
3. Animal pens or enclosures shall be large enough to provide freedom of movement to the animals contained therein and shall be constructed of nonporous and noncorrosive materials.
4. Dogs shall be kept in separate enclosures from cats. Dogs and cats over the age of five months shall be housed in separate enclosures with no more than three dogs or three cats contained within the same enclosure. This provision shall not apply to situations where dogs and/or cats are free to roam within a residential dwelling unit as part of a pet fostering service operated by a volunteer who resides at the dwelling unit and is providing fostering service on behalf of a pet rescue organization registered with the Wisconsin Department of Financial Institutions, or as part of a short-term pet-sitting operation where a person is responsible for the care of another’s dog or cat for a period of three consecutive days or less.
5. Food supplies shall be stored in rodent-proof containers and food and water containers shall be kept clean.
6. Litter or bedding material shall be changed as often as necessary to prevent an odor nuisance.
7. Feces shall be removed from yards, pens and enclosures at least daily and stored in tightly covered, secure containers until final disposal.
8. Yards, pens, premises and animals shall be kept free of pest infestations.
9. No odor nuisance shall be permitted. Any animal holding area containing animals shall be provided with fresh air by means of

windows, doors, vents, exhaust fans or air conditioning so as to minimize drafts, odors and moisture condensation.

10. All animals shall have protection from the elements, whether indoors or outdoors.

i. The requirement to hold an animal fancier's permit applies to persons operating a commercial animal boarding facility pursuant to section 105-718(j), and persons operating pet shops, as they are defined in article I of this chapter, and to persons offering pet daycare or pet foster services.”

SECTION 3: Sheboygan Municipal Code Chapter 44: Signs and Advertising, is hereby repealed.

SECTION 4: Sheboygan Municipal Code Section 14-IV is created to read as follows:

Section 14-IV: Business Advertising

a. **Definitions.** The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Handbill means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature.

Newspaper means any newspaper of general circulation, as defined by general law, any newspaper duly entered with the post office department of the United States, in accordance with federal statutes or regulations, and any newspaper filed and recorded with any recording officer as provided by general law; and in addition thereto, means and includes any periodical or current magazine regularly published with not less than four issues per year, and sold to the public, and means and includes any other copyrighted material.

Vehicle means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

b. **Exception for Mail and Newspapers.** The provisions of this article shall not apply to the distribution of U.S. mail or to newspapers, except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

c. **Prohibitions.**

1. No person shall throw, deposit or distribute any handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant or other person then present in or upon

such private premises; provided, however, that in case of inhabited private premises which are not posted, such person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such premises if such handbill is so placed or deposited as to secure or prevent the handbill from being blown or drifted about such premises or sidewalks, streets or other public places, and except that mailboxes may not be so used when so prohibited by federal postal law or regulation.

2. No person shall throw, deposit or distribute any handbill upon any private premises if requested by anyone thereon not to do so or if there is placed on such premises a sign bearing the terms: "no trespassing," "no peddlers or agents," or any similar notice, indicating in any manner that the occupants of such premises do not wish to have their right of privacy disturbed, or to have any handbills left upon such premises.

3. No person shall throw, deposit or distribute any handbill in or upon any private premises which reasonably appears to be uninhabited or vacant.

4. No person shall tear down, deface, or cover up any posted advertisement or sign of any person when the same is lawfully posted and put up and during the time such advertisement or sign is lawfully posted."

SECTION 5: REPEALER CLAUSE All ordinances or resolutions or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 6: EFFECTIVE DATE This Ordinance shall be in effect from and after its passage and publication according to law.

PASSED AND ADOPTED BY THE CITY OF SHEBOYGAN COMMON COUNCIL

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Presiding Officer

Attest

Ryan Sorenson, Mayor, City of
Sheboygan

Meredith DeBruin, City Clerk, City of
Sheboygan