

CHAPTER 15, APPENDIX A: ZONING ORDINANCE

SUBCHAPTER 15-0: INTRODUCTION AND DEFINITIONS

Section 15.001 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”.

Section 15.002 Authority

This Chapter, being Chapter 15, Appendix A of the Municipal Code and consisting of Subchapters 15-0 through 15-9 thereof is enacted pursuant to the authority granted by the State of Wisconsin Statutes. Specific statutory references are provided within the body of this Chapter solely as a means of assisting the reader. Such references are not to be considered as all inclusive and shall in no manner be construed so as to limit the application or interpretation of this Chapter. State Law Reference: *Section 62.23(7), 62.231, 87.30 and 144.26, Wisconsin Statutes*

Section 15.003 Legislative Intent

In enacting this Chapter, special attention has been given to ensuring a direct relationship of these regulations to the City of Sheboygan’s Comprehensive Master Plan. The general intent of this Chapter is to implement certain goals and objectives of the Comprehensive Master Plan which are best addressed through zoning approaches, as enabled by State of Wisconsin Statutes.

Section 15.004 Rationale and the Appearance of Ordinance Text

(1) Rationale

Throughout this Chapter, paragraphs labeled “Rationale” are included to ensure a complete understanding of the purpose and reasoning of the City in adopting that particular portion of this Chapter. Each Rationale is intended as an official statement of the legislative findings or purposes, and serves to guide the administrative and judicial interpretation of this Chapter. The specific rationale expressed in each Rationale section are not intended to be exhaustive, and other non-explicit rationale may also be applicable. These paragraphs have been legislatively adopted together with the more formal text of this Chapter and shall be treated in the same manner as other aspects of legislative history.

(2) Appearance of Ordinance Text

The underlined, boldfaced, italicized, alternative point-sized, and/or capitalized typefaces used in this Chapter are inserted only for convenience, and are in no

way to be construed as part of the provisions of this Chapter or as a limitation on the scope of the particular sections or subsections to which they refer.

Section 15.005 Purpose

- (1) The purpose of this Chapter is to implement the Comprehensive Master Plan to the extent possible with zoning, as authorized by State of Wisconsin Statutes.
- (2) This Chapter is designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems; to encourage the protection of groundwater resources; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and to preserve burial sites as defined in s. 157.70(1). *State Law Reference: Section 62.23(7)(c), Wisconsin Statutes*
- (3) Specifically, this Chapter is adopted for the purpose of protecting the public health, safety, morals, comfort, convenience and general welfare by implementing certain goals and objectives of the Comprehensive Master Plan. Additional purposes of this Chapter are specified throughout this Chapter.

Rationale: In developing the specific regulations of this Chapter, much effort has gone into balancing the goals and objectives of the Comprehensive Master Plan. The current status of this Chapter and its components (including the Official Zoning Map) represents the cohesive result of carefully considered plan implementation practices. Amendments to these provisions and/or the Official Zoning Map shall seriously consider the effect of such changes on the interrelationships which exist within this Chapter, and between this document, the Comprehensive Master Plan, and related long-range planning policies and programs. (See Sections 15.902 and 15.903.)

Section 15.006 Separability and Non-Liability

It is hereby declared to be the intention of the City Council that the several provisions of this Chapter are separable in accordance with the following:

- (1) If any court of competent jurisdiction shall adjudge any provision of this Chapter to be invalid, such judgement shall not affect any other provisions of this Chapter not specifically included in said judgement.
- (2) If any court of competent jurisdiction shall adjudge invalid the application of any portion of this Chapter to a particular property, water, building, or other structure, such judgement shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgement.

- (3) If any requirement or limitation which is attached to an authorization given in this Chapter is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation.
- (4) The City does not guarantee, warrant or represent that only those areas designated as floodlands 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.

Section 15.007 Abrogation

It is not intended that this Chapter abrogate or interfere with any constitutionally protected vested right. It is also not intended that this chapter abrogate, repeal, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations or permits previously adopted or issued pursuant to law

Section 15.008 Application

- (1) In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare, and shall be liberally construed in favor of the City and shall not be construed to be a limitation or repeal of any other power now possessed by the City of Sheboygan.
- (2) Where property is affected by the regulations imposed by any provision of this Chapter and by other governmental regulations, the regulations which are more restrictive or which impose higher standards or requirements shall prevail. Regardless of any other provision of this Chapter, no land shall be developed or used, and no structure erected or maintained in violation of any state or federal regulations.
- (3) No structure shall be constructed, erected, modified, converted, enlarged, reconstructed, altered, placed or maintained, and no land shall be used, modified, or maintained for any purpose nor in any manner which is not in conformity with the provisions of this Chapter.
- (4) Except as provided in this Chapter, under provisions for Nonconforming Uses (Section 15.207), Nonconforming Developments (Section 15.307), Substandard Lots (Section 15.407), and Nonconforming Structures and Buildings (Section 15.408), no building, structure, development or premises shall be hereinafter used or occupied and no applicable permit granted that does not conform to the requirements of this Chapter.
- (5) In cases of mixed-occupancy or mixed-use, the regulations for each land use shall apply to the portion of the structure or land so used.

- (6) Except for outlots authorized under the City's Land Division Regulations to contain permanently protected green space area, no yard or other open space shall be considered as providing a yard or open space for a building or structure on any other lot.

Section 15.009 Jurisdiction

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

Section 15.010 Re-enactment and Repeal

- (1) This Chapter, in part, carries forward by re-enactment some of the provisions of the regulations governing zoning and related matters, being previously known collectively as the "Zoning Ordinance", Chapter 15, Appendix A of the City of Sheboygan Municipal Code, adopted prior to the effective date of this Chapter. It is not the intention of this Chapter to repeal, but rather to re-enact and continue in force such existing provisions so that all rights and liabilities that have accrued thereunder are preserved and may be enforced, unless explicitly surrendered by specific provisions of this Chapter or altered by the Official Zoning Map.
- (2) All provisions of Chapter 15, Appendix A of the City of Sheboygan Code of Ordinances which are not re-enacted herein are hereby repealed.
- (3) The adoption of this Chapter shall not adversely affect the City's right to prosecute any violation of the predecessor Zoning Ordinance provided the violation occurred while that Ordinance was in effect.

Section 15.011 Effective Date

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. This Chapter shall become effective upon passage and posting according to law, following the date of repeal and re-enactment of the Official Zoning Map, which was August 10, 1996.

Section 15.031 Introduction to Word Usage, Abbreviations and Definitions

The purpose of Sections 15.031 through 15.034 is to define words, terms and phrases contained in this Chapter which are essential to the understanding, administration and enforcement of this Chapter.

Section 15.032 Word Usage

The interpretation of this Chapter shall abide by the provisions and rules of this Section, except where the context clearly requires otherwise, or where the result would clearly be inconsistent with the manifest intent of this Chapter.

- (1) Words used or defined in one tense or form shall include other tenses and derivative forms.
- (2) Words in the singular number shall include the plural number, and works in the plural number shall include the single number.
- (3) The masculine gender shall include the feminine, and vice versa.
- (4) The words “shall”, “must” and “will” are mandatory.
- (5) The words “may”, “can” and “might” are permissive.
- (6) The word “person” includes individuals, firms, corporations, partnerships, associations, trusts, and any other similar entities.
- (7) The word “City” shall mean the City of Sheboygan, Wisconsin.
- (8) The word “County” shall mean the County of Sheboygan, Wisconsin.
- (9) The word “State” shall mean the State of Wisconsin.
- (10) The word “Commission” shall mean the City of Sheboygan Plan Commission.
- (11) The words “Council”, “City Council”, and “Common Council” shall refer to the City of Sheboygan Common Council.
- (12) The word “Board” shall mean the City of Sheboygan Board of Zoning Appeals.
- (13) If there is any ambiguity between the text of this Chapter and any caption, illustration, or table, the text shall control.

Section 15.033 Abbreviations

- (1) The abbreviations in this Chapter are intended to have the following meanings:

ac	acre
CC	Central Commercial (zoning district)
db	decibel
ER-1	Estate Residential (zoning district)
FAR	Floor Area Ratio
ft	foot
GSA	Gross Site Area
GSR	Green Space Ratio
HI	Heavy Industrial (zoning district)
ISR	Impervious Surface Ratio
LSR	Landscape Surface Ratio
max	maximum
MBS	Maximum Building Size
MGD	Maximum Gross Density

min	minimum
MH	Maximum Height
MLA	Maximum Lot Area
MR-8	Mixed Residential-8 (zoning district)
MSA	Minimum Site Area
na	not applicable
NC	Neighborhood Commercial (zoning district)
NO	Neighborhood Office (zoning district)
NR-6	Neighborhood Residential-6 (zoning district)
NDA	Net Developable Area
nonres	nonresidential
PPUD	Pre-Planned Unit Development (zoning district)
PUD	Planned Unit Development
RA-35ac	Rural Agricultural (zoning district)
res	residential
RPA	Resource Protection Area
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)
sf	square feet
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

Section 15.034 Definitions

The following words, terms and phrases, wherever they occur in this Chapter, shall have the meanings ascribed to them by this Section. Definitions provided by this Section include:

Abutting: Having a common border with, or being separated from such common border by an alley or easement.

Access, primary: A means of vehicular approach, i.e., entry to or exit from a property, street or highway.

Access, secondary: A means of vehicular or non-vehicular approach, entry to, or exit from property from a source other than a public street or highway,

Access standards: See Section 15.702.

Accessory use or structure: A use or structure subordinate to, and serving, the principal use or structure on the same lot and customarily incidental thereto. See Section 15.202(5).

Acre: 43,560 square feet.

Active outdoor public recreational (land use): See Section 15.206(3)(b).

Activity center: An area which is typified by a concentration of nonresidential and/or multi-family development.

Addition: Any walled and roofed expansion to the perimeter and/or height of a building in which the addition is connected by a common load-bearing wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls and is new construction.

Adjacent: Being located directly across a right-of-way from, or abutting, a separate lot.

Agricultural district: See Section 15.105(1).

Agricultural land use(s): See Section 15.206(2).

Agricultural services (land use): See Section 15.206(2)(d).

Air pollution standards: See Section 15.710.

Airport (land use): See Section 15.206(6)(b).

Alley: A public right-of-way usually of reduced width which affords a secondary means of access to abutting property.

Ambient noise: 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. (G. O. 89-97-98; 12/15/97)

Amendment of official zoning map: See Section 15.903.

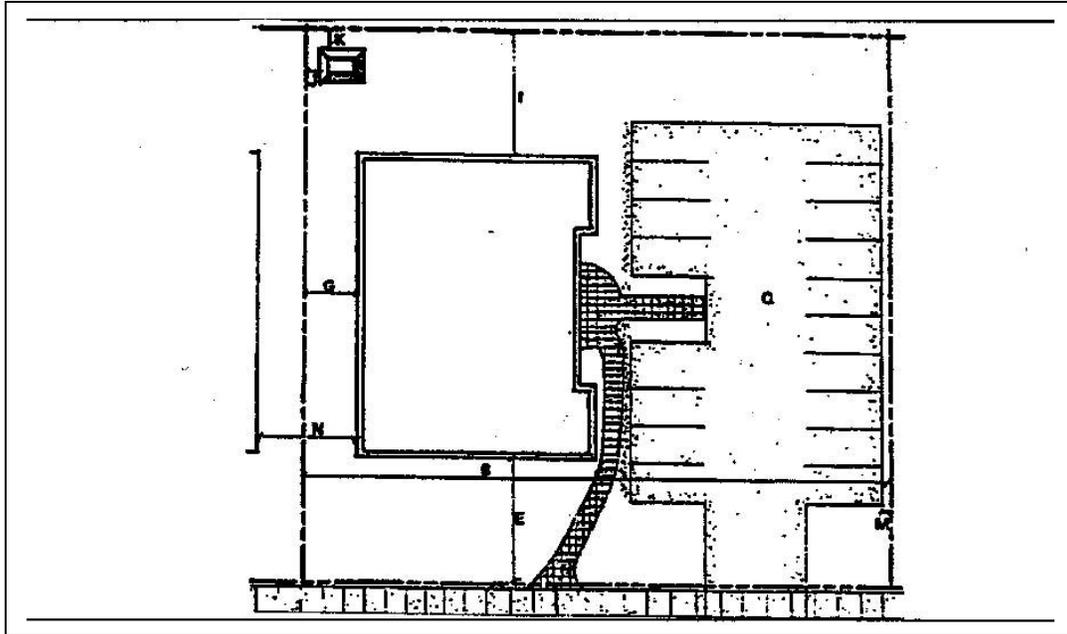
Amendment of zoning regulations: See Section 15.902

Animal unit: A measure which represents 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:

ANIMAL UNIT TABLE					
Type of Livestock	# Animals/ Animal Unit	Type of Livestock	# Animals/ Animal Unit	Type of Livestock	# Animals/ Animal Unit
Horse (> 2 yrs)	1.0	Calves (< 1 yr)	4.0	Lambs	14.0
Colt (< 2 yrs)	2.0	Brood Sow or Boar	2.5	Chickens	200.0
Cattle (> 2 yrs)	1.0	Hogs (up to 220 lbs)	5.0	Other Poultry	200.0
Cattle (< 2 yrs)	2.0	Sheep	7.0		

Source: The Stockman's Handbook

Apartment: This dwelling unit type consists of an attached, multi-family residence which takes access from a shared entrance or hallway. A minimum one-hour fire rated wall assembly division, separating living areas from the lowest level through the roof, is required between each dwelling unit. No more than 24 dwelling units, and no less than 3, may be located in a building. (Buildings with more than 24 dwelling units may be considered as part of a Planned Unit Development.) As part of the conditional use requirements for group developments, any development comprised of one or more buildings which contain 4 or more dwelling units shall provide additional site design features such as: underground parking, architectural elements, landscaping, and/or on-site recreational facilities. All units must be located within a development which conforms to the requirements of Table 15.304 (Residential Density Standards). All apartment units within a development shall be located a minimum of 30 feet from the boundary of the development. Refer to the illustration below, Table 15.402, and districts in to Subchapter 15-1 for setback requirements labeled in capital letters:



Appeal: A means for 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 15.912.

Attic: That part of a building which is immediately below and wholly or partly within the roof framing.

Average ground elevation: The average level of the finished surface of the ground adjacent to the exterior walls of a building or structure.

Base flood: The flood having a one percent chance of being equaled or exceeded in any given year. The 100 year flood.

Basement: See City of Sheboygan Building and Housing Codes.

Bed and breakfast establishment (land use): See Section 15.206(4)(l).

Bedroom: A room in a residence marketed, designed, or otherwise likely to function primarily for sleeping.

Blanket variance: A variance which is automatically granted by a provision of this Chapter in order to reduce the creation of legal nonconforming developments (see Section 15.307) or legal nonconforming residential structures (see Section 15.408).

Board of Zoning Appeals: See Section 15.934.

Bufferyard: Any permitted combination of distance, vegetation, fencing and berming which results in a reduction of visual and other interaction with an adjoining property. See Subchapter 15-6.

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

Building, accessory: A building which:

- (a) Is subordinate to and serves a principal structure or a principal use;
- (b) Is subordinate in area, extent, and purpose to the principal structure or use served;
- (c) Is located on the same lot as the principal structure or use served except as otherwise expressly authorized by provisions of this Chapter; and

- (d) Is customarily incidental to the principal structure or use. Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.

Building envelope: A component of a group development which conforms to the lot lines of developments which are not group developments, in that required minimum setback distances are measured from the building envelope line. Refer to Sections 15.208, 15.402, and 15.403.

Building front: That exterior wall of a building which faces the front lot line of the lot.

Building height: The vertical distance from: (1) the average elevation of the adjoining ground level or (2) the established grade, 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. Also applies to structures. Accessory structures shall be measured from the top of the slab to the highest part of the roof. (G.O. 103-99-00; 4/17/00)

Building line: 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. This is also referred to as a "setback".

Building, principal: 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.

Building separation: The narrowest distance between two buildings. See minimum building separation.

Building size: The total gross floor area of a building. See maximum building size.

Bulk (of a building): The combination of building height, size, and location on a lot. See Subchapter 15-4.

Bulkhead Line: A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department of Natural Resources pursuant to Section 30.11, Wisconsin Statutes, 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.

Cafeteria, company (land use): See Section 15.206(8)(h).

Caliper: A measurement of the size of a tree equal to the diameter of its trunk measurement one-half (0.5) foot above natural grade. Used for trees in a nursery setting.

Campground (land use): See Section 15.206(4)(n).

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

Caretaker's Residence: A dwelling unit used exclusively by the owner, manager, or operator of a principal permitted use and which is located on the same parcel as the principal use.

Carport (land use): An open sided, roofed vehicle shelter, usually formed by extension of the roof from the side of a building. See Section 15.206(8)(d)

Cellar: See City of Sheboygan Building and Housing Codes.

Central Commercial (CC) District: See Section 15.105(3)(f).

Clear cutting (land use): See Section 15.206(2)(g).

Clerestory window: A window in which the lowest glassed area is a minimum of seven feet above the level of the floor located directly under the window.

Climax Tree: 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, maple, etc. See Section 15.610.

Cluster residential development: See Section 15.206(1)(b).

Commercial animal boarding (land use): See Section 15.206(4)(j).

Commercial apartment (land use): See Section 15.206(8)(a).

Commercial district(s): See Section 15.102.

Commercial indoor lodging (land use): See Section 15.206(4)(k).

Commercial land use(s): See Section 15.206(4).

Commercial vehicle: 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.

Communication tower (land use): See Section 15.206(7)(c).

Community character: The impression which an area makes in regard to the type, intensity, density, quality, appearance, and age of development.

Community living arrangement (land use): See Sections 15.206(3)(g) through (i).

Company provided on-site recreation (land use): See Section 15.206(8)(i).

Composting operation (land use): See Section 15.206(5)(f).

Comprehensive Master Plan: The Comprehensive Master Plan of the City of Sheboygan, Wisconsin, as of 1995 and as subsequently amended.

Conditional use: A land use which requires a conditional use permit in order to be developed. See Section 15.202(4). See Section 15.905 for applicable procedures.

Construction materials standards: See Section 15.718.

Construction, Start of: The installation of foundation footings and/or materials for road construction.

Contractor's on-site equipment storage (land use): See Section 15.206(9)(b).

Contractor's project office (land use): See Section 15.206(9)(a).

Conventional residential development: See Section 15.206(1)(a).

Cultivation (land use): See Section 15.206(2)(a).

Day Care: See family day care home, intermediate day care home, or group day care center.

Deck: A structure that has no roof or walls and is elevated above grade by more than eight (8) inches. Can be attached or detached to the principle 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 principle setback requirements or as modified by Section 15.405(4). If detached, shall be an accessory structure.

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

Density: A term used to describe the number of dwelling units per acre.

Detailed site analysis map: See Section 15.509.

Developer: The legal or beneficial owner(s) of a lot or parcel of any land proposed for inclusion in a development, including an optionee or contract purchaser.

Development: The division of a parcel of land into two 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.

Development option(s): The type of residential or nonresidential development as categorized by the proportion of the site devoted to permanently protected green space. See Key for, and Table 15.304 for residential uses.

Development pad: The area of a lot within which site disruption occurs. See Section 15.509(2)(d).

Direct access: A condition of immediate physical connection resulting from adjacency of a road or right-of-way abutting a property.

Disposal land use(s): See Section 15.206(5).

Distribution center (land use): See Section 15.206(6)(d).

Drainage: The removal of surface water or groundwater from land by drains, grading, or other means. Drainage 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.

Drainage structure (land use): See Section 15.206(8)(n).

Drainage standards: See Section 15.717.

Drainageway: See Section 15.506(1).

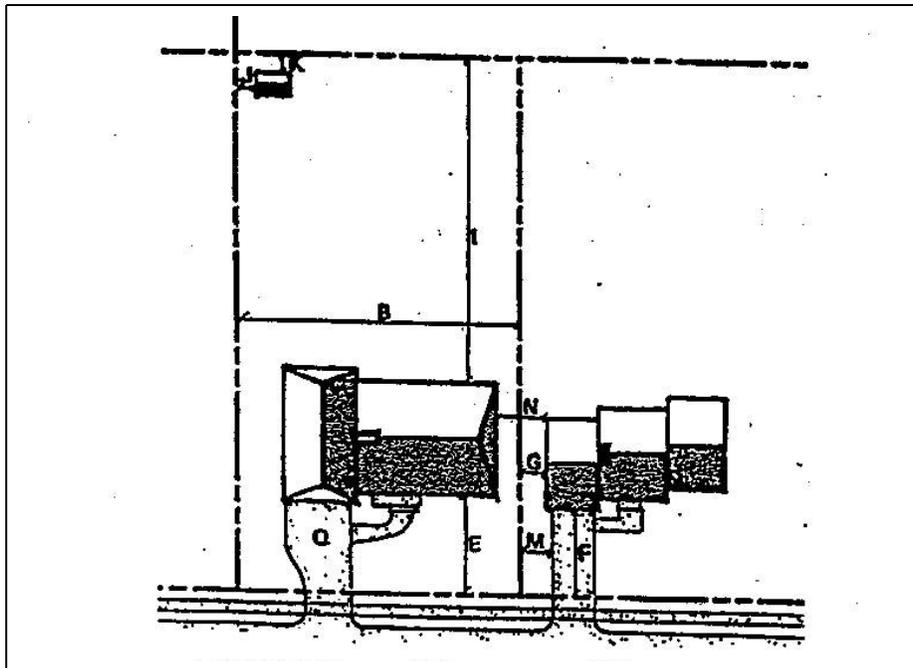
Dripline: Outer perimeter edge of a tree canopy as transferred perpendicularly to ground level.

Drive-in theater (land use): See Section 15.206(4)(i).

Dryland access: 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 a road with its surface above the regional flood elevation and wide enough to accommodate wheeled vehicles.

Duplex: These dwelling unit types consist of a single-family detached residence, as defined by this Ordinance, which is attached on one side to another single-family residence. A minimum one-hour fire rated wall assembly division, separating living areas from the lowest level to flush against the underside of the roof, and individual sanitary sewer and public water laterals, are required for each dwelling unit. The two residences may or may not be located on individual lots. The Twin House is distinguished from the Duplex House merely by having each unit located on an individual lot or within a group development. These dwelling unit types may not be split into additional residences.

All units must be located within a development which conforms to the requirements of Section 15.304 (Residential Density Standards). Refer to the illustration below, Table 15.402, and districts in Subchapter 15-1 for setback requirements labeled in capital letters:



Dwelling: 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.

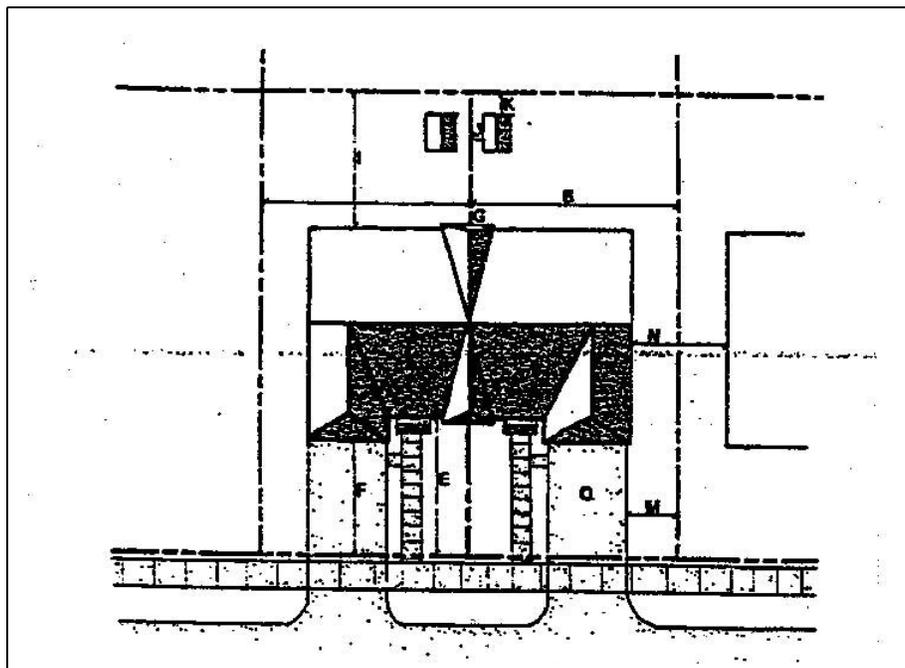
Dwelling, attached: A dwelling which is joined to another dwelling at one (1) or more sides by a party wall or walls.

Dwelling, detached: A dwelling which is entirely surrounded by open space on the same lot.

Dwelling, single-family detached: This dwelling unit type consists of a fully detached single-family residence which is located on an individual lot or within a group development. This dwelling unit type may not be split into two or more residences, except as a Two-flat, and is designed for and occupied by not more than one family and having no roof, wall, or floor in common with any other dwelling unit. All units must be located within a development which conforms to the requirements of Table 15.304 (Residential Density Standards). All single- and two-family dwellings (including manufactured dwellings and manufactured homes) shall meet all of the following requirements:

- (1) Shall be set on an enclosed foundation in accordance with Section 70.043(1) Wisconsin Statutes, which meets the standards set forth in Subchapters III, IV, and V of Chapter ILHR 21, Wisconsin Administrative Code, or is set on a comparable enclosed foundation system approved by the Building Inspector. The Building Inspector may require a plan certified by a registered architect or registered professional engineer to be submitted in order to ascertain that a proposed comparable foundation system provides proper support for the structure.
- (2) Shall be properly connected to utilities.
- (3) Shall have a minimum width of 24 feet.
- (4) Shall have a minimum core area of living space (that area or space within a dwelling unit, measured at ground floor elevation, devoted to the principal residential use of the structure, excluding attached garages, porches, sheds, decks, carports, or other appurtenances) of at least 24 feet by 40 feet in size. (G.O. 31-99-00; 10/4/99)
- (5) Shall have a minimum floor area of 920 square feet. (G.O. 31-99-00; 10/4/99)
- (6) Shall have eaves attached to a minimum of 75% of the roof perimeter and extending a minimum of 18 inches beyond the nearest vertical wall. (G.O. 31-99-00; 10/4/99)
- (7) Have a non-metallic, wood shake, slate, tile, asphalt or fibber glass shingle roof with a minimum pitch of 3:12 (3 feet of rise in 12 feet of run).
- (8) Have exterior wall coverings consisting of any of the following: (a) wood or simulated wood, (b) brick or stone, or (c) non-corrugated aluminum, steel or vinyl siding.
- (9) Have a permanent foundation meeting the requirements of the State Uniform Dwelling Code which surrounds the entire perimeter of the structure and completely encloses the space between the siding and the finished grade.
- (10) For mobile homes, have the running gear and towing hitch removed and have an anchoring system totally concealed beneath the structure.

Refer to the illustration below, Table 15.402, and districts in Subchapter 15-1 for setback requirements labeled in capital letters:



Floor area: 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.

Floor area ratio (FAR): The ratio calculated by dividing the total floor area of all buildings on a site by the Gross Site Area. See maximum floor area ratio.

Footcandle: A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one candle.

Dwelling unit: A room or group of rooms, providing or intended to provide living quarters for not more than one (1) family.

Dwelling unit separation: The narrowest distance between two dwelling units. See minimum dwelling unit separation.

Easement: Authorization by a property owner for another party to use, for a specified purpose, any designated part of his property.

Electromagnetic radiation standards: See Section 15.712.

Elevated Building: 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.

Encroachment: Any fill, structure, building, use, or development in the floodway.

Environmental Control Facility: Any facility, temporary or permanent, which is reasonably expected to abate, reduce, or aid in the measurement, control, monitoring, required setbacks, or prevention of noise, air, or water pollutants, solid waste or thermal pollution, radiation or other 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.

Environs (of the City of Sheboygan): The area in which the City of Sheboygan exercises extraterritorial powers.

Erosion: The detachment and movement of soil or rock fragments by water, wind, ice, and/or gravity.

Essential Services: Facilities that are:

- (a) Owned or maintained by public utility companies or public agencies, and;
- (b) 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, and;
- (c) Reasonably necessary for the furnishing of adequate water, sewer, gas, electric, communication, or similar services to adjacent customers, and;
- (d) Not including any cross-country line or towers.

Estate Residential-1 (ER-1) District: See Section 15.105(2)(a).

Explosion standards: See Section 15.714.

Extraction use (land use): See Section 15.206(7)(d).

Extraterritorial area: The area outside of the City Limits in which the City of Sheboygan exercises extraterritorial powers of land division, and/or zoning, review.

Family: An individual or two (2) or more persons, each related by blood, marriage or adoption, living together as a single housekeeping unit; or a group of not more than four (4) persons not so related, maintaining a common household.

Family day care home (land use): See Section 15.206(8)(u).

Farm residence (land use): See Section 15.206(8)(c).

Fees: See Section 15.936.

Fencing standards: See Section 15.720.

Filling (land use): See Section 15.206(8)(o).

Fire standards: See Section 15.714.

First habitable floor: The top surface above an unfinished basement, cellar or crawl space that is intended for living quarters.

Floodplain and related topics: Refer to Chapter 15, Appendix B: Floodplain.

Floor area: 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.

Floor area ratio (FAR): The ratio calculated by dividing the total floor area of all buildings on a site by the Gross Site Area. See maximum floor area ratio.

Footcandle: A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one candle.

Freeboard: Represents a factor of safety usually expressed in terms of a certain amount of feet above a calculated flood level. Freeboard compensates for the many unknown factors that contribute to flood heights greater than the height calculated. These unknown factors may include, but are not limited to, ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of urbanization on the hydrology of the watershed, loss of flood storage areas due to development and the sedimentation of a river or stream bed.

Freight terminal (land use): See Section 15.206(6)(c).

Garage (residential): A detached accessory building or portion of the principal building, including a carport, which is used primarily for storing passenger vehicles, trailers or one (1) truck of a rated capacity not in excess of ten thousand (10,000) pounds. See Section 15.206(8)(d).

Gas station: See in-vehicle sales or service.

General floor plans: A graphic representation of the anticipated utilization of the floor area within a building or structure, but not necessarily as detailed as construction plans.

General temporary outdoor sales (land use): See Section 15.206(9)(e).

Glare: The brightness of a light source which causes eye discomfort.

Glare standards: See Section 15.713.

Green space ratio (GSR): The percentage of the gross site area which is preserved as permanently protected green space. Green space ratio is calculated by dividing the area of permanently protected green space by the gross site area. See minimum green space ratio. See also, the Key to Table 15.304.

Gross density: The result of dividing the number of dwelling units located on a site by the gross site area. See maximum gross density. See also, the Key to Table 15.304.

Gross floor area: The total floor area of a building.

Gross site area (GSA): The total area of a site available for inclusion in calculations of the maximum permitted density or intensity of development, as determined by the calculation contained in Section 15.303(3)(a). See minimum site area. See also, Table 15.304.

Group day care center (land use): See Section 15.206(4)(m).

Group development: See Section 15.208.

Habitable buildings: Any building, or portion thereof, meeting minimum health and sanitary standards, used for human habitation.

Hearing Notice: Publication or posting meeting the requirements of Chapter 985, Stats. Class 1 notice is the minimum required for appeals: Published once at least one week (7 days) before hearing. Class 2 notice is the minimum required for all zoning ordinances and amendments including map amendments: Published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.

Heat standards: See Section 15.713.

Heavy industrial (land use): See Section 15.206(7)(b).

Heavy Industrial (HI) District: See Section 15.105(3)(i).

Height of structure: See Building Height.

Heliport (land use): See Section 15.206(6)(b).

High flood damage potential: Any danger to human life or public health or the potential for any significant economic loss to a structure or its contents.

Holding zone: A zoning district designed to limit development potential until adequate public services and infrastructure are provided.

Home occupation (land use): See Section 15.206(8)(s).

Husbandry (land use): See Section 15.206(2)(b).

Increase in regional flood height: A calculated upward rise in the regional flood elevation, equal or greater than 0.01 foot, resulting in comparison of existing conditions and proposed conditions which is directly attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

Indoor commercial entertainment (land use): See Section 15.206(4)(h).

Indoor institutional (land use): See Section 15.206(3)(c).

Indoor maintenance service (land use): See Section 15.206(4)(e).

Indoor sales (land use): See Section 15.206(4)(c).

Indoor sales accessory to light industrial use (land use): See Section 15.206(8)(m).

Indoor service (land use): See Section 15.206(4)(c).

Indoor storage (land use): See Section 15.206(5)(a).

Indoor wholesaling (land use): See Section 15.206(5)(a).

Industrial district(s): See Section 15.102.

Industrial land use(s): See Section 15.206(7).

Infill development: Development located in areas which are for the most part already developed.

Institutional land use(s): See Section 15.206(3).

Institutional residential development: See Section 15.206(1)(c).

Institutional residential unit: This dwelling unit type consists of an attached, multi-family residence which takes access from a shared entrance or hallway. All units must be located within a development which conforms to the requirements of Table 15.304 (Residential Density Standards). All institutional residential units within a development shall be located a minimum of 30 feet from the boundary of the development.

Intensity: A term used to describe the amount of gross floor area or landscaped area, on a lot or site, compared to the gross area of the lot or site.

Intensive agricultural (land use): See Section 15.206(2)(c).

Intermediate day care home (land use): See Section 15.206(8)(v).

In-vehicle sales (land use): See Section 15.206(4)(g).

In-vehicle sales as accessory use (land use): See Section 15.206(8)(k).

In-vehicle service (land use): See Section 15.206(4)(g).

In-vehicle service as accessory use (land use): See Section 15.206(8)(k).

Junkyard (land use): See Section 15.206(5)(d).

Lakeshore: 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; and 300 feet from a river or stream; or to a landward side of the floodplain, whichever distance is the greater. Lakeshores shall not include those lands adjacent to farm drainage ditches where (a) such lands are not adjacent to a navigable stream or river; (b) those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching or had no previous stream history; and (c) such lands are maintained in non-structural agricultural use. See Section 15.505(1).

Landscape point: See Section 15.603.

Landscaped area: The area of a site which is planted and continually maintained in vegetation, including grasses, flowers, herbs, garden plants, native or introduced groundcovers, shrubs, bushes, and trees. Landscaped area includes the area located within planted and continually maintained landscaped planters.

Landscape surface area ratio (LSR): The percentage of the gross site area or lot area which is preserved as permanently protected landscaped area.

Land use: The type of development and/or activity occurring on a piece of property.

Lawn care (land use): See Section 15.206(8)(p).

Light industrial (land use): See Section 15.206(7)(a).

Light industrial incidental to indoor sales: See Section 15.206(8)(m).

Lighting standards: See Section 15.707.

Loading standards: See Section 15.705.

Local residential street: A road which primarily serves to collect traffic originating directly from residential driveways and private residential courts and streets.

Lot: A parcel of land that:

- (a) is undivided by any street or private road;
- (b) is occupied by, or designated to be developed for, one (1) building or principal use; and
- (c) 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.

Lot area: The area contained within the property boundaries of a recorded lot. See minimum lot area. See also, Table 15.304 and Table 15.305.

Lot, corner: A lot situated at the junction of and abutting on two 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.

Lot depth: The mean horizontal distance between the front lot line and the rear lot line of a lot.

Lot frontage: 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.

Lot, interior: A lot other than a corner lot.

Lot line: A lot line is 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.

Lot line, front: A lot line which abuts a public or private street right-of-way. In the case of a lot which has two or more street frontages, the lot line along the street from which the structure is addressed shall be the front lot line.

Lot line, rear: In the case of rectangular or most trapezoidal shaped lots, that lot line which is parallel to and most distant from the front lot line of the lot. 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 which 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.

Lot line, side: Any boundary of a lot which is not a front lot line, a street side lot line, or a rear lot line.

Lot line, street side: Any lot line which abuts a public or private street right-of-way which is not the front lot line.

Lot of record: A platted lot or lot described in a certified survey map or metes and bounds description which has been approved by the City or by Sheboygan County; and has been recorded in the office of the Register of Deeds.

Lot, through: A lot which has a pair of opposite lot lines abutting two substantially parallel streets (one or more of which may be a portion of a cul-de-sac). Except for through lots which abut an arterial or nonresidential collector street, through lots shall be prohibited under the provisions of this Chapter.

Lot width: 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.

Lowest floor: 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.

Maintenance guarantee: 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.

Manufactured dwelling: A dwelling structure or component thereof as is defined in the Wisconsin Administrative Code, One and Two Family Uniform Dwelling Code, Section ILHR 20.07(52), which bears the Department of Workforce Development insignia certifying that it has been inspected and found to be in compliance with Subchapter V of said Uniform Dwelling Code.

Manufactured home: 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. (Reference 42 United States Code Section 5401-5406.)

Master Plan: 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 Wisconsin Statutes 62.23(2) and (3).

Maximum building size (MBS): The largest permitted total gross floor area a building may contain. See building size. See also, Key for and Table 15.305.

Maximum floor area ratio (FAR): The largest amount of floor area permitted on a site. See floor area ratio.

Maximum gross density (MGD): The maximum number of dwelling units permitted per acre of Gross Site Area. See gross density. See also, Key for and Table 15.304.

Maximum height: The maximum height of the highest portion of any structure. See height. See also, Tables 15.402 and 15.403.

Migrant labor camp (land use): See Section 15.206(8)(w).

Minimum building separation: The narrowest permitted building separation. See building separation.

Minimum dwelling unit separation: The narrowest permitted dwelling unit separation. See dwelling unit separation. See Table 15.402.

Minimum floor elevation: The lowest elevation permissible for the construction, erection, or other placement of any floor, including a basement floor.

Minimum landscape surface ratio: The lowest permitted landscape surface ratio. See landscape surface ratio. See also, Key for Table 15.305 and Tables 15.305 and 15.402.

Minimum lot area (MLA): The minimum size lot permitted within the specified zoning district and development option. See also, Keys for and Tables 15.304 and 15.305.

Minimum lot width: The smallest permissible lot width for the applicable dwelling unit type (Table 15.402) or nonresidential development (Table 15.403). See also, lot width.

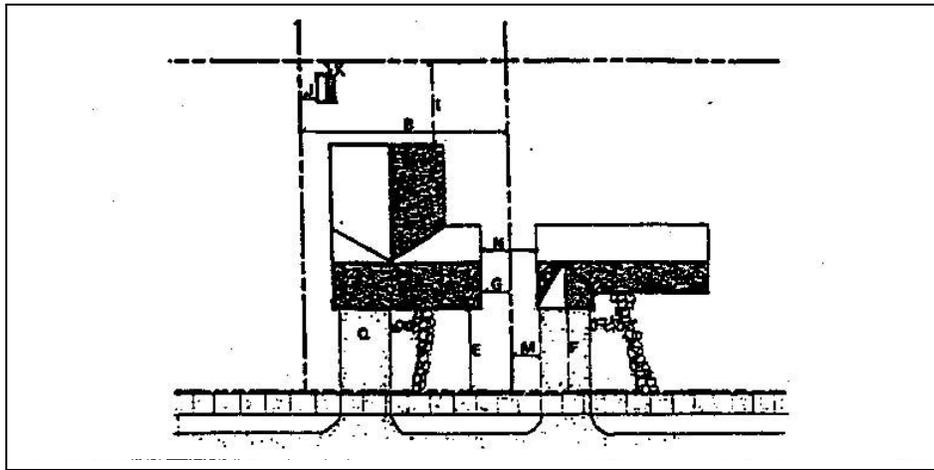
Minimum setback: The narrowest distance permitted from a street, side, or rear property line to a structure. See Tables 15.402 and 15.403.

Minimum site area (MSA): The minimum gross site area in which the specified development option may occur. See gross site area (GSA). See also, Key for and Table 15.304.

Mini-warehouse: See Section 15.206(5)(c).

Mixed Residential-8 (MR-8) District: See Section 15.105(2)(e).

Mobile home (land use): 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 and/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, which is certified and labeled as a MANUFACTURED HOME under 42 U.S. Code Sections 5401 to 5406 but which is not set on an enclosed foundation in the manner described in Section 15.05.4-1(9) 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 be split into 2 or more residences. All units must be located within a development which conforms to the requirements of Table 15.304 (Residential Density Standards). Within 30 days of occupancy, the owner shall remove the axle and install skirting per the requirements of the Plan Commission. Refer to the illustration below, Table 15.402, and districts in Subchapter 15-1 for setback requirements labeled in capital letters:



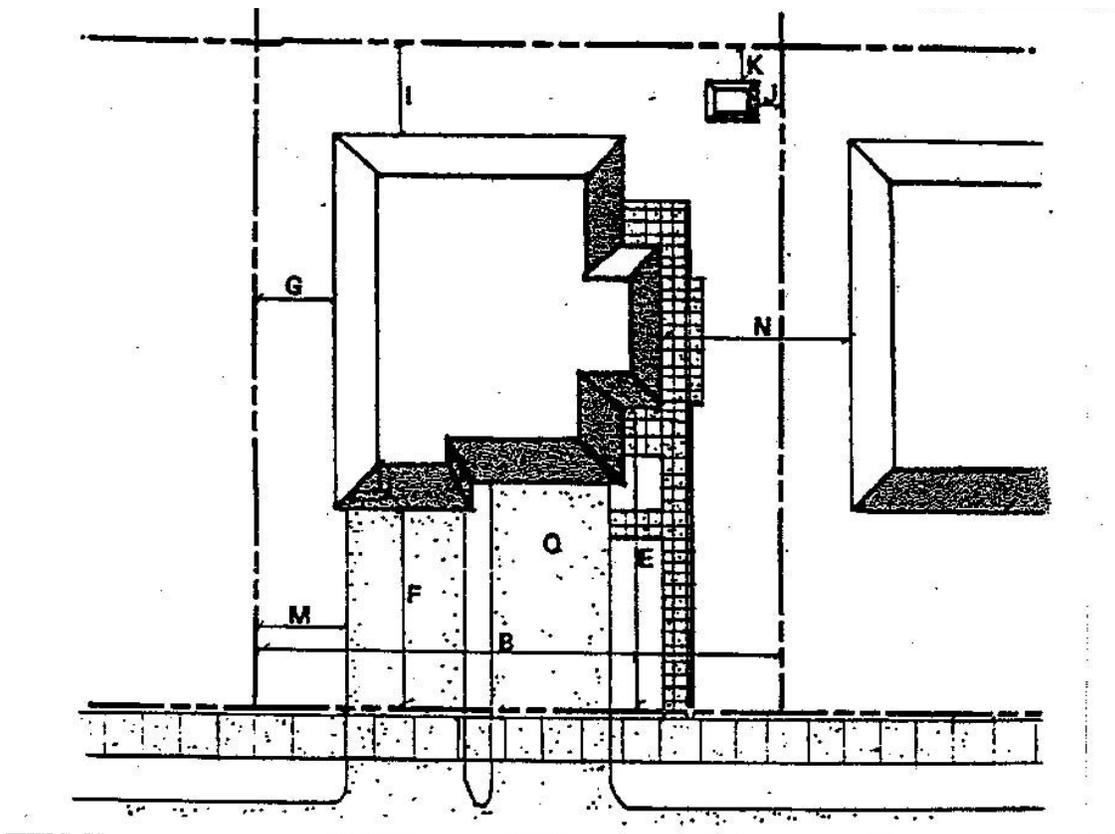
Mobile Home Park Residential Development: See Section 15.206(1)(d).

Mobile home sales: See Sections 15.206(4)(d).

Motel, Motor Court, Hotel: See commercial indoor lodging.

Motor freight terminal: See freight terminal

Multiplex: This dwelling unit type consists of an attached, multi-family residence which has private individual access. A minimum one hour fire rated wall assembly division, separating living areas from the lowest level through the roof, is required between each dwelling unit. No more than 6 and no less than 3 multiplex dwelling units may be attached per group. All units must be located within a development which conforms to the requirements of Table 15.304 (Residential Density Standards). All multiplex units within a development shall be located a minimum of 30 feet from the boundary of the development. Refer to the illustration below, Table 15.402, and districts in Subchapter 15-1 for setback requirements labeled in capital letters:



Natural resource protection overlay zoning districts: Zoning districts which primarily identify and regulate the disturbance of areas containing protected natural resources. See Sections 15.106 and 15.107. See Overlay Zoning Districts.

Natural resources site evaluation: See Section 15.303.

Navigable water: All natural and manmade inland lakes within Wisconsin, and all rivers, streams, ponds, sloughs, flowages, and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. The Wisconsin Supreme Court has declared navigable all bodies of water with a bed differentiated from adjacent uplands and with levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. [Muench v. Public Service Commission, 261 Wis. 492 (1952), and DeGaynor and Co., Inc. v. Department of Natural Resources, 70 Wis. 2d 936 (1975)]. For the purposes of this Chapter, rivers and streams will be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps until such time that the Wisconsin Department of Natural Resources has made a determination that the waterway is not, in fact, navigable.

Neighborhood Commercial (NC) District: See Section 15.105(3)(c).

Neighborhood Office (NO) District: See Section 15.105(3)(a).

Neighborhood Residential-6 (NR-6) District: See Section 15.105(2)(d).

Net developable area (NDA): The area of a site which may be disturbed by development activity. Net Developable Area is calculated in Section 15.303(3)(c), and is the result of subtracting Required Resource Protection Area (RPA) from the Gross Site Area (GSA).

Noise standards: See Section 15.709.

Nonconforming building or structure: Any building, or other structure, which is lawfully existing under provisions preceding this Chapter, which would not conform to the applicable regulations if the building or structure were to be erected under the provisions of this Chapter. See Section 15.408.

Nonconforming development: A lawful development approved under provisions preceding the effective date of this Chapter, which would not conform to the applicable regulations if the development were to be created under the current provisions of this Chapter. See Section 15.307.

Nonconforming use: An active and actual use of land, building, or structure lawfully existing prior to this Chapter which has continued as the same use to the present and which does not comply with all the applicable regulations of this Chapter. See Section 15.207.

Nonresidential district(s): See Section 15.102.

Nonresidential land use(s): See Section 15.206(2)-(7).

Noxious materials standards: See Section 15.715.

Noxious matter or materials: 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.

Obstruction to flow: Any development which physically blocks the conveyance of floodwaters such that this development by itself or in conjunction with any future similar development will cause an increase in regional flood height.

Odor standards: See Section 15.711.

Office (land use): See Section 15.206(4)(a).

Office district: See Section 15.102.

Official map: 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 Statutes.

Official zoning map: See Sections 15.103, 15.104, and 15.107.

Off-site parking lot (land use): See Section 15.206(6)(a).

On-site: 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.

On-site agricultural retail (land use): See Section 15.206(2)(e).

On-site composting (land use): See Section 15.206(8)(t).

On-site parking lot (land use): See Section 15.206(8)(b).

On-site real estate sales office (land use): See Section 15.206(9)(d).

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

Open sales lot: An unenclosed portion of a lot or lot of record where goods are displayed for sale, rent or trade.

Ordinary high water mark: 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 by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

Other permanently protected green space: Permanently protected green space areas which are not constrained by one of the protected natural resources under Subchapter 15-5. 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. See Section 15.509.

Outdoor assembly (land use): See Section 15.206(9)(g).

Outdoor commercial entertainment (land use): See Section 15.206(4)(i).

Outdoor display (land use): See Sections 15.206(4)(d).

Outdoor display incidental to indoor sales (land use): See Sections 15.206(8)(j) - (k).

Outdoor institutional (land use): See Section 15.206(3)(d).

Outdoor maintenance service (land use): See Section 15.206(4)(f).

Outdoor storage (land use): See Section 15.206(5)(b).

Outdoor wholesaling (land use): See Section 15.206(5)(b).

Overlay zoning district: A zoning district which imposes uniform restrictions on all properties within its area which are in addition to the restrictions specific to the standard zoning districts described in Section 15.102, as well as the general restrictions of this Chapter. See Sections 15.106, 15.107, 15.108, 15.109, 15.110, 15.111, 15.112, and Subchapter 15-5.

Owner: The person or persons having the right of legal title to a lot or parcel of land.

Pad, Development: See Development pad.

Parcel: The area within the boundary lines of a lot.

Parking lot design standards: See Section 15.704(6)(j).

Parking requirements: See Section 15.704(7)(c).

Parking space design standards: See Section 15.704(6)(h).

Parking standards: See Section 15.704.

Passive outdoor public recreational (land use): See Section 15.206(3)(a).

Penalty: See Section 15.937.

Performance guarantee: 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.

Performance standard: Criterion established to control and limit the impacts generated by, or inherent in, uses of land or buildings. See Subchapter 15-7.

Peripheral setback: The distance between a structure and the boundary of a development option. See Table 15.402.

Permanently protected green space: An area in which site disruption and/or development is strictly limited. See Section 15.204.

Permitted by right, use: See Section 15.202(2).

Personal service(s) (land use): See Section 15.206(4)(b).

Personal storage facility (land use): See Section 15.206(5)(c).

Plan Commission: The Plan Commission of the City of Sheboygan. See also Section 15.933.

Planned Unit Development: See Sections 15.112 and 15.914.

Pre-Planned Unit Development (PPUD) District: See Section 15.105(4)(a).

Principal building: See Building, principal.

Principal use: Any and all of the primary uses of a property, treated as a use permitted by right, as a special use, or as a conditional use (rather than as an accessory use or a temporary use) per Section 15.206(1)-(7).

Private Residential Stable (Land use): See 15.206(8)(g).

Private Sewage System: 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. This term 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.

Professional service(s) (land use): See Section 15.206(4)(b).

Protected natural resources: Resources such as floodways, floodfringes, floodplain conservancy areas, wetlands, drainageways, woodlands, steep slopes, and lakeshores, which are protected by the provisions of this Chapter. See Section 15.106 and Subchapter 15-5.

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

Public services and utilities (land use): See Section 15.206(3)(e).

Public sewer: Includes the City of Sheboygan sewer system and other forms of sewer systems approved by the Department of Natural Resources and maintained by a public agency authorized to operate such systems.

Recorded lot: See Lot of Record.

Recreational vehicle: A vehicular unit designed as temporary living quarters for recreational, camping, or travel use which either has its own motive power or is mounted on or drawn by another vehicle. The basic entitles are: travel trailer, camping trailer, truck camper, or motor home.

Relocatable building (land use): See Section 15.206(9)(c).

Required resource protection area (RPA): The area of a site which may not be disturbed by development activity and which must also be reserved as permanently protected green space. Required resource protection area is calculated in Section 15.303(3)(b), and is the result of subtracting the net developable area (NDA) from the gross site area (GSA).

Residential collector street: A collector street serving primarily residential land uses which primarily serves to connect local residential streets to collector or arterial streets.

Residential district(s): See Section 15.102.

Residential kennel, private (land use): See Section 15.206(8)(f).

Residential land use(s): See Section 15.206(1).

Residential recreational facility, private (land use): See Section 15.206(8)(e).

Residential stable, private (land use): See Section 15.206(8)(g).

Residentially zoned: A property located in a residential district per Section 15.102.

Restaurant: See indoor commercial entertainment.

Restaurant, fast food: See in-vehicle sales and service.

Restrictive, more (less): A regulation imposed by this Chapter is more (less) restrictive than another if it prohibits or limits development to a greater (lesser) extent or by means of more (less) detailed specifications.

Rooming house (land use): See Section 15.206(4)(o).

Rural Agricultural (RA-35ac) District: See Section 15.105(1)(a).

Salvage yard (land use): See Section 15.206(5)(d).

Scale (of development): A term used to describe the gross floor area, height, or volume of a single structure or group of structures.

Seasonal outdoor sales of farm products (land use): See Section 15.206(9)(f).

Sedimentation: 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.

Selective cutting (land use): See Section 15.206(2)(f).

Septic disposal system, individual (land use): See Section 15.206(8)(q).

Setback: The shortest distance between a building's or structure's exterior from the nearest point on the referenced lot line. See minimum setback.

Sexually-oriented use (land use): See Section 15.206(4)(p).

Sheet 2 of Official Zoning Map: 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 as described in Section 15.509(3)(b).

Shopping center: See group development.

Shrub: A low-lying deciduous or evergreen plant. See Section 15.610.

Sign: See Section 15.802. See also, Section 15.907 for applicable procedures.

Single-family detached dwelling unit: See dwelling, single-family detached.

Site area: See Gross site area.

Site plan: See Section 15.908. See also, Section 15.908 for applicable procedures.

Skylight: A window or other paned area located on the ceiling or roof of a structure.

Solid fence: Any fence which cannot be seen through. Such fences include basketweave fences, stockade fences, plank fences, and similar fences.

Special use: A land use which must be developed per a set of requirements specifically applying to that use. See Section 15.202(3). See also Section 15.904 for procedures.

Stable, commercial: See commercial animal boarding.

Stable, private: See private residential stable.

Standard Industrial Classification code (SIC): The numeric code for categorizing land uses developed by the US Department of Commerce. SIC codes in this Chapter are based on the listing contained within the 1987 manual.

Standard zoning districts: Zoning districts which primarily regulate the use of land, and intensity or density of such use. See Sections 15.102, 15.103, and 15.105.

Start of Construction: 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; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations; nor does it include the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or shed not occupied as dwelling units or part of the main structure.

Steep Slope: See Section 15.508(1).

Storage land use(s): See Section 15.706.

Storage standards: See Section 15.706.

Story: 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.

Street: Any public or private way dedicated or permanently open to pedestrian and vehicular use which is twenty-two (22) feet or more in width 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 this Chapter.

Street Line: See Lot line, front.

Strip development: A pattern of land uses typified by nonresidential and/or multi-family development located along one or both sides of a street which is generally only one lot deep and which is characterized by many curb cuts, low green space ratios, low landscape surface ratios, high floor area ratios, and/or low quantities of landscaping, typical of urban commercial developments.

Structure: 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.

Substandard lot: A lot of record which 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. See Section 15.407.

Substantial improvement: Any structural repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent 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 does not, however, include either:

- (a) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; and
- (b) Any alteration of a structure or site documented as deserving preservation by the Wisconsin State Historical Society, or listed on the National Register of Historic Places.

Ordinary maintenance repairs are not considered structural repairs, modifications or additions. Such ordinary maintenance repairs include internal and external painting, decorating, paneling, and the replacement of doors, windows, and other non-structural components. (For purposes of this definition, "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.)

Suburban Commercial (SC) District: See Section 15.105(3)(d).

Suburban Industrial (SI) District: See Section 15.105(3)(g).

Suburban Office (SO) District: See Section 15.105(3)(b).

Suburban Residential-3 (SR-3) District: See Section 15.105(2)(b).

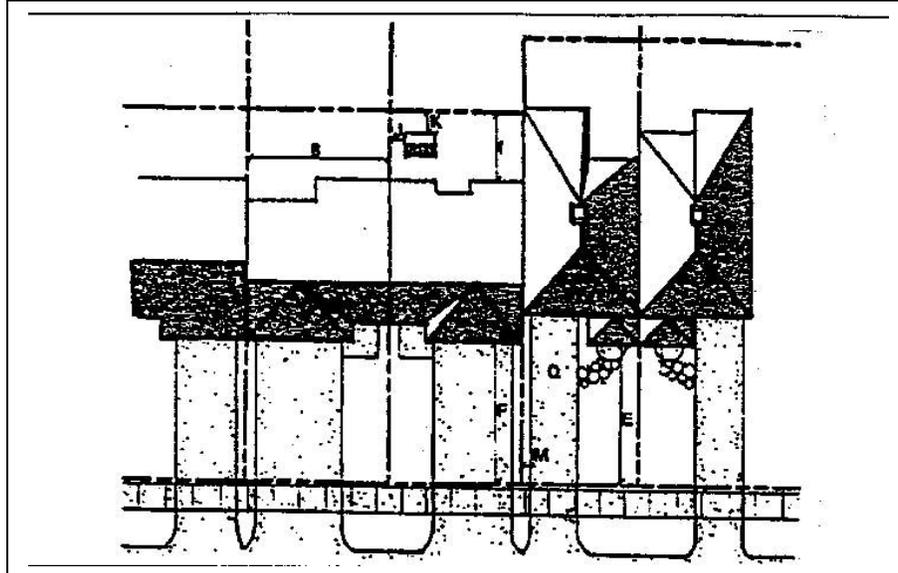
Suburban Residential-5 (SR-5) District: See Section 15.105(2)(c).

Swale: 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.

Temporary use: A land use which is present on a property for a limited and specified period of time. See Section 15.206(9). See also Section 15.906 for applicable procedures.

Townhouse: This dwelling unit type consists of an attached, two-story, single-family residence which 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 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. All units must be located within a development which conforms to the requirements of Table 15.304 (Residential Density Standards). All townhouse units within a development shall be located a minimum of 30 feet from the boundary of the development. Refer to the illustration

below, Table 15.402, and districts in Subchapter 15-1 for setback requirements labeled in capital letters:

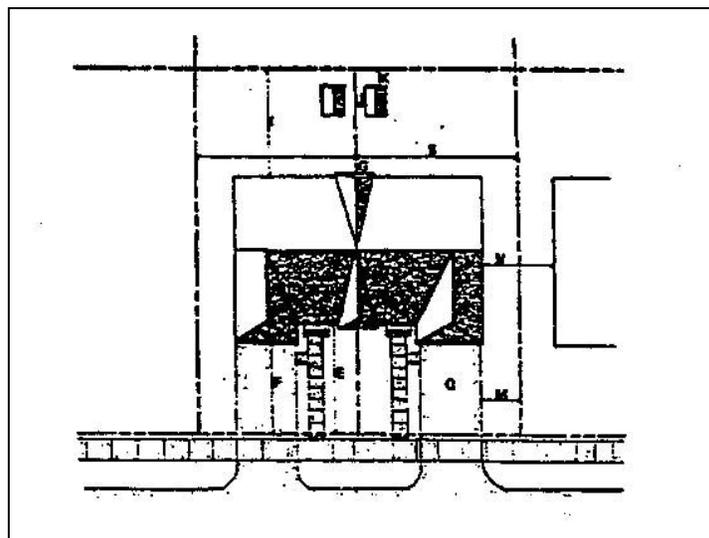


Toxic materials standards: See Section 15.715.

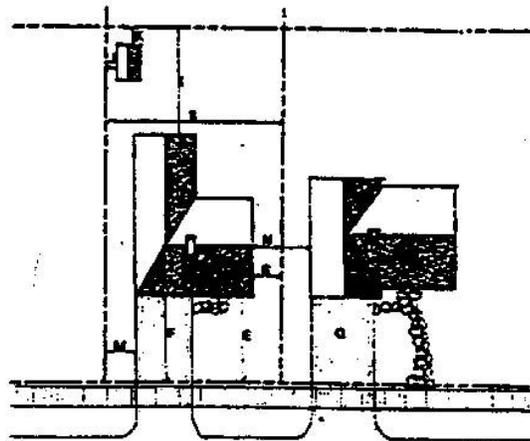
Transportation land use(s): See Section 15.206(6).

Truck stop: See In-Vehicle sales and service.

Twin house: These dwelling unit types consist of a single-family residence, which is attached on one side to another single-family residence. A minimum one-hour fire rated wall assembly division, separating living areas from the lowest level to flush against the underside of the roof, and individual sanitary sewer and public water laterals, are required between each dwelling unit. The two residences may or may not be located on individual lots. The Twin House is distinguished from the Duplex House, as defined by this Ordinance, merely by having each unit located on an individual lot or within a group development. These dwelling unit types may not be split into additional residences. All units must be located within a development which conforms to the requirements of Section 15.304 (Residential Density Standards). Refer to the illustration below, Table 15.402 and districts in Subchapter 15-1 for setback requirements labeled in capital letters:



Two-Flat house: This dwelling unit type consists of a single-family detached residence as defined by this ordinance, which is in complete compliance with the State of Wisconsin One- and Two-Family Dwelling Code (s. 101.60-.66), which has been converted into a two-family residence. The two residences are both located on the same lot or within the same group development. This dwelling unit type may not be split into additional residences. Where permitted, this use is a conditional use and must be approved through the procedures of Section 15.905. Refer to the illustration below, Table 15.402, and districts in Subchapter 15-1 for setback requirements labeled in capital letters:



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

Urban Commercial (UC) District: See Section 15.105(3)(e).

Urban Industrial (UI) District: See Section 15.105(3)(h).

Urban Residential-12 (UR-12) District: See Section 15.105(2)(f).

Use: The purpose or activity for which land or any building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

Use, Accessory: See Accessory use.

Use, Conditional: See Conditional use.

Use, Principal: See Principal use.

Use, Special: See Special use.

Utility shed (land use): See Section 15.206(8)(d).

Variance: Permission to depart from the literal requirements of this Chapter granted pursuant to Section 15.910.

Vibration standards: See Section 15.708.

Violation: See Section 15.937.

Visibility standards: See Section 15.703.

Waste disposal facility (land use): See Section 15.206(5)(e).

Waste materials standards: See Section 15.716.

Wetland: See Section 15.504(1).

Wisconsin Wetland Inventory Map: Maps prepared by the Wisconsin Department of Natural Resources.

Woodland: See Section 15.507(1).

Working days: Monday, Tuesday, Wednesday, Thursday and Friday; excluding holidays granted by the City of Sheboygan to its Department Heads.

Yard: 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.

Yard, front: 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.

Yard, rear: 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.

Zoning Administrator: The City employee charged with the application and interpretation of this Chapter. See Section 15.932.

Zoning district(s): See Section 15.102.

Zoning district categories: See Section 15.102.

Zoning map: See Official Zoning Map, above.

SUBCHAPTER 15-1: ESTABLISHMENT OF ZONING DISTRICTS

Section 15.101 Purpose

The area located within the jurisdiction of this Chapter (see Section 15.009) is hereby divided 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 of Sheboygan Comprehensive Master Plan, and to achieve the other purposes of this Chapter (see Section 15.005).

Section 15.102 Standard Zoning Districts & Standard Zoning District Categories

For the purpose of this Chapter, all areas within the jurisdiction of this Chapter (see Section 15.009) are hereby divided into the following standard zoning districts, and standard zoning district categories (listed in underlined text), which shall be designated as follows:

Agricultural District:

Rural Agricultural-35ac (RA-35ac) District

Residential Districts:

Estate Residential-1 (ER-1) District
Suburban Residential-3 (SR-3) District
Suburban Residential-5 (SR-5) District
Neighborhood Residential (NR-6) District
Mixed Residential-8 (MR-8) District
Urban Residential-12 (UR-12) District

Nonresidential Districts:

Office District:

Neighborhood Office (NO) District
Suburban Office (SO) District

Commercial Districts:

Neighborhood Commercial (NC) District
Suburban Commercial (SC) District
Urban Commercial (UC) District
Central Commercial (CC) District

Industrial Districts:

Suburban Industrial (SI) District
Urban Industrial (UI) District
Heavy Industrial (HI) District

Mixed Residential and Nonresidential District:

Pre-Planned Unit Development (PPUD) District

State Law Reference: Section 62.23(7)(b), Wisconsin Statutes

Section 15.103 Map of Standard Zoning Districts

Standard zoning districts established by this chapter are shown on Sheet 1 of the Official Zoning Map of the City of Sheboygan, which together with all explanatory materials thereon, is hereby made part of this Chapter.

Section 15.104 Interpretation of Zoning District Boundaries

The following rules shall be used to determine the precise location of any zoning district boundary shown on the Official Zoning Map of the City of Sheboygan:

- (1) Zoning district boundaries shown as following or approximately following the limits of any City, Village, Town or County boundary shall be construed as following such limits.
- (2) 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.
- (3) Zoning district boundary lines shown as following or approximately following platted lot lines or other property lines as shown on the City of Sheboygan or County of Sheboygan Tax Maps shall be construed as following such lines.
- (4) 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.
- (5) Zoning district boundaries shown as following or approximately following ridgelines or watershed boundaries shall be construed as following such lines.
- (6) Zoning district boundaries shown as separated from any of the features listed in paragraphs (1) through (5), above, shall be construed to be at such distances therefrom as are shown on the Official Zoning Map.
- (7) 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 15.105 Purpose and Intent of Standard Zoning Districts

The following subsections specify the purpose and intent of the standard zoning districts established by this Chapter. References to “development options” refer to conventional and cluster development options which are explained in Section 15.206(1).

(1) Agricultural District

(a) Rural Agricultural-35ac (RA-35ac) District

1. Description and Purpose

This district is intended to permit development which is solely of a rural community character. The land use standards for this district permit very low density single-family residential development at a density of 1 dwelling unit for every 35 gross acres, as well as a variety of agricultural and agricultural support land uses. Density and intensity standards for this district are designed to ensure that development which requires even a minimum of urban services does not occur until such services are available. As such, the RA-35ac District shall either serve as a designation which preserves and protects agricultural activities, or as a “holding zone” which provides for an interim land use (agriculture) that will easily permit further development (with rezoning to another district) at the appropriate time.

Rationale: This district provides for the protection of agricultural activities, and a very low density residential area for those who want to live in a rural environment and who retain enough land with their residence to ensure that the rural environment is maintained as long as the RA-35ac District designation is retained. In this manner, even if all property were developed in a given area with the RA-35ac District designation, the rural community character of that area would still be maintained.

2. List of Allowable Land Uses (per Subchapter 15-2)

a. Land Uses Permitted by Right: (per Section 15.202(2))

Single-Family – 35 acre lot (per Section 15.034)

Cultivation (per Section 15.206(2)(a))

Selective Cutting (per Section 15.206(2)(f))

Passive Outdoor Public Recreation (per Section 15.206(3)(a))

b. Land Uses Permitted as Special Use: per Section 15.202(3))

On-site Agricultural Retail (per Section 15.206(2)(e))

Active Outdoor Public Recreation (per Section 15.206(3)(b))

Public Services and Utilities (per Section 15.206(3)(e))

Community Living Arrangement (1-8 residents) (per Section 15.206(3)(g))

c. **Land Uses Permitted as Conditional Use:** (per Section 15.202(4))

Husbandry (per Section 15.206(2)(b))
Intensive Agriculture (per Section 15.206(2)(c))
Agricultural Services (per Section 15.206(2)(d))
Clear Cutting (per Section 15.206(2)(g))
Indoor Institutional (per Section 15.206(3)(c))
Outdoor Institutional (per Section 15.206(3)(d))
Outdoor Commercial Entertainment (per Section 15.206(4)(l))
Commercial Animal Boarding (per Section 15.206(4)(j))
Bed and Breakfast Establishments (per Section 15.206(4)(l))
Campground (per Section 15.206(4)(n))
Junk Yard or Salvage Yard (per Section 15.206(5)(d))
Waste Disposal Facility (per Section 15.206(5)(e))
Composting Operation (per Section 15.206(5)(f))
Airport/Heliport (per Section 15.206(6)(b))
Communication Tower (per Section 15.206(7)(c))
Extraction Use (per Section 15.206(7)(d))

d. **Land Uses Permitted as Accessory Uses:** (per Section 15.202(5))

1) Land Uses Permitted by Right:

Farm Residence (per Section 15.206(8)(c))
Detached Garage, Carport or Shed (per Section 15.206(8)(d))
Lawn Care (per Section 15.206(8)(p))
On-Site Composting/Wood Piles <5 cubic yards (per Section 15.206(8)(t))
Family Day Care Home (4-8 children) (per Section 15.206(8)(u))

2) Land Uses Permitted as Special Use:

On-Site Parking Lot (per Section 15.206(8)(b))
Private Residential Recreational Facility (per Section 15.206(8)(e))
Private Residential Kennel (per Section 15.206(8)(f))
Private Residential Stable (per Section 15.206(8)(g))
Drainage Structure (per Section 15.206(8)(n))
Filling (per Section 15.206(8)(o))
Home Occupation (per Section 15.206(8)(s))
On-Site Composting/Wood Piles 5 – 10 cubic yards (per Section 15.206(8)(t))

(3) Land Uses Permitted as Conditional Use:

Detached Garage, Carport or Shed (per Section 15.206(8)(d))

Septic Systems (per Section 15.206(9)(a))

Exterior Communication Devices (per Section 15.206(8))

Intermediate Day Care Home (per Section 15.206(8)(v))

Migrant Labor Camp (per Section 15.206(8)(w))

e. **Land Uses Permitted as Temporary Uses:** (per Section 15.202(6))

Contractor's Project Office (per Section 15.206(9)(a))

Contractor's On-Site Equipment Storage (per Section 15.206(9)(b))

On-Site Real Estate Sales Office (per Section 15.206(9)(d))

Outdoor Sales of Farm Products (per Section 15.206(9)(f))

Outdoor Assembly (per Section 15.206(9)(g))

Remediation Structure (per Section 15.206(9)(h))

2. Regulations Applicable to Residential Users

a. **Residential Density and Intensity Requirements:** (per Table 15.304)

Maximum Gross Density (MGD): .03 du/acre

Minimum Lot Area (MLA): 35 acres

Minimum Site Area (MSA): 35 acres

b. **Residential Bulk Requirements:** (per Table 15.402)

A: Minimum Lot Area: 35 acres

B: Minimum Lot Width: 150 feet

Minimum Setbacks:

C: Building Coverage Ratio: 0.30

D: Reserved

E: Front or Street Side Lot Line to House: 50 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet

F: Front or Street Side Lot Line to Attached Garage: 50 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet

G: Side Lot Line to House or Attached Garage: 25 feet

H: Total of Both Sides, Lot Lines to House/Attached Garage: 50 feet, 75 feet for a corner lot

I: Rear Lot Line to House or Attached Garage: 50 feet

J: Side Lot Line to Accessory Structure: 50 feet

- K:** Rear Lot line to Accessory Structure: 50 feet
- L:** Peripheral Setback: See 15.610(4)(b) along zoning district boundary
- M:** Minimum Paved Surface Setback: 5 feet from side or rear
- N:** Minimum Dwelling Unit Separation: 50 feet
- O:** Maximum Height of Dwelling Unit: 35 feet
- P:** Maximum Height of Accessory Structure: 45 feet
- Q:** Minimum Number of Off-Street Parking Spaced Required on the Lot (Includes garage, drives, & all designated parking surfaces):
4 spaces per du if located on street with standard pavement width
8 spaces per du if located on street with reduced pavement width
- R:** Minimum Dwelling Core Dimensions: 24 feet by 40 feet
- S:** Minimum Roof Pitch: 3 : 12
- T:** Minimum Eave Width: 18 inches

- c. **Residential Landscaping Requirements:** Not applicable for Single and Two-family.
- d. **Residential Performance Standards:** (See Subchapter 15-7)
- e. **Residential Signage Regulations:** (See Subchapter 15-8)

4. **Regulations Applicable to Nonresidential Uses**

- a. **Nonresidential Density and Intensity Requirements:**
(per Table 15.305)

Minimum Landscape Surface Ratio (LSR): .700
Minimum Lot Area (MLA): 35 acres
Maximum Building Size (MBS): na

- b. **Nonresidential Bulk Requirements:** (per Table 15.403)

- A.** Minimum Lot Area: 35 acres
- B.** Minimum Lot Width: 150 feet
- Minimum Setbacks:**
- C.** Building to Front or Street Side Lot Line: 50 feet
- D.** Building to Residential Side Lot Line: 50 feet
- E.** Building to Residential Rear Lot Line: 50 feet
- F.** Building to Nonresidential Side Lot Line: 25 feet
- G.** Building to Nonresidential Rear Lot Line: 25 feet
- H.** Peripheral Setback: See 15.610(4)(b) along zoning district boundary

- I. Minimum Paved Surface Setback: 5 feet from side or rear; 10 feet from street
- J. Minimum Building Separation: 50 feet
- K. Maximum Building Height: 35 feet
- L. Minimum Number of Off-Street Parking Spaces Required on the Lot: See parking lot requirements per specific land use in Section 15.206.

c. **Nonresidential Landscaping Requirements:**

- 1) 20 landscaping points per 100 linear feet of building foundation
- 2) 10 landscaping points per 1,000 square feet of gross floor area
- 3) 20 landscaping points per 100 linear feet of street frontage
- 4) 40 landscaping points per 10,000 square feet paved area/20 stalls

d. **Nonresidential Performance Standards:** (See Subchapter 15-7)

e. **Nonresidential Signage Regulations:** (See Subchapter 15-8)

(2) **Residential Districts**

(a) **Estate Residential-1 (ER-1) District**

1. **Description and Purpose**

This district is intended to permit development which has a low density, estate community character. The land use standards for this district permit primarily single-family detached residential development and a variety of related institutional land uses. Density and intensity standards for this district are designed to ensure that the ER-1 District shall serve as a designation which preserves and protects the estate community character of its area. A cluster residential development option is available in this district, with a Maximum Gross Density (MGD) of 1 dwelling unit per gross acre.

Rationale: This district provides for the permanent protection of a low density residential area for those who want to live in an estate environment and retain enough land with their residence, or in their development, to ensure that the estate community character is maintained as long as the ER-1 District designation is retained, regardless of how much development occurs within that area.

2. **List of Allowable Land Uses** (per Subchapter 15-2)
- a. **Land Uses Permitted by Right:** (per Section 15.202(2))
- Single-Family – 40,000 sf lot (per Section 15.034)
 - Selective Cutting (per Section 15.206(2)(f))
 - Passive Outdoor Public Recreation (per Section 15.206(3)(a))
- b. **Land Uses Permitted as Special Use:** (per Section 15.202(3))
- Cultivation (per Section 15.206(2)(a))
 - Active Outdoor Public Recreation (per Section 15.206(3)(b))
 - Public Services and Utilities (per Section 15.206(3)(e))
 - Community Living Arrangement (1-8 residents) (per Section 15.206(3)(g))
- c. **Land Uses Permitted as Conditional Uses:** (per Section 15.202(4))
- Single-Family – 15,000 sf lot in a cluster development (per Sections 15.034 and 15.206(1)(b))
 - Clear Cutting (per Section 15.206(2)(g))
 - Indoor Institutional (per Section 15.206(3)(c))
 - Outdoor Institutional (per Section 15.206(3)(d))
 - Community Living Arrangements (9-15 residents) (per Section 15.206(3)(h))
 - Bed and Breakfast Establishments (per Section 15.206(4)(l))
- d. **Land Uses Permitted as Accessory Uses:** (per Section 15.202(5))
- 1) Land Uses Permitted by Right:
 - Farm Residence (per Section 15.206(8)(c))
 - Detached Garage, Carport or Shed (per Section 15.206(8)(d))
 - Lawn Care (per Section 15.206(8)(p))
 - On-Site Composting/Wood Piles <5 cubic yards (per Section 15.206(8)(t))
 - Family Day Care Home (4-8 children) (per Section 15.206(8)(u))
 - 2) Land Uses Permitted as Special Use:
 - One-Site Parking Lot (per Section 15.206(8)(b))
 - Private Residential Recreational Facility (per Section 15.206(8)(e))
 - Drainage Structure (per Section 15.206(8)(n))
 - Filling (per Section 15.206(8)(o))
 - Home Occupation (per Section 15.206(8)(s))
 - On-Site Composting/Wood Piles 5 – 10 cubic yards (per Section 15.206(8)(t))

3) Land Uses Permitted as Conditional Use:

- Detached Garage, Carport or Shed (per Section 15.206(8)(d))
- Private Residential Kennel (per Section 15.206(8)(f))
- Septic Systems (per Section 15.206(8)(q))
- Exterior Communication Devices (per Section 15.206(8)(r))
- Intermediate Day Care Home (per Section 15.206(8)(v))

e. **Land Uses Permitted as Temporary Uses:** (per Section 15.202(6))

- Contractor's Project Office (per Section 15.206(9)(a))
- Contractor's On-Site Equipment Storage (per Section 15.206(9)(b))
- On-Site Real Estate Sales Office (per Section 15.206(9)(d))
- Outdoor Assembly (per Section 15.206(9)(g))
- Remediation Structure (per Section 15.206(9)(h))

3. **Regulations Applicable to Residential Uses**

a. **Residential Density and Intensity Requirements:** (per Table 15.304)

1) Conventional Single-family Development:

- Maximum Gross Density (MGD): 1.00 du/acre
- Minimum Lot Area (MLA): 40,000 square feet
- Minimum Site Area (MSA): 40,000 square feet

2) *Cluster Single-family Development*¹:

- Maximum Gross Density (MGD): 1.00 du/acre
- Minimum Lot Area (MLA): 15,000 square feet
- Minimum Site Area (MSA): 40,000 square feet

b. **Residential Bulk Requirements:** (per Table 15.402)

- A.** Minimum Lot Area: **Single-family:** 40,000 sf, **Single-family**¹: 15,000 sf
- B.** Minimum Lot Width: **Single-family:** 150 feet, **Single-family**¹: 90 feet or 100 feet for a corner lot
- Minimum Setbacks:**
- C:** Building Coverage Ratio: 0.30
- D:** Reserved
- E:** Front or Street Side Lot Line to House: **Single-family:** 50 feet, **Single-family**¹: 25 feet, add 10 more feet for a lot adjacent to a street with an

Officially Mapped right-of-way equal to or exceeding 100 feet

- F:** Front or Street Side Lot Line to Attached Garage: **Single-family:** 50 feet, ***Single-family*¹:** 25 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
- G:** Side Lot Line to House or Attached Garage: **Single-family:** 25 feet, ***Single-family*¹:** 15 feet
- H:** Total of Both Sides, Lot Lines to House/Attached Garage: **Single-family:** 50 feet or 75 feet for a corner lot, ***Single-family*¹:** 30 feet or 40 feet for a corner lot
- I:** Rear Lot Line to House/Attached Garage: **Single-family:** 50 feet, ***Single-family*¹:** 30 feet
- J:** Side Lot Line to Accessory Structure: **Single-family:** 15 feet, ***Single-family*¹:** 5 feet
- K:** Rear Lot Line to Accessory Structure: **Single-family:** 15 feet, ***Single-family*¹:** 5 feet
- L:** Peripheral Setback: See 15.610(4)(b) along zoning district boundary
- M:** Minimum Paved Surface Setback: 5 feet from side or rear
- N:** Minimum Dwelling Unit Separation: **Single-family:** 50 feet, ***Single-family*¹:** 30 feet
- O:** Maximum Height of Dwelling Unit: 35 feet
- P:** Maximum Height of Accessory Structure: 15 feet
- Q:** Minimum Number of Off-Street Parking Spaces Required on the Lot (Includes garage, drives, & all designated parking surfaced): 3 spaces per du
- R:** Minimum Dwelling Core Dimensions: 24 feet by 40 feet
- S:** Minimum Roof Pitch: 3 : 12
- T:** Minimum Eave Width: 18 inches

¹Standard type for conventional development or dwelling unit type permitted by right;
Italic type for cluster development or dwelling unit type requiring conditional use

- c. **Residential Landscaping Requirements:** Not applicable for Single and Two-family.
- d. **Residential Performance Standards:** (See Subchapter 15-7)
- e. **Residential Signage Regulations:** (See Subchapter 15-8)

4. **Regulations Applicable to Nonresidential Uses**

- a. **Nonresidential Density and Intensity Requirements:** (per Table 15.305)

Minimum Landscape Surface Ratio (LSR): .700
Minimum Lot Area (MLA): 40,000 square feet
Maximum Building Size (MBS): na

b. **Nonresidential Bulk Requirements:** (per Table 15.403)

- A:** Minimum Lot Area: 40,000 square feet
- B:** Minimum Lot Width: 150 feet
- Minimum Setbacks:**
- C:** Building to Front or Street Side Lot Line: 50 feet
- D:** Building to Residential Side Lot Line: 50 feet
- E:** Building to Residential Rear Lot Line: 50 feet
- F:** Building to Nonresidential Side Lot Line: 25 feet
- G:** Building to Nonresidential Rear Lot Line: 25 feet
- H:** Peripheral Setback: See 15.610(4)(b) along zoning district boundary
- I:** Minimum Paved Surface Setback: 5 feet from side or rear; 10 feet from street
- J:** Minimum Building Separation: 50 feet
- K:** Maximum Building Height: 35 feet
- L:** Minimum Number of Off-Street Parking Spaces Required on the Lot: See parking lot requirements per specific land use in Section 15.206

c. **Nonresidential Landscaping Requirements:**

- 1) 45 landscaping points per 100 linear feet of building foundation
- 2) 25 landscaping points per 1,000 square feet of gross floor area
- 3) 45 landscaping points per 100 linear feet of street frontage
- 4) 90 landscaping points per 10,000 square feet paved area/20 stalls

d. **Nonresidential Performance Standards:** (See Subchapter 15-7)

e. **Nonresidential Signage Regulations:** (See Subchapter 15-8)

(b) **Suburban Residential-3 (SR-3) District**

1. **Description and Purpose**

This district is intended to permit development which has a moderate density, suburban community character. Density and intensity standards for this district are designed to ensure that the SR-3 District shall serve as a designation which preserves and protects the suburban residential community character of its area.

A variety of residential development options are available in this district, with a Maximum Gross Density (MGD) of 3 dwelling units per gross acre.

Rationale: This district provides for the permanent protection of a moderate density residential area for those who want to live in a suburban residential environment and who retain enough land with their residence, or in their development, to ensure that the suburban community character is maintained as long as the SR-3 District designation is retained, regardless of how much development occurs within that areas.

2. **List of Allowable Land Uses** (per Subchapter 15-2)
 - a. **Land Uses Permitted by Right:** (per Section 15.202(2))
 - Single-Family – 10,000 sf lot (per Section 15.034)
 - Selective Cutting (per Section 15.206(2)(f))
 - Passive Outdoor Public Recreation (per Section 15.206(3)(a))
 - b. **Land Uses Permitted as Special Use:** (per Section 15.202(3))
 - Cultivation (per Section 15.206(2)(a))
 - Active Outdoor Public Recreation (per Section 15.206(3)(b))
 - Public Services and Utilities (per Section 15.206(3)(e))
 - Community Living Arrangement (1-8 residents) (per Section 15.206(3)(g))
 - c. **Land Uses Permitted as Conditional Use:** (per Section 15.202(4))
 - Clear Cutting (per Section 15.206(2)(g))
 - Indoor Institutional (per Section 15.206(3)(c))
 - Outdoor Institutional (per Section 15.206(3)(d))
 - Community Living Arrangement (9-15 residents) (per Section 15.206(3)(h))
 - Bed and Breakfast Establishments (per Section 15.206(4)(l))
 - d. **Land Uses Permitted as Accessory Uses:** (per Section 15.202(5))
 - 1) **Land Uses Permitted by Right:**
 - Farm Residence (per Section 15.206(8)(c))
 - Private Residential Garage or Shed (per Section 15.206(8)(d))
 - Lawn Care (per Section 15.206(8)(p))
 - On-Site Composting/Wood Piles <5 cubic yards (per Section 15.206(8)(t))
 - Family Day Care Home (4-8 children) (per Section 15.206(8)(u))

2) Land Uses Permitted as Special Use:

- On-site Parking Lot (per Section 15.206(8)(b))
- Private Residential Recreational Facility (per Section 15.206(8)(e))
- Drainage Structure (per Section 15.206(8)(n))
- Filling (per Section 15.206(8)(o))
- Home Occupation (per Section 15.206(8)(s))
- On-Site Composting/Wood Piles 5 – 10 cubic yards (per Section 15.206(8)(t))

3) Land Uses Permitted as Conditional Use:

- Exterior Communication Devices (per Section 15.206(8))
- Intermediate Day Care Home (per Section 15.206(8)(v))

e. **Land Uses Permitted as Temporary Uses:** (per Section 15.202(6))

- Contractor’s Project Office (per Section 15.206(9)(a))
- Contractor’s On-Site Equipment Storage (per Section 15.206(9)(b))
- On-Site Real Estate Sales Office (per Section 15.206(9)(d))
- Outdoor Assembly (per Section 15.206(9)(g))
- Remediation Structure (per Section 15.206(9)(h))

3. **Regulations Applicable to Residential Uses**

a. **Residential Density and Intensity Requirements:** (per Table 15.304)

- Maximum Gross Density (MGD): 3.00 du/acre
- Minimum Lot Area (MLA): 10,000 square feet
- Minimum Site Area (MSA): 10,000 square feet

b. **Residential Bulk Requirements:** (per Table 15.402)

- A:** Minimum Lot Area: 10,000 square feet
- B:** Minimum Lot Width: 70 feet or 80 feet for corner lot
- Minimum Setbacks:**
- C:** Building Coverage Ratio: 0.30
- D:** Reserved
- E:** Front lot line to House: 35 feet, street side lot line to house 25 feet, add 10 more feet for a lot adjacent to a street with an officially mapped right-of-way equal to or exceeding 100 feet. (G.O. 127-96-97; 2/17/96)
- F:** Front lot line to Attached Garage: 35 feet, street side lot line to attached garage 25 feet, add 10 more feet for a lot adjacent to a street with an

officially mapped right-of-way equal to or exceeding 100 feet. (G. O. 127-96-97; 2/17/96)

- G:** Side Lot Line to House or attached Garage: 10 feet
- H:** Total of Both Sides, Lot Lines to House or Attached Garage: 25 feet, 35 feet for a corner lot
- I:** Rear Lot Line to House or Attached Garage: 20 feet
- J:** Side Lot Line to Accessory Structure: 5 feet
- K:** Rear Lot Line to Accessory Structure: 5 feet
- L:** Peripheral Setback: See 15.610(4)(b) along zoning district boundary
- M:** Minimum Paved Surface Setback: 3 feet from side or rear
- N:** Minimum Dwelling Unit Separation: 20 feet
- O:** Maximum Height of Dwelling Unit: 35 feet
- P:** Maximum Height of Accessory Structure: 15 feet
- Q:** Minimum Number of Off-Street Parking Spaces Required on the Lot (Includes garage, drives, & all designated surfaces): 3 spaces per du
- R:** Minimum Dwelling Core Dimensions: 24 feet by 40 feet
- S:** Minimum Roof Pitch: 3 : 12
- T:** Minimum Eave Width: 18 inches

- c. **Residential Landscaping Requirements:** Not applicable for Single and Two-family.
- d. **Residential Performance Standards:** (See Subchapter 15-7)
- e. **Residential Signage Regulations:** (See Subchapter 15-8)

4. **Regulations Applicable to Nonresidential Uses**

a. **Nonresidential Density and Intensity Requirements:** (per Table 15.305)

Minimum Landscape Surface Ratio (LSR): .55

Minimum Lot Area (MLA): 10,000 square feet

Maximum Building Size (MBS): na

b. **Nonresidential Bulk Requirements:** (per Table 15.403)

A: Minimum Lot Area: 10,000 square feet

B: Minimum Lot Width: 90 feet

Minimum Setbacks:

C: Building to Front or Street Side Lot Line: 30 feet

D: Building to Residential Side Lot Line: 50 feet

E: Building to Residential Rear Lot Line: 30 feet

- F:** Building to Nonresidential Side Lot Line: 25 feet
- G:** Building to Nonresidential Rear Lot Line: 25 feet
- H:** Peripheral Setback: See 15.610(4)(b) along zoning district boundary
- I:** Minimum Paved Surface Setback: 5 feet from side or rear; 10 feet from street
- J:** Minimum Building Separation: 50 feet
- K:** Maximum Building Height: 35 feet
- L:** Minimum Number of Off-Street Parking Spaces Required on the Lot: See parking lot requirements per specific land use in Section 15.206

c. Nonresidential Landscaping Requirements:

- 1) 40 landscaping points per 100 linear feet of building foundation
- 2) 20 landscaping points per 1,000 square feet of gross floor area
- 3) 40 landscaping points per 100 linear feet of street frontage
- 4) 80 landscaping points per 10,000 square feet paved area/20 stalls

d. Nonresidential Performance Standards: (See Subchapter 15-7)

e. Nonresidential Signage Regulations: (See Subchapter 15-8)

(c) Suburban Residential-5 (SR-5) District

1. Description and Purpose

This district is intended to permit development which has a moderate density, suburban community character. Density and intensity standards for this district are designed to ensure that the SR-5 District shall serve as a designation which preserves and protects the suburban residential community character of its area. A variety of residential development options are available in this district, with a Maximum Gross Density (MGD) of 5 dwelling units per gross acre.

Rationale: This district provides for the permanent protection of a moderate density residential area for those who want to live in a suburban residential environment and who retain enough land with their residence, or in their development, to ensure that the suburban community character is maintained as long as the SR-5 District designation is retained, regardless of how much development occurs within that area.

2. List of Allowable Land Uses (per Subchapter 15-2)

a. **Land Uses Permitted by Right:** (per Section 15.202(2))

Single-Family – 6,000 sf lot (per Section 15.034)
Selective cutting (per Section 15.206(2)(f))
Passive Outdoor Public Recreation (per Section (15.206(3)(a))

c. **Land Uses Permitted as Special Use:** (per section 15.202(3))

Cultivation (per Section 15.206(2)(a))
Active Outdoor Public Recreation (per Section 15.206(3)(b))
Public Services and Utilities (per Section 15.206(3)(e))
Community Living Arrangement (1-8 residents) (per Section 15.206(3)(g))

d. **Land Uses Permitted as Conditional Use:** (per Section 15.202(4))

Clear cutting (per Section 15.206(2)(g))
Indoor Institutional (per Section 15.206(3)(c))
Outdoor Institutional (per Section 15.206(3)(d))
Community Living Arrangement (9-15 residents) (per Section 15.206(3)(h))
Bed and Breakfast Establishments (per Section 15.206(4)(l))

e. **Land Uses Permitted as Accessory Uses:** (per Section 15.202(5))

1. Land Uses Permitted by Right:

Farm Residence (per Section 15.206(8)(c))
Private Residential Garage or Shed (per Section 15.206(8)(d))
Lawn Care (per Section 15.206(8)(p))
On-Site Composting/Wood Piles <5 cubic yards (per Section 15.206(8)(t))
Family Day Care Home (4-8 children) (per Section 15.206(8)(u))

2. Land Uses Permitted as Special Use:

On-Site Parking Lot (per Section 15.206(8)(b))
Private Residential Recreational Facility (per Section 15.206(8)(e))
Drainage Structure (per Section 15.206(8)(n))
Filling (per Section 15.206(8)(o))
Home Occupation (per Section 15.206(8)(s))
On-Site composting/Wood Piles 5 – 10 cubic yards (per Section 15.206(8)(t))

3. Land Uses Permitted as Conditional Use:

Exterior Communication Devices (per Section 15.206(8)(r))

Intermediate Day Care Home (per Section 15.206(8)(v))

f. **Land Uses Permitted as Temporary Uses:** (per Section 15.202(6))

Contractor's Project Office (per Section 15.206(9)(a))

Contractor's On-Site Equipment Storage (per Section 15.206(9)(b))

On-Site Real Estate Sales Office (per Section 15.206(9)(d))

Outdoor Assembly (per Section 15.206(9)(g))

Remediation Structure (per Section 15.206(9)(h))

3. **Regulations Applicable to Residential Uses**

a. **Residential Density and Intensity Requirements:** (per Table 15.304)

Maximum Gross Density (MGD): 5.00 du/acre

Minimum Lot Area (MLA): 6,000 square feet

Minimum Site Area (MSA): 6,000 square feet

b. **Residential Bulk Requirements:** (per Table 15.402)

A: Minimum Lot Area: 6,000 square feet

B: Minimum Lot Width: 60 feet or 70 feet for a corner lot

Minimum Setbacks:

C: Building Coverage Ratio: 0.40

D: Reserved

E: Front or Street Side Lot Line to House: 25 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet

F: Front or Street Side Lot Line to Attached Garage: 25 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet

G: Side Lot Line to House or Attached Garage: 5 feet

H: Total of Both Sides, Lot Lines to House or Attached Garage: 15 feet or 30 feet for a corner lot

I: Rear Lot Line to House or Attached Garage: 20 feet

J: Side Lot Line to Accessory Structure: 5 feet

K: Rear Lot Line to Accessory Structure: 5 feet

L: Peripheral Setback: See 15.610(4)(b) along zoning district boundary

- M:** Minimum Paved Surface Setback: 3 feet from side or rear property line, except that an existing paved area nearer than 3 feet from a side lot line may be replaced provided that it is not nearer than the existing location and surface water from the paved area is directed away from the side property line. (G. O. 1-97-98; 5/19/97)
- N:** Minimum Dwelling Unit Separation: 10 feet
- O:** Maximum Height of Dwelling Unit: 35 feet
- P:** Maximum Height of Accessory Structure: 15 feet
- Q:** Minimum Number of Off-Street Parking Spaces Required on the Lot (Includes garage, drives, & all designated parking surfaces): 3 spaces per du
- R:** Minimum Dwelling Core Dimensions: 24 feet by 40 feet
- S:** Minimum Roof Pitch: 3 : 12
- T:** Minimum Eave Width: 18 inches

- c. **Residential Landscaping Requirements:** Not applicable for Single and Two-family.
- d. **Residential Performance Standards:** (See Subchapter 15-7)
- e. **Residential Signage Regulations:** (See Subchapter 15-8)

4. Regulations Applicable to Nonresidential Uses

- a. **Nonresidential Density and Intensity Requirements:** (per Table 15.305)

Minimum Landscape Surface Ratio (LSR): .55
 Minimum Lot Area (MLA): 6,000 square feet
 Maximum Building Size (MGS): na

- b: **Nonresidential Bulk Requirements:** (per Table 15.302)

- A:** Minimum Lot Area: 6,000 square feet
- B:** Minimum Lot Width: 70 feet
- Minimum Setbacks:**
- C:** Building to Front or Street Side Lot Line: 30 feet
- D:** Building to Residential Side Lot Line: 50 feet
- E:** Building to Residential Rear Lot Line: 30 feet
- F:** Building to Nonresidential Side Lot Line: 25 feet
- G:** Building to Nonresidential Rear Lot Line: 25 feet
- H:** Peripheral Setback: See 15.610(4)(b) along zoning district boundary
- I:** Minimum Paved Surface Setback: 5 feet from side or rear; 10 feet from street
- J:** Minimum Building Separation: 50 feet

- K:** Maximum Building Height: 35 feet
- L:** Minimum Number of Off-Street Parking Spaces Required on the Lot: See parking lot requirements per specific land use in Section 15.206

c: Nonresidential Landscaping Requirements:

- 1) 40 landscaping points per 100 linear feet of building foundation
- 2) 20 landscaping points per 1,000 square feet of gross floor area
- 3) 40 landscaping points per 100 linear feet of street frontage
- 4) 80 landscaping points per 10,000 square feet paved area/20 stalls

d. Nonresidential Performance Standards: (See Subchapter 15-7)

e. Nonresidential Signage Regulations: (See Subchapter 15-8)

(d) Neighborhood Residential-6 (NR-6) District

1. Description and Purpose

This district is intended to permit development which has a moderate density, neighborhood community character. Density and intensity standards for this district are designed to ensure that the NR-6 District shall serve as a designation which preserves and protects the neighborhood residential community character of its area. This district is oriented to small lot single family residential development, with a Maximum Gross Density (MGD) of 6 dwelling units per acre.

Rational: This district provides for the permanent protection of a moderate density residential area for those who want to live in a neighborhood residential environment and who retain enough land with their residence, or in their development, to ensure that the neighborhood community character is maintained as long as the NR-6 District designation is retained, regardless of how much development occurs within that area. This district is intended to provide for single- and two-family dwelling types including two flats.

2. List of Allowable Land Uses (per Subchapter 15-2)

a. Land Uses Permitted by Right: (per Section 15.202(2))

- Single-Family – 6,000 sf lot (per Section 15.034)
- Selective Cutting (per Section 15.206(2)(f))

Passive Outdoor Public Recreation (per Section 15.206(3)(a))

- b. **Land Uses Permitted as Special Use:** (per Section 15.022(3))

Cultivation (per Section 15.206(2)(a))

Active Outdoor Public Recreation (per Section 15.206(3)(b))

Public Services and Utilities (per Section 15.206(3)(e))

Community Living Arrangement (1-8 residents) (per Section 15.206(3)(g))

- c. **Land Uses Permitted as Conditional Use:** (per Section 15.202(4))

Single-Family – 4,500 sf lot in a cluster development (per Sections 15.034 and 15.206(1)(b))

Two-Flat – 6,000 sf lot (per Section 15.034))

Clear Cutting (per Section 15.206(2)(g))

Indoor Institutional (per Section 15.206(3)(c))

Outdoor Institutional (per Section 15.206(3)(d))

Community Living Arrangements (9-15 residents) (per Section 15.206(3)(h))

Bed and Breakfast Establishments (per Section 15.206(4)(l))

Off-Site Parking Lot (per Section 15.206(6)(a))

- d. **Land Uses Permitted as Accessory Uses:** (per Section 15.202(5))

- 1) Land Uses Permitted by Right:

Farm Residence (per Section 15.206(8)(c))

Private Residential Garage or Shed (per Section 15.206(8)(d))

Lawn Care (per Section 15.206(8)(p))

On-Site Composting/Wood Piles <5 cubic yards (per Section 15.206(8)(t))

Family Day Care Home (4-8 children) (per Section 15.206(8)(u))

- 2) Land Uses Permitted as Special Use:

On-Site Parking Lot (per Section 15.206(8)(b))

Private Residential Recreational Facility (per Section 15.206(8)(e))

Drainage Structure (per Section 15.206(8)(n))

Filling (per Section 15.206(8)(o))

On-Site Composting/Wood Piles 5 – 10 cubic yards (per Section 15.206(8)(t))

- 3) Land Uses Permitted as Conditional Use

Exterior Communication Devices (per Section 15.206(8))

Home Occupation (per Section 15.206(8)(s))
Intermediate Day Care Home (per Section 15.206(8)(v))

- e. Land Uses Permitted as Temporary Uses: (per Section 15.202(6))

Contractor's Project Office (per Section 15.206(9)(a))
Contractor's On-Site Equipment Storage (per Section 15.206(9)(b))
On-Site Real Estate Sales Office (per Section 15.206(9)(d))
Outdoor Assembly (per Section 15.206(9)(g))
Remediation Structure (per Section 15.206(9)(h))

3. Regulations Applicable to Residential Uses

- a. **Residential Density and Intensity Requirements:**
(per Table 15.304)

- 1) Conventional Single-family Development:

Maximum Gross Density (MGD): 6.00 du/acre
Minimum Lot Area (MLA): 6,000 square feet
Minimum Site Area (MSA): 6,000 square feet

- 2) *Cluster Single-family Development*¹:

Maximum Gross Density (MGD): 6.00 du/acre
Minimum Lot Area (MLA): 4,500 square feet
Minimum Site Area (MSA): 20,000 square feet

- 3) *Two-Flat*¹:

Maximum Gross Density (MGD): 6.00 du/acre
Minimum Lot Area (MLA): 6,000 square feet
Minimum Site Area (MSA): 6,000 square feet

- b. **Residential Bulk Requirements:** (per Table 15.402)

A: Minimum Lot Area: **Single-family** and **Two Flat**¹: 6,000 square feet; **Single-family**¹: 4,500 square feet

B: Minimum Lot Width: 60 feet or 70 feet for a corner lot

Minimum Setbacks:

C: Building Coverage Ratio: 0.40

D: Reserved

E: Front or Street Side Lot Line to House: **Single-family** and **Single-family**¹: 25 feet, **Two Flat**¹: 20 feet; add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet

- G:** Side Lot Line to House or Attached Garage: 5 feet
- H:** Total of Both Sides, Lot Lines to House/Attached Garage: **Single-family** and **Singlefamily**¹: 15 feet or 30 ft for a corner lot, **Two Flat**¹: 15 ft or 25 ft for a corner lot
- I:** Rear Lot Line to House or Attached Garage: 20 feet
- J:** Side Lot Line to Accessory Structure: 3 feet, 5 feet when abutting an alley
- K:** Rear Lot Line to Accessory Structure: 3 feet, 5 feet when abutting an alley
- L:** Peripheral Setback: See 15.610(4)(b) along zoning district boundary
- M:** Minimum Paved Surface Setback: 3 feet from a side or rear property line, except that an existing paved area nearer than 3 feet from a side lot line may be replaced provided that it is not nearer than the existing location and surface water from the paved area is directed away from the side property line. (G. O. 1-97-98; 5/19/97)
- N:** Minimum Dwelling Unit Separation: 10 feet
- O:** Maximum Height of Dwelling Unit: 35 feet
- P:** Maximum Height of Accessory Structure: 15 feet
- Q:** Minimum Number of Off-Street Parking Spaces Required on the Lot (Includes garage, drives, & all designated parking surfaces): 3 spaces per du
- R:** Minimum Dwelling Core Dimensions: 24 feet by 40 feet
- S:** Minimum Roof Pitch: 3 : 12
- T:** Minimum Eave Width: 18 inches
¹Standard type for conventional development or dwelling unit type permitted by right;
Italic type for cluster development or dwelling unit type requiring conditional use

c. **Residential Landscaping Requirements:** Not applicable for Single and Two-family.

d. **Residential Performance Standards:** (See Subchapter 15-7)

e. **Residential Signage Regulations:** (See Subchapter 15-8)

4. **Regulations Applicable to Nonresidential Uses**

a. **Nonresidential Density and Intensity Requirements:** (per Table 15.305)

Minimum Landscape Surface Ratio (LSR): .55

Minimum Lot Area (MLA): 4,500 square feet
Maximum Building Size (MBS): na

b. **Nonresidential Bulk Requirements:** (per Table 15.403)

- A:** Minimum Lot Area: 4,500 square feet
- B:** Minimum Lot Width: 60 feet
- Minimum Setbacks:**
- C:** Building to Front or Street Side Lot Line: 25 feet
- D:** Building to Residential Side Lot Line: 50 feet
- E:** Building to Residential Rear Lot Line: 25 feet
- F:** Building to Nonresidential Side Lot Line: 25 feet
- G:** Building to Nonresidential Rear Lot Line: 25 feet
- H:** Peripheral Setback: See 15.610(4)(b) along zoning boundary
- I:** Minimum Paved Surface Setback: 5 feet from side or rear; 10 feet from street
- J:** Minimum Building Separation: 50 feet
- K:** Maximum Number of Off-Street Parking Spaces Required on the Lot: See parking lot requirements per specific land use in Section 15.206

c. **Nonresidential Landscaping Requirements:**

- 1) 40 landscaping points per 100 linear feet of building foundation
- 2) 20 landscaping points per 1,000 square feet of gross floor area
- 3) 40 landscaping points per 100 linear feet of street frontage
- 4) 80 landscaping points per 10,000 square feet paved area/20 stalls

d. **Nonresidential Performance Standards:** (See Subchapter 15-7)

e. **Nonresidential Signage Regulations:** (See Subchapter 15-8)

(e) **Mixed Residential-8 (MR-8) District**

1. **Description and Purpose**

This district is intended to permit development which has a moderately high density community character which lies between suburban and urban. The land use standards for this district permit both single-family detached residential development and certain types of moderately high density single-family attached development permitted by right and moderately high density single-family attached development permitted as a conditional

use, as well as a variety of related institutional land uses. Density and intensity standards for this district are designed to ensure that the MR-8 District shall serve as a designation which preserves and protects the moderately high density residential community character of its area. A variety of residential development options are available in this district, with a Maximum Gross Density (MGD) of 8 dwelling units per gross acre.

Rationale: This district provides for the permanent protection of an area for those who want to live in a moderately high density residential environment and who retain enough land with their residence, or in their development, to ensure that the desired community character is maintained as long as the MR-8 District designation is retained, regardless of how much development occurs within that area. As such, this district is intended to provide the principal location for a wide range of single-family attached dwelling types, including twin houses, duplexes, and two flats.

2. **List of Allowable Land Uses** (per Subchapter 15-2)

a. **Land Uses Permitted by Right:** (per Section 15.202(2))

Single-Family – 6,000 sf lot (per Section 15.034)

Duplex – 6,000 sf lot (per Section 15.034)

Twin House – 3,000 sf lot (per Section 15.034)

Selective Cutting (per Section 15.206(2)(f))

Passive Outdoor Public Recreation (per Section 15.206(3)(a))

b. **Land Uses Permitted as Special Use:** (per Section 15.202(3))

Cultivation (per Section 15.206(2)(a))

Active Outdoor Public Recreation (per Section 15.206(3)(b))

Public Services and Utilities (per Section 15.206(3)(e))

Community Living Arrangement (1-8 residents) (per Section 15.206(3)(g))

Community Living Arrangement (9-15 residents) (per Section 15.206(3)(h))

c. **Land Uses Permitted as Conditional Use:** (per Section 15.202(4))

Single-Family – 4,500 sf lot in a cluster development (per Sections 15.034 and 15.206(1)(b))

Two-Flat – 6,000 sf per lot (per Section 15.034)

Mobile Home – 4,500 sf lot (per Sections 15.034 and 15.206(1)(d))

Clear Cutting (per Section 15.206(2)(g))

Indoor Institutional (per Section 15.206(3)(c))

Outdoor Institutional (per Section 15.206(3)(d))

Bed and Breakfast Establishments (per Section 15.206(4)(l))
Group Day Care Center (9+ children) (per Section
15.206(4)(m))
Off-Site Parking Lot (per Section 15.206(6)(a))

d. **Land Uses Permitted as Accessory Uses:** (per Section
15.202(5))

1) **Land Uses Permitted by Right:**

Farm Residence (per Section 15.206(8)(c))
Private Residential Garage or Shed (per Section
15.206(8)(d))
Lawn Care (per Section 15.206(8)(p))
On-Site Composting/Wood Piles <5 cubic yards (per
Section 15.206(8)(t))
Family Day Care Home (4-8 children) (per Section
15.206(8)(u))

2) **Land Uses Permitted as Special Use:**

On-Site Parking Lot (per Section 15.206(8)(b))
Private Residential Recreational Facility (per Section
15.206(8)(e))
Drainage Structure (per Section 15.206(8)(n))
Filling (per Section 15.206(8)(o))
On-Site Composting/Wood Piles 5 – 10 cubic yards
(per Section 15.206(8)(t))

3) **Land Uses Permitted as Conditional Use:**

Exterior Communication Devices (per Section
15.206(8))
Home Occupation (per Section 15.206(8)(s))
Intermediate Day Care Home (per Section 15.206(8)(v))

e. **Land Uses Permitted as Temporary Uses:** (per Section
17 15.202(6))

Contractor's Project Office (per Section 15.206(9)(a))
Contractor's On-Site Equipment Storage (per Section
15.206(9)(b))
On-Site Real Estate Sales Office (per Section 15.206(9)(d))
Outdoor Assembly (per Section 15.206(9)(g))
Remediation Structure (per Section 15.206(9)(h))

3. **Regulations applicable to Residential Uses**

a. **Residential Density and Intensity Requirements:** (per
Table 15.304)

1) **Conventional Single-family Development:**

Maximum Gross Density (MGD): 8.00 du/acre

Minimum Lot Area (MLA): 6,000 square feet
Minimum Site Area (MSA): 6,000 square feet

2) *Cluster Single-family Development*¹:

Maximum Gross Density (MGD): 8.00 du/acre
Minimum Lot Area (MLA): 4,500 square feet
Minimum Site Area (MSA): 20,000 square feet

3) *Two-Flat*¹:

Maximum Gross Density (MGD): 8.00 du/acre
Minimum Lot Area (MLA): 6,000 square feet
Minimum Site Area (MSA): 6,000 square feet

4) Duplex:

Maximum Gross Density (MGD): 8.00 du/acre
Minimum Lot Area (MLA): 6,000 square feet
Minimum Site Area (MSA): 6,000 square feet

5) Twin House:

Maximum Gross Density (MGD): 8.00 du/acre
Minimum Lot Area (MLA): 3,000 square feet
Minimum Site Area (MSA): 6,000 square feet

6) *Mobile Home Park*¹:

Maximum Gross Density (MGD): 8.00 du/acre
Minimum Lot Area (MLA): 4,500 square feet
Minimum Site Area (MSA): 5 acres

b. **Residential Bulk Requirements:** (per Table 15.402)

A: Minimum Lot Area: **Single-family, Two Flat**¹, and **Duplex:** 6,000 square feet; **Single-family**¹ and **Mobile Home**¹: 4,500 square ft; **Twin House:** 3,000 square ft

B: Minimum Lot Width: **Twin House**¹: 30 feet or 35 feet for a corner lot: **All Other Dwelling Unit Types:** 60 feet or 70 feet for a corner lot
Minimum Setbacks:

C: Building Coverage Ratio: 0.50

D: Reserved

E: Front or Street Side Lot Line to House: **Single-family, Single-family**¹, and **Mobile Home**¹: 25 feet, **Two Flat**¹, **Duplex**, and **Twin House:** 20 feet; add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet

- F:** Front or Street Side Lot Line to Attached Garage: **Single-Family, *Single-family*¹, and *Mobile Home*¹:** 25 feet, ***Two Flat*¹, Duplex, and Twin House:** 20 feet; add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
 - G:** Side Lot Line to House or Attached Garage: ***Twin House*¹:** 5 feet or 0 feet on zero lot line side; **All Other Dwelling Unit Types:** 5 feet
 - H:** Total of Both Sides, Lot Lines to House or Attached Garage: **Single-family, *Single-family*¹, and *Mobile Home*¹:** 10 feet or 30 feet for a corner lot; ***Two Flat*¹, Duplex, and Twin House:** 10 feet or 25 feet for a corner lot
 - I:** Rear Lot Line to House or Attached Garage: 20 feet
 - J:** Side Lot Line to Accessory Structure: 3 feet, 5 feet when abutting an alley
 - K:** Rear Lot Line to Accessory Structure: 3 feet, 5 feet when abutting an alley
 - L:** Peripheral Setback: See 15.610(4)(b) along zoning district boundary
 - M:** Minimum Paved Surface Setback: 3 feet from side or rear property line, except that an existing paved area nearer than 3 feet from a side lot line may be replaced provided that it is not nearer than the existing location and surface water from the paved area is directed away from the side property line. (G. O. 1-97-98; 5/19/97)
 - N:** Minimum Dwelling Unit Separation: ***Twin House*¹:** 10 feet or 0 feet on zero lot line side; **All Other Dwelling Unit Types:** 10 feet
 - O:** Maximum Height of Dwelling Unit: 35 feet
 - P:** Maximum Height of Accessory Structure: 15 feet
 - Q:** Minimum Number of Off-Street Parking Spaces Required on the Lot (Includes garage, drives, & all designated parking surfaces): 3 spaces per du, 2 spaces are required per mobile home unit
 - R:** Minimum Dwelling Core Dimensions: 24 feet by 40 feet
 - S:** Minimum Roof Pitch: 3 : 12
 - T:** Minimum Eave Width: 18 inches
- ¹Standard type for conventional development or dwelling unit type permitted by right;
Italic type for cluster development or dwelling unit type requiring conditional use

c. **Residential Landscaping Requirements:** Not applicable for Single and Two-family.

d. **Residential Performance Standards:** (See Subchapter 15-7)

e. **Residential Signage Regulations:** (See Subchapter 15-8)

4. **Regulations Applicable to Nonresidential Uses**

a. **Nonresidential density and Intensity Requirements:** (Table 15.305)

Minimum Landscape Surface Ratio (LSR): .40

Minimum Lot Area (MLA): 4,500 square feet

Maximum Building Size (MBS): na

b. Nonresidential Bulk Requirements: (per Table 15.403)

A: Minimum Lot Area: 4,500 square feet

B: Minimum Lot Width: 60 feet

Minimum Setbacks:

C: Building to Front or Street Side Lot Line: 20 feet

D: Building to Residential Side Lot Line: 50 feet

E: Building to Residential Rear Lot Line: 25 feet

F: Building to Nonresidential Side Lot Line: 25 feet

G: Building to Nonresidential Rear Lot Line: 25 feet

H: Peripheral Setback: See 15.610(4)(b) along zoning district boundary

I: Minimum Paved Surface Setback: 5 feet from side or rear; 10 feet from street

J: Minimum Building Separation: 50 feet

K: Maximum Building Height: 35 feet

L: Minimum Number of Off-Street Parking Spaces Required on the Lot: See parking lot requirements per specific land use in Section 15.206

c. **Nonresidential Landscaping Requirements:**

1) 45 landscaping points per 100 linear feet of building foundation

2) 20 landscaping points per 1,000 square feet of gross floor area

3) 45 landscaping points per 100 linear feet of street frontage

4) 90 landscaping points per 10,000 square feet paved area/20 stalls

d. **Nonresidential Performance Standards:** (See Subchapter 15-7)

e. **Nonresidential Signage Regulations:** (See Subchapter 15-8)

(f) **Urban Residential-12 (UR-12) District**

1. **Description and Purpose**

This district is intended to permit development which has a high density, urban community character. The land use standards for this district permit single-family attached development permitted by right, and multi-family development permitted as a conditional use, as well as a variety of related institutional land uses. Density and Intensity standards for this district are designed to ensure that the UR-12 District shall serve as a designation which preserves and protects the urban residential community character of its area. A variety of residential development options are available in this district, with a Maximum Gross Density (MGD) of 12 dwelling units per gross acre.

Rationale: This district provides for the permanent protection of an area for those who want to live in a high density residential environment and who retain enough land with their residence, or in their development, to ensure that the urban community character is maintained as long as the UR-12 District designation is retained, regardless of how much development occurs within that area. As such, it is intended to provide the principal location for multi-family development, including multiplexes and apartments.

2. **List of Allowable Land Uses** (per Subchapter 15-2)

a. **Land Uses Permitted by Right:** (per Section 15.202(2))

Single-Family – 6,000 sf lot (per Section 15.034)
Duplex – 6,000 sf lot (per Section 15.034)
Twin House – 3,000 sf lot (per Section 15.034)
Townhouse – 2,500 sf lot (per Section 15.034)
Selective Cutting (per Section 15.206(2)(f))
Passive Outdoor Public Recreation (per Section 15.202(3))

b. **Land Uses Permitted as Special Use:** (per Section 15.202(3))

Cultivation (per Section 15.206(2)(a))
Active Outdoor Public Recreation (per Section 15.206(3)(b))
Public Services and Utilities (per Section 15.206(3)(e))
Community Living Arrangement (1-8 residents) (per Section 15.206(3)(g))
Community Living Arrangement (9-15 residents) (per Section 15.206(3)(h))

c. **Land Uses Permitted as Conditional Use:** (per Section 15.202(4))

Single-Family – 4,500 sf lot in a cluster development (per Sections 15.034 and 15.206(1)(b))
Two-Flat – 6,000 sf lot (per Section 15.034)
Multiplex – 2,500 sf lot area per unit (per Section 15.034)
Apartment – 2,500 sf lot area per unit (per Section 15.034)
Institutional Residential (per Sections 15.034 and 15.206(3)(f))
Clear Cutting (per Section 15.206(2)(g))
Indoor Institutional (per Section 15.206(3)(c))
Outdoor Institutional (per Section 15.206(3)(d))
Community Living Arrangement (16+ residents) (per Section 15.206(3)(l))
Bed and Breakfast Establishments (per Section 15.206(4)(l))
Group Day Care Center (9+ children) (per Section 15.206(4)(m))
Rooming House (per Section 15.206(4)(o))
Off-site Parking Lot (per Section 15.206(6)(a))

d. **Land Uses Permitted as Accessory Uses** (per Section 15.202(5))

1) Land Uses Permitted by Right:

Farm Residence (per Section 15.206(8)(c))
Private Residential Garage or Shed (per Section 15.206(8)(d))
Lawn Care (per Section 15.206(8)(p))
On-Site Composting/Wood Piles < 5 cubic yards (per Section 15.206(8)(t))
Family Day Care Home (4-8 children) (per Section 15.206(8)(u))

2) Land Uses Permitted as Special Use:

On-Site Parking Lot (per Section 15.206(8)(b))
Private Residential Recreational Facility (per Section 15.206(8)(e))
Drainage Structure (per Section 15.206(8)(n))
Filling (per Section 15.206(8)(o))
On-site Composting/Wood Piles 5 – 10 cubic yards (per Section 15.206(8)(t))

3) Land Uses Permitted as Conditional Use:

Exterior Communication Devices (per Section 15.206(8))
Home Occupation (per Section 15.206(8)(s))
Intermediate Day Care Home (per Section 15.206(8)(v))

e. **Land Uses Permitted as Temporary Uses:** (per Section 15.202(6))

Contractor's Project Office (per Section 15.206(9)(a))
Contractor's On-Site Equipment Storage (per Section

15.206(9)(b))
On-Site Real Estate Sales Office (per Section 15.206(9)(d))
Outdoor Assembly (per Section 15.206(9)(g))
Remediation Structure (per Section 15.206(9)(h))

3. Regulations applicable to Residential Uses

a. **Residential Density and Intensity Requirements:** (per Table 15.304)

- 1) **Conventional Single-family Development:**

Maximum Gross Density (MGD): 12.00 du/acre
Minimum Lot Area (MLA): 6,000 square feet
Minimum Site Area (MSA): 6,000 square feet
- 2) ***Cluster Single-family Development¹:***

Maximum Gross Density (MGD): 12.00 du/acre
Minimum Lot Area (MLA): 4,500 square feet
Minimum Site Area (MSA): 20,000 square feet
- 3) ***Two-Flat¹:***

Maximum Gross Density (MGD): 12.00 du/acre
Minimum Lot Area (MLA): 6,000 square feet
Minimum Site Area (MSA): 6,000 square feet
- 4) **Duplex:**

Maximum Gross Density (MGD): 12.00 du/acre
Minimum Lot Area (MLA): 6,000 square feet
Minimum Site Area (MSA): 6,000 square feet
- 5) **Twin House:**

Maximum Gross Density (MGD): 12.00 du/acre
Minimum Lot Area (MLA): 3,000 square feet
Minimum Site Area (MSA): 6,000 square feet
- 6) **Maximum Gross Density (MGD): 12.00 du/acre
Minimum Lot Area (MLA): 2,500 square feet
Minimum Site Area (MSA): 4,500 square feet**
- 7) ***Multiplex¹:***

Maximum Gross Density (MGD): 12.00 du/acre
Minimum Lot Area (MLA): 2,500 square feet
Minimum Site Area (MSA): 4,500 square feet
- 8) ***Apartment¹:***

Maximum Gross Density (MGD): For new structure: 12.00 du/acre for 2 or more bedroom units; 13.00 du/acre for one bedroom units; 14.00 du/acre for efficiencies; for converted structures: 22.00 du/acre (2,000 sf per unit); and for structures in the Central Residential Area (CRA)**: 40.00 du/acre
 Minimum Lot Area (MLA): 2,500 square feet, 1,000 square feet in CRA
 Minimum Site Area (MSA): 4,500 square feet

9) *Institutional Residential*¹:

Maximum Gross Density (MGD): Up to 40.00 du/acre
 Minimum Lot Area (MLA): 4,500 square feet
 Minimum Site Area (MSA): 45,00 square feet

**Central Residential Area is bounded by Erie Avenue to the north, 13th Street to the west, 5th Street to the east, and the Sheboygan River to the south

b. **Residential Bulk Requirements:** (per Table 15.402)

- A:** Minimum Lot Area: **Single-family, Duplex, and Two Flat**¹: 6,000 square feet; **Single-family**¹ and **Institutional Recreational**¹: 4,500 square feet; **Twin House**: 3,000 square feet; **Townhouse, Multiplex**¹, and **Apartment**¹: 2,500 square feet
- B:** Minimum Lot Width: **Twin House**: 30 feet or 35 feet for a corner lot; **Townhouse**: 16 feet or 36 feet for a corner lot; **All Other Dwelling Unit Types**: 60 feet or 70 feet for a corner lot
Minimum Setbacks:
- C:** Building Coverage Ratio: 0.50
- D:** Reserved
- E:** Front or Street Side Lot Line to House: **Single-family** and **Single-family**¹: 25 feet; **Two Flat**¹, **Duplex, Twin House, Townhouse, Multiplex**¹, and **Apartment**¹: 20 feet; and **Institutional Residential**¹: 30 feet; add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
- F:** Front or Street Side Lot Line to Attached Garage: **Single-family** and **Single-family**¹: 25 feet; **Two Flat**¹, **Duplex, Twin House, Townhouse, Multiplex**¹, and **Apartment**¹: 20 feet; and **Institutional Residential**¹: 30 feet; add 10 more

- feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
- G:** Side Lot Line to House or Attached Garage: **Twin House:** 5 feet or 0 feet on zero lot line side; **Townhouse:** 10 feet or 0 feet on zero lot line side; **Multiplex¹; Apartment¹, and Institutional Residential¹:** 10 feet; and **All Other Dwelling Unit Types:** 5 feet
- H:** Total of Both Sides, Lot Lines to House or Attached Garage: **Single-family** and **Single-family¹:** 10 feet or 30 feet for a corner lot; **Two Flat¹, Duplex,** and **Twin House:** 10 feet or 25 feet for a corner lot; **Townhouse:** 10 feet or 20 feet for corner lot; **Multiplex¹ and Apartment¹:** 20 feet or 30 feet for a corner lot; and **Institutional Residential¹:** 20 feet or 40 feet for a corner lot
- I:** Rear Lot Line to House or Attached Garage: **Single-family, Single-family¹, Two Flat¹, Duplex,** and **Twin House:** 20 feet; **Townhouse, Multiplex¹, Apartment¹, and Institutional Recresidential¹:** 25 feet
- J:** Side Lot Line to Accessory Structure: 3 feet, 5 feet when abutting an alley
- K:** Rear Lot Line to Accessory Structure: 35 feet when abutting an alley
- L:** Peripheral Setback: See 15.610(4)(b) along zoning district boundary
- M:** Minimum Paved Surface Setback: 3 feet from side or rear property line, except that an existing paved area nearer than 3 feet from a side lot line may be replaced provided that it is not nearer than the existing location and surface water from the paved area is directed away from the side property line (G. O. 1-97-98; 5/19/97)
- N:** Minimum Dwelling Unit Separation: **Single-family, Single-family¹, Two Flat¹,** and **Duplex:** 10 feet; **Twin House:** 10 feet or 0 feet on zero lot line side; **Townhouse:** 20 feet or 0 feet on zero lot line side; **Multiplex¹, Apartment¹ and Institutional Residential¹:** 20 feet
- O:** Maximum Height of Dwelling Unit: 35 feet (**Apartment¹ and Institutional Residential¹** in excess of 35 feet permitted with a conditional use permit)
- P:** Maximum Height of Accessory Structure: 15 feet
- Q:** Minimum Number of Off-Street Parking Spaces Required on the Lot (Includes garage, drives, & all designated parking surfaces): 3 spaces per du, except that in multi-family development 2 spaces are required for each unit with 2 or more bedrooms, 1 ½ spaces for each unit with one bedroom or less

- R:** Minimum Dwelling Core Dimensions: 24 feet by 40 feet
- S:** Minimum Roof Pitch: 3 : 12
- T:** Minimum Eave Width: 18 inches
¹Standard type for conventional development or dwelling unit type permitted by right;
Italic type for cluster development or dwelling unit type requiring conditional use

- c. **Residential Landscaping Requirements:** Not applicable for Single and Two-family. See Nonresidential Landscaping Requirements for Multi-family Residential.
- d. **Residential Performance Standards:** (See Subchapter 15-7)
- e. **Residential Signage Regulations:** (See Subchapter 15-8)

4. Regulations Applicable to Nonresidential Uses

- a. **Nonresidential Density and Intensity Requirements:**
(per Table 15.305)

Minimum Landscape Surface Ratio (LSR): .250
Minimum Lot Area (MLA): 4,500 square feet
Maximum Building Size (MBS): 60 feet

- b. **Nonresidential Bulk Requirements:** (per Table 15.403)

- A:** Minimum Lot Area: 4,500 square feet
- B:** Minimum Lot Width: 60 feet
- Minimum Setbacks:**
- C:** Building to Front or Street Side Lot Line: 20 feet
- D:** Building to Residential Side Lot Line: 50 feet
- E:** Building to Residential Rear Lot Line: 25 feet
- F:** Building to Nonresidential Side Lot Line: 25 feet
- G:** Building to Nonresidential Rear Lot Line: 25 feet
- H:** Peripheral Setback: See 15.610(4)(b) along zoning district boundary
- I:** Minimum Paved Surface Setback: 5 feet from side or rear; 10 feet from street
- J:** Minimum Building Separation: 50 feet
- K:** Maximum Building Height: 35 feet
- L:** Minimum Number of Off-Street Parking Spaces Required on the Lot: See parking lot requirements per specific land use in Section 15.206

- c. **Nonresidential Landscaping Requirements (Nonresidential and Multi-family):**

- 1) 50 landscaping points per 100 linear feet of building foundation
- 2) 20 landscaping points per 1,000 square feet of gross floor area
- 3) 50 landscaping points per 100 linear feet of street frontage
- 4) 100 landscaping points per 10,000 square feet paved area/20stalls

d. **Nonresidential Performance Standards:** (See Subchapter 15-7)

f. **Nonresidential Signage Regulations:** (See Subchapter 15-8)

(3) Nonresidential Districts

(a) Neighborhood Office (NO) District

1. Description and Purpose

This district is intended to permit high-quality office and institutional land uses at an intensity compatible with the estate community character of older portions of the City predominately developed with large homes which are desirable to maintain, and where traffic volumes and adjacent land uses dictate the transition of these areas to certain nonresidential uses. In certain instances attached and multi-family house may be allowed. A relatively low Maximum Floor Area Ratio (FAR) and significant areas of landscaping are required in this district to ensure that this effect is achieved. In order to ensure a minimum of disruption to adjacent residential development, no non-residential development within this district shall take direct access to a local residential street or a residential collector street.

Rationale: This district provides for the permanent protection of an area which preserves the original estate residential appearance, yet permits office and institutional land uses, and which ensures that the estate community character is maintained as long as the NO District designation is retained, regardless of how much development occurs within that area.

2. List of Allowable Land Uses (per Subchapter 15-2)

a. **Land Uses Permitted by Right:** (per Section 15.202(2))

- Single-Family – 6,000 sf lot (per Section 15.034)
- Selective Cutting (per Section 15.206(2)(f))
- Passive Outdoor Public Recreation (per Section 15.206(3)(a))
- Office (per Section 15.206(4)(a))

Personal or Professional Services (per Section 15.206(4)(b))

b. **Land Uses Permitted as Special Use:** (per Section 15.202(3))

Cultivation (per Section 15.206(2)(a))

Active Outdoor Public Recreation (per Section 15.206(3)(b))

Indoor Institutional (per Section 15.206(3)(c))

Public Services and Utilities (per Section 15.206(3)(e))

c. **Land Uses Permitted as Conditional Use:** (per Section 15.202(4))

Single-Family – 4,500 sf lot in a cluster development (per Sections 15.034 and 15.206(1)(b))

Two-Flat – 6,000 sf lot (per Section 15.034)

Multiplex – 2,500 sf lot area per unit (per Section 15.034)

Apartment – 2,500 sf lot area per unit (per Section 15.034)

Institutional Residential (per Sections 15.034 and 15.206(3)(f))

Clear Cutting (per Section 15.206(2)(g))

Outdoor Institutional (per Section 15.206(3)(d))

Community Living Arrangement (9-15 residents) (per Section 15.206(3)(h))

Community Living Arrangements (16+ residents) (per Section 15.206(3)(l))

Indoor Sales or Service (per Section 15.206(4)(c))

In-Vehicle Sales or Service (per Section 15.206(4)(g))

Indoor Commercial Entertainment (per Section 15.206(4)(h))

Commercial Indoor Lodging (per Section 15.206(4)(k))

Bed and Breakfast Establishments (per Section 15.206(4)(l))

Group Day Care Center (9+ children) (per Section 15.206(4)(m))

Rooming House (per Section 15.206(4)(o))

Off-Site Parking Lot (per Section 15.206(6)(a))

d. **Land Uses Permitted as Accessory Uses:** (per Section 15.202(5))

1) Land Uses Permitted by Right:

Farm Residence (per Section 15.206(8)(c))

Private Residential Garage or Shed (per Section 15.206(8)(d))

Company Cafeteria (per Section 15.206(8)(h))

Lawn Care (per Section 15.206(8)(p))

On-Site Composting/Wood Piles <5 cubic yards (per Section 15.206(8)(t))

2) Land Uses Permitted as Special Use:

On-Site Parking Lot (per Section 15.206(8)(b))

Company Provided On-Site Recreation without

lighting (per Section 15.206(8)(l))
Drainage Structure (per Section 15.206(8)(n))
Filling (per Section 15.206(8)(o))
Exterior Communication Devices (per Section 15.206(8))
Home Occupation (per Section 15.206(8)(s))
On-site Composting/Wood Piles 5 – 10 cubic yards (per Section 15.206(8)(t))

3) Land Uses Permitted as Conditional Use:

Company Provided On-Site Recreation with lighting (per Section 15.206(8)(l))
In-vehicle Sales or Service (per Section 15.206(1)(k))
Exterior Communication Devices not meeting Special Use Requirements (per Section 15.206(8))

e. **Land Uses Permitted as Temporary Uses:** (per Section 15.202(6))

Contractor's Project Office (per Section 15.206(9)(a))
Contractor's On-Site Equipment Storage (per Section 15.206(9)(b))
Relocatable Building (per Section 15.206(9)(c))
On-Site Real Estate Sales Office (per Section 15.206(9)(d))
Outdoor Assembly (per Section 15.206(9)(g))
Remediation Structure (per Section 15.206(9)(h))

3. **Regulations Applicable to Residential Uses**

a. **Residential Density and Intensity Requirements:** (per Table 15.304)

1) Conventional Single-family Development:

Maximum Gross Density (MGD): 6.00 du/acre
Minimum Lot Area (MLA): 6,000 square feet
Minimum Site Area (MSA): 6,000 square feet

2) *Cluster Single-family Development*¹:

Maximum Gross Density (MGD): 6.00 du/acre
Minimum Lot Area (MLA): 4,500 square feet
Minimum Site Area (MSA): 20,000 square feet

3) *Two-Flat*¹:

Maximum Gross Density (MGD): 6.00 du/acre
Minimum Lot Area (MLA): 6,000 square feet
Minimum Site Area (MSA): 6,000 square feet

4) *Multiplex*¹:

Maximum Gross Density (MGD): 12.00 du/acre
Minimum Lot Area (MLA): 2,500 square feet
Minimum Site Area (MSA): 4,500 square feet

5) *Apartment*¹:

Maximum Gross Density (MGD): For converted structures only: 22.00 du/acre (2,000 sf per unit)
Minimum Lot Area (MLA): 2,500 square feet
Minimum Site Area (MSA): 4,500 square feet

6) *Institutional Residential*¹:

Maximum Gross Density (MGD): Up to 40.00 du/acre
Minimum Lot Area (MLA): 4,500 square feet
Minimum Site Area (MSA): 4,500 square feet

b. **Residential Bulk Requirements:** (per Table 15.402)

A: Minimum Lot Area: **Single-family** and **Two Flat**¹: 6,000 square feet; **Single-family**¹ and **Institutional Residential**¹: 4,500 sq ft; **Multiplex**¹ and **Apartment**¹: 2,500 sq ft

B: Minimum Lot Width: 60 feet or 70 feet for a corner lot

Minimum Setbacks:

C: Building Coverage Ratio: 0.50

D: Reserved

E: Front or Street Side Lot Line to House: **Single-family** and **Single-family**¹: 25 feet; **Two Flat**¹, **Multiplex**¹ and **Apartment**¹: 20 feet; and **Institutional Residential**¹: 30 feet; add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet

F: Front or Street Side Lot Line to Attached Garage: **Single-family** and **Single-family**¹: 25 feet; **Two Flat**¹, **Multiplex**¹, and **Apartment**¹: 20 feet; and **Institutional Residential**¹: 30 feet; add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet

G: Side Lot Line to House or Attached Garage: **Multiplex**¹, **Apartment**¹, and **Institutional Residential**¹: 10 feet; and **All Other Dwelling Unit Types**: 5 feet

H: Total of Both Sides, Lot Lines to House or Attached Garage: **Single-family** and **Single-family**¹: 10 feet or 30 feet for a corner lot; **Two Flat**¹: 10 feet or

25 feet for a corner lot; **Multiplex**¹ and **Apartment**¹: 20 feet or 30 feet for a corner lot; and **Institutional Residential**¹: 20 feet or 40 feet for a corner lot

- I: Rear Lot Line to House or Attached Garage: **Single-family**, **Single-family**¹, and **Two Flat**¹: 20 feet; **Multiplex**¹, **Apartment**¹ and **Institutional Residential**¹: 25 feet
 - J: Side Lot Line to Accessory Structure: 3 feet, 5 feet when abutting an alley
 - K: Rear Lot Line to Accessory Structure: 3 feet, 5 feet when abutting an alley
 - L: Peripheral Setback: See 15.610(4)(b) along zoning district boundary
 - M: Minimum Paved Surface Setback: 3 feet from side or rear
 - N: Minimum Dwelling Unit Separation: **Single-family**, **Single-family**¹, and **Two Flat**¹: 10 feet; **Multiplex**¹, **Apartment**¹ and **Institutional Residential**¹: 20 feet
 - O: Maximum Height of Dwelling Unit: 35 feet (**Multiplex**¹, **Apartment**¹ and **Institutional Residential**¹ in excess of 35 ft permitted with a conditional use permit)
 - P: Maximum Height of Accessory Structure: 15 feet
 - Q: Minimum Number of Off-Street Parking Spaces Required on the Lot (Includes garage, drives, & all designated parking surfaces): 3 spaces per du, except that in multi-family development 2 spaces are required for each unit with 2 or more bedrooms, 1 ½ spaces for each unit with one bedroom or less.
 - R: Minimum Dwelling Core Dimensions: 24 feet by 40 feet
 - S: Minimum Roof Pitch: 3 : 12
 - T: Minimum Eave Width: 18 inches
- ¹Standard type for conventional development or dwelling unit type permitted by right
Italic type for cluster development or dwelling unit type requiring conditional use

c. **Residential Landscaping Requirements:** Not applicable for Single and Two-family. See Nonresidential Landscaping Requirements for Multi-family Residential.

d. **Residential Performance Standards:** (See Subchapter 15-7)

e. **Residential Signage Regulations:** (See Subchapter 15-8)

4. **Regulations Applicable to Nonresidential Uses**

a. **Nonresidential Density and Intensity Requirements:**
(per Table 15.305)

Minimum Landscape Surface Ratio (LSR): .25
Minimum Lot Area (MLA): 4,500 square feet
Maximum Building Size (MBS): 5,000 square feet

b. **Nonresidential Bulk Requirements:** (per Table 15.403)

- A:** Minimum Lot Area: 4,500 square feet
- B:** Minimum Lot Width: 30 feet
- Minimum Setbacks:**
- C:** Building to Front or Street Side Lot Line: 20 feet
- D:** Building to Residential Side Lot Line: 8 feet
- E:** Building to Residential Rear Lot Line: 25 feet
- F:** Building to Nonresidential Side Lot Line: 8 feet
- G:** Building to Nonresidential Rear Lot Line: 25 feet
- H:** Peripheral Setback: See 15.610(4)(b) along zoning district boundary
- I:** Minimum Paved Surface Setback: 5 feet from side or rear; 5 feet from street
- J:** Minimum Building Separation: 16 feet
- K:** Maximum Building Height: 35 feet
- L:** Minimum Number of Off-Street Parking Spaces Required on the Lot: See parking lot requirements per specific land use in Section 15.206

c. **Nonresidential Landscaping Requirements (Nonresidential and Multi-family):**

- 1) 45 landscaping points per 100 linear feet of building foundation
- 2) 20 landscaping points per 1,000 square feet of gross floor area
- 3) 45 landscaping points per 100 linear feet of street frontage
- 4) 95 landscaping point per 10,000 square feet paved area/20 stalls

d. **Nonresidential Performance Standards:** (See Subchapter 15-7)

e. **Nonresidential Signage Regulations:** (See Subchapter 15-8)

(b) **Suburban Office (SO) District**

1. **Description and Purpose**

This district is intended to permit high-quality office and institutional uses at an intensity compatible with the suburban

community character of portions of the City. A relatively low Maximum Floor Area Ratio (FAR) and significant areas of landscaping are required in this district to ensure that this effect is achieved. In order to ensure a minimum of disruption to residential development, no non-residential development within this district shall take direct access to a local residential street or a residential collector street.

Rationale: This district provides for the permanent protection of an area for those who desire a high quality office environment which maintains the attractiveness of the site and retains enough open land in their development to ensure that the suburban character is maintained as long as the SO District designation is retained, regardless of how much development occurs within that area.

2. **List of Allowable Land Uses** (per Subchapter 15-2)

a. **Land Uses Permitted by Right:** (per Section 15.202(2))

Selective Cutting (per Section 15.206(2)(f))

Passive Outdoor Public Recreation (per Section 15.206(3)(a))

Office (per Section 15.206(4)(a))

Personal or Professional Services (per Section 15.206(4)(b))

b. **Land Uses Permitted as Special Use:** (per Section 15.202(3))

Cultivation (per section 15.206(2)(a))

Active Outdoor Public Recreation (per Section 15.206(3)(b))

Indoor Institutional (per section 15.206(3)(c))

Public Services and Utilities (per Section 15.206(3)(e))

c. **Land Uses Permitted as Conditional Uses:** (per Section 15.202(4))

Institutional Residential (per Sections 15.206(3)(f) and 15.034)

Clear Cutting (per Section 15.206(2)(g))

Outdoor Institutional (per Section 15.206(3)(d))

Community Living Arrangement (9-15 residents) (per Section 15.206(3)(h))

Community Living Arrangement (16+ residents) (per Section 15.206(e)(l))

Indoor Sales or Service (per Section 15.206(4)(c))

In-Vehicle Sales or Service (per Section 15.206(4)(g))

Indoor Commercial Entertainment (per Section 15.206(4)(h))

Commercial Indoor Lodging (per Section 15.206(4)(k))

Group Day Care Center (9+ children) (per Section 15.206(4)(m))

Airport/Heliport (per Section 15.206(6)(b))

Off-Site Parking Lot (per Section 15.206(6)(a))

d. **Land Uses Permitted as Accessory Uses:** (per Section 15.202(5))

1) Land Uses Permitted by Right:

Farm Residence (per section 15.206(8)(c))

Private Residential Garage or Shed (per Section 15.206(8)(d))

Company Cafeteria (per Section 15.206(8)(h))

Lawn Care (per Section 15.206(8)(h))

On-Site Composting/Wood Piles <5 cubic yards (per Section 15.206(8)(t))

2) Land Uses Permitted as Special Use:

On-Site Parking Lot (per Section 15.206(8)(b))

Company Provided On-Site Recreation without lighting (per Section 15.206(8)(l))

Drainage Structure (per Section 15.206(8)(n))

Filling (per Section 15.206(8)(o))

Exterior Communication Devices (per Section 15.206(8))

Home Occupation (per Section 15.206(8)(s))

On-Site Composting/Wood Piles 5 – 10 cubic yards (per Section 15.206(8)(t))

3) Land Uses Permitted as Conditional Use:

Company Provided On-Site Recreation with lighting (per Section 15.206(8)(l))

In-Vehicle Sales or Service (per Section 15.206(8)(k))

Exterior Communication Devices not meeting Special Use Requirements (per Section 15.206(8))

e. **Land Uses Permitted as Temporary Uses:** (per Section 15.202(6))

Contractor's Project Office (per Section 15.206(9)(a))

Contractor's On-Site Equipment Storage (per Section 15.206(9)(b))

Relocatable Building (per Section 15.206(9)(c))

On-Site Real Estate Sales Office (per Section 15.206(9)(d))

Outdoor Assembly (per Section 15.206(9)(g))

Remediation Structure (per Section 15.206(9)(h))

3. **Regulations Applicable to Residential Uses**

a. **Residential Density and Intensity Requirements:** (per Table 15.304)

1) *Institutional Residential*¹:

Maximum Gross Density (MGD): up to 40.00
Minimum Lot Area (MLA): 1 acre
Minimum Site Area (MSA): 1 acre

b. **Residential Bulk Requirements:** (per Table 15.402)

- A:** Minimum Lot Area: 1 acre
 - B:** Minimum Lot Width: 60 feet or 70 feet for a corner lot
 - Minimum Setbacks:**
 - C:** Building Coverage Ratio: 0.50
 - D:** Reserved
 - E:** Front or Street Side Lot Line to House: 30 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
 - F:** Front or Street Side Lot Line to Attached Garage: 30 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
 - G:** Side Lot Line to House or Attached Garage: 10 feet
 - H:** Total of Both Sides, Lot Lines to House/Attached Garage: 20 feet or 40 ft for corner
 - I:** Rear Lot Line to House or Attached Garage: 25 feet
 - J:** Side Lot Line to Accessory Structure: 3 feet, 5 feet when abutting an alley
 - K:** Rear Lot Line to Accessory Structure: 3 feet, 5 feet when abutting an alley
 - L:** Peripheral Setback: See 15.610(4)(b) along zoning district boundary
 - M:** Minimum Paved Surface Setback: 3 feet from side or rear
 - N:** Minimum Dwelling Unit Separation: 20 feet
 - O:** Maximum Height of Dwelling Unit: 35 feet (Can exceed 35 feet w/conditional use)
 - P:** Maximum Height of Accessory structure: 15 feet
 - Q:** Minimum Number of Off-Street Parking Spaces Required on the Lot (Includes garage, drives, & all designated parking surfaces: 3 spaces per institutional residential)
 - R:** Minimum Dwelling Core Dimensions: 24 feet by 40 feet
 - S:** Minimum Roof Pitch: 3 : 12
 - T:** Minimum Eave Width: 18 inches
- ¹Standard type for conventional development or dwelling unit type permitted by right;
Italic type for cluster development or dwelling unit type requiring conditional use

- c. **Residential Landscaping Requirements:** Not applicable for Single and Two-family. See Nonresidential Landscaping Requirements for Multi-family Residential.
- d. **Residential Performance Standards:** (See Subchapter 15-7)
- e. **Residential Signage Regulations:** (See Subchapter 15-8)

4. **Regulations Applicable to Nonresidential Uses**

- a. **Nonresidential Density and Intensity Requirements:**
(per Table 15.305)

Minimum Landscape Surface Ratio (LSR): .25
 Minimum Lot Area (MLA): 1 acre (Reduction in lot area from 1 acre to 4,500 square feet is permitted as a conditional use)
 Maximum Building Size (MBS): na

- b. **Nonresidential Bulk Requirements:** (per Table 15.403)

- A:** Minimum Lot Area: 1 acre (4,500 square feet with a conditional use)
- B:** Minimum Lot Width: 100 feet
- Minimum Setbacks:**
- C:** Building to Front or Street Side Lot Line: 25 feet
- D:** Building to Residential Side Lot Line: 25 feet
- E:** Building to Residential Rear Lot Line: 25 feet
- F:** Building to Nonresidential Side Lot Line: 10 feet or 0 feet on zero lot line side
- G:** Building to Nonresidential Rear Lot Line: 10 feet
- H:** Peripheral Setback: See 15.610(4)(b) along zoning district boundary
- I:** Minimum Paved Surface Setback: 5 feet from side or rear; 10 feet from street
- J:** Minimum Building Separation: 20 feet or 0 feet on zero lot line side
- K:** Maximum Building Height: 35 feet (Can exceed 35 feet w/conditional use permit)
- L:** Minimum Number of Off-Street Parking Spaces Required on the Lot: See parking lot requirements per specific land use in Section 15.206

- c. **Nonresidential Landscaping Requirements (Nonresidential and Multi-family):**

- 1) 40 landscaping points per 100 linear feet of building foundation

- 2) 15 landscaping points per 1,000 square feet of gross floor area
- 3) 40 landscaping points per 100 linear feet of street frontage
- 4) 80 landscaping points per 10,000 square feet paved area/20 stalls

d. **Nonresidential Performance Standards:** (See Subchapter 15-7)

e. **Nonresidential Signage Regulations:** (See Subchapter 15-8)

(c) **Neighborhood Commercial (NC) District**

1. **Description and Purpose**

This district is intended to permit small scale commercial development which is compatible with the desired overall suburban community character of the area in general, and with adequate residential development in particular. This is accomplished with relatively low maximum Floor Area Ratios (FARs). Significant areas of landscaping are required in this district to ensure that this effect is achieved. In order to ensure a minimum of disruption to residential development, no non-residential development within this district shall take direct access to a local residential street or a residential collector street.

Rationale: This district provides for both convenience oriented goods and services and for the permanent protection of adjacent residential areas by permitted only a limited range of commercial activities. The desired suburban community character of the development is attained through the Floor Area Ratio (FAR) and Landscape Surface Area Ratio (LSR) requirements, and by restricting the Maximum Building Size (MBS) of all buildings within each instance of this District to 12,000 square feet. Together, these requirements ensure that the desired suburban community character is maintained as long as the NC District designation is retained, regardless of how much development occurs within that area.

2. **List of Allowable Land Uses** (per Subchapter 15-2)

a. **Land Uses Permitted by Right:** (per Section 15.202(2))

- Single-Family – 6,000 sf lot (per Section 15.034)
- Selective Cutting (per Section 15.206(2)(f))
- Passive Outdoor Public Recreation (per Section 15.206(3)(a))
- Office (per Section 15.206(4)(a))
- Personal or Professional Services (per Section 15.206(4)(b))

Indoor Sales or Service (per Section 15.206(4)(c))
Indoor Maintenance Service (per Section 15.206(4)(e))

b. **Land Uses Permitted as Special Use:** (per Section 15.202(3))

Cultivation (per section 15.206(2)(a))
Active Outdoor Public Recreation (per Section 15.206(3)(b))
Indoor Institutional (per section 15.206(3)(c))
Public Services and Utilities (per Section 15.206(3)(e))

c. **Land Uses Permitted as Conditional Uses:** (per Section 15.202(4))

Single-Family – 4,500 sf lot in a cluster development (per Section 15.034 and 15.206(1)(b))
Two-Flat – 6,000 sf lot (per Section 15.034)
Multiplex – 2,500 sf lot area per unit (per Section 15.034)
Apartment – 2,500 sf per unit (per Section 15.034)
Institutional Residential (per Sections 15.206(3)(f) and 15.034)
Pet Shops (per Section 206(4)(q)) (G. O. 84-96-97; 11/18/96)
Clear Cutting (per Section 15.206(2)(g))
Outdoor Institutional (per Section 15.206(3)(d))
In-Vehicle Sales or Service (per Section 15.206(4)(g))
Indoor Commercial Entertainment (per Section 15.206(4)(h))
Bed and Breakfast Establishments (per Section (15.206(4)(l))
Group Day Care Center (9+ children) (per Section 15.206(4)(m))
Off-Site Parking Lot (per Section 15.206(6)(a))

d. **Land Uses Permitted as Accessory Uses:** (per Section 15.202(5))

1) Land Uses Permitted by Right:

Farm Residence (per section 15.206(8)(c))
Private Residential Garage or Shed (per Section 15.206(8)(d))
Lawn Care (per Section 15.206(8)(h))
On-Site Composting/Wood Piles <5 cubic yards (per Section 15.206(8)(t))

2) Land Uses Permitted as Special Use:

On-Site Parking Lot (per Section 15.206(8)(b))
Drainage Structure (per Section 15.206(8)(n))
Filling (per Section 15.206(8)(o))
Exterior Communication Devices (per Section 15.206(8))
Home Occupation (per Section 15.206(8)(s))
On-Site Composting/Wood Piles 5 – 10 cubic yards (per Section 15.206(8)(t))

3) Land Uses Permitted as Conditional Use:

Commercial Apartment (per Section 15.206(8)(a))
In-Vehicle Sales or Service (per Section 15.206(8)(k))
Light Industrial Incidental to Indoor Sales (per Section 15.206(8)(m))
Exterior Communication Devices not meeting
Special Use Requirements (per Section 15.206(8))

e. **Land Uses Permitted as Temporary Uses:** (per Section 15.202(6))

Contractor's Project Office (per Section 15.206(9)(a))
Contractor's On-Site Equipment Storage (per Section 15.206(9)(b))
Relocatable Building (per Section 15.206(9)(c))
On-Site Real Estate Sales Office (per Section 15.206(9)(d))
General Temporary Outdoor Sales (per Section 15.206(9)(e))
Outdoor Sales of Farm Products (per Section 15.206(9)(f))
Outdoor Assembly (per Section 15.206(9)(g))
Remediation Structure (per Section 15.206(9)(h))

3. **Regulations Applicable to Residential Uses**

a. **Residential Density and Intensity Requirements:** (per Table 15.304)

1) Conventional Single-family Development:

Maximum Gross Density (MGD): 6.00 du/acre
Minimum Lot Area (MLA): 6,000 square feet
Minimum Site Area (MSA): 6,000 square feet

2) *Cluster Single-family Development*¹:

Maximum Gross Density (MGD): 6.00 du/acre
Minimum Lot Area (MLA): 4,500 square feet
Minimum Site Area (MSA): 20,000 square feet

3) *Two-Flat*¹:

Maximum Gross Density (MGD): 6.00 du/acre
Minimum Lot Area (MLA): 6,000 square feet
Minimum Site Area (MSA): 6,000 square feet

4) *Multiplex*¹:

Maximum Gross Density (MGD): 12.00 du/acre
Minimum Lot Area (MLA): 2,500 square feet
Minimum Site Area (MSA): 4,500 square feet

5) *Apartment*¹:

Maximum Gross Density (MGD): For converted structures only: 22.00 du/acre (2,000 sf per unit)

Minimum Lot Area (MLA): 2,500 square feet

Minimum Site Area (MSA): 4,500 square feet

6) *Institutional Residential*¹:

Maximum Gross Density (MGD): Up to 40.00 du/acre

Minimum Lot Area (MLA): 4,500 square feet

Minimum Site Area (MSA): 4,500 square feet

b. **Residential Bulk Requirements:** (per Table 15.402)

A: Minimum Lot Area: **Single-family** and **Two Flat**¹: 6,000 square feet; **Single-family**¹ and **Institutional Residential**¹: 4,500 sq ft; **Multiplex**¹ and **Apartment**¹: 2,500 sq ft

B: Minimum Lot Width: 60 feet or 70 feet for a corner lot

Minimum Setbacks:

C: Building Coverage Ratio: 0.50

D: Reserved

E: Front or Street Side Lot Line to House: **Single-family** and **Single-family**¹: 25 feet; **Two Flat**¹, **Multiplex**¹, and **Apartment**¹: 20 feet; and **Institutional Residential**¹: 30 feet; add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet

F: Front or Street Side Lot Line to Attached Garage: **Single-family** and **Single-family**¹: 25 feet; **Two Flat**¹, **Multiplex**¹, and **Apartment**¹: 20 feet; and **Institutional Residential**¹: 30 feet; add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet

G: Side Lot Line to House or Attached Garage: **Multiplex**¹, **Apartment**¹ and **Institutional Residential**¹: 10 feet; and **All Other Dwelling Unit Types**: 5 feet

H: Total of Both Sides, Lot Lines to House/Attached Garage: **Single-family** and **Single-family**¹: 10 feet or 30 feet for a corner lot; **Two Flat**¹: 10 feet or 25 feet for a corner lot; **Multiplex**¹ and **Apartment**¹: 20 feet or 30 feet for a corner lot; and **Institutional Residential**¹: 20 feet or 40 feet for a corner lot

- I:** Rear Lot Line to House or Attached Garage: **Single-family**, **Single-family**¹, and **Two Flat**¹: 20 feet; **Multiplex**¹, **Apartment**¹ and **Institutional Residential**¹: 25 feet
- J:** Side Lot Line to Accessory Structure: 3 feet, 5 feet when abutting an alley
- K:** Rear Lot Line to Accessory Structure: 3 feet, 5 feet when abutting an alley
- L:** Peripheral Setback: See 15.610(4)(b) along zoning district boundary
- M:** Minimum Paved Surface Setback: 3 feet from side or rear
- N:** Minimum Dwelling Unit Separation: **Single-family**, **Single-family**¹, and **Two Flat**¹: 10 feet; **Multiplex**¹, **Apartment**¹ and **Institutional Residential**¹: 20 feet
- O:** Maximum Height of Dwelling Unit: 35 feet (**Multiplex**¹, **Apartment**¹ and **Institutional Residential**¹ in excess of 35 ft permitted with a conditional use permit)
- P:** Maximum Height of Accessory structure: 15 feet
- Q:** Minimum Number of Off-Street Parking Spaces Required on the Lot (Includes garage, drives, & all designated parking surfaces: 3 spaces per du, except that in multi-family development 2 spaces are required for each unit with 2 or more bedrooms, 1 ½ spaces for each unit with one bedroom or less
- R:** Minimum Dwelling Core Dimensions: 24 feet by 40 feet
- S:** Minimum Roof Pitch: 3 : 12
- T:** Minimum Eave Width: 18 inches
¹Standard type for conventional development or dwelling unit type permitted by right;
Italic type for cluster development or dwelling unit type requiring conditional use

c. **Residential Landscaping Requirements:** Not applicable for Single and Two-family. See Nonresidential Landscaping Requirements for Multi-family Residential.

d. **Residential Performance Standards:** (See Subchapter 15-7)

e. **Residential Signage Regulations:** (See Subchapter 15-8)

4. **Regulations Applicable to Nonresidential Uses**

a. **Nonresidential Density and Intensity Requirements:** (per Table 15.305)

Minimum Landscape Surface Ratio (LSR): .15
Minimum Lot Area (MLA): 3,000 square feet
Maximum Building Size (MBS): 5,000 square feet

b. **Nonresidential Bulk Requirements:** (per Table 15.403)

- A:** Minimum Lot Area: 3,000 square feet
- B:** Minimum Lot Width: 0 feet
- Minimum Setbacks:**
- C:** Building to Front or Street Side Lot Line: 0* feet
- D:** Building to Residential Side Lot Line: 0* feet
- E:** Building to Residential Rear Lot Line: 20 feet
- F:** Building to Nonresidential Side Lot Line: 0* feet or 0 feet on zero lot line side
- G:** Building to Nonresidential Rear Lot Line: 10 feet
- H:** Peripheral Setback: See 15.610(4)(b) along zoning district boundary
- I:** Minimum Paved Surface Setback: 0* feet
- J:** Minimum Building Separation: 0 feet (except per Plan Commission)
- K:** Maximum Building Height: 20 feet (except per Plan Commission)
- L:** Minimum Number of Off-Street Parking Spaces Required on the Lot: See parking lot requirements per specific land use in Section 15.206
*Maximum permitted setback of 0 feet, except where permitted by the Plan Commission as an essential component of site design.

c. **Nonresidential Landscaping Requirements (Nonresidential and Multi-family):**

- 1) 40 landscaping points per 100 linear feet of building foundation
- 2) 15 landscaping points per 1,000 square feet of gross floor area
- 3) 40 landscaping points per 100 linear feet of street frontage
- 4) 80 landscaping points per 10,000 square feet paved area/20 stalls

d. **Nonresidential Performance Standards:** (See Subchapter 15-7)

e. **Nonresidential Signage Regulations:** (See Subchapter 15-8)

(d) **Suburban Commercial (SC) District**

- 1. This district is intended to permit large and small scale commercial development which is compatible with the desired overall

suburban community character of the area in general. This is accomplished with relatively low maximum Floor Area Ratios (FARs). Significant areas of landscaping are required in this district to ensure that this effect is achieved. A wide range of office, retail, and lodging land uses are permitted within this district. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street.

Rationale: This district provides the principal zoning district for commercial development which occurs after the adoption of this Chapter. The standards of this district are designed to provide a clear distinction from the UC and CC Districts in terms of permitted intensity of development, treatment of outdoor sales, and required green space areas. The desired suburban community character of the development is attained through the Floor Area Ratio (FAR) and Landscape Surface Area Ratio (LSR) requirements. Together, these requirements ensure that the desired suburban community character is maintained as long as the SC District designation is retained, regardless of how much development occurs within that area.

2. **List of Allowable Land Uses** (per Subchapter 15-2)

a. **Land Uses Permitted by Right:** (per Section 15.202(2))

Selective Cutting (per Section 15.206(2)(f))
Passive Outdoor Public Recreation (per Section 15.206(3)(a))
Office (per Section 15.206(4)(a))
Personal or Professional Services (per Section 15.206(4)(b))
Indoor Sales or Service (per Section 15.206(4)(c))
Indoor Maintenance Service (per Section 15.206(4)(e))

b. **Land Uses Permitted as Special Use:** (per Section 15.202(3))

Cultivation (per section 15.206(2)(a))
Active Outdoor Public Recreation (per Section 15.206(3)(b))
Indoor Institutional (per section 15.206(3)(c))
Public Services and Utilities (per Section 15.206(3)(e))

c. **Land Uses Permitted as Conditional Uses:** (per Section 15.202(4))

Institutional Residential (per Sections 15.206(3)(f) and 15.034)
Clear Cutting (per Section 15.206(2)(g))
Outdoor Institutional (per Section 15.206(3)(d))
Outdoor Display (per Section 15.206(4)(d))
In-Vehicle Sales or Service (per Section 15.206(4)(g))
Indoor Commercial Entertainment (per Section 15.206(4)(h))

Commercial Animal Boarding (per Section 15.206(4)(j))
Pet Shops (per Section 15.206(4)(q)) (G. O. 84-96-97; 11/18/96)
Indoor Storage and Wholesaling (per Section 15.206(5)(a)) (G.
O. 85-96097; 11/18/96)
Commercial Indoor Lodging (per Section 15.206(4)(k))
Bed and Breakfast Establishments (per Section (15.206(4)(l))
Group Day Care Center (9+ children) (per Section
15.206(4)(m))
Off-Site Parking Lot (per Section 15.206(6)(a))

d. **Land Uses Permitted as Accessory Uses:** (per Section 15.202(5))

1) Land Uses Permitted by Right:

Farm Residence (per section 15.206(8)(c))
Private Residential Garage or Shed (per Section
15.206(8)(d))
Company Cafeteria (per Section 15.206(8)(h))
Lawn Care (per Section 15.206(8)(h))
On-Site Composting/Wood Piles <5 cubic yards (per
Section 15.206(8)(t))

2) Land Uses Permitted as Special Use:

On-Site Parking Lot (per Section 15.206(8)(b))
Company Provided On-Site Recreation without
lighting (per Section 15.206(8)(l))
Drainage Structure (per Section 15.206(8)(n))
Filling (per Section 15.206(8)(o))
Exterior Communication Devices (per Section
15.206(8))
Home Occupation (per Section 15.206(8)(s))
On-Site Composting/Wood Piles 5 – 10 cubic yards
(per Section 15.206(8)(t))

3) Land Uses Permitted as Conditional Use:

Commercial Apartment (per Section 15.206(8)(a))
Company Provided On-Site Recreation with lighting
(per Section 15.206(8)(l))
Incidental Outdoor Display (per Section 15.206(8)(j))
In-Vehicle Sales or Service (per Section 15.206(8)(k))
Light Industrial Incidental to Indoor Sales (per Section
15.206(8)(m))
Exterior Communication Devices not meeting
Special Use Requirements (per Section
15.206(8))

e. **Land Uses Permitted as Temporary Uses:** (per Section 15.202(6))

Contractor's Project Office (per Section 15.206(9)(a))

Contractor's On-Site Equipment Storage (per Section 15.206(9)(b))
Relocatable Building (per Section 15.206(9)(c))
On-Site Real Estate Sales Office (per Section 15.206(9)(d))
General Temporary Outdoor Sales (per Section 15.206(9)(e))
Outdoor Sales of Farm Products (per Section 15.206(9)(f))
Outdoor Assembly (per Section 15.206(9)(g))
Remediation Structure (per Section 15.206(9)(h))

3. Regulations Applicable to Residential Uses

a. **Residential Density and Intensity Requirements:** (per Table 15.304)

1) *Institutional Residential*¹:

Maximum Gross Density (MGD): up to 40.00
Minimum Lot Area (MLA): 1 acre
Minimum Site Area (MSA): 1 acre

b. **Residential Bulk Requirements:** (per Table 15.304)

- A:** Minimum Lot Area: 1 acre
B: Minimum Lot Width: 60 feet or 70 feet for a corner lot
Minimum Setbacks:
C: Building Coverage Ratio: 0.50
D: Reserved
E: Front or Street Side Lot Line to House: 30 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
F: Front or Street Side Lot Line to Attached Garage: 30 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
G: Side Lot Line to House or Attached Garage: 10 feet
H: Total of Both Sides, Lot Lines to House/attached Garage: 20 ft or 40 ft for corner
I: Rear Lot Line to House or Attached Garage: 25 feet
J: Side Lot Line to Accessory Structure: 3 feet, 5 feet when abutting an alley
K: Rear Lot Line to Accessory Structure: 3 feet, 5 feet when abutting an alley
L: Peripheral Setback: See 15.610(4)(b) along zoning district boundary
M: Minimum Paved Surface Setback: 3 feet from side or rear
N: Minimum Dwelling Unit Separation: 20 feet

- O:** Maximum Height of Dwelling Unit: 35 feet (Can exceed 35 feet w/conditional use)
- P:** Maximum Height of Accessory structure: 15 feet
- Q:** Minimum Number of Off-Street Parking Spaces Required on the Lot (Includes garage, drives, & all designated parking surfaces): 3 spaces per du, except that in multi-family development 2 spaces are required for each unit with 2 or more bedrooms, 1 1/2 spaces for each unit with one bedroom or less.
- R:** Minimum Dwelling Core Dimensions: 24 feet by 40 feet
- S:** Minimum Roof Pitch: 3 : 12
- T:** Minimum Eave Width: 18 inches
¹Standard type for conventional development or dwelling unit type permitted by right;
Italic type for cluster development or dwelling unit type requiring conditional use

- c. **Residential Landscaping Requirements:** Not applicable for Single and Two-family. See Nonresidential Landscaping Requirements for Multi-family Residential.
- d. **Residential Performance Standards:** (See Subchapter 15-7)
- e. **Residential Signage Regulations:** (See Subchapter 15-8)

4. **Regulations Applicable to Nonresidential Uses**

- a. **Nonresidential Density and Intensity Requirements:**
(per Table 15.305)
Minimum Landscape Surface Ratio (LSR): .25
Minimum Lot Area (MLA): 1 acre (Reduction in lot area from 1 acre to 4,500 square feet is permitted as a conditional use)
Maximum Building Size (MBS): na
- b. **Nonresidential Bulk Requirements:** (per Table 15.403)
 - A:** Minimum Lot Area: 1 acre (4,500 square feet with a conditional use)
 - B:** Minimum Lot Width: 60 feet
 - Minimum Setbacks:**
 - C:** Building to Front or Street Side Lot Line: 25 feet
 - D:** Building to Residential Side Lot Line: 25 feet
 - E:** Building to Residential Rear Lot Line: 25 feet
 - F:** Building to Nonresidential Side Lot Line: 10 feet or 0 feet on zero lot line side
 - G:** Building to Nonresidential Rear Lot Line: 10 feet
 - H:** Peripheral Setback: See 15.610(4)(b) along zoning district boundary
 - I:** Minimum Paved Surface Setback: 5 feet from side or rear; 10 feet from street
 - J:** Minimum Building Separation: 20 feet or 0 feet on zero lot line side

K: Maximum Building Height: 50 feet (Can exceed 50 feet w/conditional use permit)

L: Minimum Number of Off-Street Parking Spaces Required on the Lot: See parking lot requirements per specific land use in Section 15.206

c. Nonresidential Landscaping Requirements (Nonresidential and Multi-family):

1) 40 landscaping points per 100 linear feet of building foundation

2) 10 landscaping points per 1,000 square feet of gross floor area

3) 40 landscaping points per 100 linear feet of street frontage

4) 80 landscaping points per 10,000 square feet paved area/20 stalls

d. Nonresidential Performance Standards: (See Subchapter 15-7)

e. Nonresidential Signage Regulations: (See Subchapter 15-8)

(e) Urban Commercial (UC) District

1. Description and Purpose

This district is intended to permit both large and small scale commercial development at intensities which provide significant incentives for infill development and the continued economic viability of existing development. To accomplish this effect, maximum permitted Floor Area Ratios (FARs) are significantly higher and minimum required Green Space Ratios (GSRs) are substantially lower than those required in the SC District. A wide range of office, retail, and lodging land uses are permitted within this district. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street.

Rationale: This district provides an alternative, primarily infill development, designation for commercial activity to the SC District. Performance standards for the UC District are designed to ensure the long-term economic health of older commercial development areas, existing as of the effective date of this Chapter, by limiting the attraction of the SC District to those land uses which can afford the relatively higher development costs and rents associated with development in that district.

2. List of Allowable Land Uses (per Subchapter 15-2)

- a. **Land Uses Permitted by Right:** (per Section 15.202(2))
- Selective Cutting (per Section 15.206(2)(f))
 - Passive Outdoor Public Recreation (per Section 15.206(3)(a))
 - Office (per Section 15.206(4)(a))
 - Personal or Professional Services (per Section 15.206(4)(b))
 - Indoor Sales or Service (per Section 15.206(4)(c))
 - Indoor Maintenance Service (per Section 15.206(4)(e))
- b. **Land Uses Permitted as Special Use:** (per Section 15.202(3))
- Cultivation (per section 15.206(2)(a))
 - Active Outdoor Public Recreation (per Section 15.206(3)(b))
 - Indoor Institutional (per section 15.206(3)(c))
 - Public Services and Utilities (per Section 15.206(3)(e))
 - Off-Site Parking Lot (per Section 15.206(6)(a))
- c. **Land Uses Permitted as Conditional Uses:** (per Section 15.202(4))
- Single-Family Residences (per Section 15.034) (G.O. 86-00-01; 3/19/01)
 - Institutional Residential (per Sections 15.206(3)(f) and 15.034)
 - Clear Cutting (per Section 15.206(2)(g))
 - Outdoor Institutional (per Section 15.206(3)(d))
 - Outdoor Display (per Section 15.206(4)(d))
 - In-Vehicle Sales or Service (per Section 15.206(4)(g))
 - Indoor Commercial Entertainment (per Section 15.206(4)(h))
 - Outdoor Commercial Entertainment (per Section 15.206(4)(l))
 - Commercial Animal Boarding (per Section 15.206(4)(j))
 - Pet Shops (per Section 15.206(4)(q)) (G. O. 84-96-97; 11/18/96)
 - Indoor Storage and Wholesaling (per Section 15.206(5)(a)) (G. O. 85-96-97; 11/18/96)
 - Commercial Indoor Lodging (per Section 15.206(4)(k))
 - Bed and Breakfast Establishments (per Section (15.206(4)(l))
 - Group Day Care Center (9+ children) (per Section 15.206(4)(m))
 - Rooming House (per Section 15.206(4)(o))
 - Personal Storage Facility (per Section 15.206(5)(c))
 - Commercial Apartment for non-owner/operator (per Section 15.206(8)(a))
- d. **Land Uses Permitted as Accessory Uses:** (per Section 15.202(5))
- 1) **Land Uses Permitted by Right:**
 - Farm Residence (per section 15.206(8)(c))
 - Private Residential Garage or Shed (per Section 15.206(8)(d))
 - Company Cafeteria (per Section 15.206(8)(h))
 - Lawn Care (per Section 15.206(8)(h))

On-Site Composting/Wood Piles <5 cubic yards (per Section 15.206(8)(t))

2) Land Uses Permitted as Special Use:

Commercial Apartment for owner/operator (per Section 15.206(8)(a))

On-Site Parking Lot (per Section 15.206(8)(b))

Company Provided On-Site Recreation without lighting (per Section 15.206(8)(l))

Drainage Structure (per Section 15.206(8)(n))

Filling (per Section 15.206(8)(o))

Exterior Communication Devices (per Section 15.206(8))

Home Occupation (per Section 15.206(8)(s))

On-Site Composting/Wood Piles 5 – 10 cubic yards (per Section 15.206(8)(t))

3) Land Uses Permitted as Conditional Use:

Company Provided On-Site Recreation with lighting (per Section 15.206(8)(l))

Incidental Outdoor Display (per Section 15.206(8)(j))

In-Vehicle Sales or Service (per Section 15.206(8)(k))

Light Industrial Incidental to Indoor Sales (per Section 15.206(8)(m))

Exterior Communication Devices not meeting Special Use Requirements (per Section 15.206(8))

e. **Land Uses Permitted as Temporary Uses:** (per Section 15.202(6))

Contractor's Project Office (per Section 15.206(9)(a))

Contractor's On-Site Equipment Storage (per Section 15.206(9)(b))

Relocatable Building (per Section 15.206(9)(c))

On-Site Real Estate Sales Office (per Section 15.206(9)(d))

General Temporary Outdoor Sales (per Section 15.206(9)(e))

Outdoor Sales of Farm Products (per Section 15.206(9)(f))

Outdoor Assembly (per Section 15.206(9)(g))

Remediation Structure (per Section 15.206(9)(h))

3. **Regulations Applicable to Residential Uses**

a. **Residential Density and Intensity Requirements:** (per Table 15.304)

1) *Institutional Residential*¹:

Maximum Gross Density (MGD): up to 40.00

Minimum Lot Area (MLA): 4,500 square feet

Minimum Site Area (MSA): 4,500 square feet

b. **Residential Bulk Requirements:** (per Table 15.402)

- A:** Minimum Lot Area: 4,500 square feet
 - B:** Minimum Lot Width: 60 feet or 70 feet for a corner lot
 - Minimum Setbacks:**
 - C:** Building Coverage Ratio: 0.50
 - D:** Reserved
 - E:** Front or Street Side Lot Line to House: 30 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
 - F:** Front or Street Side Lot Line to Attached Garage: 30 feet, add 20 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
 - G:** Side Lot Line to House or Attached Garage: 10 feet
 - H:** Total of Both Sides, Lot Lines to House/attached Garage: 20 ft or 40 ft for corner
 - I:** Rear Lot Line to House or Attached Garage: 25 feet
 - J:** Side Lot Line to Accessory Structure: 3 feet, 5 feet when abutting an alley
 - K:** Rear Lot Line to Accessory Structure: 3 feet, 5 feet when abutting an alley
 - L:** Peripheral Setback: See 15.610(4)(b) along zoning district boundary
 - M:** Minimum Paved Surface Setback: 3 feet from side or rear
 - N:** Minimum Dwelling Unit Separation: 20 feet
 - O:** Maximum Height of Dwelling Unit: 35 feet (Can exceed 35 feet w/conditional use)
 - P:** Maximum Height of Accessory structure: 15 feet
 - Q:** Minimum Number of Off-Street Parking Spaces Required on the Lot (Includes garage, drives, & all designated parking surfaces: 1 space for each bedroom in a commercial apartment
 - R:** Minimum Dwelling Core Dimensions: 24 feet by 40 feet
 - S:** Minimum Roof Pitch: 3 : 12
 - T:** Minimum Eave Width: 18 inches
- ¹Standard type for conventional development or dwelling unit type permitted by right;
Italic type for cluster development or dwelling unit type requiring conditional use

c. **Residential Landscaping Requirements:** Not applicable for Single and Two-family. See Nonresidential Landscaping Requirements for Multi-family Residential.

- d. **Residential Performance Standards:** (See Subchapter 15-7)
- e. **Residential Signage Regulations:** (See Subchapter 15-8)

4. **Regulations Applicable to Nonresidential Uses**

- a. **Nonresidential Density and Intensity Requirements:**
(per Table 15.305)

Minimum Landscape Surface Ratio (LSR): .10
 Minimum Lot Area (MLA): 3,000 square feet
 Maximum Building Size (MBS): na

- b. **Nonresidential Bulk Requirements:** (per Table 15.403)

- A:** Minimum Lot Area: 3,000 square feet
- B:** Minimum Lot Width: 30 feet
- Minimum Setbacks:**
- C:** Building to Front or Street Side Lot Line: 0 feet
- D:** Building to Residential Side Lot Line: 25 feet
- E:** Building to Residential Rear Lot Line: 25 feet
- F:** Building to Nonresidential Side Lot Line: 5 feet or 0 feet on zero lot line side
- G:** Building to Nonresidential Rear Lot Line: 10 feet
- H:** Peripheral Setback: See 15.610(4)(b) along zoning district boundary
- I:** Minimum Paved Surface Setback: 5 feet from side or rear; 5 feet from street
- J:** Minimum Building Separation: 10 feet or 0 feet on zero lot line side
- K:** Maximum Building Height: 50 feet (Can exceed 50 feet w/conditional use permit)
- L:** Minimum Number of Off-Street Parking Spaces Required on the Lot: See parking lot requirements per specific land use in Section 15.206

- c. **Nonresidential Landscaping Requirements (Nonresidential and Multi-family):**

- 1) 20 landscaping points per 100 linear feet of building foundation
- 2) 5 landscaping points per 1,000 square feet of gross floor area
- 3) 20 landscaping points per 100 linear feet of street frontage
- 4) 40 landscaping points per 10,000 square feet paved area/20 stalls

- d. **Nonresidential Performance Standards:** (See Subchapter 15-7)
- e. **Nonresidential Signage Regulations:** (See Subchapter 15-8)

(f) **Central Commercial (CC) District**

1. **Description and Purpose**

This district is intended to permit both large and small-scale “downtown” commercial development at an intensity which provides significant incentives for infill development, redevelopment, and the continued economic viability of existing development. To accomplish this effect, maximum Floor Area Ratios (FARs) permitted in this district are much higher than those allowed in the Suburban Commercial (SC) and Urban Commercial (UC) Districts. A wide range of office, retail, and lodging land uses are permitted within this district. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street.

Rationale: This district is intended to provide an alternative, primarily infill development designation for commercial activity to the Suburban Commercial (SC) and Urban Commercial (UC) District are designed to assist in maintaining the long-term viability of the City center.

2. **List of Allowable Land Uses** (per Subchapter 15-2)

a. **Land Uses Permitted by Right:** (per Section 15.202(2))

Selective Cutting (per Section 15.206(2)(f))
Passive Outdoor Public Recreation (per Section 15.206(3)(a))
Office (per Section 15.206(4)(a))
Personal or Professional Services (per Section 15.206(4)(b))
Indoor Sales or Service (per Section 15.206(4)(c))
Indoor Maintenance Service (per Section 15.206(4)(e))

b. **Land Uses Permitted as Special Use:** (per Section 15.202(3))

Cultivation (per section 15.206(2)(a))
Active Outdoor Public Recreation (per Section 15.206(3)(b))
Indoor Institutional (per section 15.206(3)(c))
Public Services and Utilities (per Section 15.206(3)(e))
Off-Site Parking Lot (per Section 15.206(6)(a))

c. **Land Uses Permitted as Conditional Uses:** (per Section 15.202(4))

Townhouse – 2,500 sf lot (per Section 15.034)
 Multiplex – 2,500 sf lot area per unit (per Section 15.034)
 Apartment – 1,000 sf lot area per unit (per Section 15.034)
 Institutional Residential (per Sections 15.206(3)(f) and 15.034)
 Clear Cutting (per Section 15.206(2)(g))
 Outdoor Institutional (per Section 15.206(3)(d))
 In-Vehicle Sales or Service (per Section 15.206(4)(g))
 Indoor Commercial Entertainment (per Section 15.206(4)(h))
 Commercial Indoor Lodging (per Section 15.206(4)(k))
 Bed and Breakfast Establishments (per Section 15.206(4)(l))
 Pet Shops (per Section 15.206(4)(q)) (G. O. 84-96-97; 11/18/96)
 Group Day Care Center (9+ children) (per Section 15.206(4)(m))
 Rooming House (per Section 15.206(4)(o))
 Single-family residences [G. O. No. 150-97-98; 5/18/98]

d. **Land Uses Permitted as Accessory Uses:** (per Section 15.202(5))

1) Land Uses Permitted by Right:

Farm Residence (per section 15.206(8)(c))
 Private Residential Garage or Shed (per Section 15.206(8)(d))
 Company Cafeteria (per Section 15.206(8)(h))
 Lawn Care (per Section 15.206(8)(h))
 On-Site Composting/Wood Piles <5 cubic yards (per Section 15.206(8)(t))

2) Land Uses Permitted as Special Use:

On-Site Parking Lot (per Section 15.206(8)(b))
 Company Provided On-Site Recreation without lighting (per Section 15.206(8)(l))
 Drainage Structure (per Section 15.206(8)(n))
 Filling (per Section 15.206(8)(o))
 Exterior Communication Devices (per Section 15.206(8))
 Home Occupation (per Section 15.206(8)(s))
 On-Site Composting/Wood Piles 5 – 10 cubic yards (per Section 15.206(8)(t))

3) Land Uses Permitted as Conditional Use:

Commercial Apartment (per Section 15.206(8)(a))
 Company Provided On-Site Recreation with lighting (per Section 15.206(8)(l))
 In-Vehicle Sales or Service (per Section 15.206(8)(k))
 Light Industrial Incidental to Indoor Sales (per Section 15.206(8)(m))
 Exterior Communication Devices not meeting Special Use Requirements (per Section

15.206(8))

- e. **Land Uses Permitted as Temporary Uses:** (per Section 15.202(6))

Contractor's Project Office (per Section 15.206(9)(a))
Contractor's On-Site Equipment Storage (per Section 15.206(9)(b))
Relocatable Building (per Section 15.206(9)(c))
On-Site Real Estate Sales Office (per Section 15.206(9)(d))
General Temporary Outdoor Sales (per Section 15.206(9)(e))
Outdoor Sales of Farm Products (per Section 15.206(9)(f))
Outdoor Assembly (per Section 15.206(9)(g))
Remediation Structure (per Section 15.206(9)(h))

3. Regulations Applicable to Residential Uses

- a. **Residential Density and Intensity Requirements:** (per Table 15.304)

1) *Townhouse*¹:

Maximum Gross Density (MGD): 12.00 du/acre
Minimum Lot Area (MLA): 2,500 square feet
Minimum Site Area (MSA): 4,500 square feet

2) *Multiplex*¹:

Maximum Gross Density (MGD): 12.00 du/acre
Minimum Lot Area (MLA): 2,500 square feet
Minimum Site Area (MSA): 4,500 square feet

3) *Apartment*¹:

Maximum Gross Density (MGD): Up to 40.00 du/acre
Minimum Lot Area (MLA): 2,500 square feet
Minimum Site Area (MSA): 4,500 square feet

4) *Institutional Residential*¹:

Maximum Gross Density (MGD): Up to 40.00 du/acre
Minimum Lot Area (MLA): 4,500 square feet
Minimum Site Area (MSA): 4,500 square feet

- b. **Residential Bulk Requirements:** (per Table 15.402)

A: Minimum Lot Area: *Townhouse*¹, *Multiplex*¹, and *Apartment*¹: 2,500 square feet; *Institutional Recreational*¹: 4,500 square feet

- B:** Minimum Lot Width: **Townhouse**¹: 16 feet or 36 feet for a corner lot; **All Other Dwelling Unit Types**: 60 feet or 70 feet for a corner lot
Minimum Setbacks:
- C:** Building Coverage Ratio: 0.50
- D:** Reserved
- E:** Front or Street Side Lot Line to House: **Townhouse**¹, **Multiplex**¹, and **Apartment**¹: 20 feet; and **Institutional Residential**¹: 30 feet; add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
- F:** Front or Street Side Lot Line to Attached Garage: **Townhouse**¹, **Multiplex**¹, and **Apartment**¹: 20 feet; and **Institutional Residential**¹: 30 feet; add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
- G:** Side Lot Line to House or Attached Garage: **Townhouse**¹: 10 feet or 0 feet on zero lot line side; **Multiplex**¹, **Apartment**¹, and **Institutional Residential**¹: 10 feet
- H:** Total of Both Sides, Lot Lines to House or attached Garage: **Townhouse**¹: 10 feet or 20 feet for a corner lot; **Multiplex**¹ and **Apartment**¹: 20 feet or 30 feet for a corner lot; and **Institutional Residential**¹: 20 feet or 40 feet for a corner lot
- I:** Rear Lot Line to House or Attached Garage: 25 feet
- J:** Side Lot Line to Accessory Structure: 3 feet, 5 feet when abutting an alley
- K:** Rear Lot Line to Accessory Structure: 3 feet, 5 feet when abutting an alley
- L:** Peripheral Setback: See 15.610(4)(b) along zoning district boundary
- M:** Minimum Paved Surface Setback: 3 feet from side or rear
- N:** Minimum Dwelling Unit Separation: **Townhouse**¹: 20 feet or 0 feet on zero lot line side; **All other dwelling unit types**: 20 feet
- O:** Maximum Height of Dwelling Unit: 35 feet (**Apartment**¹ and **Institutional Residential**¹ in excess of 35 feet permitted with a conditional use permit)
- P:** Maximum Height of Accessory structure: 15 feet
- Q:** Minimum Number of Off-Street Parking Spaces Required on the Lot (Includes garage, drives, & all designated parking surfaces): 3 spaces per du, except that in multi-family development 2 spaces are required for each unit with 2 or more bedrooms, 1 ½ spaces for each unit with one bedroom or less

- R:** Minimum Dwelling Core Dimensions: 24 feet by 40 feet
- S:** Minimum Roof Pitch: 3 : 12
- T:** Minimum Eave Width: 18 inches
¹Standard type for conventional development or dwelling unit type permitted by right;
Italic type for cluster development or dwelling unit type requiring conditional use

- c. **Residential Landscaping Requirements:** Not applicable for Single and Two-family. See Nonresidential Landscaping Requirements for Multi-family Residential.
- d. **Residential Performance Standards:** (See Subchapter 15-7)
- e. **Residential Signage Regulations:** (See Subchapter 15-8)

4. **Regulations Applicable to Nonresidential Uses**

- a. **Nonresidential Density and Intensity Requirements:**
(per Table 15.305)

Minimum Landscape Surface Ratio (LSR): .00
Minimum Lot Area (MLA): na
Maximum Building Size (MBS): na

- b. **Nonresidential Bulk Requirements:** (per Table 15.403)

- A:** Minimum Lot Area: na
- B:** Minimum Lot Width: 0 feet
- Minimum Setbacks:**
- C:** Building to Front or Street Side Lot Line: 0 feet
- D:** Building to Residential Side Lot Line: 0 feet
- E:** Building to Residential Rear Lot Line: 20 feet
- F:** Building to Nonresidential Side Lot Line: 0 feet
- G:** Building to Nonresidential Rear Lot Line: 10 feet
- H:** Peripheral Setback: See 15.610(4)(b) along zoning district boundary
- I:** Minimum Paved Surface Setback: 0 feet
- J:** Minimum Building Separation: 0 feet
- K:** Maximum Building Height: 20 feet
- L:** Minimum Number of Off-Street Parking Spaces Required on the Lot: See parking lot requirements per specific land use in Section 15.206

- c. **Nonresidential Landscaping Requirements (Nonresidential and Multi-family):**

- 1) 0 landscaping points per 100 linear feet of building foundation
- 2) 0 landscaping points per 1,000 square feet of gross floor area
- 3) 0 landscaping points per 100 linear feet of street frontage
- 4) 20 landscaping points per 10,000 square feet paved area/20 stalls

d. **Nonresidential Performance Standards:** (See Subchapter 15-7)

e. **Nonresidential Signage Regulations:** (See Subchapter 15-8)

(g) **Suburban Industrial (SI) District**

1. **Description and Purpose**

This district is intended to permit both large and small scale industrial and office development at an intensity which is consistent with the overall desired suburban community character of the designated zoning district. Beyond a relatively low maximum Floor Area Ratio (FAR) and a relatively high minimum Green Space Ratio (GSR), the primary distinguishing feature of this district is that it is geared to indoor industrial activities which are not typically associated with high levels of noise, soot, odors and other potential nuisances for adjoining properties. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street.

Rationale: This district provides a location for suburban intensity light industrial land uses such as assembly operations, storage and warehousing facilities, research and development facilities, offices, and light manufacturing which are protected from potential nuisances associated with certain development permitted within the UI District. In addition, land uses shall comply with the minimum performance standards presented in Subchapter 15-7.

2. **List of Allowable Land Uses** (per Subchapter 15-2)

a. **Land Uses Permitted by Right:** (per Section 15.202(2))

- Selective Cutting (per Section 15.206(2)(f))
- Passive Outdoor Public Recreation (per Section 15.206(3)(a))
- Office (per Section 15.206(4)(a))
- Indoor Maintenance Service (per Section 15.206(4)(e))
- Indoor Storage or Wholesaling (per Section 15.206(5)(a))

- b. **Land Uses Permitted as Special Use:** (per Section 15.202(3))
- Cultivation (per section 15.206(2)(a))
 - Active Outdoor Public Recreation (per Section 15.206(3)(b))
 - Indoor Institutional (per section 15.206(3)(c))
 - Public Services and Utilities (per Section 15.206(3)(e))
 - Light Industrial (per Section 15.206(7)(a))
- c. **Land Uses Permitted as Conditional Uses:** (per Section 15.202(4))
- Clear Cutting (per Section 15.206(2)(g))
 - Outdoor Institutional (per Section 15.206(3)(d))
 - Indoor Sales or Service (per Section 15.206(4)(c))
 - Indoor Commercial Entertainment (per Section 15.206(4)(h))
 - Outdoor Commercial Entertainment (per Section 15.206(4)(i))
 - Group Day Care Center (9+ children) (per Section 15.206(4)(m))
 - Personal Storage Facility (per Section 15.206(5)(c))
 - Airport/Heliport (per Section 15.206(6)(b))
 - Distribution Center (per Section 15.206(6)(d))
 - Off-Site Parking Lot (per Section 15.206(6)(a))
 - Communication Tower (per Section 15.206(7)(c))
 - Commercial Animal Boarding (per Section 15.206(4)(j)) (GO 73-07-08, 12-07)
- d. **Land Uses Permitted as Accessory Uses:** (per Section 15.202(5))
- 1) Land Uses Permitted by Right:
 - Farm Residence (per section 15.206(8)(c))
 - Private Residential Garage or Shed (per Section 15.206(8)(d))
 - Company Cafeteria (per Section 15.206(8)(h))
 - Lawn Care (per Section 15.206(8)(h))
 - On-Site Composting/Wood Piles <5 cubic yards (per Section 15.206(8)(t))
 - 2) Land Uses Permitted as Special Use:
 - On-Site Parking Lot (per Section 15.206(8)(b))
 - Company Provided On-Site Recreation without lighting (per Section 15.206(8)(l))
 - Indoor Sales Incident to Light Industrial Use (per Section 15.206(8)(l))
 - Drainage Structure (per Section 15.206(8)(n))
 - Filling (per Section 15.206(8)(o))
 - Exterior Communication Devices (per Section 15.206(8))
 - Home Occupation (per Section 15.206(8)(s))
 - On-Site Composting/Wood Piles 5 – 10 cubic yards

(per Section 15.206(8)(t))

3) Land Uses Permitted as Conditional Use:

Company Provided On-Site Recreation with lighting
(per Section 15.206(8)(l))
Exterior Communication Devices not meeting
Special Use Requirements (per Section
15.206(8))

e. **Land Uses Permitted as Temporary Uses:** (per Section 15.202(6))

Contractor's Project Office (per Section 15.206(9)(a))
Contractor's On-Site Equipment Storage (per Section
15.206(9)(b))
Relocatable Building (per Section 15.206(9)(c))
On-Site Real Estate Sales Office (per Section 15.206(9)(d))
Outdoor Sales of Farm Products (per Section 15.206(9)(f))
Outdoor Assembly (per Section 15.206(9)(g))
Remediation Structure (per Section 15.206(9)(h))

3. **Regulations Applicable to Residential Uses:** Not applicable

4. **Regulations Applicable to Nonresidential Uses:**

a. **Nonresidential Density and Intensity Requirements:**
(per Table 15.305)

Minimum Landscape Surface Ratio (LSR): .25
Minimum Lot Area (MLA): 1 acre (Reduction in lot area
from 1 acre to 4,500 square feet is permitted as a
conditional use)
Maximum Building Size (MBS): na

b. **Nonresidential Bulk Requirements:** (per Table 15.403)

A: Minimum Lot Area: 1 acre (4,500 square feet with
a conditional use)
B: Minimum Lot Width: 60 feet
Minimum Setbacks:
C: Building to Front or Street Side Lot Line: 25 feet
D: Building to Residential Side Lot Line: 25 feet
E: Building to Residential Rear Lot Line: 25 feet
F: Building to Nonresidential Side Lot Line: 10 feet or
0 feet on zero lot line side
G: Building to Nonresidential Rear Lot Line: 25 feet
H: Peripheral Setback: See 15.610(4)(b) along zoning
district boundary
I: Minimum Paved Surface Setback: 5 feet from side
or rear; 10 feet from street

- J:** Minimum Building Separation: 20 feet or 0 feet on zero lot line side
- K:** Maximum Building Height: 50 feet (Can exceed 50 feet w/conditional use permit)
- L:** Minimum Number of Off-Street Parking Spaces Required on the Lot: See parking lot requirements per specific land use in Section 15.206

c. Nonresidential Landscaping Requirements:

- 1) 40 landscaping points per 100 linear feet of building foundation
- 2) 10 landscaping points per 1,000 square feet of gross floor area
- 3) 40 landscaping points per 100 linear feet of street frontage
- 4) 80 landscaping points per 10,000 square feet paved area/20 stalls

d. Nonresidential Performance Standards: (See Subchapter 15-7)

e. Nonresidential Signage Regulations: (See Subchapter 15-8)

(h) Urban Industrial (UI) District

1. Description and Purpose

This district is intended to permit both large and small scale industrial and office development at an intensity which is consistent with existing transition and urban intensity development. Beyond a relatively high maximum Floor Area Ratio (FAR) and a relatively high minimum Green Space Ratio (GSR), the primary distinguishing feature of this district is that it is geared to indoor industrial activities which are not typically associated with high levels of noise, soot, odors and other potential nuisances for adjoining properties. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street.

Rationale: This district provides a location for urban intensity light industrial land uses such as assembly operations, storage and warehousing facilities, offices, and light manufacturing which are protected from potential nuisances associated with certain development permitted within the HI District. In addition, uses shall comply with the minimum performance standards presented in Subchapter 15-7.

2. List of Allowable Land Uses (per Subchapter 15-2)

- a. **Land Uses Permitted by Right:** (per Section 15.202(2))
- Selective Cutting (per Section 15.206(2)(f))
 - Passive Outdoor Public Recreation (per Section 15.206(3)(a))
 - Office (per Section 15.206(4)(a))
 - Indoor Maintenance Service (per Section 15.206(4)(e))
 - Indoor Storage or Wholesaling (per Section 15.206(5)(a))
- b. **Land Uses Permitted as Special Use:** (per Section 15.202(3))
- Cultivation (per section 15.206(2)(a))
 - Public Services and Utilities (per Section 15.206(3)(e))
 - Off-site Parking Lot (per Section 15.206(6)(a))
 - Light Industrial (per Section 15.206(7)(a))
- c. **Land Uses Permitted as Conditional Uses:** (per Section 15.202(4))
- Clear Cutting (per Section 15.206(2)(g))
 - Group Day Care Center (9+ children) (per Section 15.206(4)(m))
 - Outdoor Storage or Wholesaling (per Section 15.206(5)(b))
 - Personal Storage Facility (per Section 15.206(5)(c))
 - Airport/Heliport (per Section 15.206(6)(b))
 - Distribution Center (per Section 15.206(6)(d))
 - Communication Tower (per Section 15.206(7)(c))
 - Indoor Commercial Entertainment (per Section 15.206(4)(h))
(GO 58-02-03, 11-18-02)
 - Commercial Animal Boarding (per Section 15.206(4)(GO 73-07-08, 12-07))
- d. **Land Uses Permitted as Accessory Uses:** (per Section 15.202(5))
- 1) Land Uses Permitted by Right:
 - Farm Residence (per section 15.206(8)(c))
 - Private Residential Garage or Shed (per Section 15.206(8)(d))
 - Company Cafeteria (per Section 15.206(8)(h))
 - Lawn Care (per Section 15.206(8)(h))
 - On-Site Composting/Wood Piles <5 cubic yards (per Section 15.206(8)(t))
 - 2) Land Uses Permitted as Special Use:
 - On-Site Parking Lot (per Section 15.206(8)(b))
 - Company Provided On-Site Recreation without lighting (per Section 15.206(8)(l))
 - Indoor Sales Incident to Light Industrial Use (per Section 15.206(8)(l))

Drainage Structure (per Section 15.206(8)(n))
Filling (per Section 15.206(8)(o))
Exterior Communication Devices (per Section 15.206(8))
Home Occupation (per Section 15.206(8)(s))
On-Site Composting/Wood Piles 5 – 10 cubic yards (per Section 15.206(8)(t))

3) Land Uses Permitted as Conditional Use:

Company Provided On-Site Recreation with lighting (per Section 15.206(8)(l))
Exterior Communication Devices not meeting Special Use Requirements (per Section 15.206(8))

e. **Land Uses Permitted as Temporary Uses:** (per Section 15.202(6))

Contractor's Project Office (per Section 15.206(9)(a))
Contractor's On-Site Equipment Storage (per Section 15.206(9)(b))
Relocatable Building (per Section 15.206(9)(c))
On-Site Real Estate Sales Office (per Section 15.206(9)(d))
Outdoor Sales of Farm Products (per Section 15.206(9)(f))
Outdoor Assembly (per Section 15.206(9)(g))
Remediation Structure (per Section 15.206(9)(h))

3. **Regulations Applicable to Residential Uses:** Not applicable

4. **Regulations Applicable to Nonresidential Uses:**

a. **Nonresidential Density and Intensity Requirements:** (per Table 15.305)

Minimum Landscape Surface Ratio (LSR): .10
Minimum Lot Area (MLA): 3,000 square feet
Maximum Building Size (MBS): na

b. **Nonresidential Bulk Requirements:** (per Table 15.403)

A: Minimum Lot Area: 3,000 square feet
B: Minimum Lot Width: 30 feet
Minimum Setbacks:
C: Building to Front or Street Side Lot Line: 25 feet
D: Building to Residential Side Lot Line: 25 feet
E: Building to Residential Rear Lot Line: 25 feet
F: Building to Nonresidential Side Lot Line: 5 feet or 0 feet on zero lot line side
G: Building to Nonresidential Rear Lot Line: 25 feet
H: Peripheral Setback: See 15.610(4)(b) along zoning district boundary

- I:** Minimum Paved Surface Setback: 5 feet from side or rear; 5 feet from street
- J:** Minimum Building Separation: 10 feet or 0 feet on zero lot line side
- K:** Maximum Building Height: 50 feet (Can exceed 50 feet w/conditional use permit)
- L:** Minimum Number of Off-Street Parking Spaces Required on the Lot: See parking lot requirements per specific land use in Section 15.206

c. Nonresidential Landscaping Requirements:

- 1) 20 landscaping points per 100 linear feet of building foundation
- 2) 5 landscaping points per 1,000 square feet of gross floor area
- 3) 20 landscaping points per 100 linear feet of street frontage
- 4) 40 landscaping points per 10,000 square feet paved area/20 stalls

d. Nonresidential Performance Standards: (See Subchapter 15-7)

e. Nonresidential Signage Regulations: (See Subchapter 15-8)

(i) Heavy Industrial (HI) District

1. Description and Purpose

This district is designed to permit a very wide variety of industrial uses which may occur both indoors and outdoors, including certain land uses which are permitted in no other zoning district because of their potential to create nuisances for adjoining properties. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street.

Rationale: This district provides a location for both light and heavy industrial uses in a zoning district in which the potential for nuisance complaints from nearby properties is minimized. It must be emphasized that this is not a district where virtually any land use is permitted, as all uses shall comply with the minimum performance standards presented in Subchapter 15-7. In addition, certain land uses such as extraction, junkyards and salvage operations, and freight terminals are permitted within this district only upon the granting of a conditional use permit.

2. List of Allowable Land Uses (per Subchapter 15-2)

- a. **Land Uses Permitted by Right:** (per Section 15.202(2))
 - Selective Cutting (per Section 15.206(2)(f))
 - Passive Outdoor Public Recreation (per Section 15.206(3)(a))
 - Office (per Section 15.206(4)(a))
 - Indoor Maintenance Service (per Section 15.206(4)(e))
 - Indoor Storage or Wholesaling (per Section 15.206(5)(a))

- b. **Land Uses Permitted as Special Use:** (per Section 15.202(3))
 - Cultivation (per section 15.206(2)(a))
 - Public Services and Utilities (per Section 15.206(3)(e))
 - Outdoor Storage or Wholesaling (per Section 15.206(5)(b))
 - Off-site Parking Lot (per Section 15.206(6)(a))
 - Light Industrial (per Section 15.206(7)(a))
 - Heavy Industrial (per Section 15.206(7)(b))

- c. **Land Uses Permitted as Conditional Uses:** (per Section 15.202(4))
 - Agricultural Services (per Section 15.206(2)(d))
 - Clear Cutting (per Section 15.206(2)(g))
 - Outdoor Maintenance Service (per Section 15.206(4)(f))
 - Sexually Oriented Land Use (per Section 15.206(4)(p))
 - Junkyard or Salvage Yard (per Section 15.206(5)(d))
 - Waste Disposal Facility (per Section 15.206(5)(e))
 - Composting Operation (per Section 15.206(5)(f))
 - Airport/Heliport (per Section 15.206(6)(b))
 - Freight terminal (per Section 15.206(6)(c))
 - Distribution Center (per Section 15.206(6)(d))
 - Communication Tower (per Section 15.206(7)(c))

- d. **Land Uses Permitted as Accessory Uses:** (per Section 15.202(5))
 - 1) Land Uses Permitted by Right:
 - Farm Residence (per section 15.206(8)(c))
 - Private Residential Garage or Shed (per Section 15.206(8)(d))
 - Company Cafeteria (per Section 15.206(8)(h))
 - Lawn Care (per Section 15.206(8)(h))
 - On-Site Composting/Wood Piles <5 cubic yards (per Section 15.206(8)(t))

 - 2) Land Uses Permitted as Special Use:
 - On-Site Parking Lot (per Section 15.206(8)(b))
 - Company Provided On-Site Recreation without lighting (per Section 15.206(8)(l))

Indoor Sales Incident to Light Industrial Use (per Section 15.206(8)(l))
Drainage Structure (per Section 15.206(8)(n))
Filling (per Section 15.206(8)(o))
Exterior Communication Devices (per Section 15.206(8))
Home Occupation (per Section 15.206(8)(s))
On-Site Composting/Wood Piles 5 – 10 cubic yards (per Section 15.206(8)(t))

3) Land Uses Permitted as Conditional Use:

Company Provided On-Site Recreation with lighting (per Section 15.206(8)(l))
Exterior Communication Devices not meeting Special Use Requirements (per Section 15.206(8))
Migrant Labor Camp (per Section 15.206(8)(w))

e. **Land Uses Permitted as Temporary Uses:** (per Section 15.202(6))

Contractor's Project Office (per Section 15.206(9)(a))
Contractor's On-Site Equipment Storage (per Section 15.206(9)(b))
Relocatable Building (per Section 15.206(9)(c))
On-Site Real Estate Sales Office (per Section 15.206(9)(d))
Outdoor Assembly (per Section 15.206(9)(g))
Remediation Structure (per Section 15.206(9)(h))

3. **Regulations Applicable to Residential Uses:** Not applicable

4. **Regulations Applicable to Nonresidential Uses:**

a. **Nonresidential Density and Intensity Requirements:** (per Table 15.305)

Minimum Landscape Surface Ratio (LSR): .00
Minimum Lot Area (MLA): na
Maximum Building Size (MBS): na

b. **Nonresidential Bulk Requirements:** (per Table 15.403)

A: Minimum Lot Area: na
B: Minimum Lot Width: 30 feet
Minimum Setbacks:
C: Building to Front or Street Side Lot Line: 25 feet
D: Building to Residential Side Lot Line: 25 feet
E: Building to Residential Rear Lot Line: 25 feet
F: Building to Nonresidential Side Lot Line: 5 feet or 0 feet on zero lot line side
G: Building to Nonresidential Rear Lot Line: 25 feet

- H:** Peripheral Setback: See 15.610(4)(b) along zoning district boundary
- I:** Minimum Paved Surface Setback: 5 feet from side or rear; 5 feet from street
- J:** Minimum Building Separation: 10 feet or 0 feet on zero lot line side
- K:** Maximum Building Height: 50 feet (Can exceed 50 feet w/conditional use permit)
- L:** Minimum Number of Off-Street Parking Spaces Required on the Lot: See parking lot requirements per specific land use in Section 15.206

c. Nonresidential Landscaping Requirements:

- 1) 20 landscaping points per 100 linear feet of building foundation
- 2) 5 landscaping points per 1,000 square feet of gross floor area
- 3) 20 landscaping points per 100 linear feet of street frontage
- 4) 40 landscaping pints per 10,000 square feet paved area/20 stalls

d. Nonresidential Performance Standards: (See Subchapter 15-7)

e. Nonresidential Signage Regulations: (See Subchapter 15-8)

(4) Mixed Residential and Nonresidential Districts

(a) Pre-Planned Unit Development (PPUD) District

1. Description and Purpose

This district is designed to indicate unique areas of the City which require the detailed planning approach of the planned unit development process, regardless of what type or types of development are contemplated. Land uses existing as of the effective date of this Chapter are permitted to continue in this district. Any change of use or structures shall require the approval of such change under the planned unit development process, and the establishment of a planned unit development zoning designation on the subject property.

Rationale: This district designates areas as a reserved holding zone for such planned unit development projects.

2. List of Allowable Land Uses (per Subchapter 15-2)

a. Land Uses Permitted by Right: (per Section 15.202(2))

Land uses existing on the subject property as of the effective date of this Chapter.

- b. **Land Uses Permitted as Special Use:** (per Section 15.202(3))

None

- c. **Land Uses Permitted as Conditional Use:** (per Section 15.202(4))

None

- d. **Land Uses Permitted as Accessory Uses:** (per Section 15.202(5))

- 1) Land Uses Permitted by Right:

Accessory land uses existing on the subject property as of the effective date of this Chapter

- 2) Land Uses Permitted as Special Use:

None

- 3) Land Uses Permitted as Conditional Use;

None

- e. **Land Uses Permitted as Temporary Uses:** (per Section 15.202(6))

None

3. **Regulations Applicable to Residential Uses:** Not Applicable

4. **Regulations Applicable to Nonresidential Uses:** Not applicable

Section 15.106 Natural Resource Protection Overlay Zoning Districts

- (1) This Chapter employs overlay zoning districts to identify and regulate areas in which natural resource protection requirements apply. Each type of natural resource regulated by this Chapter is represented by an overlay zoning district bearing its name.

- (2) Natural Resource Protection Overlay Districts include:

Wetland Overlay District
Lakeshore Overlay District
Drainageway Overlay District

Woodland Overlay District
Steep Slope Overlay District
Recharge Area Overlay District

- (3) For specific Natural Resource Protection Overlay District Regulations, see Subchapter 15-5.

Section 15.107 Map of Natural Resource Protection Overlay Districts

Natural Resource Protection Overlay Zoning Districts established by this Chapter are shown on Sheet 2 of the Official Zoning Map of the City of Sheboygan, which together with all the explanatory material thereon, is hereby made part of this Chapter. For specific Natural Resource Protection Overlay District designation criteria, see Subchapter 15-5.

Section 15.108 Downtown Design Overlay Zoning District

This district is intended to implement the urban design recommendations of the Comprehensive Master Plan, by preserving and enhancing the historical quality of the downtown, and by attaining a consistent visually pleasing image for the downtown area. As emphasized in the Plan, this district is designed to forward both aesthetic and economic objectives of the City by controlling the site design and appearance of development within the district in a manner which is consistent with sound land use, urban design, and economic revitalization principles. The application of these standards will ensure long-term progress and broad participation toward achieving these principles. Refer to Section 15.913 for the procedures applicable to proposal review in this overlay district. Specific boundaries of the Downtown Design Overlay District will be provided following adoption of the City of Sheboygan Comprehensive Master Plan.

Section 15.109 Historic Neighborhood Design Overlay Zoning District

This district is intended to implement the urban design recommendations of the Comprehensive Master Plan, by preserving and enhancing the historical quality of the older, historically intact, portions of the City. As emphasized in the Plan, this district is designed to forward both aesthetic and historic preservation objectives of the City by controlling the site design and appearance of development within the district in a manner which is consistent with sound land use, urban design, and economic revitalization principles. The application of these standards will ensure long-term progress and broad participation toward achieving these principles. Refer to Section 15.913 for the procedures applicable to proposal review in this overlay district. A list of the historic neighborhoods will be provided following adoption of the City of Sheboygan Comprehensive Master Plan.

Section 15.110 Entry Corridor Design Overlay Zoning District

This district is intended to implement the urban design recommendations of the Comprehensive Master Plan, by preserving and enhancing the historical quality of key entry corridors. As emphasized in the Plan, this district is designed to forward both aesthetic and historic preservation objectives of the City by controlling the site design and appearance of development within the district in a manner which is consistent with sound land use, urban design, and

economic revitalization principles. The application of these standards will ensure long-term progress and broad participation toward achieving these principles. Refer to Section 15.913 for the procedures applicable to proposal review in this overlay district. A list of the key entry corridors will be provided following adoption of the City of Sheboygan Comprehensive Master Plan.

Section 15.111 Community Gateway Design Overlay Zoning District

This district is intended to implement the urban design recommendations of the Comprehensive Master Plan, by requiring that development located at and around the most important entrances to the community has a character which recognizes the City's adopted objectives of establishing an attractive and high-quality image. These important community gateways are located around the key I-43 interchanges. As emphasized in the Plan, this district is designed to forward both aesthetic and economic development objectives of the City by controlling the site design and appearance of development within the district in a manner which is consistent with sound land use, urban design, and economic development principles. The application of these standards will ensure long-term progress and broad participation toward achieving these principles. Refer to Section 15.913 for the procedures applicable to proposal review in this overlay district. A list of the key community gateways will be provided following adoption of the City of Sheboygan comprehensive Master Plan.

Section 15.112 Planned Unit Development District

This district is intended to provide more incentives for development and redevelopment in areas of the community which are experiencing a lack of reinvestment. As emphasized in the Comprehensive Master Plan, this district is designed to forward both aesthetic and economic objectives of the City by controlling the site design and the appearance, density, or intensity of development within the district in a manner which is consistent with sound land use, urban design, and economic revitalization principles. The application of these standards will ensure long-term progress and broad participation toward achieving these principles. Refer to Section 15.914 for the procedures applicable to proposal review in this overlay district.

SUBCHAPTER 15-2: LAND USE REGULATIONS

Section 15.201 Purpose

The purpose of this Subchapter is to indicate which land uses may locate in each zoning district and under what requirements; and which land uses may not locate therein. A further distinction is made for land uses which may locate in a given district only upon obtaining a conditional or temporary use permit to do so. Finally, certain land uses may locate in a given district as a matter of right upon compliance with special regulations for such a land use.

Section 15.202 Interpretation of Land Use Tables

- (1) The land uses listed in Sections 15.203 (Table of Land Uses) and 15.204 (Table of Land Uses Permitted in Permanently Protected Green Space Areas) are specifically designated and refer to the detailed listing of land uses contained in Section 15.206 (Detailed Land Use Descriptions and Regulations).
- (2) **Land Uses Permitted by Right:** Land uses listed as permitted by right (designated as a “P” in Sections 15.203 and 15.204) are permitted per the general land use requirements of this Chapter (Section 15.205); per the general requirements of the specific zoning district in which they are located; per any additional requirements imposed by applicable overlay zoning districts as designated on the Official Zoning Map; per the general requirements of this Chapter including Section 15.908; and per any and all other applicable City, County, State, and Federal regulations.
- (3) **Land Uses Permitted as a Special Use:** This category of land uses is subject to certain additional controls that apply to land uses permitted by right, while avoiding the public hearing process required of land uses permitted as conditional uses.
 - (a) Land uses listed as permitted as a special use (designated as an “S” in Sections 15.203 and 15.204) are permitted subject to all of the general zoning requirements applicable to land uses permitted by right (Subsection (2), above), plus certain additional requirements applicable to that particular land use specified in Section 15.206. (See also Section 15.904.)
 - (b) If a proposed land use, listed as a special use, cannot meet one of the special use requirements of Section 15.206 for reasons directly related to the nature of the subject property, the Petitioner of said land use may request Plan Commission and City Council review for approval as a conditional use, per the requirements of Section 15.905. No more than one special use requirement shall be waived in this manner for any given land use or property. See Subsection (4)(b), below.

- (4) **Land Uses Permitted as a Conditional Use:**
- (a) Land uses listed as permitted as a conditional use (designated as a “C” in Sections 15.203 and 15.204) are permitted subject to all the requirements applicable to uses permitted by right as listed in Subsection (2), above, plus any additional requirements applicable to that particular land use as contained in Section 15.206 (Detailed Land Use Descriptions and Regulations), including any additional requirements imposed as part of the conditional use review process. Each application for, and instance of, a conditional use shall be considered a unique situation and shall not be construed as precedence for similar requests. (See also Section 15.905.)
 - (b) Conditional use requirements also apply to proposed special uses when one of the special use requirements cannot be met. (See Subsection (3) (b), above.) No more than one special use requirements shall be waived in this manner.
- (5) **Land Uses Permitted as an Accessory Use:** Land uses permitted as an accessory use are permitted subject to all the requirements applicable to uses permitted by right as listed in Subsection (2), above, plus any additional requirements applicable to that particular land use as contained in Section 15.206 (Detailed Land Use Descriptions and Regulations).
- (6) **Land Uses Permitted as a Temporary Use:** Land uses listed as permitted as a temporary use (designated as a “T” in Sections 15.203 and 15.204) are permitted subject to all the requirements applicable to uses permitted by right as listed in Subsection (2), above, plus any additional requirements applicable to that particular land use as contained in Section 15.206(9) (Detailed Land Use Descriptions and Regulations). (See also Section 15.906.)
- (7) Land uses for which a blank space is shown for a specific zoning district are not permitted in such zoning district, except as legal nonconforming uses (see Section 15.207).
- (8) Although a land use may be indicated as permitted by right, permitted as a special use, or permitted as a conditional use in a particular district, it does not follow that such a land use is permitted or permissible on every parcel in such district. No land use is permitted or permissible on a parcel unless it can be located thereon in full compliance with all of the standards and regulations of this Chapter which are applicable to the specific land use and parcel in question, or unless an appropriate variance has been granted pursuant to Section 15.910.

Section 15.203 Table of Land Uses

This Chapter regulates the location of land uses to specific zoning districts through the use of the Table of Land Uses contained in this Section. (See the following pages for this Table.)

TABLE 15.203(1): TABLE OF LAND USES

P = Permitted by Right in a Conventional Development (See Section 15.206(1)(a))
C = Permitted as a Conditional Use (See Section 15.905)
I = Permitted as a Conditional Use in an Institutional Residential Development (See Section 15.206(1)(c))
M = Permitted as a Conditional Use within a Mobile Home Park (See Section 15.206(1)(d))

↓ ZONING DISTRICT ABBREVIATIONS ↓

RA-35	ER-1	SR-3	SR-5	NR-6	MR-8	UR-12	NO	SO	NC	SC	UC	CC	SI	UI	HI	↓ TYPE OF LAND USE ↓
																DWELLING UNIT TYPE (Section 15.034)
P	P	P	P	P	P	P	P		P							(1) Single-Family Detached 35 acre lot
	P	P	P	P	P	P	P		P							(2) Single-Family Detached 40,000 sf lot
	C	P	P	P	P	P	P		P							(3) Single-Family Detached 15,000 sf lot
		P	P	P	P	P	P		P							(4) Single-Family Detached 10,000 sf lot
			P	P	P	P	P		P							(5) Single-Family Detached 6,000 sf lot
				C	C	C	C		C							(6) Single-Family Detached 4,500 sf lot
					C	C	C		C							(7) Two-Flat 6,000 sf lot
					P	P	P									(8) Duplex 6,000 sf lot
					P	P	P					C				(9) Twin House 3,000 sf lot
					C	C	C		C			C				(10) Townhouse 2,500 sf lot
					C	C	C		C			C				(11) Multiplex 2,500 sf per unit
					C	C	C		C			C				(12) Apartment 2,500 sf per unit
					M	I	I	I	I	I	I	I				(13) Institutional Residential
																(14) Mobile Home 4,500 sf lot

RA-35ac Rural Agricultural
 ER-1 Estate Residential
 SR-3 Suburban Residential-3
 SR-5 Suburban Residential-5

NR-6 Neighborhood Residential
 MR-8 Mixed Residential
 UR-12 Urban Residential
 NO Neighborhood Office

SO Suburban Office
 NC Neighborhood Commercial
 SC Suburban Commercial
 UC Urban Commercial

CC Central Commercial
 SI Suburban Industrial
 UI Urban Industrial
 HI Heavy Industrial

TABLE 15.203(2) and (3): TABLE OF LAND USES

P=Permitted by Right (15.202(2)) S=Permitted as a Special Use (15.202(3)) C=Permitted as a Conditional Use (15.202(4))

↓ ZONING DISTRICT ABBREVIATIONS ↓															↓ TYPE OF LAND USE ↓		
RA-35ac	ER-1	SR-3	SR-5	NR-6	MR-8	UR-12	NO	SO	NC	SC	UC	CC	SI	UI	HI		
NONRESIDENTIAL LAND USES																	
AGRICULTURAL USES (15.206(2)(_))																	
P	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	(a) Cultivation
C																	(b) Husbandry
C																C	(c) Intensive Agriculture
C																	(d) Agricultural Services
S																	(e) On-Site Agricultural Retail
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(f) Selective Cutting
C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	(g) Clear Cutting
INSTITUTIONAL USES (15.206(3)(_))																	
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(a) Passive Outdoor Public Recreational
S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	(b) Active Outdoor Public Recreational
C	C	C	C	C	C	C	S	S	S	S	S	S	S	S	S	S	(c) Indoor Institutional
v	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	(d) Outdoor Institutional
C																	(e) Public Services and Utilities
S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	(f) Institutional Residential
						C	C	C		C	C	C					(g) Community Living Arrangement (1-8 res.)
S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	(h) Community Living Arrangement (9-15)
	C	C	C	C	S	S	C	C									(i) Community Living Arrangement (16+)
						C	C	C									

RA-35ac Rural Agricultural
 ER-1 Estate Residential
 SR-3 Suburban Residential-3
 SR-5 Suburban Residential-5

NR-6 Neighborhood Residential
 MR-8 Mixed Residential
 UR-12 Urban Residential
 NO Neighborhood Office

SO Suburban Office
 NC Neighborhood Commercial
 SC Suburban Commercial
 UC Urban Commercial

CC Central Commercial
 SI Suburban Industrial
 UI Urban Industrial
 HI Heavy Industrial

TABLE 15.203(4): TABLE OF LAND USES

P=Permitted by Right (15.202(2)) S=Permitted as a Special Use (15.202(3)) C=Permitted as a Conditional Use (15.202(4))

↓ZONING DISTRICT ABBREVIATIONS↓															↓ TYPE OF LAND USE ↓	
RA-35ac	ER-1	SR-3	SR-5	NR-6	MR-8	UR-12	NO	SO	NC	SC	UC	CC	SI	UI		HI
							P	P	P	P	P	P	P	P	P	COMMERCIAL USES (15.206(4)(_))
							P	P	P	P	P	P				(a) Office
							C	C	P	P	P	P	C			(b) Personal or Professional Service
										C	C					(c) Indoor Sales or Service
									P	P	P	P	P	P	P	(d) Outdoor Display
															C	(e) Indoor Maintenance Service
																(f) Outdoor Maintenance Service
							C	C	C	C	C	C				(g) In-Vehicle Sales or Service
							C	C	C	C	C	C	C	C		(h) Indoor Commercial Entertainment
											C		C			(i) Outdoor Commercial Entertainment
											C	C		C		(j) Commercial Animal Boarding
							C	C		C	C	C				(k) Commercial Indoor Lodging
	C	C	C	C	C	C	C		C	C	C	C				(l) Bed and Breakfast Establishments
					C	C	C	C	C	C	C	C	C	C		(m) Group Day Care Center (9+ children)
											C	C				(n) Campground
						C	C				C	C				(o) Rooming House
															C	(p) Sexually-Oriented Land Use

RA-35ac Rural Agricultural
ER-1 Estate Residential
SR-3 Suburban Residential-3
SR-5 Suburban Residential-5

NR-6 Neighborhood Residential
MR-8 Mixed Residential
UR-12 Urban Residential
NO Neighborhood Office

SO Suburban Office
NC Neighborhood Commercial
SC Suburban Commercial
UC Urban Commercial

CC Central Commercial
SI Suburban Industrial
UI Urban Industrial
HI Heavy Industrial

TABLE 15.203(5), (6), and (7): TABLE OF LAND USES

P=Permitted by Right (15.202(2)) S=Permitted as a Special Use (15.202(3)) C=Permitted as a Conditional Use (15.202(4))

↓ZONING DISTRICT ABBREVIATIONS↓

RA-35ac	ER-1	SR-3	SR-5	NR-6	MR-8	UR-12	NO	SO	NC	SC	UC	CC	SI	UI	HI	↓ TYPE OF LAND USE ↓
---------	------	------	------	------	------	-------	----	----	----	----	----	----	----	----	----	----------------------

C											C		P	P	P	STORAGE/DISPOSAL (15.206(5)(_))
C											C		C	C	S	(a) Indoor Storage or Wholesaling
C											C		C	C	S	(b) Outdoor Storage or Wholesaling
																(c) Personal Storage Facility
																(d) Junkyard or Salvage Yard
																(e) Waste Disposal Facility
																(f) Composting Operation

C				C	C	C	C	C	C	C	S	S	C	S	S	TRANSPORTATION USES (15.206(6)(_))
													C	C	C	(a) Off-Site Parking Lot
													C	C	C	(b) Airport/Heliport
													C	C	C	(c) Freight Terminal
													C	C	C	(d) Distribution Center

C													S	S	S	INDUSTRIAL USES (15.206(7)(_))
													C	C	C	(a) Light Industrial
																(b) Heavy Industrial
																(c) Communication Tower
																(d) Extraction Use

RA-35ac Rural Agricultural
 ER-1 Estate Residential
 SR-3 Suburban Residential-3
 SR-5 Suburban Residential-5

NR-6 Neighborhood Residential
 MR-8 Mixed Residential
 UR-12 Urban Residential
 NO Neighborhood Office

SO Suburban Office
 NC Neighborhood Commercial
 SC Suburban Commercial
 UC Urban Commercial

CC Central Commercial
 SI Suburban Industrial
 UI Urban Industrial
 HI Heavy Industrial

TABLE 15.203(8): TABLE OF LAND USES

P=Permitted by Right (15.202(2)) **S**=Permitted as a Special Use (15.202(3)) **C**=Permitted as a Conditional Use (15.202(4))

↓ ZONING DISTRICT ABBREVIATIONS ↓

RA-35ac	ER-1	SR-3	SR-5	NR-6	MR-8	UR-12	NO	SO	NC	SC	UC	CC	SI	UI	HI	↓ TYPE OF LAND USE ↓
									C	C	S/C	C				ACCESSORY USES (15.206(8)(L))
S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	(a) Commercial Apartment
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(b) On-Site Parking Lot
P/C	P/C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(c) Farm Residence
S	S	S	S	S	S	S										(d) Private Residential Garage or Shed
S	C															(e) Private Residential Recreational Facility
S																(f) Private Residential Kennel
							P	P		P	P	P	P	P	P	(g) Private Residential Stable
							S/C	S/C		S/C	S/C	S/C	S/C	S/C	S/C	(h) Company Cafeteria
									C	C						(i) Company Provided On-Site Recreation
									C	C	C	C				(j) Incidental Outdoor Display
							C	C	C	C						(k) In-Vehicle Sales and Service
													S	S	S	(l) Indoor Sales Incident to Light Industrial Use
									C	C	C	C				(m) Light Industrial Incident to Indoor Sales
S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	(n) Drainage Structure (See 15.204 also)
S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	(o) Filling (See 15.204 also)
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(p) Lawn Care (See 15.204 also)
C	C															(q) Septic Systems (See 15.204 also)
C	C	C	C	C	C	C	S/C	(r) Exterior Communication Devices								
S	S	S	S	C	C	C	S	S	S	S	S	S	S	S	S	(s) Home Occupation
P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	(t) On-Site Composting/Wood Piles
P	P	P	P	P	P	P										(u) Family Day Care Home
C	C	C	C	C	C	C										(v) Intermediate Day Care Home
C															C	(w) Migrant Labor Camp

RA-35ac Rural Agricultural
ER-1 Estate Residential
SR-3 Suburban Residential-3
SR-5 Suburban Residential-5

NR-6 Neighborhood Residential
MR-8 Mixed Residential
UR-12 Urban Residential
NO Neighborhood Office

SO Suburban Office
NC Neighborhood Commercial
SC Suburban Commercial
UC Urban Commercial

CC Central Commercial
SI Suburban Industrial
UI Urban Industrial
HI Heavy Industrial

TABLE 15.203(9): TABLE OF LAND USES

T = Permitted as a Temporary Use (15.202(6))

↓ZONING DISTRICT ABBREVIATIONS↓															↓ TYPE OF LAND USE ↓	
RA-35ac	ER-1	SR-3	SR-5	NR-6	MR-8	UR-12	NO	SO	NC	SC	UC	CC	SI	UI		HI
																TEMPORARY USES (15.206(9)(L))
T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	(a) Contractor's Project Office
T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	(b) Contractor's On-Site Equipment Storage
							T	T	T	T	T	T	T	T	T	(c) Relocatable Building
T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	(d) On-Site Real Estate Sales Office
									T	T	T	T				(e) General Temporary Outdoor Sales
T									T	T	T	T	T	T		(f) Outdoor Sales of Farm Products
T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	(g) Outdoor Assembly
T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	(h) Remediation Structure

RA-35ac Rural Agricultural
 ER-1 Estate Residential
 SR-3 Suburban Residential-3
 SR-5 Suburban Residential-5

NR-6 Neighborhood Residential
 MR-8 Mixed Residential
 UR-12 Urban Residential
 NO Neighborhood Office

SO Suburban Office
 NC Neighborhood Commercial
 SC Suburban Commercial
 UC Urban Commercial

CC Central Commercial
 SI Suburban Industrial
 UI Urban Industrial
 HI Heavy Industrial

Section 15.204 Table of Land Uses Permitted in Permanently Protected Green Space Areas

In all developments, certain areas may be required to be set aside as permanently protected green space for the purpose of natural resources protection, to meet a Minimum Green Space Ratio (GSR) requirement, or to meet a Minimum Landscape Surface Ratio (LSR) requirement (see Subchapter 15-3: Density and Intensity Regulations, and Subchapter 15-5: Natural Resource Protection Regulations). Where such permanently protected green space is required, and where the land use is also permitted per the land use regulations of the applicable conventional zoning district (see Section 15.203: Table of Land Uses), Table 15.204: Land Use Permitted in Permanently Protected Green Space Areas shall also be employed to establish land use regulations. All land uses listed in Section 15.203, but not listed in this Section, are prohibited in permanently protected green spaces.

(Table 15.204 is presented on the following page.)

TABLE 15.204: LAND USES PERMITTED IN PERMANENTLY PROTECTED GREEN SPACE AREAS

LAND USE ↓ NATURAL RESOURCE DISRUPTION AND REQUIRED MITIGATION STANDARDS (15.206(10))	PERMANENTLY PROTECTED GREENSPACE AREAS						OTHER PERMANENTLY PROTECTED GREEN SPACE
	W E T L A N D	R E C H A R G E A R E A	D R A I N A G E W A Y	L A K E S H O R E	W O O D L A N D	S T E E P S L O P E	
(a) Cultivation							C
(b) Passive Outdoor Recreational			S	S	S	S	S
(c) Active Outdoor Recreational							S
(d) Outdoor Institutional							S
(e) Lawn Care (mow-feed-seed-weed)			C	C	C	C	S
(f) Golf Course			C	C	C	C	S
(g) Any Permitted Temporary Use							S,T
(h) Drainage Structure			C	C	C	C	C
(i) Filling			C	C	C	C	C
(j) Septic System			C	C	C	C	C
(k) Road, Bridge			C	C	C	C	C
(l) Utility Lines & Related Facilities			C	C	C	C	C

S: Permitted as a Special Use per 15.206(10), 15.203, 15.501-.509, and 15.904.
C: Permitted as a Conditional Use per 15.206(10), 15.203, 15.501-.509 and 15.905.
T: Permitted as a Temporary Use per 15.206(10), 15.203, 15.501-.509, and 15.906.

Section 15.205 Regulations Applicable to All Land Uses

All uses of land initiated within the jurisdiction of this Chapter on, or following, the effective date of this Chapter shall comply with all of the provisions of this Chapter. Specifically:

- (1) **Land Use Regulations and Requirements:** All uses of land shall comply with all the regulations and requirements of Subchapter 15-2, pertaining to the types of uses to which land may be put, and to various requirements which must be met for certain types of land uses within particular zoning districts. Such regulations and requirements address both general and specific regulations which land uses shall adhere to; and which are directly related to the protection of the health, safety and general welfare of the residents of the City of Sheboygan and its environs.
- (2) **Density and Intensity Regulations and Requirements:** All development of land shall comply with all the regulations and requirements of Subchapter 15-3, pertaining to the maximum permitted density (for residential land uses) and intensity (for nonresidential land uses) of land uses. Such regulations and requirements address issues such as Floor Area Ratios (FARs), Green Space Ratios (GSRs), and Landscape Surface Ratios (LSRs); which are directly related to, and are a critical component of, density and intensity and the protection of the health, safety, and general welfare of the residents of the City of Sheboygan and its environs.
- (3) **Bulk Regulations and Requirements:** All land use and/or development of land shall comply with all the regulations and requirements of Subchapter 15-4, pertaining to the maximum permitted bulk of structures and the location of structures on a lot. Such regulations and requirements address issues such as height, setbacks from property lines and rights-of-way, and minimum separation between structures; which are directly related to, and a critical component of, the effective bulk of a structure and the protection of the health, safety, and general welfare of the residents of the City of Sheboygan and its environs.
- (4) **Natural Resources and Green Space Regulations and Requirements:** All land use and/or development of land shall comply with all the regulations and requirements of Subchapter 15-5, pertaining to the protection of sensitive natural resources and required green space areas. Such regulations and requirements address issues such as absolute protection, partial protection, and mitigation; which are directly related to, and a critical component of, the protection of natural resources and the protection of the health, safety, and general welfare of the residents of the City of Sheboygan and its environs.
- (5) **Landscaping and Bufferyards Regulations and Requirements:** All development of land shall comply with all the regulations and requirements of Subchapter 15-6, pertaining to the provision of landscaping and bufferyards. Such regulations and requirements address issues such as minimum required landscaping of developed land, and minimum required provision of bufferyards between adjoining zoning districts and/or development options; which are directly related to, and a critical component of, the protection of the health, safety, and general welfare of the residents of the City of Sheboygan and its environs.

- (6) **Performance Standards and Requirements:** All development of land shall comply with all the regulations and requirements of Subchapter 15-7, pertaining to the provision of appropriate access, parking, loading, storage, and lighting facilities. Such regulations and requirements address issues such as maximum permitted access points, minimum required parking spaces, the screening of storage areas, and maximum permitted intensity of lighting, as well as defining acceptable levels of potential nuisances such as noise, vibration, odors, heat, glare and smoke; which are directly related to, and a critical component of, the protection of the health, safety, and general welfare of the residents of the City of Sheboygan and its environs.
- (7) **Signage Regulations and Requirements:** All land use and/or development of land shall comply with all the regulations and requirements of Subchapter 15-8, pertaining to the type and amount of signage permitted on property. Such regulations and restrictions address issues such as the maximum area of permitted signage and the number and types of permitted signage; which are directly related to, and a critical component of, the protection of the health, safety, and general welfare of the residents of the City of Sheboygan and its environs.
- (8) **Procedural Regulations and Requirements:** All land use and/or development of land shall comply with all the regulations and requirements of Subchapter 15-9, pertaining to the procedures necessary to secure review and approval of land use and/or development. Such regulations and restrictions address both procedural and technical requirements; and are directly related to, and a critical component of, the protection of the health, safety, and general welfare of the residents of the City of Sheboygan and its environs. At a minimum, all development shall be subject to the requirements of Section 15.908.
- (9) **Number of Buildings Per Lot:** In the RA-35ac, ER-1, SR-3, SR-5 and NR-6 Districts, only 1 principal building shall be permitted on any 1 lot. In the MR-8, UR-12, NO, SO, NC, SC, UC, CC, SI, UI, and HI Districts, more than 1 principal building shall be permitted on any 1 lot upon the granting of a conditional use permit for Group Development in compliance with Section 15.208.
- (10) **Number of Land Uses Per Building:**
 - (a) No more than 1 nonresidential land use shall be permitted in any building unless a conditional use permit for a Group Development is granted in compliance with Section 15.208.
 - (b) With the exceptions of a Commercial Apartment or a Home Occupation, no building containing a nonresidential land use shall contain a residential land use. (See Sections 15.206(8)(a) and 15.206(8)(s).)
- (11) **Division or Combining or a Lot:** No recorded lot shall be divided into 2 or more lots, and no two or more recorded lots shall be combined into one or more lots, unless such division or combination results in the creation of lots, each of which conforms to all the applicable regulations of the zoning district in which said lot is located (as set forth in this Chapter). (See also the Land Division Regulations.)

Section 15.206 Detailed Land Use Descriptions and Regulations

The land use categories employed by this Chapter (particularly Sections 15.203 and 15.204) are defined in this Section. Land uses which are not listed in this Chapter are not necessarily excluded from locating within any given zoning district. Section 15.911 empowers the Zoning Administrator to make interpretations on matters regarding specific land use proposals which are not addressed by this Chapter.

(1) Residential Land Uses (Development Options)

Specific residential unit types (such as single-family detached house on a 10,000 square foot lot, duplex, twin house, townhouse, multiplex, apartment, etc.) are defined in Section 15.034. Standards for each residential unit type are provided in the Residential Bulk Requirements within each zoning district Section in Subchapter 15-1.

(a) Conventional Residential Development

Description: This land use includes, but is not limited to, all residential developments which do not provide permanently protected green space areas. Property which is under common ownership of a property owners' association is permitted, but is not a required component of this type of development. Up to 10 percent of a conventional residential development's Gross Site Area (GSA) can obtain natural resource areas which must be protected (or other permanently protected green space areas), without a reduction in Maximum Gross Density (MGD). (See note (1)(e) below.)

1. Permitted by Right {RA-35ac, ER-1, SR-3, SR-5, NR-6, MR-8, UR-12, NO NC}.
2. Special Use Regulations: Not applicable.
3. Conditional Use Regulations: Not applicable.
4. Parking Regulations: 3 spaces for all single-family and two-family dwelling units; For multi-family dwelling units: 2 spaces per unit for two or more bedrooms; 1 and ½ spaces per unit for one or less bedrooms.

(b) Cluster Residential Development

Description: This land use is a residential subdivision that requires dwelling unit types which require smaller lots than conventional residential developments within the same zoning district. This lot size flexibility is provided because the provision of the required common green space results in a community character which is consistent with which conventional residential developments. (See note (1)(e) below.)

1. Permitted by Right: Not applicable.
2. Special Use Regulations: Not applicable.
3. Conditional Use Regulations {ER-1, NR-6, MR-8, UR-12, NO, NC}:
 - a. Development clusters shall be located so as to blend with adjacent residentially zoned areas to the greatest extent possible.
 - b. If such adjacent areas are developed as a conventional residential development, bufferyards shall be provided within adjoining portions of the cluster residential development (see Section 15.610).
 - c. No direct vehicle access shall be permitted to local residential streets.
 - d. Applicant shall provide appropriate deed restrictions/performance bonds to ensure long-term maintenance of common areas and the whole development.
 - e. Applicant shall comply with Section 15.905, standards and procedures applicable to all conditional uses.
4. Parking Regulations: 3 spaces for all single-family and two-family dwelling units; For multi-family dwelling units: 2 spaces per unit for two or more bedrooms; 1 and ½ spaces per unit for one or less bedrooms.

(c) Institutional Residential Development

Description: This land use is a form of residential development designed to accommodate institutional residential land uses, such as retirement homes, nursing homes, convents, and dormitories (see Section 15.206(3)(f)). No individual lots are required. The development shall contain a minimum of 800 square feet of Gross Site Area (GSA) for each occupant of the development, and a minimum of 30 percent of the development's GSA shall be held as permanently protected green space. (See (1)(e)).

1. Permitted by Right: Not applicable.
2. Special Use Regulations: Not Applicable.
3. Conditional Use Regulations {UR-12, NO, SO, NC, SC, UC, CC}:
 - a. The proposed site shall be located so as to avoid disruption of an established or developing office area. Within the Neighborhood Office (NO) and Suburban Office (SO) Districts, institutional residential developments shall

- b. Shall be located with primary vehicle access on a collector or arterial street.
 - c. No direct vehicle access shall be permitted to a local residential street.
 - d. Applicant shall provide off-street passenger loading area at a minimum of one location within the development.
 - e. All structures shall be located a minimum of 50 feet from any residentially zoned property which does not contain an institutional residential land use.
 - f. Applicant shall comply with Section 15.905, standards and procedures applicable to all conditional uses.
4. Parking Regulations: Regulations per 15.206(3(f)).

(d) **Mobile Home Park Residential Development** (*Rental/Condo Park*)

Description: This land use is a form of conventional residential development which is exclusively reserved for individually sold or rented air right pads containing mobile home units. Each of the mobile home units must meet the requirements for mobile homes listed in Section 15.034 of this Chapter. Under this development option, approximately 10 percent of a development's Gross Site Area (GSA) can contain natural resource areas which must be protected (or other permanently protected green space areas), without a reduction in Maximum Gross Density (MGD). (See (1)(e) below.)

- 1. Permitted by Right: Not applicable.
- 2. Special Use Regulations: Not applicable.
- 3. Conditional Use Regulations {MR-8}:
 - a. Development shall be located so as to blend with adjacent residentially zoned areas to the greatest extent possible.
 - b. Mobile home park residential developments shall comply with the same landscaping and bufferyard requirements as apartments and cluster residential developments, as specified in Section 15.610 of this Chapter.
 - c. No access shall be permitted to local residential streets.
 - d. Shall comply with Section 15.905, standards applicable to all conditional uses.

(e) **Note Regarding Percentage of Green Space and Maximum Density Yield**

This estimate is provided as a general rule of thumb for convenience of the users of this Chapter and is not to be considered as ensured by the provisions of this Chapter.

(2) **Agricultural Land Uses**

(a) **Cultivation**

Description: Cultivation land uses include all operations primarily oriented to the on-site, outdoor raising of plants. This land use includes trees which are raised as a crop to be replaced with more trees after harvesting, such as in nursery or Christmas tree operations.

1. Permitted by Right: {RA-35ac}:
2. Special Use Regulations {All Districts except RA-35ac}:
 - a. On buildable lots, cultivation areas shall not exceed 20 percent of the lot's area.
 - b. Cultivation areas shall not be located within the required front yard or street yard of any buildable or developed lot.
 - c. Shall comply with Section 15.904, procedures applicable to all special uses.
3. Conditional Use Regulations: Not applicable.
4. Parking Regulations: One space per employee on the largest work shift. (Note: Agricultural land uses are hereby made exempt from the surfacing requirements of Section 15.704(6)(a).

(b) **Husbandry**

Description: Husbandry land uses include all operations primarily oriented to the on-site raising and/or use of animals at an intensity of less than 1 animal unit (as defined in Section 15.034) per acre. Apiaries are considered husbandry land uses.

1. Permitted by Right: Not applicable.
2. Special Use Regulations: Not applicable.
3. Conditional Use Regulations {RA-35ac}:
 - a. Any building housing animals shall be located a minimum of 300 feet from any residentially zoned property, and 100 feet from all other lot lines.

- b. All outdoor animal containments (pasture) shall be located a minimum of 10 feet from any residentially zoned property.
 - c. Shall comply with Section 15.904, procedures applicable to all special uses.
4. Parking Regulations: One space per employee on the largest work shift. (Note: Agricultural land uses are hereby made exempt from the surfacing requirements of Section 15.704(6)(a).

(c) **Intensive Agriculture**

Description: Intensive agricultural land uses include all operations primarily oriented to the on-site raising and/or use of animals at an intensity equal to or exceeding 1 animal unit (as defined in Section 15.034) per acre and/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 criterion.

- 1. Permitted by Right: Not applicable.
- 2. Special Use Regulations: Not applicable.
- 3. Conditional Use Regulations {RA-35ac}:
 - a. Shall not be located in, or adjacent to, an existing or platted residential subdivision.
 - b. Shall be completely surrounded by a bufferyard with a minimum intensity of 1.00. (See Section 15.610.)
 - c. All buildings, structures, outdoor storage areas, and outdoor animal containments shall be located a minimum of 300 feet from all residentially zoned property and 100 feet from all other lot lines.
 - d. Shall be located in an area which is planned to remain commercially viable for agricultural land uses.
 - e. Shall comply with Section 15.905, standards and procedures applicable to all conditional uses.
- 4. Parking Regulations: One space per employee on the largest work shift. (Note: Agricultural land uses are hereby made exempt from the surfacing requirements of Section 15.704(6)(a).

(d) **Agricultural Service**

Description: Agricultural service land 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 seed stores; agricultural chemical dealers and/or storage facilities; animal feed storage facilities; commercial dairies; food processing facilities; canning and other packaging facilities; and agricultural waste disposal facilities (except commercial composting uses, see Section 15.206(5)(f)).

1. Permitted by Right: Not applicable.
2. Special Use Regulations: Not applicable.
3. Conditional Use Regulations {RA-35ac, HI}:
 - a. Shall not be located in, or adjacent to, an existing or platted residential subdivision.
 - b. All buildings, structures, outdoor storage areas, and outdoor animal containments shall be located a minimum of 100 feet from all lot lines.
 - c. If within the RA-35ac District, shall be located in an area which is planned to remain commercially viable for agricultural land uses.
 - f. Shall comply with Section 15.905, standards and procedures applicable to all conditional land.
4. Parking Regulations: One space per employee on the largest work shift. (Note: Agricultural land uses are hereby made exempt from the surfacing requirements of Section 15.704(6)(a)).

(e) **On-Site Agricultural Retail**

Description: On-site agricultural retail land 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.

1. Permitted by Right: Not applicable.
2. Special Use Regulations {RA-35ac}:

- a. No structure or group of structures shall exceed 500 square feet in floor area.
- b. No structure shall exceed 12 feet in height.
- c. All structures shall meet all required setbacks for nonresidential land uses. (See Table 15.403.)
- d. Signage shall be limited to 1 on-site sign which shall not exceed 30 square feet in area.
- e. Such land use shall be served by no more than 1 driveway. Said driveway shall require a valid driveway permit.
- f. A minimum of one parking space shall be required for every 200 square feet of product display area.
- g. The sale of products which are grown on property under different ownership, shall be prohibited.
- h. Said structure and fencing shall be located a minimum of 300 feet from any residentially zoned property.
- i. Shall comply with Section 15.904, procedures applicable to all special uses.

3. Conditional Use Regulations: Not applicable.

4. Parking Regulations: One space per employee on the largest work shift. (Note: Agricultural land uses are hereby made exempt from the surfacing requirements of Section 15.704(6)(a).

(f) **Selective Cutting**

Description: Selective cutting land uses include any operation associated with the one-time, continuing, or cumulative clearing, cutting, harvesting, or other destruction of trees (including by fire) where the extent of such activity is limited to an area (or combined areas) of less than or equal to 50 percent of the woodlands on the property (or up to 100 percent for developments approved prior to the effective date of this Chapter). Selective cutting activity shall be limited to areas located within development pads which are designated on recorded Plats or Certified Survey Maps (see Section 15.509). The destruction of trees in an area in excess of this amount of the woodlands on the property shall be considered clear cutting, (see (g), below).

- 1. Permitted by Right: {All Districts}.
- 2. Special Use Regulations: Not applicable.
- 3. Conditional Use Regulations: Not applicable.

(g) **Clear Cutting**

Description: Clear cutting land uses include the one-time, continuing, or cumulative clearing, cutting, harvesting, or other destruction (including by fire) of trees in an area (or combined areas) of more than 50 percent of the woodlands on a property (or up to 100 percent for developments approved prior to the effective date of this Ordinance). Clear cutting is permitted only as a conditional use within the jurisdiction of this Chapter. Areas which have been clear cut as a result of intentional action following the effective date of this Chapter without the granting of a conditional use permit are in violation of this Chapter and the property owner shall be fined for such violation (in accordance with the provisions of Section 15.937) and shall be required to implement the mitigation standards required for the destruction of woodlands solely at his/her expense, including costs associated with site inspection to confirm the satisfaction of mitigation requirements. Areas which have been clear cut unintentionally as a result of a fire shall not subject the owner of the property to fines associated with the violation of this Chapter, but shall require the satisfaction of mitigation requirements at the owner's expense, including cost associated with site inspection to confirm the satisfaction of mitigation requirements. (See Section 15.608.)

1. Permitted by Right: Not applicable.
2. Special Use Regulations: Not applicable.
3. Conditional Use Regulations {All Districts}:
 - a. Applicant shall demonstrate that clear cutting will improve the level of environmental protection on the subject property.
 - b. Areas of the subject property which are clear cut beyond the limitations established above, shall be replanted per the requirements of Section 15.507. (Referenced section requires the replanting of trees in other portions of the subject property--hereby freeing the currently wooded area for development while ensuring that the amount of required wooded area on the subject property remains constant.)
 - c. Clear cutting shall not be permitted within a required bufferyard or landscaped area (see Section 15.610), or within an area designated as permanently protected green space (see Subchapter 15-6).
 - d. Shall comply with Section 15.905, standards and procedures applicable to all conditional uses.

(3) **Institutional Land Uses**

(a) **Passive Outdoor Public Recreational**

Description: Passive outdoor public recreational land uses include all recreational land uses located on public property which involve passive recreational activities. Such land uses include arboretums, natural areas, wildlife areas, hiking trails, bike trails, cross country ski trails, horse trails, open grassed areas not associated with any particular active recreational land use (see (b), below), picnic areas, picnic shelters, gardens, fishing areas, and similar land uses.

1. Permitted by Right {All Districts}.
2. Special Use Regulations: Not applicable.
3. Conditional Use Regulations: Not applicable.
4. Parking Requirements: One space per four expected patrons at maximum capacity for any use requiring over five spaces.

(b) **Active Outdoor Public Recreational**

Description: Active outdoor public recreational land uses include all recreational land uses located on public property which involve active recreational activities. Such land uses include playcourts (such as tennis courts and basketball courts), playfields (such as ball diamonds, football fields, and soccer fields), tot lots, outdoor swimming pools, swimming beach areas, fitness courses, publicly owned golf courses, and similar land uses.

1. Permitted by Right: Not applicable.
2. Special Use Regulations {RA-35ac, ER-1, SR-3, SR-5, NR-6, MR-8, UR-12, NO, SO, NC, SC, UC, CC, SI}:
 - a. Facilities using night lighting and adjoining a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of 0.60 (see Section 15.610). Said bufferyard shall be located at the property line adjacent to said residentially zoned property.
 - b. All structures and active recreational areas shall be located a minimum of 50 feet from any residentially zoned property.
 - c. Facilities which serve a community-wide function shall be located with primary vehicular access on a collector or arterial street.
 - d. Facilities which serve a regional or community-wide function shall provide off-street passenger loading area if the majority of the users will be children.

- e. Shall comply with section 15.904, procedures applicable to all special uses.
3. Conditional Use Regulations: Not applicable.
 4. Parking Regulations: Active Outdoor Public Recreation: one space per four expected patrons at maximum capacity for any use requiring over five spaces.

(c) **Indoor Institutional**

Description: Indoor institutional land uses include all indoor public and not for profit recreational facilities such as gyms, swimming pools, libraries, museums, and community centers, schools, churches, nonprofit clubs, nonprofit fraternal organizations, convention centers, hospitals, jails, prisons, and similar land uses.

1. Permitted by Right: Not applicable.
2. Special Use Regulations {NO, SO, NC, SC, UC, CC, SI}:
 - a. Shall be located with primary vehicular access on a collector or arterial street.
 - b. Shall provide off-street passenger loading area if the majority of the users will be children (as in the case of a school, church, library, or similar land use).
 - c. All structures shall be located a minimum of 50 feet from any residentially zoned property.
 - d. Shall comply with Section 15.904, procedures applicable to all special uses.
3. Conditional Use Regulations {RA-35ac, ER-1, SR-3, SR-5, NR-6, MR-8, UR-12}:
 - a. Shall meet all regulations for special uses listed in b., above.
 - b. Shall comply with Section 15.905, standards and procedures applicable to all conditional uses.
4. Parking Regulations: Generally, one space per three expected patrons at maximum capacity. However, see additional specific requirements below:

Church: One space per five seats at the maximum capacity.

Community or Recreation Center: One space per 250 square feet of gross floor area, or one space per four patrons to the

maximum capacity, whichever is greater, plus one space per employee on the largest work shift.

Funeral Home: One space per three patron seats at the maximum capacity, plus one space per employee on the largest work shift.

Hospital: Two spaces per three patient beds, plus one space per each employee on the largest work shift.

Library or Museum: One space per 250 square feet of gross floor area or one space per four seats to the maximum capacity, whichever is greater, plus one space per employee on the largest work shift.

Elementary and Junior High: One space per teacher and per staff member, plus one space per two classrooms.

Senior High: One space per teacher and staff member, plus one space per five non-bused students.

College or Trade School: One space per staff member on the largest work shift, plus one space per two students of the largest class attendance period.

(d) **Outdoor Institutional**

Description: Outdoor institutional land uses include public and private cemeteries, privately held permanently protected green space areas, country clubs, privately owned golf courses, and similar land uses.

1. Permitted by Right: Not applicable.
2. Special Use Regulations: Non applicable.
3. Conditional Use Regulations {All Districts except UI and HI}:
 - a. Shall be located with primary vehicular access on a collector or arterial street.
 - b. Shall provide off-street passenger loading area if a significant proportion of the users will be children.
 - c. All structures and actively used outdoor recreational areas shall be located a minimum of 50 feet from any residentially zoned property.
 - d. Facilities using night lighting and adjoining a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of 0.60 (see Section 15.610). Said bufferyard shall be located at the property line adjacent to said residentially zoned property.
 - e. Shall comply with Section 15.905, standards and procedures applicable to all conditional uses.

4. Parking Regulations: Generally, one space per three expected patrons at maximum capacity. However, see additional specific requirements below:

Cemetery: One space per employee, plus one space per three patrons to be maximum capacity of all indoor assembly areas.

Golf Course: 36 spaces per nine holes, plus one space per employee on the largest work shift, plus 50 percent of spaces otherwise required for any accessory uses (e.g., bars, restaurant).

Swimming Pool: One space per 75 square feet of gross water area.

Tennis Court: 3 spaces per court.

(e) **Public Service and Utilities**

Description: Public service and utilities land uses include all City, County, State and Federal facilities (except those otherwise treated in this Section), emergency service facilities such as fire departments and rescue operations, wastewater treatment plants, public and/or private utility substations, water towers, utility and public service related distribution facilities, and similar land uses.

1. Permitted by Right: Not applicable.
2. Special Use Regulations {All Districts}:
 - a. Outdoor storage areas shall be located a minimum of 50 feet from any residentially zoned property.
 - b. All outdoor storage areas adjoining a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of .60 (see Section 15.610). Said bufferyard shall be located at the property line adjacent to said residentially zoned property.
 - c. All structures shall be located a minimum of 20 feet from any residentially zoned property.
 - d. The exterior of all buildings shall be compatible with the exteriors of surrounding buildings.
 - e. Shall comply with Section 15.904, procedures applicable to all special uses.
3. Conditional Use Regulations: Not applicable.
4. Parking Regulations: One space per employee on the largest work shift, plus one space or company vehicle normally stored or parked on the premises, plus one space per 500 square feet of gross square feet of office space.

(f) **Institutional Residential**

Description: Institutional residential land uses include group homes, convents, monasteries, nursing homes, convalescent homes, limited care facilities, rehabilitation centers, and similar land uses not considered to be community living arrangements under the provisions of Wisconsin Statutes 62.23.

1. Permitted by Right: Not applicable.
2. Special Use Regulations: Not applicable.
3. Conditional Use Regulations {UR-12, NO, SO, SC, UC, CC}: See listing for Institutional Residential under Residential Uses, Section 15.206(1)(c), above.
4. Parking Regulations:

Multi-family Units: Same as cluster residential units. (See Section 15.206(1)(b).)

Monastery or Convent: One space per six residents, plus one space per employee on the largest work shift, plus one space per five chapel seats if the public may attend.

Nursing Home: One space per six patient beds, plus one space per employee on the largest work shift, plus one space per visiting doctor.

(g) **Community Living arrangement (1-8 residents)**

Description: Community living arrangement land uses include all facilities provided for in Wisconsin Statutes 46.03(22), including child welfare agencies, group homes for children, and community based residential facilities. Community living arrangements do not include day care centers (see separate listing); nursing homes (an institutional residential land use); general hospitals, special hospitals, prisons, or jails (all indoor institutional land uses). Community living arrangement facilities are regulated depending upon their capacity as provided for in Wisconsin Statutes 62.23.

1. Permitted by Right: Non applicable.
2. Special Use Regulations {RA-35AC, ER-1, SR-3, SR-5, NR-6, UR-12}:
 - a. No community living arrangement shall be established within 21,500 feet of any other such facility regardless of its capacity.
 - b. The total capacity of all community living arrangements (of all capacities) in the City shall not exceed 1 percent of the

City's population (unless specifically authorized by the City Council following a public hearing).

- c. Foster homes housing 4 or fewer children and licensed under Wisconsin Statutes 48.62 shall not be subject to a., above; and shall not be subject to, or count toward, the total arrived at in b., above.
- d. Shall comply with Section 15.904, procedures applicable to all special uses. *State Law Reference: Section 62.23, Wisconsin Statutes*

- 3. Conditional Use Regulations: Not applicable
- 4. Parking Regulations: 3 spaces.

(h) Community Living Arrangement (9-15 residents)

Description: See (g), above.

- 1. Permitted by Right: Not applicable.
- 2. Special Use Regulations {MR-8, UR-12}:
 - a. No community living arrangement shall be established within 2,500 feet of any other such facility, regardless of capacity.
 - b. The total capacity of all community living arrangements (of all capacities) in the City shall not exceed 1 percent of the City's population (unless specifically authorized by the City Council following a public hearing).
 - c. Shall comply with Section 15.904, procedures applicable to all special uses. *State Law Reference: Section 62.23, Wisconsin Statutes*
- 3. Conditional Use Regulations {ER-1, SR-3, SR-5, NR-6, NO, SO}:
 - a. Shall meet all regulations for special uses in b., above.
 - b. Shall comply with Section 15.905, standards and procedures applicable to all conditional uses. *State Law Reference: Section 62.23, Wisconsin Statutes*
- 4. Parking Regulations: 4 spaces.

(i) Community Living Arrangement (16+ residents)

Description: See (g), above.

1. Permitted by Right: Not applicable.
2. Special Use Regulations: Not applicable.
3. Conditional Use Regulations {UR-12, NO, SO}:
 - a. No community living arrangement shall be established with 2,500 feet of any other such facility, regardless of capacity.
 - b. The total capacity of all community living arrangements (of all capacities) in the City shall not exceed 1 percent of the City's population (unless specifically authorized by the City Council following a public hearing).
 - c. Shall comply with Section 15.905, standards and procedures applicable to all conditional uses. *State Law Reference: Section 62.23, Wisconsin Statutes*
4. Parking Regulations: One space per every three residents

(4) Commercial Land Uses

(a) Office

Description: Office land uses include all exclusively indoor land uses whose primary functions are the handling of information or administrative services. Such land uses do not typically provide services directly to customers on a walk-in or on-appointment basis.

1. Permitted by Right {NO, SO, NC, SC, UC, CC, SI, UI, HI}
2. Special Use Regulations: Not applicable.
3. Conditional Use Regulations: Not applicable
4. Parking Regulations: One space per 300 square feet of gross floor area.

(b) Personal or Professional Service

Description: Personal service and professional service land uses include all exclusively indoor land uses whose primary function is the provision of services directly to an individual on a walk-in or on-appointment basis. Examples of such land uses include professional services, insurance services, realty offices, financial services, medical offices and clinics, veterinary clinics with overnight indoor health care, barber shops, beauty shops, and related land uses.

1. Permitted by Right {NO, SO, NC, SC, UC, CC}:
2. Special Use Regulations: Not applicable.

3. Conditional Use Regulations: Not applicable.
4. Parking Regulations: One space per customer station plus one space per employee on the largest work shift, or one space 300 square feet of gross floor area, whichever is greater.

(c) **Indoor Sales or Service**

Description: Indoor sales and service land uses include all land uses which conduct or display sales or rental merchandise or equipment, or non-personal or non-professional services, entirely within an enclosed building. This includes self-service facilities such as coin-operated laundromats. Depending on the zoning district, such land uses may or may not display products outside of an enclosed building. Such activities are listed as “Outdoor Display Incidental to Indoor Sales” under “Accessory Uses” in the Table of Land Uses, (Section 15.206(8)(j)). A land use which contains both indoor sales and outdoor sales exceeding 15 percent of the total sales area of the building(s) on the property shall be considered as an outdoor sales land use, (See (d), below.). Artisan craft production such as consumer ceramics, custom woodworking, or other production activities directly associated with retail sales are regulated as “light industrial uses incidental to retail sales” (see Section 15.206(8)(m)).

1. Permitted by Right {NC, SC, UC, CC}”
2. Special Use Regulations: Not applicable
3. Conditional Use Regulations {NO, SO, SI}:
 - a. In the NO and SO Districts, permitted uses shall be limited to indoor sales and personal services which primarily support office tenants such as office supply stores, copy centers and travel agencies.
 - b. In the SI District, permitted uses include retail facilities with a floor area of not less than 100,000 square feet.
 - c. Shall comply with Section 15.905, standards and procedures applicable to all conditional uses.
4. Parking Regulations: One space per 300 square feet of gross floor area.

(d) **Outdoor Display**

Description: Outdoor display land uses include all land uses which conduct sales, display sales or rental merchandise or equipment outside of an enclosed building. Example of such land uses include vehicle sales, vehicle rental, mobile and manufactured housing sales and

monument sales. The area of outdoor sales shall be calculated as the area which would be enclosed by a fence installed and continually maintained in the most efficient manner which completely encloses all materials displayed outdoors. Such land uses do not include the storage or display of inoperative vehicles or equipment, or other materials typically associated with a junkyard or salvage yard. (See Subsection 15.206(5), below.) (Land uses which conduct or display only a limited amount of product outside of an enclosed building, are listed separately in Sections 15.206(8)(j) as “Outdoor Display Incidental to Indoor Sales”.)

1. Permitted by Right: Not applicable.
2. Special Use Regulations: Not applicable.
3. Conditional Use Regulations {SC, UC}:
 - a. The display of items shall not be permitted in permanently protected green space areas, required landscaped areas, or required bufferyards.
 - b. The display of items shall not be permitted within required setback areas for the principal structure.
 - c. 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 15.704. 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.
 - d. 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, or line of planters, or by a clearly marked paved area.
 - e. Signs, screenage, 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.
 - f. 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.
 - g. Inoperative vehicles or equipment, or other items typically stored or displayed in a junkyard or salvage yard, shall not be displayed for this land use.

- h. Facility shall provide a bufferyard with a minimum opacity of .60 along all borders of the display area butting residentially zoned property, except per e., above (See Section 15.610.).
 - i. Shall comply with Section 15.905 regarding conditional uses.
4. Parking Regulations: One space per 300 square feet of gross floor area.

(e) Indoor Maintenance Service

Description: Indoor maintenance services include all land uses which perform maintenance services (including repair) and contain all operations (except loading) entirely within an enclosed building. Because of engine repair noise and/or outdoor vehicle storage requirements, engine and/or vehicle repair and maintenance is considered an in-vehicle land use. See Section 15.206(4)(g).

- 1. Permitted by Right {NC, SC, UC, CC, SI, UI, HI}.
- 2. Special Use Regulations: Not applicable.
- 3. Conditional Use Regulations: Not applicable.
- 4. Parking Regulations: One space per 300 square feet of gross floor area.

(f) Outdoor Maintenance Service

Description: 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.

- 1. Permitted by Right: Not applicable.
- 2. Special Use Regulations: Not applicable.
- 3. Conditional Use Regulations: {HI}:
 - a. All outdoor activity areas shall be completely enclosed by a minimum 6 foot high fence. Such enclosure shall be located a minimum of 50 feet from any residentially zoned property and shall be screened from such property by a bufferyard with a minimum opacity of .60 (see Section 15.610).
 - b. Shall comply with Section 15.905, standards and procedures applicable to all conditional uses.

4. Parking Regulations: One space per 300 square feet of gross floor area.

(g) **In-Vehicle Sales or Service**

Description: In-vehicle sales and service land uses include all land uses which perform sales and/or 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, vehicular fuel stations, all forms of car washes, and vehicular and all forms of engine repair or maintenance. If performed in conjunction with a principal land use (for example, a convenience store, restaurant or bank), in-vehicle sales and service land uses shall be considered an accessory use (see Section 15.206(8)(k)).

1. Permitted by Right: No applicable.
2. Special Use Regulations: Not applicable.
3. Conditional Use Regulations: {NO, SO, NC, SC, UC, CC}:
 - a. Clearly marked pedestrian crosswalks shall be provided for each walk-in customer access to the facility adjacent to the drive-through lane(s).
 - 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 10 feet from all street rights-of-way lines, a minimum of 20 feet from all residentially-zoned property lines, and shall be a minimum of 5 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. Construction or alteration of fuel station overhead canopies is subject to architectural review and approval per sec. 15.935(2) of the Sheboygan Zoning Ordinance. (G.O. 79-01-02; 3/4/02)
 - 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 4 ton axle load.

- f. Facility shall provide a bufferyard with a minimum opacity of .60 along all borders of the property abutting residentially zoned property (Section 15.610).
 - 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 6 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.
 - h. Shall comply with Section 15.905, standards and procedures applicable to all conditional uses.
4. Parking Regulations: One space per 50 square feet of gross floor area. Each drive-up lane shall have a minimum stacking length of 100 feet before the pass through window and 40 feet beyond the pass through window.

(h) Indoor Commercial Entertainment

Description: Indoor commercial entertainment land uses include all land uses which provide entertainment services entirely within an enclosed building. Such activities often have operating hours which extend significantly later than most other commercial land uses. Examples of such land uses include restaurants, taverns, theaters, health or fitness centers, all forms of training studios (dance, art, martial arts, etc.) bowling alleys, arcades, roller rinks, and pool halls.

- 1. Permitted by Right: Not applicable.
- 2. Special Use Regulations: Not applicable.
- 3. Conditional Use Regulations {NO, SO, NC, SC, UC, CC, SI, UI-amended GO 58-02-03/11-18-02}:
 - a. If located on the same side of the building as abutting residentially zoned property, no customer entrance of any kind shall be permitted within 100 feet of a residentially zoned property.
 - b. Facility shall provide a bufferyard with a minimum opacity of .60 along all borders of the property abutting residentially zoned property (see Section 15.610).
 - c. Shall comply with Section 15.905, standards and procedures applicable to all conditional uses.

4. Parking Regulations: One space per every three patron seats or lockers (whichever is greater); or one space per three persons at the maximum capacity of the establishment (whichever is greater).

(i) **Outdoor Commercial Entertainment**

Description: Outdoor commercial entertainment land uses include all land uses which provide entertainment services partially or wholly outside of an enclosed building. Such activities often have the potential to be associated with nuisances related to noise, lighting, dust, trash and late operating hours. Examples of such land uses include outdoor commercial swimming pools, driving ranges, miniature golf facilities, amusement parks, drive-in theaters, go-cart tracks, and racetracks.

1. Permitted by Right: Not applicable.
2. Special Use Regulations: Not applicable.
3. Conditional Use Regulations {RA-35ac, UC, SI}:
 - a. Activity areas shall not be located closer than 300 feet to a residentially zoned property.
 - b. Facility shall provide a bufferyard with a minimum opacity of .80 along all borders of the property abutting residentially zoned property (see Section 15.610).
 - c. Activity areas (including drive-in movie screens) shall not be visible from a public street or from any residentially zoned property.
 - d. Shall comply with Section 15.905, standards and procedures applicable to all conditional uses.
4. Parking Regulations: One space for every three patrons at the maximum capacity of the establishment.

(j) **Commercial Animal Boarding**

Description: Commercial animal boarding facility land uses include land uses which provide short-term and/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 to such land uses and do not require separate consideration. Animal boarding facilities and activities which, except for parking, are completely and continuously contained indoors, are subject to a separate set of regulations (see 5., below).

1. Permitted by Right: Not applicable.
2. Special Use Regulations: Not applicable.

3. Conditional Use Regulations {RA-35ac, SC, UC, SI and UI}:
 - a. A maximum of 1 animal unit per acre of fully enclosed outdoor area shall be permitted. (GO 73-07-08, 12-07)
 - b. The minimum permitted size of horse or similar animal stall shall be 100 square feet.
 - c. The following setbacks shall be required in addition to those of the zoning district:
 - i. No activity area, including pastures or runs, shall be located closer than 10 feet to any property line.
 - ii. Any building housing animals shall be located a minimum of 300 feet from any residentially zoned property.
 - iii. 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.
 - d. Special events such as shows, exhibitions, and contests shall only be permitted when a temporary use permit has been secured. (See Section 15.906.)
 - e. Shall comply with Section 15.905, standards and procedures applicable to all conditional uses.
 - f. Dogs, cats and similar animals shall have a minimum of 60 square feet of outdoor playground space per dog/cat/similar animals shall have a minimum of 60 square feet of indoor playground space per dog/cat/similar animal. (GO 73-07-08, 12-07)
 - g. The outdoor play area will be enclosed with an 8 foot high solid fence which shall match or coordinate with the color of the building. Prior to installing the fencing, a layout plan and material samples shall be approved by the Plan Commission. (GO 73-07-08, 12-07)
 - h. Operation of the outdoor play area shall include removal of all animal waste prior to the close of business each day, no overnight boarding within the outdoor area, and abatement of any runoff or any odors from the outdoor play area.

4. Conditional Use Regulations [All Indoor Facility] {SC, UC, SI and UI}:
 - a. All activities, except vehicle parking, shall be completely and continuously contained indoors -- including animal exercising and display areas.
 - b. Subsections 3.b., 3.d., and 3.e. shall be complied with.
 - c. Dogs, cats and similar animals shall have a minimum of 60 square feet of indoor playground space per dog/cat/similar animal. (GO 73-07-08, 12-07)
 - d. The minimum size of an indoor facility shall be 100 square feet of area per dog, cat or similar animal. (GO 73-07-08, 12-07)
5. Parking Regulations: One space per every 1,000 square feet of gross floor area.

(k) Commercial Indoor Lodging

Description: Commercial indoor lodging facilities include land uses which provide overnight housing in individual rooms or suites of rooms, each room or suite having a private bathroom. Such land uses may provide in-room or in-suite kitchens, and may also provide indoor recreational facilities for the exclusive use of their customers. Restaurants, arcades, fitness centers, and other on-site facilities available to non-lodgers are not considered accessory uses and therefore require review as a separate land use.

1. Permitted by Right: Not applicable.
2. Special Use Regulations: Not applicable.
3. Conditional Use Regulations {NO, SO, SC, UC, CC}:
 - a. If located on the same side of a building as abutting residentially zoned property, no customer entrance of any kind shall be permitted within 100 feet of a residentially zoned property.
 - b. Facility shall provide a bufferyard with a minimum opacity of .60 along all borders of the property abutting residentially zoned property (see Section 15.610).
 - c. Within the NO and SO District, 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.

- d. Shall comply with Section 15.905, standards and procedures applicable to all conditional uses.
4. Parking Regulations: One space per bedroom, plus one space for each employee on the largest work shift.

(l) **Bed and Breakfast Establishment**

Description: 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 customers.

1. Permitted by Right: Not applicable.
2. Special Use Regulations: Not applicable.
3. Conditional Use Regulations {RA-35ac, ER-1, SR-3, SR-5, NR-6, MR-8, UR-12, NO, NC, SC, UC, CC}:
 - a. All such facilities shall be required to obtain a permit to serve food and beverages. They shall be inspected annually at a fee as established by a separate ordinance, to verify that the land use continues to meet all applicable regulations.
 - b. One sign, with a maximum of 20 square feet, shall be permitted on the property.
 - c. Facility shall provide a bufferyard with a minimum opacity of .60 along all borders of the property abutting residentially zoned property (see Section 15.610).
 - d. No premises shall be utilized for a bed and breakfast operation unless there are at least two (2) exits to the outdoors from such premises. Rooms utilized for sleeping shall have a minimum size of one hundred (100) square feet for two (2) occupants with an additional thirty (30) square feet for each additional occupant to a maximum of four (4) 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 Sheboygan Building Code. One lavatory and bathing facility shall be required for every 10 occupants, in addition to the owner/occupants personal facilities.
 - e. 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.

- f. Breakfast shall be the only meal served to overnight guests.
 - g. 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.
 - h. The maximum stay for any occupants of a bed and breakfast operation shall be fourteen (14) days.
 - i. Public Nuisance Violations. 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.
 - j. Shall comply with Section 15.905, standards and procedures applicable to all conditional uses.
4. Parking Regulations: One space per each bedroom, plus one space per employee.

(m) **Group Day Care Center (Nine or More Attendees)**

Description: Group day care centers are land uses in which qualified persons provide child care services for nine or more attendees. Examples of such land uses include day care centers and nursery schools. Such land uses shall not be located within a residential building. Such land uses may be operated on a for profit or a not for profit basis. Such land uses may be operated in conjunction with another principal land use on the same environs, such as a church, school, business, or civic organization. In such instances, group day care centers are not considered as accessory uses and therefore require review as a separate land use.

- 1. Permitted by Right: Not applicable.
- 2. Special Use Regulations: Not applicable.
- 3. Conditional Use Regulations {MR-8, UR-12, NO, SO, NC, SC, UC, CC, SI, UI}:
 - a. Facility shall provide a bufferyard with a minimum opacity of .50 along all borders of the property abutting residentially zoned property (see Section 15.610).
 - b. Shall comply with Section 15.905, standards and procedures applicable to all conditional uses.
 - c. Property owner's permission is required as part of the conditional use permit application.

4. Parking Regulations: One space per five students, plus one space for each employee on the largest work shift.

(n) **Campground**

Description: Campgrounds include any facilities designed for overnight accommodation of persons in tents, travel trailers, or other mobile or portable shelters or vehicles.

1. Permitted by Right: Not applicable.
2. Special Use Regulations: Not applicable.
3. Conditional Use Regulations {RA-35ac}:
 - a. Facility shall provide a bufferyard with a minimum opacity of .70 along all borders of the property abutting residentially zoned property (see Section 15.610).
 - b. Shall comply with Section 15.905, standards and procedures applicable to all conditional uses.
4. Parking Regulations: One and one-half (1.5) spaces per campsite.

(o) **Rooming House**

Description: Rooming Homes include any residential use renting rooms to three or more unrelated individuals which do not contain private bathroom facilities (with the exception of approved bed and breakfast facilities).

1. Permitted by Right: Not applicable.
2. Special Use Regulations: Not applicable.
3. Conditional Use Regulations {UR-12, NO, UC, and CC}:
 - a. Facility shall provide a bufferyard with a minimum opacity of .60 along all borders of the property abutting residentially zoned property (see Section 15.610).
 - b. Shall be located in an area of transition from residential land uses to nonresidential land uses.
 - c. Shall comply with Section 15.905, standards and procedures applicable to all conditional uses.
5. Parking Regulations: One space per room for rent, plus one space per each employee on the largest work shift.

(p) **Sexually-Oriented Land Uses**

Description: Sexually-oriented land uses include any facility oriented to the display of sexually-oriented materials such as videos, movies, slides, photos, books, or magazines; or actual persons displaying and/or touching sexually specified areas. For the purpose of this Chapter, “sexually specified areas” includes any one or more of the following: genitals, anal area, female areola or nipple; and “sexually-oriented material” includes any media which displays sexually specified area(s). *NOTE: The incorporation of this Subsection into this Chapter is designed to reflect the City Council’s official finding that sexually-oriented commercial uses have a predominant tendency to produce certain undesirable secondary effects on the surrounding community, as has been demonstrated in other, similar jurisdictions. Specifically, the City Council is concerned with the potential for such uses to limit: the attractiveness of nearby locations for new development, the ability to attract and/or retain customers, and the ability to market and sell nearby properties at a level consistent with similar properties not located near such facilities. It is explicitly not the intent of this Subsection to suppress free expression by unreasonably limiting alternative avenues of communication, but rather to balance the need to protect free expression opportunities with the need to implement the City’s Comprehensive Master Plan and protect the character and integrity of its commercial and residential neighborhoods.*

1. Permitted by Right: Not applicable.
2. Special Use Regulations: Not applicable.
3. Conditional Use Regulations {HI}:
 - a. Shall be located a minimum of 1,000 feet from any agriculturally zoned property or residentially zoned property; and shall be located a minimum of 1,000 feet from any school, church, or outdoor recreational facility.
 - b. Exterior building appearance and signage shall be designed to ensure that use does not detract from the ability of businesses in the vicinity to attract customers, nor affect the marketability of properties in the vicinity for sale at their assessed values.
 - c. Shall comply with Section 15.905, standards and procedures applicable to all conditional uses.
4. Parking Regulations: One space per 300 square feet of gross floor area, or one space per person at the maximum capacity of the establishment (whichever is greater).

(q) **Pet Shops as conditional uses in the NC, SC, UC and CC Districts provided that:**

1. Not more than eight (8) dogs and eight (8) cats may be kept on the premises at any one (1) time.
2. No dog or cat more than six (6) months old may be kept on the premises at any one (1) time.
3. Dogs or cats may be kept on the premises solely for the purpose of sale by the owner/operator of the pet shop. No boarding, whether gratuitous or for a fee, is permitted.
4. Dogs and cats must be kept within the pet shop proper at all times. No outdoor pens or runs shall be permitted.
5. Pet shop buildings shall be properly soundproofed so that no sound emanating from any animal can be heard at any property line which abuts a residentially zoned property or any property upon which a dwelling unit is located.
6. A proper ventilation and filtration system shall be installed so that no odor from the pet shop is discernible within six (6) vertical feet of the grade at any property line of the premises on which a pet shop is located.
7. 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 because of a lack of a City health department.
8. No sales of Vietnamese miniature potbellied pigs within the City limits will be allowed. (G. O. 94-96-97; 11/18/96)

(5) **Storage or Disposal Land Uses**

(a) **Indoor Storage or Wholesaling**

Description: Indoor storage and wholesaling land uses are primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses. With the exception of loading and parking facilities, such land uses are contained entirely within an enclosed building. Examples of this land use include conventional warehouse facilities, long-term indoor storage facilities, and joint warehouse and storage facilities. Retail outlets associated with this use shall be considered accessory uses per Subsection 15.206(8)(m), below.

1. Permitted by Right {SI, UI, HI}:
2. Special Use Regulations: Not applicable.

3. Conditional Use Regulations: Not applicable.
4. Parking Regulations: One space per employee on the largest work shift.

(b) **Outdoor Storage or Wholesaling**

Description: Outdoor storage and wholesaling land uses are primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses. Such a land use, in which any activity beyond loading and parking is located outdoors, is considered an outdoor storage and wholesaling land use. Examples of this land use include contractors' storage yards, equipment yards, lumberyards, coal yards, landscaping materials yard, construction materials yards, and shipping materials yards. Such land uses do not include the storage of inoperative vehicles or equipment, or other materials typically associated with a junkyard or salvage yard. (See Subsection 15.206(5)(d), below.)

1. Permitted by Right: Not applicable.
2. Special Use Regulations {HI}:
 - a. All outdoor storage areas shall be completely enclosed by any permitted combination of buildings, structures, walls and fencing. Such walls and fencing shall be a minimum of 8 feet in height and shall be designed to completely screen all stored materials from view at an elevation of 5 feet above the grade of all adjacent properties and rights-of-way. Said walls or fencing shall be screened from residentially zoned property by a bufferyard with a minimum opacity of .80.
 - b. The storage of items shall not be permitted in permanently protected green space areas (see Section 15.608).
 - c. The storage of items shall not be permitted in required frontage landscaping or bufferyard areas.
 - d. In no event shall the storage 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 15.704. If the number of provided parking stalls on the property is already less than the requirement, such storage area shall not further reduce the number of parking stalls already present.
 - e. Storage 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, or line of planters, or by a clearly marked paved area.

- f. Materials being stored shall not interfere in any manner with either on-site or off-site traffic visibility, including potential traffic/traffic and traffic/pedestrian conflicts.
 - g. Inoperative vehicles or equipment, or other items typically stored in a junkyard or salvage yard, shall not be stored under the provisions of this land use.
 - h. Facility shall provide a bufferyard with a minimum opacity of .60 along all borders of the property abutting residentially zoned property (see Section 15.610).
 - i. All outdoor storage areas shall be located no closer to a residentially zoned property than the required minimum setback for buildings on the subject property.
 - j. Shall comply with Section 15.904, procedures applicable to all special uses.
3. Conditional Use Regulations {UI, SI, UC}: (G. O. 81-97-98; 12/15/97) (G.O. 101-01-02)
- a. Shall comply with all regulations for special uses in 2., above.
 - b. Shall comply with Section 15.905, standards and procedures applicable to all conditional uses.
4. Parking Regulations: One space per each employee on the largest work shift.

(c) **Personal Storage Facility**

Description: Personal storage facilities are land uses oriented to the indoor storage of items entirely within partitioned buildings having an individual access to each partitioned area. Such storage areas may be available on either a condominium or rental basis. Also known as “mini-warehouses”.

- 1. Permitted by Right: Not applicable.
- 2. Special Use Regulations: Not applicable.
- 3. Conditional Use Regulations {UC, SI, UI}:
 - a. Facility shall be designed so as to minimize adverse visual impacts on nearby developments. The color, exterior

materials, and orientation of proposed buildings and structures shall complement surrounding development.

- b. Facility shall provide a bufferyard with a minimum opacity of .80 along all borders of the property abutting residentially zoned property (see Section 15.610).
 - c. Shall comply with Section 15.905, standards and procedures applicable to all conditional uses.
4. Parking Regulations: One space for each employee on the largest work shift.

(d) **Junkyard or Salvage Yard**

Description: Junkyard or salvage yard facilities are any land or structure used for a salvaging operation including but not limited to: the above-ground, outdoor storage and/or sale of waste paper, rags, scrap metal, and any other discarded materials intended for sale or recycling; and/or the collection, dismantlement, storage, or salvage of 2 or more unlicensed and/or inoperative vehicles. Recycling facilities involving on-site outdoor storage of salvage materials are included in this land use.

- 1. Permitted by Right: Not applicable.
- 2. Special Use Regulations: Not applicable.
- 3. Conditional Use Regulations {RA-35ac, HI}:
 - a. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property abutting residentially zoned property (see Section 15.610).
 - b. All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines.
 - c. In no instance shall activity areas be located within a required frontage landscaping or bufferyard area.
 - d. Shall not involve the storage, handling or collection of hazardous materials, including any of the materials listed in Section 15.719.
 - e. Shall comply with Section 15.905, standards and procedures applicable to all conditional uses.
- 4. Parking Regulations: One space for every 20,000 square feet of gross storage area, plus one space for each employee on the largest work shift.

(e) **Waste Disposal Facility**

Description: Waste disposal facilities are any areas used for the disposal of solid wastes including those defined by Wisconsin Statutes 144.01(15), but not including composting operations (see Subsection 15.206(5)(f), below).

1. Permitted by Right: Not applicable.
2. Special Use Regulations: Not applicable.
3. Conditional Use Regulations {RA-35ac, HI}:
 - a. Shall comply with all County, State and Federal regulations.
 - b. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property abutting residentially zoned property (see Section 15.610).
 - c. All buildings, structures, and activity areas shall be located a minimum of 300 feet from all lot lines.
 - d. Operations shall not involve the on-site holding, storage or disposal of hazardous materials (as defined by Section 15.719) in any manner.
 - e. Required site plans shall include detailed site restoration plans, which shall include at minimum, detailed grading and revegetation plans, and a detailed written statement indicating the timetable for such restoration. A surety bond, in an amount equivalent to 110 percent of the costs determined to be associated with said restoration (as determined by a third party selected by the City), shall be filed with the City by the Petitioner (subject to approval by the Zoning Administrator), and shall be held by the City for the purpose of ensuring that the site is restored to its proposed condition. (The requirement for said surety is waived for waste disposal facilities owned by public agencies.)
 - f. Shall comply with Section 15.905, standards and procedures applicable to all conditional uses. *State Law Reference: Section 144, Subchapter IV, Wisconsin Statutes*
5. Parking Regulations: One space for each employee on the largest work shift.

(f) **Composting Operation**

Description: Composting operations are any land uses devoted to the collection, storage, processing and or disposal of vegetation.

1. Permitted by Right: Not applicable.
2. Special Use Regulations: Not applicable.
3. Conditional Use Regulations {RA-35ac, HI}:
 - a. Shall comply with all County, State and Federal regulations.
 - b. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property occupied by non-agricultural land uses (see Section 15.610).
 - c. All buildings, structures, and activity areas shall be located a minimum of 100 feet from all lot lines.
 - d. No food scraps or other vermin-attracting materials shall be processed, stored or disposed of on-site.
 - e. Operations shall not involve the on-site holding, storage or disposal of hazardous wastes as defined by State Statutes in any manner.
 - f. Shall comply with Section 15.905, standards and procedures applicable to all conditional uses.
4. Parking Regulations: One space for each employee on the largest work shift.

(6) Transportation Land Uses

(a) Off-Site Parking Lot

Description: Off-site parking lots are any areas used for the temporary parking of vehicles which are fully registered, licensed and operative. See also Section 15.704 for additional parking regulations.

1. Permitted Use Regulations: Not applicable.
2. Special Use Regulations {UC, CC, UI, HI}:
 - a. Access to an off-site parking lot shall only be permitted to a collector or arterial street.
 - b. Access and vehicular circulation shall be designed so as to discourage cut-through traffic.

- c. Shall comply with Section 15.904, procedures applicable to all special uses.
- 3. Conditional Use Regulations {NR-6, MR-8, UR-12, NO, SO, NC, SC, SI}:
 - a. Contiguous or directly across public right-of-way from use.
- 4. Parking Regulations: No requirement.

(b) Airport/Heliport

Description: Airports and heliports are transportation facilities providing takeoff, landing, servicing, storage and other services to any type of air transportation. The operation of any type of air vehicle (including ultralight aircraft, hang gliders, parasails, and related equipment, but excepting model aircraft) within the jurisdiction of this chapter shall occur only in conjunction with an approved airport or heliport.

- 1. Permitted by Right: Not applicable.
- 2. Special Use Regulations: Not applicable.
- 3. Conditional Use Regulations {RA-35ac, SO, SI, UI, HI}:
 - a. All buildings, structures, outdoor airplane or helicopter storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines.
 - b. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property not otherwise completely screened from activity areas by buildings or structures (see Section 15.610).
 - c. Shall comply with Section 15.905, standards and procedures applicable to all conditional uses.
- 4. Parking Regulations: One space per each employee on the largest work shift, plus one space per every 5 passengers based on average daily ridership.

(c) Freight Terminal

Description: Freight terminals are defined as land and buildings representing either end of one or more truck carrier line(s) which may have some or all of the following facilities: yards, docks, management offices, storage sheds, buildings and/or outdoor storage areas, freight stations, and truck maintenance and repair facilities, principally serving several or many businesses and always requiring trans-shipment.

- 1. Permitted by Right: Not applicable.

2. Special Use Regulations: Not applicable.
3. Conditional Use Regulations {HI}:
 - a. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property abutting residentially zoned property (see Section 15.610).
 - b. All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.
 - c. In no instance shall activity areas be located within a required frontage landscaping or bufferyard area.
 - d. Shall comply with Section 15.905, standards and procedures applicable to all conditional uses.
4. Parking Regulations: One space per each employee on the largest work shift.

(d) **Distribution Center**

Description: Distribution centers are facilities oriented to the short-term indoor storage and possible repackaging and reshipment of materials involving the activities and products of a single user. Retail outlets associated with this use shall be considered accessory uses per Subsection 15.206(8)(m), below.

1. Permitted by Right: Not applicable.
2. Special Use Regulations: Not applicable.
3. Conditional Use Regulations {SI, UI, HI}:
 - a. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property abutting residentially zoned property (see Section 15.610).
 - b. All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.
 - c. In no instance shall activity areas be located within a required frontage landscaping or bufferyard area.
 - d. Shall comply with Section 15.905, standards and procedures applicable to all conditional uses.
4. Parking Regulations: One space per each employee on the largest work shift.

(7) **Industrial Land Uses**

(a) **Light Industrial Land Use**

Description: Light industrial land uses are industrial facilities at which all operations (with the exception of loading operations): 1) are conducted entirely within an enclosed building; 2) are not potentially associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line; 3) do not pose a significant safety hazard (such as danger of explosion); and 4) comply with all of the performance standards listed for potential nuisances in Subchapter 15-7. Light industrial land uses may conduct retail sales activity as an accessory use provided that the requirements of Subsection (8)(m), below, are complied with.

1. Permitted by Right: Not applicable.
2. Special Use Regulations {SI, UI, HI}:
 - a. All activities, except loading and unloading, shall be conducted entirely within the confines of a building.
 - b. Shall comply with Section 15.904, procedures applicable to all special uses.
3. Conditional Use Regulations: Not applicable.
4. Parking Regulations: One space per each employee on the largest work shift.

(b) **Heavy Industrial Land Use**

Description: Heavy industrial land uses are industrial facilities which do not comply with 1 or more of the following criteria: 1) are conducted entirely within an enclosed building; 2) are not potentially associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line; and 3) do not pose a significant safety hazard (such as danger of explosion). More specifically, heavy industrial land uses are industrial land uses which may be wholly or partially located outside of an enclosed building; may have the potential to create certain nuisances which are detectable at the property line; and may involve materials which pose a significant safety hazard. However, in no instance shall a heavy industrial land use exceed the performance standards listed in Subchapter 15-7. Examples of heavy industrial land uses include meat product producers; alcoholic beverage producers; paper, pulp or paperboard producers; chemical and allied product producers (except drug producers) including poison or fertilizer producers; petroleum and coal product producers; asphalt, concrete or cement producers; tanneries; stone, clay or glass product producers; primary metal producers; heavy machinery producers; electrical distribution equipment

producers; electrical industrial apparatus producers; transportation vehicle producers; commercial sanitary sewage treatment plants; railroad switching yards; and recycling facilities not involving the on-site storage of salvage materials.

1. Permitted by Right: Not applicable.
2. Special Use Regulations {HI}:
 - a. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property abutting properties which are not zoned (HI) (see Section 15.610).
 - b. All outdoor activity areas shall be located a minimum of 100 feet from residentially zoned property. No materials shall be stacked or otherwise stored so as to be visible over bufferyard screening elements.
 - c. Shall comply with Section 15.904, procedures applicable to all special uses.
3. Conditional Use Regulations: Not applicable.
4. Parking Regulations: One space for each employee on the largest work shift.

(c) **Communication Tower**

Description: Communication towers include all free-standing broadcasting, receiving, or relay structures, and similar principal land uses; and any office, studio or other land uses directly related to the function of the tower.

1. Permitted by Right: Not applicable.
2. Special Use Regulations: Not applicable.
3. Conditional Use Requirements {RA-35ac, SI, UI, HI, UC}: (G. O., 45-97-98; 9/2/97)
 - a. Tower shall be located so that there is sufficient radius of clear land around the tower so that its collapse shall be completely contained on the property.
 - b. The installation and continued maintenance of a bufferyard with a minimum opacity of .80 along borders of the lot abutting residentially zoned property (see Section 15.610).
 - c. Shall comply with Section 15.905, standards and procedures applicable to all conditional uses.

4. Parking Regulations: One space per employee on the largest work shift.
5. The applicant/carrier shall submit a detailed plan showing the service areas and locations for each antenna and/or tower for said applicant's/carrier's ultimate system. The height, style and the capability of each tower to carry additional co-locates shall be specified in the plan. (G. O. 80-97-98; 12/1/97)

(d) **Extraction Use**

Description: Extraction uses include any land uses involving the removal of soil, clay, sand, gravel, rock, minerals, peat, or other material in excess of that required for approved on-site development or agricultural activities.

1. Permitted by Right: Not applicable.
2. Special Use Regulations: Not applicable.
3. Conditional Use Regulations {RA-35ac}:
 - a. Shall receive approval from Sheboygan County prior to action by the City of Sheboygan, and shall comply with all County, State and Federal regulations.
 - b. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property (see Section 15.610).
 - c. All buildings, structures, and activity areas shall be located a minimum of 300 feet from all lot lines.
 - d. Required site plans shall include detailed site restoration plans, which shall include at minimum, detailed grading and revegetation plans, and a detailed written statement indicating the timetable for such restoration. A surety bond, in an amount equivalent to 110 percent of the costs determined to be associated with said restoration (as determined by a third party selected by the City), shall be filed with the City by the Petitioner (subject to approval by the Zoning Administrator), and shall be held by the city for the purpose of ensuring that the site is restored to its proposed condition. (The requirement for said surety is waived for waste disposal facilities owned by public agencies.)
 - e. Shall comply with Section 15.905, standards and procedures applicable to all conditional uses.

4. Parking Regulations: One space per each employee on the largest work shift.

(8) **Accessory Land Uses**

Accessory uses are land uses which are incidental to the principal activity conducted on the subject property. Only those accessory uses listed in Table 15.203, or as otherwise permitted by the Zoning Administrator, shall be permitted within the jurisdiction of this Chapter. With the exception of a commercial apartment (see 15.206(8)(a), below), or a farm residence (see 15.206(8)(c), below), in no instance shall an accessory use, cellar, basement, tent or recreational trailer be used as a residence. With the exception of farm buildings, accessory buildings located within a residential district shall be constructed or finished on a complimentary architectural style and with complimentary materials to the principal residential buildings in the neighborhood. Accessory uses shall not be located between a principal building and a street frontage on the same lot, nor within any required front yard or street side yard.

(a) **Commercial Apartment**

Description: Commercial apartments are dwelling units which are located in a building used for a commercial land use (as designated in Subsection (4), above) -- most typically an office or retail establishment. The primary advantage of commercial apartments is that they are able to share required parking spaces with nonresidential uses.

1. Permitted by Right: Not applicable.
2. Special Use Regulations: Not applicable.
3. Conditional Use Regulations {NO, SO, NC, SC, UCM CC}: (G.O. 35-97-98; 8/4/97)
 - a. The gross floor area devoted to commercial apartments shall be counted toward the floor area of a nonresidential development.
 - b. A minimum of 1 off-street parking space shall be provided for each bedroom within a commercial apartment. Parking spaces provided by nonresidential land uses on the site may be counted for this requirements with the approval of the Zoning Administrator.
 - c. Shall comply with Section 15.905, standards and procedures applicable to all conditional uses.

(b) **On-Site Parking Lot**

Description: On-site parking lots are any areas located on the same site as the principal land use which are used for the temporary parking of

vehicles which are fully registered, licensed and operative. Refer also to Section 15.704.

1. Permitted by Right: Not applicable.
2. Special Use Regulations {All Districts}:
 - a. Access to an off-site parking lot shall only be permitted to a collector or arterial street.
 - b. Access and vehicular circulation shall be designed so as to discourage cut-through traffic.
 - c. Shall comply with Section 15.904, procedures applicable to all special uses.
3. Conditional Use Regulations: Not Applicable.

(c) **Farm Residence**

Description: A farm residence is a single-family detached dwelling unit located on the same property as any of the principal agricultural land uses listed in Subsection (2), above.

1. Permitted by Right {All Districts}.
2. Special Use Regulations: Not applicable.
3. Conditional Use Regulations: Not applicable.

(d) **Detached Private Residential Garage, Carport, or Utility Shed**

Description: A private residential garage not to exceed four stalls, carport or utility shed is a structure which primarily accommodates the sheltered parking of a passenger vehicle and/or the storage of residential maintenance equipment. It may be located on the same lot as a residential unit or units, or on a separate lot in conjunction with a residential land use. See Section 15.408 for requirements applicable to legal, nonconforming garages. Garages and carports in excess of 1,000 square feet, or utility sheds in excess of 200 square feet, of gross floor area are not permitted in the SR-3, SR-5, NR-6, MR-8 and UR-12 Districts (See Section 15.206(8)).

1. Permitted by Right: (If under 1,000/200 square feet) {All Districts}.
2. Special Use Regulations: Not applicable.
3. Conditional Use Regulations: (If in excess of 1,000/200 square feet) {RA-35 and ER-1 Districts}.

(e) **Private Residential Recreational Facility**

Description: This land use includes all active outdoor recreational facilities located on a private residential lot which are not otherwise listed in Table 15.203. Materials and lighting shall limit light levels at said property line are to be equal to or less than 0.5 foot candles (see Section 15.707). All private residential recreation facilities and their attendant structures shall comply with the bulk requirements for accessory structures. (See Subchapter 15-4.) Common examples of these accessory uses include basketball courts, tennis courts, swimming pools, and recreation-type equipment.

1. Permitted by Right: (all uses except swimming pools).
2. Special Use Regulations (for swimming pools) {RA-35ac, ER-1, SR-3, SR-5, NR-6, MR-8, UR-12}.
 - a. Swimming pools shall be enclosed per the requirements of the Model Barrier Code for Swimming Pools and Spas from the National Spa and Pool Institute (NSPI), available from the Zoning Administrator.
 - b. Shall comply with Section 15.904, procedures applicable to all special uses.
3. Conditional Use Regulations: Not applicable.

(f) **Private Residential Kennel** (G. O. 112-97-98; 4/8/98 deleted)

(g) **Private Residential Stable**

Description: A private residential stable is a structure facilitating the keeping of horses (or similar animals, such as llamas, emus, cattle, etc.) on the same site as a residential dwelling.

1. Permitted by Right: Not applicable.
2. Special Use Regulations {RA-35ac}:
 - a. A minimum lot area of 5 acres is required for a private residential stable.
 - b. A maximum of one horse per five acres of fully enclosed, by fencing and/or structures, area is permitted.
 - c. Outdoor containments for animals shall be located a minimum of 25 feet from any residentially zoned property.
 - d. The requirements of Subsection 15.206(4)(k) shall also apply to private residential stables.
 - e. Shall comply with Section 15.904, procedures applicable to all special uses.

3. Conditional Use Regulations: Not applicable.

(h) **Company Cafeteria**

Description: A company cafeteria is a food service operation which provides food only to company employees and their guests, which meets State food service requirements, and is located on the same property as a principal plan use engaged in an operation other than food service.

1. Permitted by Right {NO, SO, SC, UC, CC, SI, UI, HI}.
2. Special Use Regulations: Not applicable.
3. Conditional Use Regulations: Not applicable.

(i) **Company Provided On-Site Recreation**

Description: A company provided on-site recreational facility is any active or passive recreational facility located on the same site as a principal land use, and which is reserved solely for the use of company employees and their guests. Facilities using activity night lighting shall be a conditional use.

1. Permitted by Right: Not applicable.
2. Special Use Regulations {NO, SO, SC, UC, CC, SI, UI, HI}:
 - a. All structures and actively used outdoor areas shall be located a minimum of 50 feet from any residentially zoned property.
 - b. Shall comply with Section 15.904, procedures applicable to all special uses.
3. Conditional Use Regulations {NO, SO, SC, UC, CC, SI, UI, HI}:
 - a. Outdoor recreation facilities using night lighting and adjoining a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of 0.60 (see Section 15.610). Said bufferyard shall be located at the property line adjacent to said residentially zoned property.
 - b. All structures and actively used outdoor areas shall be located a minimum of 50 feet from any residentially zoned property.
 - c. Shall comply with Section 15.905, procedures applicable to conditional uses.

(j) **Outdoor Display Incidental to Indoor Sales and Service (more than 12 days/year)**

Description: See Subsection 15.206(4)(d).

1. Permitted by Right: Not applicable.
2. Special Use Regulations: Not applicable.
3. Conditional Use Regulations {SC, UC}:
 - a. Shall comply with all conditions of Subsection (4)(d), above.
 - b. Display area shall not exceed 25 percent of gross floor area of principal building on the site.
 - c. Shall comply with Section 15.905, standards and procedures applicable to all conditional uses.

(k) **In-Vehicle Sales and Service Incidental to On-Site Principal Land Use**

Description: See Subsection 15.206(4)(g), above.

1. Permitted by Right: Not applicable.
2. Special Use Regulations: Not applicable.
3. Conditional Use Regulations {NO, SO, NC, SC, UC, CC}:
 - a. Shall comply with all conditions of Subsection 15.206(4)(g).
 - b. Shall comply with Section 15.905, standards and procedures applicable to all conditional uses.

(l) **Indoor Sales Incidental to Storage or Light Industrial Land Use**

Description: These land uses include any retail sales activity conducted exclusively indoors which is incidental to a principal land use such as warehousing, wholesaling or any light industrial land use, on the same site.

1. Permitted by Right: Not applicable.
2. Special Use Regulations {SI, UI, HI}:
 - a. Adequate parking, per the requirements of Section 15.704, shall be provided for customers. Said parking shall be in addition to that required for customary light industrial activities.

- b. The total area devoted to sales activity shall not exceed 25 percent of the total area of the buildings on the property.
- c. Shall provide restroom facilities directly accessible from retail sales area.
- d. Retail sales area shall be physically separated by a wall from other activity areas.
- e. Shall comply with Section 15.904, procedures applicable to all special uses.

(m) **Light Industrial Activities Incidental to Indoor Sales or Service Land Use**

Description: These land uses include any light industrial activity conducted exclusively indoors which is incidental to a principal land use such as indoor sales or service, on the same site.

- 1. Permitted by Right: Not applicable.
- 2. Special Use Regulations: Not applicable.
- 3. Conditional Use Regulations {SC, NC, UC, CC}:
 - a. The total area devoted to sales activity shall not exceed 15 percent of the total area of the buildings on the property, or 5,000 square feet, whichever is less.
 - b. Production area shall be physically separated by a wall from other activity areas and shall be soundproofed to the level required by Section 15.709 for all adjacent properties.
 - c. Shall comply with Section 15.905, procedures applicable to all conditional uses.

(n) **Drainage Structure**

Description: These include all improvements including, but not limited to swales, ditches, culverts, drains, tiles, gutters, levees, basins, detention or retention facilities, impoundments, and dams intended to effect the direction, rate and/or volume of stormwater runoff, snow melt, and/or channelized flows across, within and/or away from a site.

- 1. Permitted by Right: Not applicable.
- 2. Special Use Regulations {All Districts}:

- a. Shall comply with Section 15.206(10) for the placement of drainage structures in permanently protected green space areas.
- b. Shall comply with Section 15.206(10) regarding protection measures for drainageways.
- c. Any drainage improvement shall not increase the rate or volume of discharge from the subject property onto any adjacent properties, except where regional stormwater management facilities such as storm sewers and retention or detention facilities are in place to serve the subject property.
- d. Shall comply with Section 15.904, procedures applicable to all special uses, and shall be reviewed, permitted, and regulated by the Department of Public Works.

3. Conditional Use Regulations: Not applicable.

(o) **Filling**

Description: Filling includes any activity, involving the modification of the earth's surface in its undisturbed state, in an area over 4,000 square feet or greater than 500 cubic yards of fill.

- 1. Permitted by Right: Not applicable.
- 2. Special Use Regulations {All Districts}:
 - a. Shall comply with Section 15.204 regarding filling activities in permanently protected green space areas.
 - b. Shall comply with Subchapter 15-5 regarding protection measures for natural resources.
 - c. Shall not create drainage onto other properties.
 - d. Shall not impede on-site drainage.
 - e. Shall comply with provisions of the Subdivision and Platting Ordinance.
 - f. Shall comply with Section 15.904, procedures applicable to all special uses, and shall be reviewed, permitted, and regulated by the Department of Public Works.

3. Conditional Use Regulations: Not applicable.

(p) **Lawn Care**

Description: Lawn care includes any activity involving the preparation of the ground, installation and maintenance of vegetative ground cover (including gardens) which complies with the City of Sheboygan Code of Ordinances. Lawn care is not permitted in certain permanently protected green space areas, see Section 15.509.

1. Permitted by Right {All Districts}.
2. Special Use Regulations: Not applicable.
3. Conditional Use Regulations: Not applicable.

(q) **Individual Septic Disposal System**

Description: This land use includes any State-enabled, City-approved septic disposal system.

1. Permitted by Right: Not applicable.
2. Special Use Regulations: Not applicable.
3. Conditional Use Regulations {RA-35ac, ER-1}:
 - a. Minimum lot size of 0.5 acres.
 - b. Shall comply with Subchapter 15-5 regarding protection measures for natural resources.
 - c. Development shall attach to public sewage disposal system within 1 year of its availability (as determined by the City Engineer) to the subject property. At the time of development, each principle building shall contain and continually maintain a conventional sewage system tap-in line, so as to facilitate hook-up to the public system upon its availability.
 - d. Shall comply with Section 15.905, standards and procedures applicable to conditional uses.

(r) **Exterior Communication Devices** (e.g. satellite dishes, ham radio towers, t.v. antennas)

Description: Reserved.

1. Permitted by Right: Not applicable.
2. Special Use Regulations {All Non-residential Districts}:
 - a. Exterior communication devices shall not be located between the principal structure and a public street.

- b. Devices must be sited an equal or greater number of feet from any property lines as their maximum height.
3. Conditional Use Regulations {All Districts}:
- a. Devices that do not meet Special Use requirements.
 - b. The Applicant must demonstrate that all reasonable mechanisms have been used to mitigate safety hazards and the visual inputs of the device.
4. The applicant/carrier shall submit a detailed plan showing the service areas and locations for each antenna and/or tower for said applicant's carrier's ultimate system. The height, style and the capability of each tower to carry additional co-locates shall be specified in the plan. (G. O. 80-97-98; 12/1/97)

(s) **Home Occupation**

Description: Home occupations are economic activities performed within any residence which comply with the following requirements. Permitted home occupations shall not in any event be deemed to include: barbershops (unless specifically permitted by the district regulations), beauty parlors, dancing schools, funeral homes, restaurants, renting of trailers, clinics or hospitals, repair shops, service establishments, animal kennels, animal hospitals, or stables. Examples include personal and professional services, and handicrafts, which comply with all of the following requirements:

- 1. Permitted by Right: Not applicable.
- 2. Special Use Regulations {All Districts, except NR-6, MR-8, and UR-12}:
 - a. The home occupation shall be conducted completely within the dwelling unit or accessory building or structure and not on any porch, deck, patio or other unenclosed or partially-enclosed portion of the dwelling unit.
 - b. The home occupation shall be conducted by a resident of the dwelling unit, and no more than 1 other person who shall reside on the premises shall be employed, on either a part-time or full-time basis, in the business.
 - c. No more than 25 percent of the total living area of the dwelling (exclusive of garage and porch areas) shall be used for the home occupation.
 - d. The dwelling unit used for the home occupation shall not serve as a storage facility for a business conducted elsewhere.

- e. No activity, materials, goods, or equipment incidental to the home occupation shall be externally visible.
 - f. Only 1 sign, not to exceed 2 square feet, non-illuminated and flush wall mounted only, may be used to advertise a home occupation.
 - g. The use of the dwelling unit for a home occupation shall in no way be incompatible with the character of nearby residential areas.
 - h. In no instance shall a home occupation create a nuisance for neighboring properties.
 - i. No stock in trade (except articles produced by the members of the immediate family residing on the premises) shall be displayed or sold on the premises.
 - j. Shall comply with Section 15.904, standards and procedures applicable to all special uses.
3. Conditional Use Regulations {NR-6, MR-8, UR-12, AND SR-5}: (G. O. 98-97-98; 12/5/97)
- a. All standards in 2. above, shall apply.
 - b. Personal services uses shall be permitted as conditional home occupations uses within these districts.
 - c. Shall comply with Section 15.905, standards and procedures applicable to all conditional uses.

(t) **On-Site Composting and Wood Piles**

Description: Includes all collection, storage, and processing of vegetation wastes and/or wood piles.

- 1. Permitted by Right {All Districts}: All facilities less than five cubic yards of compost or five full cords of wood
- 2. Special Use Regulations {All Districts}:
 - a. Shall be limited to no more than 10 cubic yards of total collection, storage and processing area, and/or 10 full cords of total collection and storage area. All such areas shall be located a minimum of 5 feet from all property lines.
 - b. Shall not involve food scraps, other vermin-attracting materials, or rotted wood and shall be maintained in an attractive manner.

- c. Shall comply with Section 15.904, procedures applicable to all special uses.

3. Conditional Use Regulations: Not applicable.

(u) **Family Day Care Home (Four to Eight Attendees)**

Description: Family day care homes are occupied residences in which a qualified person or persons provide child care for 4 to 8 attendees. The care of less than 4 attendees is not subject to the regulations of this Chapter.

1. Permitted by Right {RA-35ac, ER-1, SR-3, SR-5, NR-6, MR-8, UR-12}.
2. Special Use Regulations: Not applicable.
3. Conditional Use Regulations: *Not applicable. State Law Reference: Section 66.304(b)(2), Wisconsin Statutes*

(v) **Intermediate Day Care Home (Nine to Fifteen Attendees)**

Description: Intermediate day care homes are occupied residences in which a qualified person or persons provide child care for 9 to 15 attendees.

1. Permitted by Right: Not Applicable.
2. Special Use Regulations: Not applicable.
3. Conditional Use Regulations {RA-35ac, ER-1, SR-3, SR-5, NR-6, MR-8, UR-12}. *State Law Reference: Section 66.304(b)(2), Wisconsin Statutes*

(w) **Migrant Labor Camp**

Migrant labor camps include any facility subject to the regulation of Wisconsin Statutes 103.90.

1. Permitted by Right: Not applicable.
2. Special Use Regulations: Not applicable.
3. Conditional Use Regulations {RA-35ac, HI}:
 - a. Shall be surrounded by a bufferyard with a minimum opacity of .60 along all property lines adjacent to all properties in residential, office or commercial zoning districts (see Section 15.610).

- b. Migrant labor camp shall be an accessory use to an active principal use, under the same ownership, which is located within the City of Sheboygan.
- c. Shall comply with Section 15.905, standards and procedures applicable to all conditional uses.

(x) Vehicular and/or Equipment Storage Building

Description: This land use includes all structures used to store one business vehicle not larger than a pickup truck, equipment and other materials used to maintain the buildings, parking, landscaping and other on-site facilities located on the same site as the principal land use where the principal use is permitted by right, conditional use or special use within the subject zoning district.

- 1. Permitted by Right: Not applicable.
- 2. Special Use Regulations: Not applicable.
- 3. Conditional Use Regulations {NO, SO, NC, UC, CC}:
 - a. Shall comply with Section 15.905, standards and procedures applicable to all conditional uses.
- 4. Neither the building nor site may be used to store or repair any vehicle or equipment for a land use which is not the principal land use on the site.
- 5. Maximum building size: 200 square feet for equipment storage only; 1,000 square feet combination equipment and vehicle storage. (G. O. 149-97-98; 5/18/98)

(y) Outdoor Wood Burning Furnaces (GO 10-04-05/6-7-04)

Description: Includes an accessory structure or appliance designed (1) for a location ordinarily outside the principal structure and (2) to transfer to provide heat via liquid or other means, by burning wood or other solid fuels, for heating any principal or accessory structure on the premises. Does not include fire pits, barbeques, fryers or chimneys.

- 1. Prohibited in all districts.

(9) Temporary Land Uses

(a) Contractor's Project Office {All Districts}

Description: Includes any structure containing an on-site construction management office for an active construction project.

- 1. Temporary Use Regulations:

- a. Structure shall not exceed 2,000 square feet in gross floor area.
- b. Facility shall be removed within 10 days of issuance of occupancy permit.
- c. Shall not be used for sales activity. (See subsection 15.206(9)(c), below.)
- d. Projects requiring said land use to be in place for more than 730 days shall require a Conditional Use Permit.
- e. Shall comply with Section 15.906, standards and procedures applicable to all temporary uses.

(b) **Contractor's On-Site Equipment Storage Facility** {All Districts}

Description: Includes any structure or outdoor storage area designed for the on-site storage of construction equipment and/or materials for an active construction project.

1. Temporary Use Regulations:

- a. Facility shall be removed within 10 days of issuance of occupancy permit.
- b. Projects requiring said land use to be in place for more than 365 days shall require a Conditional Use Permit.
- c. Shall be limited to a maximum area not exceeding 10 percent of the property's Gross Site Area.
- d. Shall comply with Section 15.906, standards and procedures applicable to all temporary uses.

(c) **Relocatable Building** {NO, SO, NC, SC, UC, CC, SI, UI HI}

Description: Includes any manufactured building which serves as a temporary building considered conditional uses and subject to the general standards and procedures presented in Section 15.905.

1. Temporary Use Regulations:

- a. Shall conform to all setback requirements.
- b. Shall conform to all building code regulations.
- c. Shall comply with Section 15.906, standards and procedures applicable to all temporary uses.

(d) **On-Site Real Estate Sales Office** {All Districts}

Description: Includes any building which serves as an on-site sales office for a development project.

1. Temporary Use Regulations:
 - a. Structure shall not exceed 5,000 square feet in gross floor area.
 - b. Facility shall be removed or converted to a permitted land use within 10 days of the completion of sales activity.
 - c. Signage shall comply with the requirements for temporary signs in Section 15.807.
 - d. The office shall be removed upon sale of the last lot.
 - e. Shall comply with Section 15.906, standards and procedures applicable to all temporary uses.

(e) **General Temporary Outdoor Sales** {NC, SC, UC, CC}

Description: Includes the display of any items outside the confines of a building which is not otherwise permitted as a permitted, special, or conditional use, or a special event otherwise regulated by the City of Sheboygan Municipal Code. Examples of this land use include but are not limited to: seasonal garden shops, tent sales, and food stands. Garage sales are exempt from the provisions of this Chapter, but shall comply with the requirements of the City of Sheboygan Municipal Code.

1. Temporary Use Regulations:
 - a. Display shall be limited to a maximum of 12 days in any calendar year.
 - b. Display shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
 - c. Signage shall comply with the requirements for temporary signs in Section 15.807.
 - d. Adequate parking shall be provided.
 - e. If subject property is located adjacent to a residential area, sales and display activities shall be limited to daylight hours.
 - f. Shall comply with Section 15.906, standards and procedures applicable to all temporary uses.

(f) **Seasonal Outdoor Sales of Farm Products** {RA-35ac, NC, SC, UC, CC, SI, UI}

Description: Includes any outdoor display of farm products not otherwise regulated by the City of Sheboygan Code of Ordinances.

1. Temporary Use Regulations:
 - a. Display shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
 - b. Signage shall comply with the requirements for temporary signs in Section 15.807.
 - c. Adequate parking shall be provided.
 - d. If subject is located adjacent to a residential area, sales and display activities shall be limited to daylight hours.
 - e. Shall comply with Section 15.906, standards and procedures applicable to all temporary uses.

(g) **Outdoor Assembly** {All Districts}

Description: Includes any organized outdoor assembly of more than 100 persons. Outdoor assembly uses proposed to be located on public property shall be subject to Municipal Code Section 27-11.

1. Temporary Use Regulations:
 - a. Activities shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
 - b. Signage shall comply with the requirements for temporary signs in Section 15.807.
 - c. Adequate parking, drinking water, and toilet facilities shall be provided, and shall be described in the application.
 - d. If subject property is located adjacent to a residential area, activities shall be limited to daylight hours.
 - e. Adequate provisions for crowd control shall be made, and shall be described within the application.
 - f. Shall comply with Section 15.906, standards and procedures applicable to all temporary uses.

(h) **Remediation Structure** {All Districts}

Description: Accessory structures required to house equipment for remediating contaminated sites as determined by the Department of Natural Resources or other applicable agencies.

1. Temporary Use Regulations:
 - a. Activities shall not be located in a required street yard, nor closer than 10 feet from any other lot line, including the CC District.

(10) **Natural Resource Disruption and Required Mitigation Standards**

For all land uses, disruption to natural resource areas shall comply with the requirements of the Subdivision and Platting Ordinance pertaining to drainage, grading and erosion control. All land uses located within Permanently Protected Green Space Areas shall comply with the following regulations:

(a) **Cultivation**

1. Permitted as a Conditional Use {Other permanently protected green space areas}:
 - a. Permitted only if designated on the submitted site plan, and/or the recorded Plat or Certified Survey as an "Area which may be used for cultivation".

(b) **Passive Outdoor Public Recreational Area**

1. Permitted as a Special Use {All permanently protected green space areas}:
 - a. Limited to a 20 foot wide area in permanently protected natural resource areas. Permitted in other permanently protected green space areas without restriction.
 - b. No-native vegetation shall not be permitted to spread into permanently protected natural resource areas beyond said 20 foot wide area.
2. Permitted as a Conditional Use: Not applicable.

(c) **Active Outdoor Public Recreational Area**

1. Permitted as a Special Use {Other permanently protected green space areas}:
 - a. Non-native vegetation shall not be permitted to spread into permanently protected natural resource areas.
2. Permitted as a Conditional Use: {Floodfringe}

(d) **Outdoor Institutional**

1. Permitted as a Special Use {Other permanently protected green space areas}:
 - a. Non-native vegetation shall not be permitted to spread into permanently protected natural resource areas.
2. Permitted as a Conditional Use: Not applicable.

(e) **Lawn Care**

1. Permitted as a Special Use {Other permanently protected green space areas}:
 - a. Non-native ground cover shall not be permitted to spread into permanently protected natural resource areas. Clearance of understory growth shall be permitted.
2. Permitted as a Conditional Use: {All permanently protected natural resource areas except wetlands}:
 - a. Only disturbance associated with the care of native vegetation is permitted, with the exception of a 20 foot wide access path which may be cleared for passive recreation purposes.
 - b. Each property abutting a natural resource area shall be limited to one such access path.
 - c. Non-native vegetation (such as domestic lawn grasses) shall not be introduced into natural resource areas beyond said 20 foot wide access path.

(f) **Golf Course**

1. Permitted as a Special Use {All permanently protected green space areas except wetlands}:
 - a. Only disturbance associated with the care of native vegetation is permitted. Natural resource areas which are located within or adjacent to golf play areas shall be incorporated into the course design as out-of-bounds play hazards, and shall be maintained in their natural state.

(g) **Any Permitted Temporary Use**

1. Permitted as a Special Use {Other permanently protected green space areas}:

- a. Activity shall in no manner encroach upon permanently protected natural resources areas. Party securing the temporary use permit shall be responsible for restoring all such natural resource areas to an undamaged state, or shall be considered in violation of the provisions of this Chapter. (See Section 15.906.)

2. Permitted as a Conditional Use: Not applicable.

(h) **Drainage Structure**

1. Permitted as a Special Use: Not applicable.

2. Permitted as a Conditional Use {All permanently protected green space areas}:

- a. Structure shall be deemed necessary by the City Engineer.
- b. Natural vegetation shall be restored in disturbed areas.

(i) **Filling**

1. Permitted as a Special Use: Not applicable.

2. Permitted as a Conditional Use {All permanently protected green space areas}:

- a. Filling in the floodway shall be done only as required by a necessary road, bridge, utility, or other infrastructure facility which has been deemed necessary by the Department of Public Works.
- b. Natural vegetation shall be restored in disturbed areas.
- c. In no instance shall filling raise the base flood elevation.

(j) **Individual Septic Disposal System**

1. Permitted as a Special Use: Not applicable.

2. Permitted as a Conditional Use {All permanently protected green space areas}:

- a. Shall not locate closer than 30 feet to any other permanently protected natural resource areas.

(k) **Road and/or Bridge**

1. Permitted as a Special Use: Not applicable.

2. Permitted as a Conditional Use {All permanently protected green space areas}:
 - a. May locate in or across a natural resource area only in conjunction with a boat landing, or when deemed essential by the Department of Public Works.
 - b. May locate in other permanently protected green space area if designed to provide an essential service to an activity area located within the green space area which cannot be efficiently reached from another point.
 - c. In general, road networks shall be designed to circumvent permanently protected green space areas, thereby eliminating the need for intrusions and crossings.

(1) **Utility Lines and Related Facilities**

1. Permitted as a Special Use {All permanently protected green space areas}:
 - a. May locate in or across a natural resource area only when deemed essential by the Department of Public Works.
 - b. May locate in other permanently protected green space area if designed to provide an essential service to an activity area located within the green space area which cannot be efficiently reached from another point.
 - c. In general, utility lines shall be designed to circumvent permanently protected green space areas, thereby eliminating the need for intrusions and crossings.

Section 15.207 Nonconforming Use Regulations

- (1) **Definition:** A nonconforming use is an active and actual use of land or structures, or both; legally established prior to the effective date of this Chapter or subsequent amendment thereto which has continued the same use to the present, and which would be permitted under the following regulations: (Nonconforming Lots, Structures, and Buildings: See Sections 15.307, 15.407 and 15.408.)
- (2) **Ordinary Repair and Maintenance:**
 - (a) Work may be done on ordinary maintenance and repairs, or on repairs or replacement of nonbearing walls, fixtures, wiring or plumbing; provided, however, that this subsection shall not be deemed to authorize any violation of subsection (3) through (8) below.

- (b) Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of a building or other structure, other than a damaged or destroyed building or other structure subject to the provisions of subsection (5) below, in accordance with the order of the Building Inspector declaring such building or other structure to be unsafe and orders its restoration to a safe condition.
- (3) **Extension:** A nonconforming use shall not be extended, expanded, enlarged or increased in intensity. Such prohibited activities shall include, without limitation:
 - (a) Extension of nonconforming use to any building or other structure or land area other than one occupied by such use on the effective date of this chapter, or on the effective date of a subsequent amendment thereto that causes such use to become nonconforming.
 - (b) Extension of a nonconforming use within a building or other structure to any portion of the floor area that was not occupied by such use on the effective date of this Chapter, or on the effective date of a subsequent amendment thereto that causes such use to become nonconforming; provided, however, that a nonconforming use may be extended throughout any part of such building or other structure that was lawfully and manifestly designed or arranged for such use on such effective date.
 - (c) Operation of a nonconforming use in such manner as to conflict with, or to further conflict with if already conflicting on the effective date of this Chapter, or on the effective date of a subsequent amendment thereto that results in such use becoming nonconforming, any performance standards established for the district in which the use is located.
- (4) **Enlargement:** No building or other structure that is devoted wholly or in part to a nonconforming use shall be enlarged or added to in any manner unless such building or other structure and the use thereof shall thereafter conform to the regulations of the district in which it is located.
- (5) **Damage or Destruction:** In the event that any building or other structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed, by any means, to such an extent that the cost of restoration to the condition in which it was before such damage or destruction exceeds 50 percent of the current replacement cost of the entire building or other structure, exclusive of foundations, such building or other structure shall not be restored unless such building or other structure and the use thereof shall thereafter conform to the regulations of the district in which it is located. Moreover, even if such damage is 50 percent or less, no repairs or restoration shall be made unless a building permit is obtained, and restoration is actually begun within one year after the date of such partial destruction and is diligently pursued to completion.
- (6) **Moving:** No building or other structure that is devoted in whole or in part to a nonconforming use shall be moved, in whole or in part, for any distance whatever, to any other lot unless the entire building or other structure and the use thereof shall thereafter conform to the regulations of the district in which it is

located after being moved. Moreover, no nonconforming use of land shall be moved, in whole or in part, for any distance whatever, to any other location on the same or any other lot unless such use shall thereafter conform to the regulations of the district in which it is located after being moved.

- (7) **Change:** A nonconforming use of a building or other structure, all or substantially all of which was originally designed or intended for a use which is permitted in the district in which it is located shall not be changed to any use other than a use permitted in the district in which the land is located or to another nonconforming use of similar characteristics when authorized by the Zoning Board of Appeals as regulated Subchapter 15-9 of this Chapter. When a nonconforming use has been changed to a permitted one, it shall not thereafter be changed back to a nonconforming use.
- (8) **Discontinuance:**
- (a) **Discontinuance of Nonconforming Use of Land:** In the event that operation of a nonconforming use of land is discontinued for a period of 12 months, such nonconforming use shall not thereafter be re-established, and any subsequent use or occupancy of such land shall conform to the regulations of the district in which it is located. Intent to resume active operation shall not affect the foregoing.
- (b) **Discontinuance of Nonconforming Use of Building or Structure and Accessory Use:** In the event that operation of a nonconforming use of all or part of a building or other structure is discontinued for a period of 12 months, such nonconforming use shall not thereafter be re-established, and any subsequent use or occupancy of such building or other structure shall conform to the regulations of the district in which it is located. Intent to resume active operation shall not affect the foregoing. Also, no nonconforming accessory use shall continue after the principal use to which it is accessory has been abolished.
- (9) **Wetland Nonconforming Uses:** Notwithstanding Section 62.23(8)(h) of the Wisconsin Statutes, the repair, reconstruction, renovating, remodeling or expansion of a legal nonconforming structure in existence at the time of adoption or subsequent amendment of this Chapter adopted pursuant to Section 62.231 of the Wisconsin Statutes, or of an environmental control facility in existence on May 7, 1982, related to that structure, is permitted pursuant to Section 62.231(5) of the Wisconsin Statutes. Section 62.23(7)(h), however, applies to any environmental control facility that was not in existence on May 7, 1982, but was in existence on the effective date of this Chapter or amendment.
- (10) **Accessory Uses and Structures for Legal Nonconforming Principal Uses:** Accessory uses and structures for legal nonconforming principal uses may be enlarged or constructed per the requirements for such uses. Such accessory uses and structures shall be removed upon the discontinuation of the nonconforming principal use.

Section 15.208 Group Developments

- (1) **Definition:** A group development is any development containing 2 or more structures containing principle land uses (as listed in Table 15.203) on the same lot, and/or any single structure on a single lot which contains 5 or more dwelling units or 2 or more non-residential uses on the same story. Common examples of group developments include 6-unit apartment buildings, apartment complexes, condominium complexes, shopping centers, and office centers. (One-building office structures, one-building commercial strip centers, 4-unit apartment buildings, and other land uses in which each lot contains only 1 structure and where each residential building contains 4 or fewer dwelling units, are not group developments, even though such developments may contain parcels under common ownership.)
- (2) **Regulation of Group Developments:** Group developments are permitted as conditional uses in all zoning districts. Any land use which is permitted within the applicable zoning district(s) is permitted to locate within a group development. The land use regulations of this Section, as well as Section 15.206 and all other applicable provisions of this Chapter shall apply to the group development. The requirements of Section 15.905 shall apply to the review of proposals for group developments.
- (3) **Specific Development Standards for Group Developments**
 - (a) All required off-street parking spaces and access drives shall be located entirely within the boundaries of the group development.
 - (b) Each individual land use shall have a rear or side entrance that is accessible to a loading or service drive. Said service drive shall have a minimum width of 26 feet. Said service drive shall not be part of the vehicle circulation network used by customers.
 - (c) The development shall contain a sufficient number of waste bins to accommodate all trash and waste generated by the land uses in a convenient manner.
 - (d) No group development shall take access to a local residential street.
 - (e) All development located within a group development shall be located so as to comply with the intent of this chapter regarding setbacks of structures and buildings from lot lines. As such, individual principal and accessory structures and buildings located within group developments shall be situated within building envelopes which serve to demonstrate complete compliance with said intent. Said building envelopes shall be depicted on the site plan required for review of group developments. The use of this approach to designing group developments will also ensure the facilitation of subdividing group developments in the future, (if such action is so desired).

- (4) **Discrimination Against Condominium Forms of Ownership:** It is not the intent of this Section, nor any other provision of this Chapter, to discriminate against condominium forms of ownership in any manner which conflicts with Wisconsin Statutes 703.27. As such, the provisions of this Section are designed to ensure that condominium forms of ownership are subject to the same standards and procedures of review and development as other physically identical forms of development.

SUBCHAPTER 15-3: DENSITY AND INTENSITY REGULATIONS

Section 15.301 Purpose

The purpose of this Subchapter is to indicate the maximum permitted density (for residential projects) and maximum permitted intensity (for nonresidential projects) of development on any given site within the jurisdiction of this chapter (see Section 15.009). The development potential of any site is determined by a variety of factors, including but not limited to: 1) the area of the site; 2) the proportion of the site not containing sensitive natural resources; 3) the zoning district(s) in which the site is located; 4) the development option(s) building or height the site is developed under; 5) the use of structured parking; and 6) the use(s) considered for development.

Rationale: This Subchapter regulates the development potential of all property within the jurisdiction of this Chapter. This Subchapter is designed to ensure the implementation of many goals and objectives of the City of Sheboygan Comprehensive Master Plan. (See also, Section 15.005 of this Chapter.) Many of these are extremely difficult to address using conventional zoning techniques, particularly those which rely on minimum lot area requirements to establish maximum permitted residential densities, and maximum floor area ratios to establish the character of nonresidential developments. Such approaches provide for a minimum flexibility of site design options, which in turn results in land use inefficiencies, forced site planning, and/or the needless destruction of sensitive natural resources. The approach employed by this Subchapter, relying on Maximum Gross Densities (MGDs) for residential development, and minimum required Landscape Surface Ratios (LSRs) for nonresidential development, (both in conjunction with a variety of development options available in every zoning district) results in a very high degree of site design flexibility and the protection and implementation of desired community character and adopted community goals and objectives.

Section 15.302 How to Use this Subchapter

This Subchapter contains the standards which determine the maximum amount of development permitted on any given site. Prior to using the provisions of this Subchapter to determine the development potential of a given property, the guidelines provided by Section 15.306(1) through (3) should be reviewed. This Subchapter recognizes inherent differences between residential and nonresidential land uses, and thus regulates their development in slightly different manners. The description of the process addressing residential development in Section 15.306(1) and (2) refers to the requirements of Section 15.304, Residential Density Standards. The description of the process addressing nonresidential development in Section 15.306(1) and (3) refers to the requirements of Section 15.305, Nonresidential Intensity Standards.

Section 15.303 Required Natural Resources Site Evaluation

- (1) **Purpose:** An important goal of the City of Sheboygan Comprehensive Master Plan is the protection of natural resources which are sensitive to disruption caused by development and/or other land use activities. These resources include: Floodways, Floodplain Areas, Floodfringes, Wetlands, Drainageways, Lakeshores, Steep Slopes, and Woodlands. (These resources are defined in Subchapter 15-5). These resources serve important functions which are lost when these areas are subject to development and/or other land use activities, in the absence of correct mitigation approaches. In many instances, these functions cannot be provided by other natural or man-made features. Specific broad categories of such functions include the protection and enhancement of

air, surface water, ground water, and soil quality, habitat provision and diversification; aesthetic diversification; and buffering effects.

- (2) **Mitigation:** In certain instances, natural features can accommodate development and/or other land use activities without a significant loss of their functional benefits if proper mitigation practices are employed. (Subchapter 15-5) Natural Resource Protection Regulations, provides detailed standards regarding permitted mitigation techniques and requirements.
- (3) **Application:** The Natural Resources Site Evaluation shall be required for any parcel containing a required resource protection area as depicted on Sheet 2 or on a site specific survey, certified survey map, or plat.

Section 15.303(3) continues with the Natural Resources Site Evaluation Worksheet.

Natural Resources Site Evaluation Worksheet

(a) Determine the Gross Site Area (GSA) of the Site:

- 1. Total Site Area as determined by actual on-site survey: _____ acres
- 2. Subtract area located within proposed rights-of-way of roads and within proposed boundaries of public facilities which are designated with the City's Comprehensive Master Plan and/or required for dedication per subdivision regulations: - _____ acres
- 3. Subtract land which although part of the same parcel is not contiguous to, or is not accessible from, the proposed road network serving the project. - _____ acres
- 4. Subtract land which is proposed for a different development option or a different zoning district. - _____ acres
- 5. Subtract area of navigable waters (lakes & streams) - _____ acres
- 6. **Equals Gross Site Area (GSA)** + _____ acres

(b) Determine the Required Resource Protection Area (RPA) of the Site:

- 1. Portion of Gross Site Area containing Floodways. _____ acres
- 2. Add portion of Gross Site Area containing Floodplain Areas. + _____ acres
- 3. Add portion of Gross Site Area containing Floodfringes. + _____ acres

4. Add portion of Gross Site Area containing Wetlands. + _____ acres
5. Add portion of Gross Site Area containing Drainageways. + _____ acres
6. Add portion of Gross Site Area containing Lakeshore. + _____ acres
7. Add portion of Gross Site Area containing Woodlands. + _____ acres
8. Add portion of Gross Site Area containing Steep Slopes. + _____ acres
9. Subtract portions of natural resource areas ((b)1.- (b)8.) made developable by using approved environmental mitigation techniques. - _____ acres
- 10. Equals Required Resource Protection Area (RPA). = _____ acres**

(c) Determine the Net Developable Area (NDA) of the Site:

1. Enter Gross Site Area (GSA) {from (a)6., above} _____ acres
2. Subtract Required Resource Protection Area (RPA) - _____ acres
- 3. Equals Net Developable Area (NDA). = _____ acres**

Section 15.304 Residential Density Standards

KEY TO TABLE 15.304

ZONING DISTRICT	MAXIMUM GROSS DENSITY	MINIMUM LOT AREA
regulates the type of uses permitted on the site. Section 15.105 describes each Zoning District. Table 15.203 provides a detailed listing of all uses permitted in each Zoning District. Sections 15.205 and 15.206 provide detailed regulations applying to specific land uses. Zoning Districts are depicted on the Official Zoning Map. (See Section 15.103).	is the maximum number of dwelling units permitted on one acre of Gross Site Area in the specific Zoning District and Development Option. Gross Site Area is calculated in Section 15.303(3)(a).	is the minimum size lot permitted within the specified Zoning District and Development Option. This also limits the type of dwelling unit permitted. (Refer to Section 15.203 to match minimum lot sizes with unit types.) Specific dwelling unit regulations are given in Section 15.034.

TABLE 15.304 CITY OF SHEBOYGAN RESIDENTIAL DENSITY STANDARDS

Zoning District	Development	Opti o n / D w e l l i n g U n i t T y p e	Max	Gross D e n s i t y (M G D)	Min	Lot A r e a (M L A)	Min Site Area (M S A)	Bldg Cov Ratio (B C R)
Mixed	Conventional	S i n g l e - f a m i l y (P)	8.00		6.00 sf	6.00 sf	0.50	
	Cluster Single-	f a m i l y (C)	8.00		4,500 sf	20,000 sf	0.50	
	Two Flat (C)		8.00		6,000 sf	6,000 sf	0.50	
	Duplex (P)		8.00		6,000 sf	6,000 sf	0.50	
	Twin House (P)		8.00		3,000 sf	6,000 sf	0.50	

	Mobile Home P a r k (C)	8.00	4,500 sf	5 acres	0.50
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DEVELOPMENT OPTION describes the maximum level of clustering and the minimum proportion of permanently protected green space area permitted on the site. (Refer to Section 15.206 for a full description of each development option and specific regulations which apply to its use. Refer to Table 15.203 to determine how each development option is regulated.	MINIMUM SITE AREA is the Gross Site Area (GSA) in which the specified Development Option is allowed.	BUILDING COVERAGE RATIO is the ratio calculated by dividing the total foundation area of all principal and accessory buildings on a site by the Gross Site Area.
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TABLE 15.304 CITY OF SHEBOYGAN RESIDENTIAL DENSITY STANDARDS					
Zoning District	Development Option/Dwelling Unit Type	Max Gross Density (MGD)	Min Lot Area (MLA)	Min Site Area (MSA)	Bldg Cov Ratio (BCA)
Rural Ag (RA-35ac)	Conventional Single-family (P)	0.03	35 acres	35 acres	0.30
Estate Residential-1 (ER-1)	Conventional Single-family (P)	1.00	40,000 sf	40,000 sf	0.30
	Cluster Single-family (C)	1.00	15,000 sf	40,000 sf	0.30
Suburban Res-3 (SR-3)	Conventional Single-family (P)	3.00	10,000 sf	10,000 sf	0.30
Suburban Res-5 (SR-5)	Conventional Single-family (P)	5.00	6,000 sf	6,000 sf	0.40
Neighborhood Residential-6 (NR-6)	Conventional Single-family (P)	6.00	6,000 sf	6,000 sf	0.40
	Cluster Single-family (C)	6.00	4,500 sf	20,000 sf	0.40
	Two Flat (C)	6.00	6,000 sf	6,000 sf	0.40
Mixed Residential-8 (MR-8)	Conventional Single-family (P)	8.00	6,000 sf	6,000 sf	0.50
	Cluster Single-family (C)	8.00	4,500 sf	20,000 sf	0.50
	Two Flat (C)	8.00	6,000 sf	6,000 sf	0.50
	Duplex (P)	8.00	6,000 sf	6,000 sf	0.50
	Twin House (P)	8.00	3,000 sf	6,000 sf	0.50
	Mobile Home Park (C)	8.00	4,500 sf	5 acres	0.50
Urban Residential-12	Conventional Single-family (P)	12.00	6,000 sf	6,000 sf	0.50

(UR-12)	Cluster Single-family (C)	12.00	4,500 sf	20,000 sf	0.50
	Two Flat (C)	12.00	6,000 sf	6,000 sf	0.50
	Duplex (P)	12.00	6,000 sf	6,000 sf	0.50
	Twin House (P)	12.00	3,000 sf	6,000 sf	0.50
	Townhouse (P)	12.00	2,500 sf	4,500 sf	0.50
	Multiplex (C)	12.00	2,500 sf	4,500 sf	0.50
	Apartment (C)	12.00 ^{1,2,3}	2,500 sf	4,500 sf	0.50
	Institutional (C)	Up to 40.00	4,500 sf	4,500 sf	0.50
Neighborhood Office (NO)	Conventional Single-family (P)	6.00	6,000 sf	6,000 sf	0.40
	Cluster Single-family (C)	6.00	4,500 sf	20,000 sf	0.40
	Two Flat (C)	6.00	6,000 sf	6,000 sf	0.40
	Multiplex (C)	12.00	2,500 sf	4,500 sf	0.50
	Apartment (C)	conversions only ²	2,500 sf	4,500 sf	0.50
	Institutional (C)	Up to 40.00	4,500 sf	4,500 sf	0.50
Suburban Office (SO)	Institutional (C)	Up to 40.00	1 acre	1 acre	0.50
Neighborhood Commercial (NC)	Conventional Single-family (P)	6.00	6,000 sf	6,000 sf	0.40
	Cluster Single-family (C)	6.00	4,500 sf	20,000 sf	0.40
	Two Flat (C)	6.00	6,000 sf	6,000 sf	0.40
	Apartment (C)	conversions only ²	2,500 sf	4,500 sf	0.50
	Multiplex (C)	12.00	2,500 sf	4,500 sf	0.50
	Institutional (C)	Up to 40.00	4,500 sf	4,500 sf	0.50
Suburban Commercial (SC)	Institutional (C)	Up to 40.00	1 acre	1 acre	0.50
Urban Commercial (UC)	Institutional (C)	Up to 40.00	4,500 sf	4,500 sf	0.50
Central Commercial (CC)	Townhouse (C)	12.00	2,500 sf	4,500 sf	0.50
	Multiplex (C)	12.00	2,500 sf	4,500 sf	0.50
	Apartment (C)	Up to 40.00	2,500 sf	4,500 sf	0.50
	Institutional (C)	Up to 40.00	4,500 sf	4,500 sf	0.50

(P) = Permitted by Right; (C) = Permitted as a Conditional Use

^{1,2}Maximum Gross Density for Apartments is as follows: for ¹new structures MGD is 12.00 for two or more bedroom units; MGD is 13.00 for one bedroom units; MGD is 14.00 for efficiencies; for ²converted structures MGD is 22.00 (2,000 sf of lot area per unit), and within the Central Residential Area (bounded by Erie Avenue, 13th Street, 5th Street, and the Sheboygan River) the MGD is 40.00 du/acre.

Section 15.305 Nonresidential Intensity Standards

KEY TO TABLE 15.305

<p>ZONING DISTRICT regulates the type of uses permitted on the site. Section 15.205 describes each Zoning District. Table 15.203 provides a detailed listing of all uses permitted in each Zoning District. Sections 15.205 and 15.206 provide detailed regulations applying to specific land uses. Zoning Districts are depicted on the Official Zoning Map. (See Section 15.103.)</p>	<p>MAXIMUM BUILDING SIZE is the maximum total Gross Floor Area which a building is permitted to contain. "Gross Floor Area" is defined in Section 15.034.</p>
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Zoning District	Min Landscape Surface Ratio (LSR)	Min Lot Area (MLA)	Max Bldg Size (MBS)
Suburban Office (SO)	25%	1 acre*	na
Neighborhood Commercial (NC)	15%	3,000 sq ft	5,000 sq ft
Suburban Commercial (SC)	25%	1 acre*	na
Urban Commercial (UC)	10%	3,000 sq ft	na
Central Commercial (CC)	0%	na	na

<p>MINIMUM LANDSCAPE SURFACE AREA RATIO is the minimum permitted percentage of the Gross Site Area (GSA) which must be preserved as permanently protected landscaped area. LSR is calculated by dividing the total landscaped area of a site by the Gross Site Area (GSA). GSA is calculated in Section 15.303(3)(a). "Landscaped area" is defined in Section 15.034.</p>	<p>MINIMUM LOT AREA is the minimum size lot permitted in the specified Zoning District for a building with the listed number of floors.</p>
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Zoning District	Min Landscape Surface Ratio (LSR)	Min Lot Area (MLA)	Max Bldg Size (MBS)
Rural Agricultural-35ac (RA-35ac)**	70%	35acres	na
Estate Residential-1 (ER-1)**	70%	40,000 sq ft	na
Suburban Residential-3 (SR-3)**	55%	10,000 sq ft	na
Suburban Residential-5 (SR-5)**	55%	6,000 sq ft	na
Neighborhood Residential-6 (NR-6)**	55%	4,500 sq ft	na
Mixed Residential-8 (MR-8)**	40%	4,500 sq ft	na
Urban Residential-12 (UR-12)**	25%	4,500 sq ft	na
Neighborhood Office (NO)	25%	4,500 sq ft	5,000 sq ft
Suburban Office (SO)	25%	1 acre*	na
Neighborhood Commercial (NC)	15%	3,000 sq ft	5,000 sq ft
Suburban Commercial (SC)	25%	1 acre*	na
Urban Commercial (UC)	10%	3,000 sq ft	na
Central Commercial (CC)	0%	na	na

Suburban Industrial (SI)	25%	1 acre*	na
Urban Industrial (UI)	10%	3,000 sq ft	na
Heavy Industrial (HI)	0%	na	na
*Reduction in Lot Area from one acre to 4,500 square feet is permitted as a Conditional Use per Section 15.905 with site plan for end use of the property demonstrating full compliance with all of the requirements of the City Code.			
** Intensity standards for permitted non-residential uses in residential districts, such as churches and schools.			

Section 15.306 Detailed Instructions for Density and Intensity Regulations

(1) For Both Residential, and Nonresidential Development

(a) Check Planning Recommendations for the Subject Property

1. Check Comprehensive Plan Recommendations

The City's *Comprehensive Plan* should be checked for implications related to the subject property, particularly the Land Use and Transportation Plan Map. (Copies of the *Comprehensive Plan* are available from the City.) From time to time, the *Comprehensive Plan* may be amended. The City's Department of Planning and Development should be consulted regarding changes to the *Comprehensive Plan* which may affect the subject property or its environs.

2. Check Official Map Recommendations

The City's *Official Map* should be checked for proposed capital facilities and dedication requirements including schools, parks, stormwater management facilities and street improvements which may affect the subject property. The *Official Map* is on display at the City's Department of Planning and Development. From time to time, the *Official Map* may be amended. The City's Department of Planning and Development should be contacted regarding changes to the *Official Map* which may affect the subject property or its environs.

(b) Check the Zoning of the Subject property

The potential amount and type of development any given site may contain is directly related to the zoning district in which the site is located. The subject property should be identified on the City's *Official Zoning Map* (See Section 15.103.), and the current zoning designation should be compared with the description of that district provided in Section 15.105. The *Official Zoning Map* is on display at the City's Department of Planning and Development. From time to time, the *Official Zoning Map* may be amended. The Zoning Administrator should be contacted regarding potential changes in the *Official Zoning Map* which may affect the subject property or its environs.

(c) Complete a Natural Resources Site Evaluation for the Site

The effect of protected natural resources on the development potential of the subject property should be evaluated. The evaluation shall not be required for any site where no new roads are created or where protected natural resources are not present. All resources listed in Section 15.303 should be identified on the subject property, located on a map (or air photo) of the subject property, and the total area of the property (in acres) covered by those resources, known as *Required Resource Protection Area* (RPA) should be determined, as should the *Gross Site Area* (GSA) and the *Net Developable Area* (NDA) of the subject property. (Section 15.303(3) contains a worksheet to simplify these calculations.)

(2) **For Residential Development** (For Steps (a) through (c), see (1), above.)

(d) **Determine What Type of Dwelling Units are Permitted**

Page 1 of the Table of Land Uses (Section 15.203) should be checked to determine which type of dwelling units are permitted within the zoning district for the subject property. (Section 15.034 describes each dwelling unit type.)

(e) **Identify the Desired Permitted Development Option**

Page 1 of the Table of Uses (Section 15.203) should also be checked to determine which types of development options are permitted within the zoning district for the subject property. Development option is described in detail in Section 15.206(1). The selection of a particular development option may be related to the preponderance of sensitive natural resource areas on the site, or may reflect current or projected residential market conditions and the dwelling unit types they call for. After the desired permitted development option is identified, Section 15.304: Residential Density Standards, should be referred to for the selected development option(s) in the zoning district(s).

(f) **Check Minimum Site Area Requirement Against the Gross Site Area**

The required *Minimum Site Area (MSA)*, given in Section 15.304 (Residential Density Standards) for the development option selected in (e), and in the zoning district identified in (b), should be compared with the *Gross Site Area (GSA)* required on the subject property as determined by the completion of the Natural Resources Site Evaluation in Step (c), above. If the *GSA* is less than the *MSA* required by the selected development option, then a different development option must be selected, or additional property should be acquired.

(g) **Determine Maximum Gross Density Permitted on the Site**

The *Maximum Gross Density (MGD)*, given in Section 15.304 (Residential Density Standards) for the development option selected in (c) and the zoning district identified in (e), above, should be noted; and used in Step (h), below.

(h) **Determine the Maximum Number of Units Permitted on the Site**

The *Maximum Gross Density (MGD)*, identified in (g), above, multiplied by the *Gross Site Area (GSA)* calculated in Step (c), above, equals the maximum number of dwelling units permitted on the subject property under the selected development option within the selected zoning district. The ability to actually develop this number of dwelling units on the subject property is not guaranteed by the provisions of this Chapter. Inefficient site design, poor property configuration, and other factors may result in a lower number of units actually fitting on the site.

(i) **Check the Minimum Permitted Lot Area Against Table 15.203**

The *Minimum Lot Area (MLA)* requirement given in Section 15.304 (Residential Density Standards), is the smallest size lot permitted within the selected development option within the selected zoning district. The *MLA* must equal or be less than the lot size requirement for the type of dwelling unit proposed for the project in Step (a), above. If the *MLA* given in Section 15.203 is larger than the lot size requirements given in Step (d), then a dwelling unit type with a larger lot size must be selected (in which case, it may be advantageous to repeat Steps (d) through (i) using a different dwelling unit type *and* a different development option).

(3) Nonresidential Development

For Steps (a) through (c), see (1), above. Section 15.305 contains a key to assist with the procedure described below.

(d) **Determine What Types of Land Uses are Permitted**

The table of Uses (Section 15.203) should be checked to determine what types of land uses are permitted within the zoning district present on, or proposed for, the subject property. A complete description of each land use is presented in Section 15.206.

(e) **Check Minimum Lot Area Requirement Against Gross Site Area Present on the Subject Property**

The required *Minimum Lot Area (MLA)*, given in Section 15.305 (Nonresidential Intensity Standards) for the development option selection in (e), and in the zoning district identified in (b), should be compared with the *Gross Site area (GSA)* required on the subject property as determined by completion of the Natural Resources Site Evaluation in Step (c), above. If the *GSA* is less than the *MLA* required by the selected development option, then additional property should be acquired. In other words, the *GSA* (from (c)) must be greater than or equal to the *MLA* (from (e)).

(f) **Check Minimum Landscape Surface Ratio Requirement Against the Required Resource Protection Area Present on the Subject Property**

The required *Landscape Surface Ratio (LSR)*, given in Section 15.305 (Nonresidential Intensity Standards) for the zoning district identified in (b), should be multiplied by the *Gross Site Area (GSA)* used in Step (e), above. The resulting product is the area of the site which must be permanently protected as green space. This area should be compared with the *Required Resource Protection Area (RPA)* required on the subject property as determined from the Natural Resource Site Evaluation in Step (c), above. If the area of the site containing sensitive natural resources exceeds the area of permanently protected landscape surface required in the zoning district, then a project requiring more floors may have to be used in order to approach maximum development potential on the site. In other words, if the *RPA* (from (c)) is greater than the *LSR* (from (5)), a taller project may permit the development of more floor area on the subject property

(g) **Check the Maximum Building Size Requirement (NC District)**

The *Maximum Building Size (MBS)* requirement given in Section 15.305, Nonresidential Intensity Standards, is the largest size building permitted within the selected development option within the Neighborhood Commercial (NC) and Neighborhood Office (NO) Districts. The *MGS* must equal or be greater than the building size proposed for the project in Step (f), above. If the *MGS* given in Section 15.305 is smaller than the proposed building size calculated in Step (f) above, then a smaller building must be built, or the use of additional buildings should be considered.

Rationale: The *Minimum Lot Area (MLA)* requirements for each development option within each zoning district are used to ensure that a consistency of neighborhood character within each development option is maintained. Finally, the *Maximum Building Size (MBS)* requirements ensure that development within the Neighborhood Commercial (NC) or Neighborhood Office (NO) Districts retains a neighborhood function and maintains a scale which is compatible with nearby residential development.

Section 15.307 Nonconforming Development Regulations

A variance for any and all requirements of this Subchapter is hereby automatically granted to all developments in their configuration legally existing or as finally approved as of the effective date of this Chapter. However, after the effective date of this Chapter, such developments shall not be permitted to enlarge, expand or extend without bringing all available portions of the subject property including both the enlargement, expansion or extension, and the pre-existing development, into compliance with the provisions of this Subchapter, unless the Plan Commission determines that there is inadequate room available on the subject property to install required landscaping and/or bring existing pavement up to the standards of this Chapter. The property owner may be granted a reasonable extension on the installation period of such required landscaping (as permitted in Section 15.612(1)(a)) for landscaping which is related to the pre-existing development or of such required paving (as permitted in Section 15.704(6)(a)) for paving which is related to the pre-existing development.

Rationale: The “blanket variance” provision of this Section is intended to prevent the creation of certain nonconforming developments within the jurisdiction of this Chapter. The adoption of the provisions of this Section ensures that developments approved prior to the adoption of this Chapter do not encounter difficulty in transferring ownership because they would otherwise be considered nonconforming.

SUBCHAPTER 15-4: BULK REGULATIONS

Section 15.401 Purpose

The purpose of this Subchapter is to indicate the requirements for building location and bulk in both residential and nonresidential developments which vary from the baseline standards of each zoning district. The provisions of this Subchapter interact closely with the provisions of Subchapter 15-1: Establishment of Zoning Districts, Subchapter 15-2: Land Use Regulations, and Subchapter 15-3: Density and Intensity Regulations.

Section 15.402 Residential Bulk Standards

All residential lots created under the provisions of this Chapter shall comply with the standards of this Section. These standards are related to the type of dwelling unit used and to specific zoning district. Table 15.203 and Table 15.304 relate each dwelling unit type to each zoning district. (See Table 15.402 on the next page.)

Dwelling Unit type	Zoning District ^{1,2}	A ¹⁴ : Minimum Lot Area (sq ft)	B ¹⁴ : Minimum Lot Width (ft)	E/F ¹⁴ : Front/Street (ft) ³	Side to Home ⁴		I ¹⁴ : Rear to Home ⁴ (ft)	J/K ¹⁴ : Rear to/Side to Accessory Bldg ⁵ (ft)	M ¹⁴ : Pavement (ft) ⁶	N ¹⁴ : Minimum Dwelling Separation (ft)	Maximum Building Height (ft)	
					G ¹⁴ : Least Side (ft)	H ¹⁴ : Sum of Sides (ft)					O ¹⁴ : Home (ft)	P ¹⁴ : Accessory Bldg ⁵ (ft)
Single-family	RA-35ac , ER-1, SR-34, SR-5, NR-6, MR-8, UR-12, NO, NC	35 acres	150	50	25	50/75 ⁸	50	50	5	50	35	45
Single-family	ER-1, SR-3, SR-5, NR-6, MR-8, UR-12, NO, NC	40,000	150	50	25	50/75 ⁸	50	15	5	50	35	15
Single-family	<i>ER-1</i> , SR-3, SR-5, NR-6, MR-8, UR-12, NO, NC	15,000	90/100 ⁸	25	15	30/40 ⁸	35	5	5	30	35	15
Single-family	SR-3 , SR-5, NR-6, MR08, UR-12, NO, NC	10,000	70/80 ⁸	35	20	25/25 ⁸	20	5	3	20	35	15
Single-family	SR-5, NR-6, MR-8, UR-12, NO, NC	6,000	60/70 ⁸	25	5	15/30 ⁸	20	3/5 ¹⁰	3	10	35	15
Single-family	<i>NR-6, MR-8, UR-12, No, NC</i>	4,500	60/70 ⁸	25	5	15/30 ⁸	20	3/5 ¹⁰	3	10	35	15
Two-flat	<i>NR-6, MR-8, UR-12, NO, NC</i>	6,000	60/70 ⁸	20	5	15/25 ⁸	20	3/5 ¹⁰	3	10	35	15
Duplex	MR-8, UR-12	6,000	60/70 ⁸	20	0/5 ^{8,9}	15/25 ⁸	20	3/5 ¹⁰	3	0 or 10 ¹¹	35	15
Twin House	MR-8, UR-12	(3,000) ⁷	(30/35) ^{7,8}	20	0/5 ^{8,9}	15/25 ⁸	20	3/5 ¹⁰	3	0 or 10 ¹¹	35	15
Townhouse	<i>UR-12, CC</i>	2,500	16/36 ⁸	20	0/10 ^{8,9}	10/20 ⁸	25	3/5 ¹⁰	3	0 or 20 ¹¹	35	15
Multiplex	<i>UR-12, CC</i>	2,500	60/70 ⁸	20	10	20/30 ⁸	25	3/5 ¹⁰	3	20	35	15
Apartment	<i>UR-12, NO, NC, CC</i>	2,500	60/70 ⁸	20	10	20/30 ⁸	25	3/5 ¹⁰	3	20	35 ¹²	15
Institutional Residential	<i>UR-12, NO, SO, NC, SC, UC, CC</i>	4,500 ¹³	60/70 ⁸	30	10	20/40 ⁸	25	3/5 ¹⁰	3	20	35 ¹²	15
Mobile Home	MR-8	4,500	60/70 ⁸	25	5	10/30 ⁸	20	3/5 ¹⁰	3	10	35	15

¹RA-35ac Rural Agricultural ER-1 Estate Residential SR-3 Suburban Residential-3 SR-5 Suburban Residential-5 NR-6 Neighborhood Residential MR-8 Mixed Residential UR-12 Urban Residential NO Neighborhood Office SO Suburban Office NC Neighborhood Commercial SC Suburban Commercial

²Standard type indicates that the development option is permitted by right within the zoning district; italic type indicates that the development option is permitted as a conditional use within the zoning district; bold type indicates typical zoning district for this unit type and lot size.

³Measured from existing or officially mapped right-of-way line, whichever is farthest from the center line of the street. For street with said R-O-W equal to 100 feet, an additional 10 feet of setback is required.

⁴See the requirements for bufferyards and for zoning districts in Section 15.610.

⁵Accessory Buildings exceeding 75 square feet shall comply with the setbacks for home.

⁶Existing pavement may be replaced in same side yard location subject to drainage away from property line. (G. O. 1-97-98; 5/19/97)

⁷Parenthesis () indicate requirement per dwelling unit.

⁸Second number is for corner lot.

⁹Setback to 0 feet along common wall.

¹⁰3 feet, or 5 feet when abutting an alley.

¹¹Separation of 0 feet along common wall.

¹²Apartment and Institutional Residential buildings in excess of thirty-five feet are allowed only with a conditional use permit.

¹³Minimum lot area within the S and SC districts is 1 acre.

¹⁴Refer to Section 15.034 for illustrations of dwelling unit types and associated setbacks labeled with capital letters.

Section 15.403 Nonresidential Bulk Standards

All nonresidential lots created under the provisions of this Chapter shall comply with the standards of this Section. These standards are related to the specific zoning district used. Table 15.203 and Table 15.305 relate each use with each zoning district.

Table 15.403 presents the standards for nonresidential bulk regulations.

The maximum permitted height restriction of 80 feet is based upon the fire-fighting equipment available to the Fire Department as of the effective date of this Chapter. Should fire fighting equipment be made available to effectively fight fires in structures over 80 feet tall, this maximum limit could be raised.

Prior to such time, if a structure is proposed to exceed this maximum (under the provisions of Section 15.406), it should be equipped with internal fire fighting mechanisms which are approved by the Fire Department as part of the required conditional use review process.

Zoning District ↓	Min Lot Width (ft)	Front/Street (ft)	Side From		Rear From		Pavement (ft)	Min Bldg Separation (ft)	M H
			Res (ft)	Non-Res (ft)	Res (ft)	Non-Res (ft)			
Rural Agricultural-35ac (RA-35ac)	150	50	50	25	50	25	5/10 ²	50	
Estate Residential-1 (ER-1)	150	50	50	25	50	25	5/10 ²	50	
Suburban Residential-3 (SR-3)	90	30	50	25	30	25	5/10 ²	50	
Suburban Residential-5 (SR-5)	70	30	50	25	25	25	5/10 ²	50	
Neighborhood Residential-6 (NR-6)	60	25	50	25	25	25	5/10 ²	50	
Mixed Residential-8 (MR-8)	60	20	50	25	25	25	5/10 ²	50	
Urban Residential-12 (UR-12)	60	20	50	25	25	25	5/10 ²	50	
Neighborhood Office (NO)	30	20	8	8	25	25	5/5 ²	16	
Suburban Office (SO)	100	25	15	0/10 ¹	25	10	5/10 ²	0 or 20 ¹	
Neighborhood Commercial (NC)	30	0	25	0/5 ¹	25	10	5/5 ²	0 OR 10 ¹	
Suburban Commercial (SC)	60	25	25	0/10 ¹	25	10	5/10 ²	0 or 20 ¹	
Urban Commercial (UC)	30	0	25	0/5 ¹	25	10	5/5 ²	0 or 10 ¹	
Central Commercial (CC)	0	Maximum permitted setback 0 feet, except where permitted by the Plan Commission as an essential component of site design.			20	10	02	Max = 0 except per Plan Comm. ³	M ex Pla
Suburban Industrial (SI)	60	25	25	0/10 ¹	25	25	5/10 ²	0 or 20 ¹	
Urban Industrial (UI)	30	25	25	0/5 ¹	25	25	5/5 ²	0 or 10 ¹	
Heavy Industrial (HI)	30	25	25	0/5 ¹	25	25	5/5 ²	0 or 10 ¹	

¹Zero feet where property line divides attached buildings.
²5 feet side yard; 10 or 5 feet front yard. See section 15.606 for required street frontage landscaped areas.
³Can exceed 35 foot maximum with a conditional use permit and increased building setback of 1 foot for every foot in height over 35 feet, to a maximum of 45 feet.

Section 15.404 Yard Setback Adjustments

(1) Yard Setback Adjustment from Officially Mapped Streets

- (a) For any street depicted on the Official Map, building setbacks shall be measured from the officially mapped right-of-way line, or one-half the width of the officially mapped right-of-way from the current centerline, whichever is greater.

- (c) The required front yard setback for any use may be reduced for a principal structure on any lot where more than 60 percent of the same type of principal structure on the same block face or street face do not meet the required front yard setback. In such instances, the required front yard setback for the proposed structure shall be the average of all same type principal structures on said block face or street face.

Section 15.405 Intrusions into Required Yards

The minimum setback requirements of Sections 15.402 and 15.403 establish the minimum required yards for all uses, except those exempted by the provisions of this Section.

- (1) No yard shall be reduced in area or dimension so as to make such yard less than the minimum required by this Chapter. If an existing yard is less than the minimum required, it shall not be reduced further, except where exempted by the provisions of this Section.
- (2) No required yard or lot area allocated to satisfy the minimum yard or lot area requirements for one building or structure shall be used to satisfy the minimum yard or lot area requirement for another building or structure.
- (3) In instances where the required bufferyard width (per section 15.610) exceeds the minimum required setback width, the minimum required bufferyard width shall prevail. Absolutely no intrusions of a building or structure are permitted within the required bufferyard.
- (4) **Permitted Intrusions Into Required Yards:** The following intrusions by buildings and structures are permitted into the specified required yards:
 - (a) **Permitted Intrusions Into Required Front or Street Yards:**
 - 1. Chimneys, flues, sills, pilasters, lintels, ornamental features, cornices, eaves, and gutters for residential buildings; provided they do not extend more than two and one-half feet into the required yard.
 - 2. Yard lights, ornamental lights, and nameplate signs for residential lots, provided that they comply with the illumination requirements of Section 15.707 and provided they do not locate closer than five feet from the front or street property line.
 - 3. Terraces, steps, uncovered porches, decks, stoops, or similar appurtenances to residential buildings which do not extend above the floor level of the adjacent building entrance; provided they do not locate closer than 15 feet from any street right-of-way.
 - 4. Fences on residential or nonresidential lots which do not exceed four feet in height; provided they do not locate closer than two feet to any street right-of-way.

(b) **Permitted Intrusions Into Required Rear or Side Yards:**

1. Chimneys, flues, sills, pilasters, lintels, ornamental features, cornices, eaves, air conditioners, and gutters for residential buildings; provided they do not extend more than two and one-half feet into the required yard.
2. Fences may locate on the property line. Permitted fence types shall comply with the provisions of Section 15.720.
3. Fire escapes (on residential buildings) which do not extend more than three feet into the required yard.

(c) **Permitted Intrusions Into Required Rear Yards:**

1. Terraces, steps, uncovered porches, decks, stoops, or similar appurtenances to residential buildings which do not extend more than three feet above grade; provided they do not locate closer than eight feet to the rear lot line.
2. Balconies or similar appurtenances to residential buildings which extend more than three feet above grade; provided they do not extend more than six feet into the required rear yard.

- (5) **All Front Yard and Street Yard Areas:** With the exception of fences, no accessory structures shall be permitted within any portion of a front yard or street yard.

Section 15.406 Exceptions to Maximum Height Regulations

(1) **Permitted Exceptions to Maximum Height Regulations**

- (a) The maximum height regulations listed for residential uses and residential accessory structures in Section 15.402, and for nonresidential uses and nonresidential accessory structures in Section 15.403, are the maximum permitted heights for all buildings and structures, except those exempted by this Section, below.
- (b) The following are permitted to exceed the maximum height regulations, within any district where permitted: church spires, belfries, cupolas and domes which do not contain useable space, public monuments, water towers, fire and hose towers, flag poles, chimneys, smokestacks, cooling towers, and elevator penthouses.
- (c) Any building or structure not otherwise accounted for by (b), above, may exceed said maximum height regulations with the granting of a Conditional Use Permit and/or variance (GO 36-03-04/10-6-03) which

specifically states the maximum permitted height of the proposed building or structure.

(2) **Required Procedure for Exceeding Maximum Height Regulations:**

(a) In order to secure permission to exceed the maximum height regulations of Sections 15.402 and/or 15.403, and/or 15.406; the petitioner shall be granted a Conditional Use Permit per the standards and procedures of Section 15.905 if the use is conditional.

(b) In order to secure permission to exceed the maximum height regulations of Sections 15.402 and/or 15.403, and/or 15.406; the petitioner shall be granted a variance per the standards and procedures of Section 15.910 if the use is permitted or special. (GO 36-03-04/106/03).

Section 15.407 Substandard Lot Regulations

(1) Upon and after the effective date of this Chapter, no lot shall be created which does not meet the Minimum Lot Area (MLA) requirements of Sections 15.304 or 15.305 or which does not meet the lot dimension requirements of Sections 15.402 or 15.403.

(2) **Nonconforming Vacant Lots in Residential Districts:**

(a) An existing lot which does not contain sufficient area to conform to the dimensional requirements of the Chapter, but which complies with the requirements of subsection (b), below, may be used as a single-family building site provided that the lot was of record in the County Register of Deed's office prior to the effective date of this Chapter; and further provided, that the lot is in separate ownership from abutting lands.

(b) When construction of a single-family dwelling is permitted by subsection (1), above, such dwelling shall comply with all regulations applicable to single-family dwellings in the district in which the lot in question is located; provided, however, that the following side yard requirements shall apply in place of the side yard requirements otherwise applicable:

1. The sum of the widths of the two side yards shall be not less than 25 percent of the width of the lot nor shall the width of any side yard be less than 10 percent of the width of the lot.
2. No side yard shall in any event be less than five feet in width.
3. The width of any side yard that adjoins a public street shall not in any event be less than ten feet.

(3) **Nonconforming Vacant Lots in Non-Residential Districts:**

(a) In any district, other than a residential district, notwithstanding the limitations imposed by other provisions of this chapter, a building

designed for any permitted use, other than a multi-family residential use, may be erected on a prerecorded nonconforming lot.

- (b) When construction is permitted by subsection (3)(a), above, such building shall comply with all regulations applicable in the district in which the lot in question is located; provided, however, the width of any side yard need not be greater than that derived by applying the following equation:

$$\frac{x}{\text{Actual lot width}} = \frac{\text{Min. side yard required by district regs.}}{\text{Min. lot width required by district regs.}}$$

x =

required side yard width.

Section 15.408 Nonconforming Structure and Building Regulations

(1) **Nonconforming Residential Buildings Used for Permitted Uses:**

- (a) **Limitations:** A lawfully existing residential building which contains no nonconforming use, but which does not comply with the applicable lot size requirements or building bulk limitations, may be continued so long as it remains otherwise lawful. Such buildings are referred to in this section as “nonconforming residential buildings” and are subject to the following regulations:
1. A nonconforming principal residential building may be enlarged, maintained, repaired or structurally altered; provided, however, that no such enlargement, maintenance, repair, or structural alteration shall either create any additional non-conformity or increase the degree of the existing nonconformity of all or any part of such building; and provided further that damaged or destroyed buildings shall be subject to the restrictions in subsection (b), below.
 2. A nonconforming accessory residential building may be enlarged, maintained, repaired or structurally altered; provided, however, that no such enlargement, maintenance, repair or structural alteration creates an additional nonconformity or causes any portion of said accessory residential building to be located nearer to a lot line where a nonconformity exists; and provided, further, that damaged or destroyed buildings shall be subject to the restrictions of subsection (b), below.
- (b) **Damage or Destruction:** In the event that a nonconforming residential building is damaged or destroyed by any means to such an extent that the cost of restoring it to the condition in which it was before such damage or destruction exceeds 50 percent of the current replacement cost of the entire building, exclusive of foundations, such building shall

not be restored unless it shall thereafter conform to the regulations for the district in which it is located.

- (c) **Moving:** No nonconforming residential building shall be moved in whole or in part for any distance whatsoever to any other located on the same or any other lot unless the entire building shall thereafter conform to the regulations of the district in which it is located after being moved.

(2) **Nonconforming Non-Residential Buildings Used for a Permitted Use:**

(a) **Ordinary Repair and Maintenance:**

1. Work may be done on ordinary maintenance and repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing; provided, however, that this subsection shall not be deemed to authorize any violation of subsections (b) through (d), below.
2. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of a nonconforming non-residential building (other than a damaged or destroyed building or other structure subject to the provisions of subsection (d), below) in accordance with the order of the Building Inspector declaring such building to be unsafe and orders its restoration to a safe condition.

- (b) **Enlargement:** No nonconforming non-residential building shall be enlarged or added to in any manner unless such building and the use thereof shall thereafter conform to the regulations of the district in which it is located.

- (c) **Damage or Destruction:** In the event that any nonconforming non-residential building is damaged or destroyed, by any means, to such an extent that the cost of restoring it to the condition in which it was before such damage or destruction exceeds 50 percent of the current replacement cost of the entire building or structure, exclusive of foundations, such building shall not be restored unless it shall thereafter conform to the regulations for the district in which it is located. Moreover, even if such damage is 50 percent or less, no repairs or restoration shall be made unless a building permit is obtained, and restoration is actually begun within one year after the date of such partial destruction and diligently pursued to completion.

- (d) **Moving:** No nonconforming non-residential building shall be moved, in whole or in part for any distance whatsoever, to any other location on the same lot or any other lot unless the entire building and the use thereof shall thereafter conform to the regulations of the district in which it is located after being moved.

SUBCHAPTER 15-5: NATURAL RESOURCE PROTECTION REGULATIONS

Section 15.501 Purpose

The purpose of this Subchapter is to set forth the requirements for the mandatory protection of natural resources and permanently protected green space areas within the jurisdiction of this Chapter (see Section 15.009). The provisions of this Subchapter interact closely with the provisions of Section 15.204 (Uses Permitted in Other Permanently Protected Green Space Areas), Subsection 15.206(1) (Natural Resource Disruption and Required Mitigation Standards, Section 15.303 (Required Natural Resources Site Evaluation, and Sections 15.304 and 15.305 which provide residential and nonresidential development standards. Section 15.306 provides a complete overview of the interrelationship between the above-listed Sections. In part, the provisions of this Subchapter are designed to ensure the implementation of the City of Sheboygan Comprehensive Master Plan and State of Wisconsin Statutes 62.231 and 87.30.

Section 15.502 How to Use this Subchapter

This Subchapter contains the standards which govern the protection, disturbance, and mitigation of disruption of all natural resource and other permanently protected green space areas. The provisions of this Subchapter are intended to supplement those of the City of Sheboygan, Sheboygan County, the State of Wisconsin, and the Federal Government of the United States which pertain to natural resource protection. Prior to using the provisions of this Subchapter to determine the permitted disruption of such areas, the requirements provided in (1) – (4) should be reviewed. This Subchapter recognizes the important and diverse benefits which natural resource features provide in terms of protecting the health, safety, and general welfare of the community. Each of the following sections is oriented to each natural resource type, and is designed to accomplish several objectives:

- (1) First, a definition of the natural resource is provided.
- (2) Second, the specific purposes of the protective regulations governing each natural resource type are provided.
- (3) Third, the required method of identifying and determining the boundaries of the natural resource area is given.

- (4) Fourth, mandatory protection requirements are identified.

NOTE: Protection requirements for specific land uses and natural resource types designed to minimize disruption of natural resource functions are presented in Subsection 15.206(10).

Section 15.503 Reserved: Refer to Chapter 15, Appendix B: Floodplains

Section 15.504 Wetland Overlay Zoning District

- (1) **Purpose:** The Wetland Overlay Zoning District, which includes floodplain areas, is intended to preserve, protect, and enhance the ponds, streams, and wetland areas of the City of Sheboygan. The preservation, protection, and enhancement of these areas will serve to maintain safe and healthful conditions; maintain and improve water quality, both ground and surface; prevent flood damage; control storm water runoff; protect stream banks from erosion; protect groundwater recharge and discharge areas; protect wildlife habitat; protect native plant communities; avoid the location of structures on soils which are generally not suitable for use; and protect the water-based recreation resources of the City.

(2) **Permitted Uses in the Wetland Overlay Zoning District**

- (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.
- (d) Agricultural cultivation and pasturing, including construction and maintenance of fences, provided they do not involve extension of or creation of new drainage systems, and further provided they do not substantially disturb or impair the natural fauna, flora, topography, or water regimen.
- (e) Ditching, tiling, dredging, excavating, or filling done to maintain or repair an existing drainage system only to the extent necessary to maintain the level of drainage required to continue the existing use.
- (f) The construction and maintenance of piers, docks, and walkways, including those built on pilings.
- (g) The maintenance, repair, replacement, and reconstruction of existing streets, roads, and bridges.

(3) **Conditional Uses in the Wetland Overlay Zoning District**

- (a) The construction of streets which are necessary for the continuity of the City street system, necessary for the provision of essential utility and public safety services, or necessary to provide access to permitted open space uses in the Wetland Overlay Zoning District, provided that:
1. The street cannot as a practical matter be located outside the conservancy district;
 2. The street is designed and constructed to minimize adverse impact upon the natural functions of the wetland as listed in Section 15.504(1) of this Code;
 3. The street is designed and constructed with the minimum cross-section practical to serve the intended use;
 4. The street construction activities are carried out in the immediate area of the roadbed only; and
 5. Any filling, flooding, draining, dredging, ditching, tiling, or excavating that is done must be necessary for the construction or maintenance of the street.
- (b) The construction and maintenance of non-residential buildings used solely in conjunction with raising of waterfowl, minnows, or other wetland or aquatic animals or used solely for some other purpose which is compatible with wetland preservation, provided that:
1. The building cannot, as a practical matter, be located outside the conservancy district;
 2. The building is not designed for human habitation and does not exceed 500 square feet in area; and
 3. Only limited filling or excavating necessary to provide structural support is conducted.
- (c) The establishment and development of public and private parks and recreation areas, recreation trails, public boat access sites, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves, and private habitat areas, provided that:
1. Any private recreation or wildlife habitat area must be exclusively for that purpose;
 2. No filling is to be done; and
 3. Ditching, excavating, dredging, dike and dam construction may be done in wildlife refuges, game preserves, and private wildlife habitat areas, but only to improve wildlife habitat or to otherwise enhance the value of a wetland or other natural resource.

- (d) The construction and maintenance of electric, gas, telephone, water and sewer transmission and distribution lines, and related facilities, provided:
 - 1. The transmission and distribution lines and related facilities cannot, as a practical matter, be located outside the conservancy district; and
 - 2. Any filling, draining, dredging, ditching, or excavating that is done must be necessary for the construction or maintenance of the utility, and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural function of the conservancy area.
- (e) The construction and maintenance of railroad lines, provided that:
 - 1. The railroad lines cannot, as a practical matter, be located outside the conservancy district; and
 - 2. Any filling, draining, dredging, ditching, or excavating that is done must be necessary for the construction or maintenance of the railroad, and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the conservancy area.

(4) Prohibited Uses in the Wetland Overlay Zoning District

- (a) Any use not listed as a permitted use or a conditional use is prohibited unless the Wetland Overlay Zoning District lands concerned are first rezoned into another district.
 - (b) The use of a boathouse for human habitation and the construction or placement of a boathouse or fixed boathouse below the ordinary high water mark of any navigable water are prohibited.
- (5) **Annexations Containing Wetland Shorelands:** Pursuant to Section 59.971(7) of the Wisconsin Statutes, any annexations of lands after May 7, 1982, which lie within wetland shorelands, as defined herein, shall be governed by the provisions of the Sheboygan County Shoreland Zoning Ordinance until such time that the City adopts an ordinance which is at least as restrictive as the Sheboygan County Shoreland Zoning Ordinance. Said regulations shall be administered and enforced by the City of Sheboygan Zoning Administrator.
- (6) **Amendments to Shoreland Wetland Overlay Zoning Districts.** See Section 15.903(10).
- (7) **Mapping Disputes.** See Section 15.934(8).

Section 15.505 Lakeshore Overlay Zoning District

- (1) **Definition:** Lakeshores are the land margins of navigable waters which are identified as “lakes and other water bodies” as shown on USGS 7.5 minute topographic maps for the City of Sheboygan and its environs. Lakeshores are all areas within 75 feet of the ordinary high water mark of Lake Michigan and inland lakes, but not watercourses. Decorative water features shall not be considered “navigable waters” for the purposes of this Section. This meaning of “lakeshores” shall remain distinct from the meaning of the term as employed by the State of Wisconsin Statutes and the DNR.
- (2) **Purpose of Lakeshore Protection Requirements:** Lakeshores serve to protect land/water margins from erosion due to site disruption. Because of regular contact with wave action, currents, and runoff, such areas are highly susceptible to continuous, and in some cases, rapid erosion. Lakeshore protection also provides a natural vegetation buffer which serves to reduce water velocities and wave energy, and filters significant amounts of water-borne pollutants and sediments. Lakeshores also promote infiltration and groundwater recharging, and provide a unique habitat at the land/water margin.
- (3) **Determination of Lakeshore Boundaries:** General lakeshore boundaries are depicted on Sheet 2 of the Official Zoning Map. Upon the proposal of development activity on any property which contains a lakeshore depicted on the Official Zoning Map, the petitioner shall prepare a detailed site analysis per the requirements of Section 15.509. This analysis shall depict the location of all lakeshore areas on the subject property as related to the provisions of Subsection (1), above.
- (4) **Mandatory Lakeshore Protection Requirements:** Lakeshores shall remain in an undisturbed state, except for the land uses permitted in Section 15.204 per the requirements of Subsection 15.206(10).

Section 15.506 Drainageway Overlay Zoning District

- (1) **Definition:** Drainageways are non-navigable, above-ground watercourses, detention basins and/or their environs which are identified by the presence of one or more of the following:
 - (a) All areas within 75 feet of the ordinary high water mark of a “perennial stream” as shown on USGS 7.5 minute topographic maps for the City of Sheboygan and its environs;
 - (b) All areas within 50 feet of the ordinary high water mark of an “intermittent stream” or “open channel drainageway” as shown on USGS 7.5 minute topographic maps for the City of Sheboygan and its environs.
- (2) **Purpose of Drainageway Protection Requirements:** Drainageways serve in the transporting of surface runoff to downstream areas. As such, drainageways serve to carry surface waters, supplement floodplain, wetland, and lakeshore water storage functions in heavy storm or melt events, filter water-borne pollutants and sediments, promote infiltration and groundwater recharging, and

provide a unique habitat at the land/water margin. Drainageway protection requirements preserve each of these functions as well as greatly reducing the potential for soil erosion along drainageways by protecting vegetative groundcover in areas which are susceptible to variable runoff flows and moderate to rapid water movement.

- (3) **Determination of Drainageway Boundaries:** General drainageway boundaries are depicted on Sheet 2 of the Official Zoning Map. Upon the proposal of development activity on any property which contains a drainageway depicted on the Official Zoning Map, the petitioner shall prepare a detailed site analysis per the requirements of Section 15.509. This analysis shall depict the location of all drainageway areas on the subject property as related to the provisions of Subsection (1), above.
- (4) **Mandatory Drainageway Protection Requirements:** Drainageways shall remain in an undisturbed state except for the land uses permitted in Section 15.204 per the requirements in Subsection 15.206(10). Vegetation clearing to maintain drainageway functions is permitted with the written approval of the Director of Public Works. all areas designated as drainageways shall be located within a public easement or dedication for maintenance purposes to preserve proper drainage flow.

Section 15.507 Woodland Overland Zoning District

- (1) **Definition:** Woodlands are areas of mature climax trees whose combined canopies cover a minimum of 80 percent of an area of one acre or more, as shown on air photos for the City of Sheboygan and its environs.
- (2) **Purpose of Woodland Protection Requirements:** Woodlands provide a wide variety of environmental functions. These include atmospheric benefits such as removing air-borne pollutants, carbon dioxide uptake, oxygen production, and evapotranspiration returns. Water quality benefits include substantial nutrient uptake rates (particularly for nitrogen and phosphorus) and surface runoff reduction in terms of both volumes and velocities. Woodlands provide unique wildlife habitats and food sources. Woodlands are excellent soil stabilizers, greatly reducing runoff-related soil erosion. Woodlands also serve to reduce wind velocities which further reduces soil erosion. Finally, under proper management techniques, woodlands serve as regenerative fuel sources.
- (3) **Determination of Woodland Boundaries:** General woodland boundaries are depicted on Sheet 2 of the Official Zoning Map. Upon the proposal of development activity on any property which contains a woodland depicted on the Official Zoning Map, the petitioner shall prepare a detailed site analysis per the requirements of Section 15.509. This analysis shall depict the location of all woodland areas on the subject property as related to the provisions of Subsection (1), above.
- (4) **Mandatory Woodland Protection Requirements:** Woodlands shall remain in an undisturbed state except for the land uses permitted in section 15.204 per the

requirements of Subsection 15.206(10) and areas subject to the following mitigation requirements. Selective cutting operations up to 50 percent of a site or lot are permitted as a Special Use in all woodland areas (per the requirements of Section 15.206(2)(f). Clear cutting over 50 percent of woodland areas of a site or a lot is permitted as a Conditional Use in all woodland areas (per the requirements of Section 15.206(2)(g).

Section 15.508 Steep Slope Overlay Zoning District

- (1) **Definition:** Steep slopes are areas which contain a gradient of 12 percent or greater, (equivalent to a 10 foot elevation change in a distance of 83 feet or less), as shown on USGS 7.5 minute topographic maps for the City of Sheboygan and its environs, as updated by official city topographic maps at a larger scale.
- (2) **Purpose of Steep Slope Protection Requirements:** Steep slopes are particularly susceptible to damage resulting from site disruption, primarily related to soil erosion. Such damage is likely to spread to areas which were not originally disturbed. Such erosion reduces the productivity of the soil, results in exacerbated erosion downhill, and results in increased sedimentation in drainageways, wetlands, streams, ponds and lakes. Beyond adversely affecting the environmental functions of these resource areas, such sedimentation also increases flood hazards by reducing the flood water storage capacity of hydrological system components, thus elevating the flood level of the drainage system in affected areas. Beyond these threats to the public safety, disruption of steep slopes also increase the likelihood of slippage and slumping--unstable soil movements which may threaten adjacent properties, buildings, and public facilities such as roads and utilities.
- (3) **Determination of Steep Slope Boundaries:** General steep slope boundaries are depicted on Sheet 2 of the Official Zoning Map. Upon the proposal of development activity on any property which contains a steep slope depicted on the Official Zoning Map, the petitioner shall prepare a detailed site analysis per the requirements of Section 15.509. This analysis shall depict the location of all steep slope areas on the subject property as related to the provisions of Subsection 15.206(10).
- (4) **Mandatory Steep Slope Protection Requirements:** Steep slopes shall remain in an undisturbed state except for the land uses permitted in Section 15.204 per the requirements of Subsection 15.206(10).

Section 15.509 Detailed Site Analysis

- (1) **Purpose:** The detailed site analysis required by this Subchapter is designed to provide the clear identification of permanently protected green space areas on a site which is proposed for development. The detailed survey work required to identify these areas accurately on a map is not required prior to the initiation of development concept plans for an area. A detailed site analysis shall be performed in conjunction with required land division documents or development

site plans (see Section 15.908) for any and all properties containing permanently protected natural resource areas.

- (2) **Description:** The detailed site analysis shall be shown on a map of the subject property which depicts the location of all protected natural resource areas, as defined by the provisions of this Subchapter, and as located by an on-site survey. The detailed site analysis shall meet the following requirements:
- (a) **Scale:** A minimum scale of one inch equals 200 feet shall be used.
 - (b) **Topography:** Topographic information is not required for any property which does not contain steep slopes (as designated on Sheet 2 of the Official Zoning Map). For such properties, topographic information with a minimum contour interval of two feet is required.
 - (c) **Specific Natural Resources Areas:** All natural resource areas which require protection under the provisions of this chapter shall be accurately outlined and clearly labeled. Particular care as to clarity shall be taken in areas where different resource types overlap with one-another.
 - (d) **Development Pads:**
 - 1. All site disruption (including selective cutting) proposed to occur within permanently protected natural resource areas shall be limited to development pads. Development pads shall be depicted on the detailed site analysis map, site plans required for development permits, and the recorded Plat of Subdivision or Certified Survey Map.
 - 2. 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 of five 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.
 - (e) **Mitigation Areas:** All mitigation areas related to the provisions of this Chapter shall be depicted on the detailed site analysis map with notations provided which describe the mitigation techniques employed.

(3) Required Procedure for Submission an Review

(a) **Required Timing of Submission:** The detailed site analysis map shall be submitted to the Zoning Administrator for initial review prior to, or concurrently with, the submission of the Preliminary Plat of Subdivision or the Certified Survey Map; or if the proposed development does not involve a land division, then submittal is required as an attachment to a required site plan (see Section 15.908). A concept plan of the proposed development may be submitted prior to the submission of the detailed site analysis map; however, in no way does the acceptance and/or general approval of the concept plan indicate the approval of natural resource feature locations. A detailed site analysis map prepared for the subject property which has been previously approved by City Staff, may be submitted for any subsequent development activity on the site. However, modifications to such a previously approved map will be required if the analysis is no longer accurate for the subject property.

(b) **Review by City Staff:** City Staff shall review the submitted detailed site analysis map for general compliance with the following data sources:

1. Sheet 2 of the Official Zoning Map;
2. Applicable City of Sheboygan and Regional Environmental Corridor Maps;
3. Air photos of the subject property;
4. USGS Quads and other sources of topographic information;
5. Applicable FEMA and related floodplain maps;
6. Applicable Federal and State Wetland Inventory Maps;
7. The City of Sheboygan Comprehensive Master Plan; and
8. Site visits.

The Zoning Administrator shall provide the petitioner with a written evaluation of the submitted detailed site analysis map which shall indicate the acceptance by City Staff; or the need for further analysis work, discussion with the petitioner and/or Staff-recognized experts, or a joint site visit.

(c) **Modification of Detailed Site Analysis Map:** If necessary, as determined by City Staff, revised detailed site analysis maps shall be prepared and submitted for review by City Staff, until a version is deemed acceptable. Staff review of the detailed site analysis map may be appealed to the Board of Zoning Appeals as a matter of Ordinance Interpretation.

- (d) **Acceptance of Detailed Site Analysis Map:** Upon notification of acceptance by City Staff, (or in case of appeal, by determination of the Board of Zoning Appeals), the petitioner may proceed with the submittal of necessary development documents.

- (4) **Integration of Detailed Site Analysis Information with Required Development and/or Land Division Documents:** Information contained on the detailed site analysis map relating to the boundaries of permanently protected green space areas (including natural resource protection areas, other permanently protected green space areas, and required mitigation areas) shall be clearly depicted on any and all site plans required as a precondition for application for any development permit (such as a Building Permit) and on any proposed Plat of Subdivision or Certified Survey Map. See also, Section 15.908 regarding required site plans.

- (5) **Sheet 2 of the Official Zoning Map:** Until produced by City Staff, Sheet 2 of the Official Zoning Map shall be construed to be the result of data gathered from the sources listed in 15.509(3)(b)2.-8.

SUBCHAPTER 15-6: LANDSCAPING AND BUFFERYARD REGULATIONS

Section 15.601 Purpose

The purpose of this Subchapter is to indicate the minimum requirements for the landscaping of foundations, developed lots, street frontages, paved areas, permanently protected green space areas, reforestation areas, and bufferyards.

Section 15.602 How to Use this Subchapter

- (1) This Subchapter contains the standards which govern the amount, size, type, installation and maintenance of required landscaping. this Subchapter recognizes the important and diverse benefits which landscaping provides in terms of protecting the health, safety, and general welfare of the community, and implementing the Comprehensive Master Plan.
- (2) Each section of this Subchapter is oriented to a specific category of required landscaping. These include Landscaping Requirements for Foundations (Section 15.604), Landscaping Requirements for Developed Lots (Section 15.605), Landscaping Requirements for Street Frontages (Section 15.606), Landscaping Requirements for Paved Areas (Section 15.607), Landscaping Requirements for Permanently Protected Green Space Areas (Section 15.608), Landscaping Requirements for Reforestation (Section 15.609), and Landscaping Requirements for Bufferyards (Section 15.610).
- (3) In each instance, a "landscaping point" concept is used to provide a maximum amount of flexibility in terms of the selection of plant materials. Section 15.603 presents sample landscape point combination alternatives used by this Chapter. At the end of this Subchapter (and in more detail on pages A-3 through A-28 in the Appendix), Section 15.611 provides a listing of plant species fitting into the "climax tree", "tall deciduous tree", "medium deciduous tree", "low deciduous tree", "tall evergreen tree", "medium evergreen tree", "low evergreen tree", "tall

deciduous shrub”, “medium deciduous shrub”, “low deciduous shrub”, “medium evergreen shrub”, “low evergreen shrub”, and “non-contributory plants” used by this Chapter. Section 15.612 provides requirements for the installation and maintenance of required landscaping, and Section 15.613 describes the procedure for calculating landscaping requirements for this Subchapter.

Section 15.603 Landscaping Points, Sample Landscaping Schemes and Measurement for Landscaping Requirements

- (1) All landscaping requirements are stated in terms of the number of landscaping points required. The required number of landscaping points is dependent upon the type of land use, the zoning district, and the size of the development. A different number of points is awarded for each plant, depending upon its typical growth rate, its mature height, and whether it is a deciduous or evergreen species. A minimum installation size is required for each of these plant categories. These requirements are outlined in Table 15.603.

TABLE 15.603: LANDSCAPING POINTS AND MINIMUM INSTALLATION SIZES		
Plant Category	Landscaping Points Per Plant	Minimum Permitted Installation Size
Climax Tree	75	2" Caliper
Tall Deciduous Tree	30	1 ½" Caliper
Medium Deciduous Tree	15	6' Tall
Low Deciduous Tree	10	4' Tall
Tall Evergreen Tree	40	5' Tall
Medium Evergreen Tree	20	4' Tall
Low Evergreen Tree	12	3' Tall
Tall Deciduous Shrub	5	36" Tall
Medium Deciduous Shrub	3	24" Tall
Low Deciduous Shrub	1	18" Tall
Medium Evergreen Shrub	5	18" Tall/Wide
Low Evergreen Shrub	3	12" Tall/Wide
Non-Contributory Plants	0	n/a

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

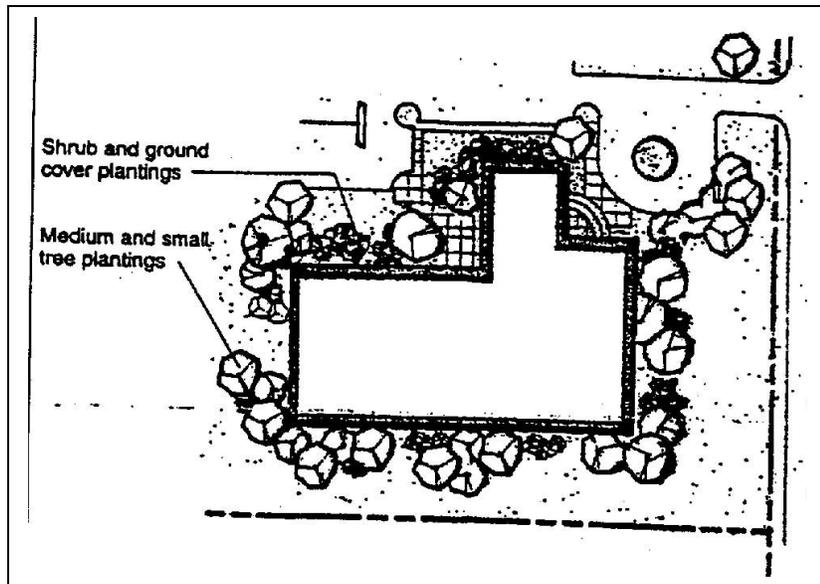
- (2) **Depiction of Sample Landscaping Schemes:** Illustrations 15.603 A through F, shown below and on the following three pages, depict sample landscaping schemes that may be used for building foundations, developed lots, street frontages, paved areas, reforestation, and bufferyards. In general, landscaping schemes similar to Alternative A are best for building foundations, landscaping schemes similar to Alternative B are best for developed lots, landscaping schemes similar to Alternative C are best for street frontages, landscaping schemes similar to Alternative D are best for paved areas (including parking lots, walkways and plazas), landscaping schemes similar to Alternative E are best for reforestation, and landscaping schemes similar to Alternative F are best for bufferyards. A detailed listing of which plant species fit each plant type is provided in Section 15.611.

Alternative A:

**Best Suited for
Building Foundations**

750 Landscaping Points:

- 20 medium trees
- 15 small trees
- 60 shrubs

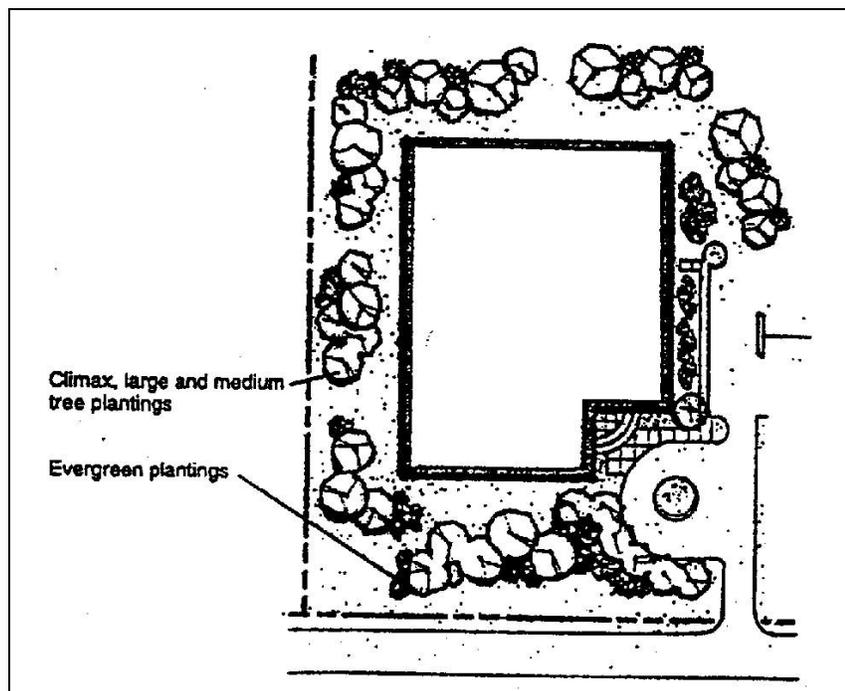


Alternative B:

**Best Suited for
Developed Lots**

1250 Landscaping Points:

- 6 climax trees
- 8 tall trees
- 20 medium trees
- 41 evergreen plantings



Alternative C:

Best Suited for Street Frontages

Option 1

280 Landscaping Points:

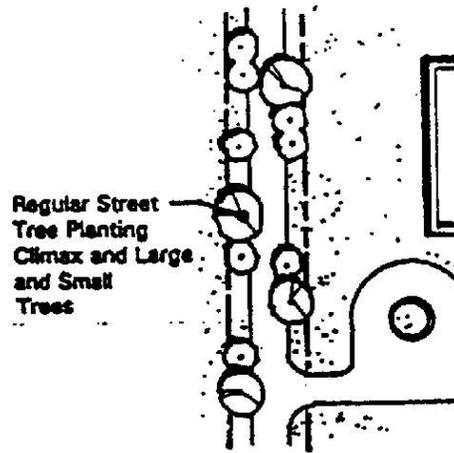
- 2 climax trees
- 2 tall trees
- 8 small trees

Option 2

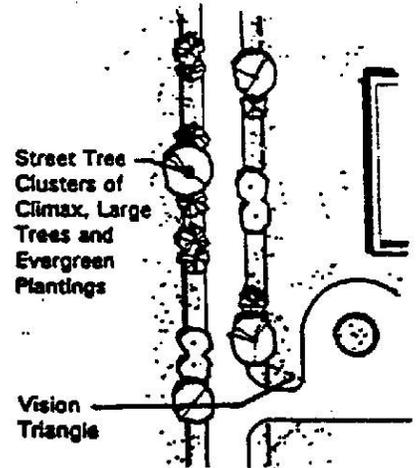
280 Landscaping Points:

- 2 climax trees
- 2 tall trees
- 4 small trees
- 8 evergreen shrubs

OPTION 1



OPTION 2



Alternative D:

Best Suited for Paved Areas

Option 1

880 Landscaping Points:

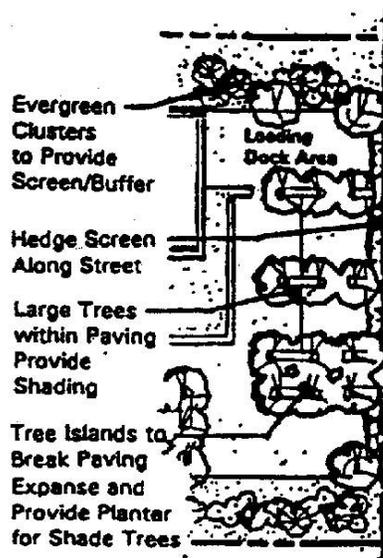
- 2 climax trees
- 13 tall trees
- 68 evergreen shrubs

Option 2

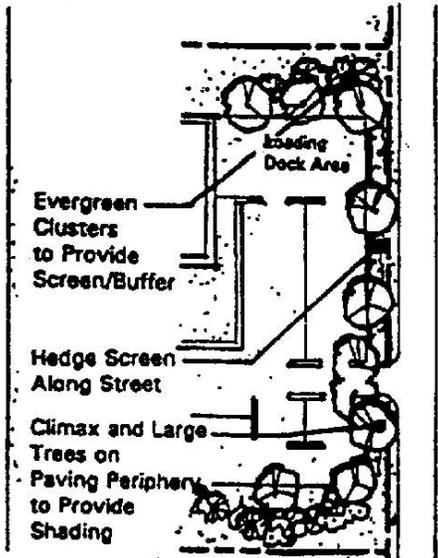
880 Landscaping Points:

- 5 climax trees
- 6 tall trees
- 68 evergreen shrubs

OPTION 1



OPTION 2



Alternative E:

Best Suited for Reforestation

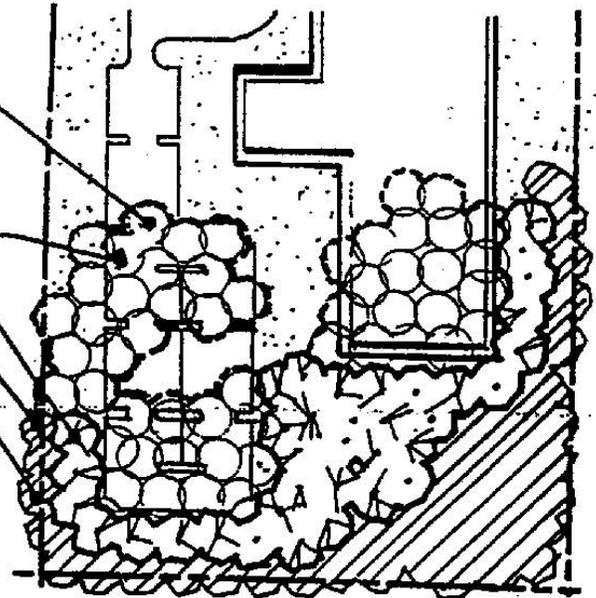
More than 30% of Woodland Clear Cut Due to Site Work, Etc.

Clear Cut Trees 55% of Woodland Area

Remaining Trees 45%

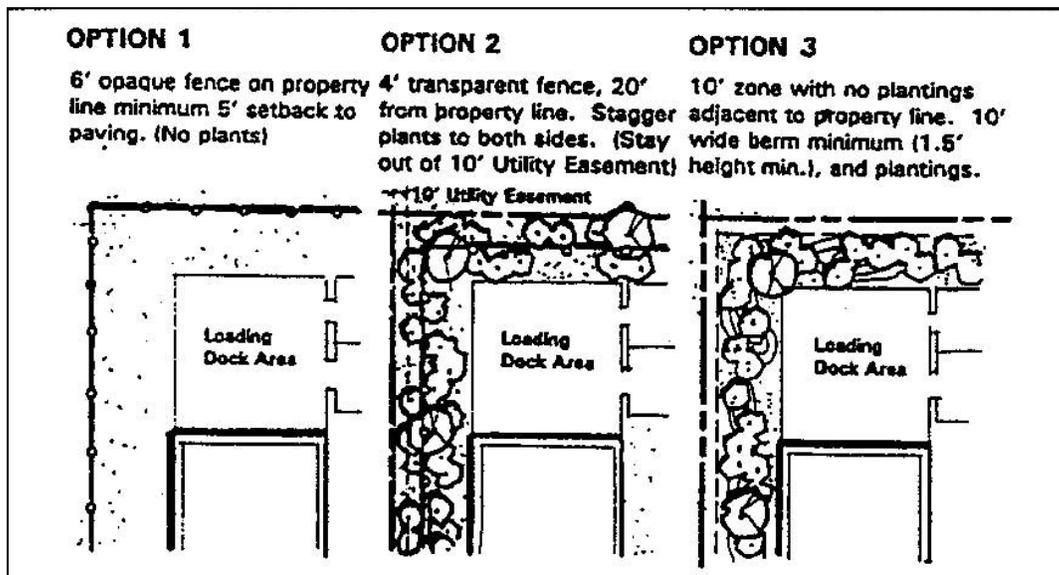
Reforested Trees 25%

Reforest Exceeding Percentage (55% clear cut-30% allowable = 25% reforested). Location of Reforestation is Owners Option



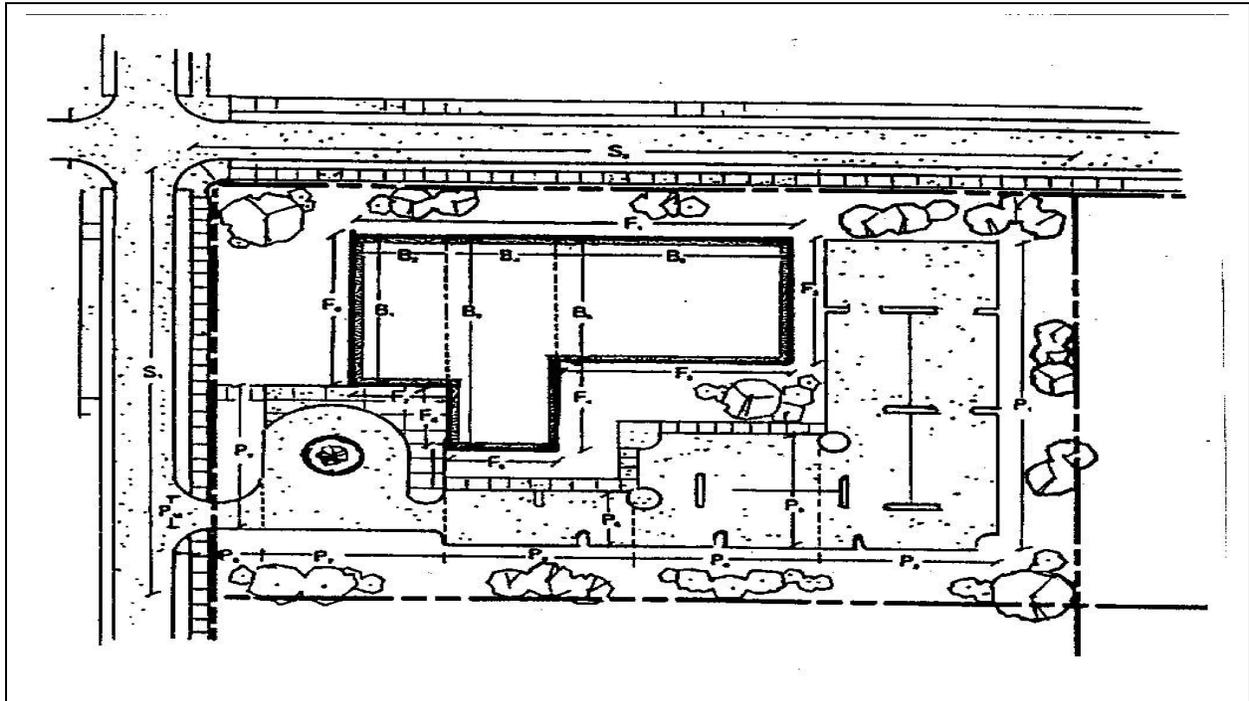
Alternative F:

Best Suited for Bufferyards



(3) **Measurement for Landscaping Requirements:**

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



Landscaping Calculation Equations:

$$\text{Paved Area} = (P_1 \times P_2) + (P_3 \times P_4) + (P_5 \times P_6) + (P_7 \times P_8) + (P_9 \times P_{10})$$

$$\text{Street Frontage} = S_1 + S_2$$

$$\text{Building Perimeter} = F_1 + F_2 + F_3 + F_4 + F_5 + F_6 + F_7 + F_8$$

$$\text{Building Floor Area} = (B_1 \times B_2) + (B_3 \times B_4) + (B_5 \times B_6)$$

Section 15.604 Landscaping Requirements for Building Foundations

- (1) This Section requires that certain buildings constructed after the effective date of this Chapter (See Section 15.011) be accented by a minimum amount of landscaping placed near the building foundation.
- (2) Landscaping required by this Section shall be placed so that at maturity, the plant's drip line is located within 10 feet of the building foundation. Such landscaping shall not be located in those areas required for landscaping as street frontages, paved areas, protected green space areas, reforestation areas, or bufferyards, under Sections 15.605-15.609, of this Subchapter. See 15.603(2) (A) for a suggested landscaping scheme.

- (3) For each 100 feet of building foundation perimeter, the following number of landscaping points (per Section 15.603) shall be provided on a prorated basis, and installed and permanently maintained per the requirements of Section 15.612.
- (4) Climax trees and tall trees shall not be used to meet this requirement. The intent of this section is to require a visual break in the mass of buildings and to require a visual screen of a minimum of 6 feet in height for all exterior perimeter appurtenances (such as HVAC/utility boxes, standpipes, stormwater discharge pipes and other pipes.)
- (5) Where the officially approved site plan depicts a future building extension, the foundation landscaping requirement shall be calculated by measuring the length of the total perimeter. However, foundation plantings need only be installed based on the landscape points calculated from the portions of the building perimeter that will not be affected by building extension. If this results in point requirements which are not met through the initial planting, then said requirement shall be met within five years of building permit issuance, or as extended in writing by the Plan Commission.

TABLE 15.604: BUILDING FOUNDATION LANDSCAPING REQUIREMENTS			
Minimum Required Landscaping Points per 100 Linear Feet of Building Foundation			
Zoning District ↓	Land Use (see Section 15.206)		
	Other Land Uses	Single & Two-Family Residential	Agricultural
Rural/Agricultural-35ac (RA-35ac)	20	0	0
Estate Residential-1 (ER-1)	45	0	0
Suburban Residential-3 (SR-3)	40	0	0
Suburban Residential-5 (SR-5)	40	0	0
Neighborhood Residential-6 (NR-6)	40	0	0
Mixed Residential-8 (MR-8)	45	0	0
Urban Residential-12 (UR-12)	50	0	0
Neighborhood Office (NO)	45	0	0
Suburban Office (SO)	40	0	0
Neighborhood Commercial (NC)	40	0	0
Suburban Commercial (SC)	40	0	0
Urban Commercial (UC)	20	0	0
Central Commercial (CC)	0	0	0
Suburban Industrial (SI)	40	0	0
Urban Industrial (UI)	20	0	0
Heavy Industrial (HI)	20	0	0

Section 15.605 Landscaping Requirements for Developed Lots

- (1) This Section requires that certain lots developed after the effective date of this Chapter (See Section 15.011) contain a minimum amount of landscaping.
- (2) Landscaping required by this Section is most effective if located away from those areas required for landscaping as building foundations, street frontages, paved areas, protected green space areas, reforestation areas, or bufferyards, under Sections 15.605 through 15.610 of this Subchapter. See Section 15.603(2)(B) for a suggested landscaping scheme.

- (3) The following number of landscaping points (as described in Section 15.603) shall be provided on a prorated basis for every 1,000 square feet of gross floor area, and installed and maintained per the requirements of Section 15.612.
- (4) The intent of this Section is to provide yard shade and to require a visual screen of a minimum of 6 feet in height for all detached exterior appurtenances (such as HVAC, utility boxes, standpipes, stormwater discharge pipes and other pipes.)

TABLE 15.605: DEVELOPED LOT LANDSCAPING REQUIREMENTS			
Minimum Required Landscaping Points per 1,000 Square Feet of Gross Floor Area			
Zoning District ↓	Land Use (see Section 15.206)		
	Other Land Uses	Single & Two-Family Residential	Agricultural
Rural/Agricultural-35ac (RA-35ac)	10	0	0
Estate Residential-1 (ER-1)	25	0	0
Suburban Residential-3 (SR-3)	20	0	0
Suburban Residential-5 (SR-5)	20	0	0
Neighborhood Residential-6 (NR-6)	20	0	0
Mixed Residential-8 (MR-8)	20	0	0
Urban Residential-12 (UR-12)	20	0	0
Neighborhood Office (NO)	20	0	0
Suburban Office (SO)	15	0	0
Neighborhood Commercial (NC)	15	0	0
Suburban Commercial (SC)	10	0	0
Urban Commercial (UC)	5	0	0
Central Commercial (CC)	0	0	0
Suburban Industrial (SI)	10	0	0
Urban Industrial (UI)	5	0	0
Heavy Industrial (HI)	5	0	0

Section 15.606 Landscaping Requirements for Street Frontages

- (1) This Section requires that street frontages on certain lots developed after the effective date of this Chapter (See Section 15.011) contain a minimum amount of landscaping in those areas which abut the right-of-way of a public street.
- (2) All landscaping used to meet this requirement shall be located within 10 feet of the public right-of-way, See Section 15.603(2)(c) for a suggested landscaping scheme. Landscaping shall not impede vehicle or pedestrian visibility.
- (3) For every 100 linear feet of street frontage where a developed lot abuts a public street right-of-way, the following number of landscaping points (as described in Section 15.603) shall be provided on a prorated basis, and installed and maintained per the requirements of Section 15.612.
- (4) Shrubs shall not be used to meet this requirement. A minimum of 50% of all points shall be devoted to climax and/or tall trees and a minimum of 30% of all points shall be devoted to small trees.

TABLE 15.606: STREET FRONTAGE LANDSCAPING REQUIREMENTS			
Minimum Required Landscaping Points per 100 Linear Feet of Street Frontage			
Zoning District ↓	Land Use (see Section 15.206)		
	Other Land Uses	Single & Two-Family Residential	Agricultural
Rural/Agricultural-35ac (RA-35ac)	20	0	0

Estate Residential-1 (ER-1)	45	0	0
Suburban Residential-3 (SR-3)	40	0	0
Suburban Residential-5 (SR-5)	40	0	0
Neighborhood Residential-6 (NR-6)	40	0	0
Mixed Residential-8 (MR-8)	45	0	0
Urban Residential-12 (UR-12)	50	0	0
Neighborhood Office (NO)	45	0	0
Suburban Office (SO)	40	0	0
Neighborhood Commercial (NC)	40	0	0
Suburban Commercial (SC)	40	0	0
Urban Commercial (UC)	20	0	0
Central Commercial (CC)	0	0	0
Suburban Industrial (SI)	40	0	0
Urban Industrial (UI)	20	0	0
Heavy Industrial (HI)	20	0	0

Section 15.607 Landscaping Requirements for Paved Areas

- (1) This Section requires that paved areas on certain lots developed after the effective date of this Chapter contain a minimum amount of landscaping within, or within 10 feet of, the paved area. The intent is to require a continuous visual screen of parking areas from public rights-of-way at a minimum height of 40 inches.
- (2) A minimum of 360 square feet of landscaped area, which shall be located within 10 feet of the paved area, is required for the placement of every 100 landscaping points. Said area does not have to be provided in one contiguous area--sample configurations area depicted in Section 15.603, above. Plants used to fulfill this requirement shall visually screen parking, loading and circulation areas from view from public streets.
- (3) All landscaping areas located adjacent to paved areas shall be separated from the paved area by a continuous minimum 4 inch tall curb which is constructed of concrete, asphalt, timber or like material approved by the Director of Public Works.
- (4) For every 20 off-street parking stalls or 10,000 square feet of pavement (whichever yields the greater landscaping requirement) located in a development, the following number of landscaping points (as described in Section 15.603) shall be provided on a prorated basis, and installed and maintained per the requirements of Section 15.612. A minimum of 30% of all points shall be devoted to climax and/or tall trees and a minimum of 40% of all points shall be devoted to shrubs.

TABLE 15.607: PAVED AREA LANDSCAPING REQUIREMENTS			
Minimum Required Landscaping Points per 10,000 Square Feet of Paved Area or 20 Parking Stalls			
Zoning District ↓	Land Use (see Section 15.206)		
	Other Land Uses	Single & Two-Family Residential	Agricultural
Rural/Agricultural-35ac (RA-35ac)	40	0	0
Estate Residential-1 (ER-1)	90	0	0
Suburban Residential-3 (SR-3)	80	0	0
Suburban Residential-5 (SR-5)	80	0	0
Neighborhood Residential-6 (NR-6)	80	0	0
Mixed Residential-8 (MR-8)	90	0	0

Urban Residential-12 (UR-12)	100	0	0
Neighborhood Office (NO)	95	0	0
Suburban Office (SO)	80	0	0
Neighborhood Commercial (NC)	80	0	0
Suburban Commercial (SC)	80	0	0
Urban Commercial (UC)	40	0	0
Central Commercial (CC)	20	0	0
Suburban Industrial (SI)	80	0	0
Urban Industrial (UI)	40	0	0
Heavy Industrial (HI)	40	0	0

Section 15.608 Landscaping Requirements for Other Permanently Protected Green Spaces

- (1) This Section requires that each acre of other permanently protected green space (See Section 15.204) approved after the effective date of this Chapter (See Section 15.011) be planted with a minimum amount of landscaping.
- (2) For every one acre of other permanently protected green space in a development, two hundred landscaping points (as described in Section 15.603) shall be provided. In addition, adequate ground cover shall be provided to stabilize the soil.

Section 15.609 Landscaping Requirements for Required Reforestation

- (1) This Section requires that each area required to be reforested, be reforested and maintained in a manner appropriate to site conditions.
- (2) A detailed reforestation plan shall be submitted by the property owner and approved by the Zoning Administrator prior to clear cutting. This plan shall be reviewed by a reforestation consultant chosen by the City, with funding for consulting services provided by the Petitioner to the City.

Rationale: The provisions of this Section are designed to ensure that reforestation efforts required as part of woodland disruption mitigation standards result in the thorough and reasonably rapid replacement of the important and varied environmental functions which woodlands provide. (See Section 15.507.)

Section 15.610 Landscaping Requirements for Bufferyards

(1) Purpose

This Section provides the landscaping and width requirements for bufferyards on lots developed after the effective date of this Chapter. (See Section 15.011.) A bufferyard is a combination of distance and a visual buffer or barrier. It includes an area, together with the combination of plantings, berms and fencing, that are required to eliminate or reduce existing or potential nuisances. These nuisances can often occur between adjacent zoning districts. Such nuisances are dirt, litter, noise, glare of lights, signs, and incompatible land uses, buildings or parking areas.

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

(2) Required Locations for Bufferyards

Bufferyards shall be located along (and within) the outer perimeter of a lot wherever two different zoning districts abut one another. Bufferyards may be located in required setback areas. In such instances, the one-half of the bufferyard requirements of this Section shall be used instead of the street frontage landscaping required in Section 15.606, if such requirements of this Section are greater. (In such instances, the width of the right-of-way may be counted as contributing to the width requirements for a bufferyard, however, the minimum width required along the street frontage by Section 15.606 shall be provided in all cases.) Bufferyard plantings or structures shall not be located on any portion of any existing, dedicated, or officially mapped right-of-way.

(3) Determination of Required Bufferyard

The determination of bufferyard requirements is a two-staged process. First, the required level of bufferyard opacity is determined using Table 15.610(4)(a). Opacity is a quantitatively-derived measure which indicates the degree to which a particular bufferyard screens the adjoining property. The required level of opacity indicated by Table 15.610(4)(a) is directly related to the degree to which the potential character of development differs between different zoning districts. The provisions of this Subsection indicate the minimum requirements for bufferyards located along zoning district boundaries.

(a) Identification of Required Level of Opacity

Table 15.610(4)(a) shall be used to determine the minimum level of opacity for the required bufferyard. The required level of opacity is determined by the value given in the cell of the table at which the column

heading along the top row of the table (representing the subject property's zoning district) intersects with the row heading along the left hand side of the table (representing the adjacent property's zoning district). The value listed is the required level of opacity for the bufferyard on the subject property.

(b) Identification of Detailed Bufferyard Requirements

1. If a proposed use adjoins a parcel for which a bufferyard is required by the presence of a zoning district boundary, that use shall provide a bufferyard with the level of the opacity indicated in Table 15.610(4)(a).
2. For each level of opacity listed in Table 15.610(4)(a), a wide variety of width, landscaping point, berm, and structure combinations are possible. These are listed in Table 15.610(4)(b). The requirements listed in Table 15.610(4)(b) pertain to the number of landscaping points, the minimum bufferyard width, and the type of berm or fencing required within every 100 feet of required bufferyard. A variety of landscaping point options are available and may be mixed within distinct portions of the same bufferyard. Section 15.603 describes the various available landscaping point alternatives. Section 15.611 provides a listing of tree and shrub species which correspond to the landscaping point descriptions.

- (4) **Tables for Required Bufferyards** See following pages for Tables 15.609(4)(a) and (b).

Notes for Table 15.610(4)(a): For properties zoned in the Rural Agricultural District (RA-35ac), refer to the Comprehensive Master Plan's Future Land Use Map to determine the proposed zoning district for said property. Bufferyard requirements shall be taken from this proposal.

Caution: The required opacity levels listed in Table 15.609(3)(a) are generally different on either side of any given zoning district boundary. Care should be taken to properly use this Table (per Subsection 15.610(2)(a), above) to determine the subject property's requirement.

TABLE 15.610(4)(a): REQUIRED BUFFERYARD OPACITY VALUES

↓ Adjacent Property's Zoning District																
↓	Subject Property's Zoning District															↓
↓	RA - 35 ac	ER -1	SR -3	SR -5	NR -6	M R- 8	UR -12	NO	SO	SC	NC	UC	CC	SI	UI	HI
RA - 35 ac	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
ER -1			.1 ¹	.1 ¹	.1 ¹	.2 ¹	.3 ¹	.3	.4	.4	.4	.5	.6	.4	.5	1.0
SR -3						.2 ¹	.3 ¹	.3	.4	.4	.4	.5	.6	.4	.5	1.0
SR -5						.2 ¹	.3 ¹	.3	.4	.4	.4	.5	.6	.4	.5	1.0
NR -6						.2 ¹	.3 ¹	.3	.4	.4	.4	.5	.6	.4	.5	1.0
MR -8							.2 ¹	.2	.3	.3	.3	.4	.5	.3	.4	1.0
UR -12								.1	.2	.2	.2	.3	.4	.2	.3	1.0
NO									.1	.2	.2	.3	.4	.2	.3	.6
SO										.1	.1	.2	.3	.1	.2	.6
SC											.1	.2	.3	.1	.2	.6
NC												.1	.2	.1	.1	.6
UC													.1		.1	.6
CC															.1	.6
SI															.2	.6
UI																.5
HI																

¹For any non-residential use (such as a church or a school) within this Zoning District, provide an additional 0.1 level of opacity to the minimum required opacity level listed below for any and all borders shared with a residential land use.

² For properties zoned in the Rural Agriculture District (RA-35ac), refer to the Comprehensive Master Plan's Future Land Use Map to determine the proposed zoning district for said property. Bufferyard requirements shall be taken from this proposal.

TABLE 15.610(4)(b): DETAILED BUFFERYARD REQUIREMENTS

Opacity	#Landscaping Points/100 feet	Width	Required Structure
0.05	00	10' +	min. 44" picket fence*
	00	10' +	min. 4' wood rail fence*
	40	10'	-
	36	15'	-
	33	20'	-
	31	25'	-
	29	30' +	-
0.10	00	10' +	min. 44" picket fence*
	38	10' +	min. 4' wood rail fence*
	91	10'	-
	80	15'	-
	73	20'	-
	68	25'	-
	65	30'	-
	62	35' +	-
	00	35' +	min. 4' berm
0.20	00	10' +	min. 6' solid fence*
	84	10' +	min. 44" picket fence*
	133	15' +	min. 4' wood rail fence*
	198	15'	-
	173	20'	-
	158	25'	-
	149	30'	-
	140	35'	-
	10	35' +	min. 4' berm
	135	40' +	-
	00	40' +	min. 5' berm

Continued on the next page.

*Fences contributing to landscaping requirements are not permitted along street frontages for nonresidential uses. Where used in combination with plant materials to meet bufferyard requirements, a minimum of 50% of all plant materials shall be located on the exterior side (the side away from the center of the subject property) of the fence. A building wall which does not contain doors (except those used for emergency exit) may be used to satisfy the required fence portions of the bufferyard requirements.

NOTE: Opacity standards provided courtesy of Lane Kendig, Inc.

TABLE 15.610(4)(b): DETAILED BUFFERYARD REQUIREMENTS			
Opacity	#Landscaping Points/100 feet	Width	Required Structure
0.30	00	10' +	min. 6' solid fence*
	198	15'+	min. 44" picket fence*
	320	20'	-
	240	20' +	min. 4' wood rail fence*
	276	25'	-
	252	30'	-
	235	35'	-
	104	35' +	min. 4' berm
	223	40'	-
	44	40' +	min. 5' berm
	215	45'	-
	209	50'+	-
	00	50' +	min. 6' berm
	0.40	53	10' +
330		20' +	min. 44" picket fence*
440		25'	-
362		25' +	min. 4' wood rail fence*
385		30'	-
349		35'	-
208		35' +	min. 4' berm
327		40'	-
148		40' +	min. 5' berm
310		45'	-
299		50' +	-
56		50' +	min. 6' berm
Continued on the next page.			
<p>*Fences contributing to landscaping requirements are not permitted along street frontages for nonresidential uses. Where used in combination with plant materials to meet bufferyard requirements, a minimum of 50% of all plant materials shall be located on the exterior side (the side away from the center of the subject property) of the fence. A building wall which does not contain doors (except those used for emergency exit) may be used to satisfy the required fence portions of the bufferyard requirements.</p> <p>NOTE: Opacity standards provided courtesy of Lane Kendig, Inc.</p>			

TABLE 15.610(4)(b): DETAILED BUFFERYARD REQUIREMENTS			
Opacity	#Landscaping Points/100 feet	Width	Required Structure
0.50	135	15' +	min. 6' solid fence*
	564	30'	-
	405	30' +	min. 44" picket fence*
	492	30' +	min. 4' wood rail fence*
	499	35'	-
	319	35' +	min. 4' berm
	454	40'	-
	261	40' +	min. 5' berm
	422	45'	-
	405	50'	-
	160	50' +	min. 6' berm
	388	55'	-
	374	60' +	-
	0.60	221	20' +
433		35' +	min. 4' berm
541		35' +	min. 44" picket fence*
630		35' +	min. 4' wood rail fence*
626		40'	-
379		40' +	min. 5' berm
570		45'	-
525		50'	-
270		50' +	min. 6' berm
500		55'	-
480	60' +	-	
Continued on the next page.			
<p>*Fences contributing to landscaping requirements are not permitted along street frontages for nonresidential uses. Where used in combination with plant materials to meet bufferyard requirements, a minimum of 50% of all plant materials shall be located on the exterior side (the side away from the center of the subject property) of the fence. A building wall which does not contain doors (except those used for emergency exit) may be used to satisfy the required fence portions of the bufferyard requirements.</p> <p>NOTE: Opacity standards provided courtesy of Lane Kendig, Inc.</p>			

TABLE 15.610(4)(b): DETAILED BUFFERYARD REQUIREMENTS			
Opacity	#Landscaping Points/100 feet	Width	Required Structure
0.50	415	30' +	min. 6' solid fence*
	655	40' +	min. 4' berm
	627	45' +	min. 5' berm
	873	45' +	min. 44" picket fence*
	910	50'	-
	505	50' +	min. 6' berm
	809	50' +	min. 4' wood rail fence*
	804	55'	-
	744	60'	-
	710	65'	-
	677	70' +	-
1.00	636	40' +	min. 6' solid fence*
	732	50' +	min. 6' berm
	751	50' +	min. 5' berm
	867	55' +	min. 4' berm
	1091	60' +	min. 44" picket fence*
	1136	60' +	min. 4' wood rail fence*
	994	70'	-
	934	75'	-
	892	80' +	-

*Fences contributing to landscaping requirements are not permitted along street frontages for nonresidential uses. Where used in combination with plant materials to meet bufferyard requirements, a minimum of 50% of all plant materials shall be located on the exterior side (the side away from the center of the subject property) of the fence. A building wall which does not contain doors (except those used for emergency exit) may be used to satisfy the required fence portions of the bufferyard requirements.
NOTE: Opacity standards provided courtesy of Lane Kendig, Inc.

Section 15.611 Classification of Plant Species

For the purpose of this Chapter, plant materials are classified into thirteen groupings: “Climax tree”, “Tall deciduous tree”, “Medium deciduous tree”, “Low deciduous tree”, “Tall evergreen tree”, “Medium evergreen tree”, “Low evergreen tree”, “Tall deciduous shrub”, “Medium deciduous shrub”, “Low deciduous shrub”, “Medium evergreen shrub”, “Low evergreen shrub”, and non-contributory plants. Species suitable for landscaping use and compatible with Sheboygan County climate and soil factors are listed in Table 15.611, below. The Zoning Administrator (see Section 15.932) shall review proposals for, and the applicability of, species not contained in this list and is authorized to approve appropriate similar species.

See Appendix 1 for a detailed listing of plant species and characteristics.

TABLE 15.611: CLASSIFICATION OF PLANTS

Climax Trees (75 Landscaping Points)		Low Deciduous Trees (10 Landscaping Points)	
Botanical Name	Common Name	Botanical Name	Common Name
Acer saccharum Ginko Biloba Quercus sp.	Sugar Maple Ginko Oak: Red, White, Pin	Amelanchier sp. Crataegus sp. Malus sp.	Serviceberry Hawthorn: Cockspur, Downy, Washington Crabapple sp.
Tall Deciduous Trees (30 Landscaping Points)		Tall Evergreen Trees (40 Landscaping Points)	
Botanical Name	Common Name	Botanical Name	Common Name
Acer sp. Fraxinus sp. Gleditsia triacanthos Populus grandidentata Tilia sp.	Maple: Red, Silver, Norway Ash: White, Green Honeylocust Bigtooth Aspen Linden: Gasswood, Littleleaf, Redmond	Abies concolor Pinus sp. Tsuga Canadensis	White Fir Pine: Red, White, Scots Canada Hemlock
Medium Deciduous Trees (15 Landscaping Points)		Medium Evergreen Trees (20 Landscaping Points)	
Botanical Name	Common Name	Botanical Name	Common Name
Betula sp. Prunus sp. Salix sp.	Birch: River, Paper Cherry: Choke, Pin Willow	Thuja occidentalis	American Arborvitae
Low Evergreen Trees (12 Landscaping Points)		Low Deciduous Shrubs (1 Landscaping Point)	
Botanical Name	Common Name	Botanical Name	Common Name
Juniperus sp. Thuja sp.	Juniper: Mountbatten, Redcedar Arborvitae: Pyramidal, Techny	Berberis thunbergii Spiraea sp.	Japanese Barberry Spirea: Froebel, Snowmound
Tall Deciduous Shrubs (5 Landscaping Points)		Low Evergreen Shrubs (3 Landscaping Points)	
Botanical Name	Common Name	Botanical Name	Common Name
Cornus sp. Syringa sp. Viburnum sp.	Dogwood: Grey, Pagoda Lilac: Chinese, Hyacinth Viburnum: Arrowwood, Wayfaringtree, Nannyberry	Juniperus sp.	Juniper: Sargent, Creeping, Andorra
Medium Deciduous Shrubs (3 Landscaping Points)			
Botanical Name	Common Name		
Corylus americana Cotoneaster sp. Forsythia s. Rosa sp.	American Filbert, Hazelnut Cotoneaster Forsythia: Border, Early, Weeping Rose: Virginia, Rugosa		

Section 15.612 Requirements for the Installation, Maintenance and Use of Landscaped and Bufferyard Areas

(1) Installation

- (a) Any and all landscaping and bufferyard material required by the provisions of this Chapter shall be installed on the subject property, in accordance with the approved site plan (see Section 15.908) by the next landscaping season following the issuance of a temporary occupancy permit for any building on the subject property.
- (b) Existing plant material which meets the requirements of Section 15.603 and which will be preserved on the subject property and adjacent street right-of-ways following the completion of development, may be counted as contributing to the landscaping requirements.
- (c) All landscaping and bufferyard areas shall be seeded with lawn or native ground cover unless such vegetation is already fully established.
- (d) The exact placement of required plants and structures shall be depicted on the required detailed landscaping plan per 15.908(3)(c) shall be the decision of each property owner within the requirements of this Subchapter, except that the following requirements shall be met:
 - 1. Evergreen shrubs shall be planted in clusters in order to maximize their chance for survival.
 - 2. Where a combination of plant materials, and/or berming and/or fencing is used in a bufferyard, the fence and/or berm shall be located toward the interior of the subject property and the plant materials shall be located toward the exterior of the subject property.
 - 3. A property owner may establish through a written agreement, recorded with the Register of Deeds Office, that an adjacent property owner shall agree to provide a partial or full portion of the required bufferyard on an immediately adjacent portion of their land, thereby exempting the developer from providing all or a portion of the required bufferyard on his property.
 - 4. In no manner shall landscaping or bufferyard materials be selected and/or located in a manner which results in the creation of a safety or visibility hazard. (See Section 125.703.)
 - 5. The restrictions on types of plants listed in Sections 15.604-15.607 shall apply.

(2) Maintenance

The continued and continual maintenance of all required landscaping and bufferyard materials shall be a requirement of this Chapter and shall be the

responsibility of the owner of the property on which said materials are required. This requirement shall run with the property and is binding upon all future property owners. Development of any and all property following the effective date of this Chapter shall constitute an agreement by the property owner to comply with the provisions of this Section. Upon failure to comply with these provisions, the Zoning Administrator may enter upon the property for the purpose of evaluating and maintaining all required landscaping and bufferyard materials, and may specially assess the costs thereof against the property. Failure to comply with this requirement shall be considered a violation of this Chapter, and shall be subject to any and all applicable enforcement procedures and penalties. (See Section 15.937.)

(3) Use of Required Bufferyard and Landscaped Areas

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

(4) Utility Easements

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

Section 15.613 Calculating Landscaping and Bufferyard Requirements

In calculating the number of required landscaping points under the provisions of this Subchapter, all areas and distances on which required calculations are based shall be rounded up to the nearest whole number of square feet or linear feet. Any partial plant derived from the required calculations of this Subchapter (for example 23.3 canopy trees) shall be rounded up to the nearest whole plant (24 canopy trees).

Section 15.614 Depiction on Required Site Plan

Any and all proposed landscaping on the subject property, required to meet the standards of this Chapter, shall be clearly depicted and labeled as to its location and make-up on the site plan required for the development of the subject property. Refer to Section 15.908(3)(c).

SUBCHAPTER 15-7: PERFORMANCE STANDARDS

Section 15.701 Purpose

The purpose of performance standards is to indicate the requirements for access, visibility, off-street parking, off-street loading, exterior storage, exterior lighting, vibration, noise, air pollution, odors, electromagnetic radiation, glare and heat, fire and explosion, toxic and noxious materials, waste materials, drainage, exterior construction materials, and hazardous materials for all development occurring within the jurisdiction of this Chapter (see Section 15.009). It is the responsibility of the applicant to comply with all standards in this Subchapter.

Section 15.702 Access Standards

- (1) **Purpose:** The purpose of access management is to: limit the number of access points; separate conflict areas; limit vehicle acceleration/deceleration requirements along a street; remove turning vehicles and backups from sections of through traffic lanes; and improve traffic circulation within individual parking lots.

Rationale: A principal concern in areas of commercial and industrial development adjacent to arterial and collector streets is the management of access along those streets. Studies have shown that as the number of conflict areas along a street increase the number of accidents and vehicle delays also increase. These streets have the difficult task of accommodating both through traffic movement and land access functions. Ideally, land access is provided along a reverse frontage road or intersecting street facilities. However, the attractiveness of collector and arterial streets encourages the development of land access requirements that must be controlled to avoid severe traffic safety and congestion problems. Sound access management policies serve to control development conflicts not only in the design of individual driveways but also the location, spacing and number of driveways. More specifically, the separation of conflict areas directly reduces the number of vehicle conflicts, the encroachment between conflict areas, and/or the spatial area of conflicts by limiting vehicle maneuvers at a particular access location or between adjacent access points. A reduction in vehicle acceleration/deceleration requirements along a highway reduces the severity of conflicts by increasing driveway turning speeds, and driver perception times and reducing, in some cases, highway through traffic speeds. Finally, the removal of turning vehicles from through traffic lanes reduces the number and severity of conflicts by providing storage areas and exclusive land channelization for turning movements.

In addition to control of the spacing and frequency of driveway access points, it is equally important to control the design of individual driveways. The four factors considered critical to sound driveway design practices on urban streets involve: driveway width and radius, driveway location, on-site circulation patterns, and visibility. These considerations are necessary to minimize adverse impacts from vehicle conflicts, back-ups, and vehicle acceleration/deceleration requirements at a driveway. Proper driveway design should serve to control these adverse impacts along an arterial street and within parking lots.

- (2) **Permit Required:** Each access point onto a public street or right-of-way shall have a permit issued per the appropriate City Ordinance.

The construction of any driveway or addition thereto is subject to a building permit issued by the Building Inspection Department. The fee for said permit shall be \$35. (G.O. 53-99-00; 11/15/99) (G.O. 62-05-06, 11-21-05)

(3) **Number of Access Points**

- (a) Except under unusual circumstances as permitted by the Plan Commission, no lot shall be permitted more than one access point on any one street if its frontage on said street is less than 300 linear feet (as measured along the right-of-way line).
- (b) Lots with street frontage exceeding 300 feet may have two access points per the requirements of (7) below.
- (c) More than two access points may be permitted with the issuance of a conditional use permit (per Section 15.905) if total ingress/egress volume exceeds 5,000 vehicles per day.
- (d) On arterial streets and in certain areas experiencing, or expected to experience, congestion and/or safety problems, access to a lot may be required to be located via an access point located on an adjacent property or another street frontage.
- (e) For residential uses, two access points serving the same street frontage may be approved by the Plan Commission.
- (4) **Residential Uses:** Residential uses shall not have access points onto a nonresidential collector or arterial street unless such street has the only available frontage.
- (5) **Nonresidential Uses:** Nonresidential uses shall not have access points onto a residential street unless such street has the only available frontage. Nonresidential uses shall not have vehicular access across residential property to commercial or industrial property.
- (6) **Access Near Street Intersections:** At its intersection with the street right-of-way line on an arterial or nonresidential collector street, no access point shall be located closer than the number of feet provided by the Table 15.702(6) below, from the intersection of any two street rights-of-way unless such street is the only available accessible frontage on the subject property. In all cases, access points shall be located as far from an intersection as the lot size permits.

Table 15.702(6): Access Near Street Intersections	
Signalized Intersection	
Local	90 – 120 feet
Collector	150 – 180 feet
Arterial	210-240 feet
Unsignalized Intersection	
Local	60 feet
Collector	150 feet
Arterial	180 feet

- (7) **Distance Between Access Drives:** The minimum distance between access drives serving the same property shall be 100 feet on 25 mph speed limit streets, 125 feet on 30 mph streets, and 150 feet on streets of 35 mph or more, as measured at the property line. A distance in excess of the above listed measures may be required if, in the opinion of the Plan Commission, present or projected traffic factors warrant a greater distance.
- (8) **Angle of Intersection with Public Right-of-Way:** All access drives shall intersect with any public right-of-way at an angle of not less than 75 degrees, and shall intersect at an angle of 90 degrees wherever possible.
- (9) **Distance from Property Line:** The distance from an access drive to the property line of an adjacent property shall not be less than three feet, as measured along the right-of-way line.
- (10) **Width of Driveways:** All residential access drives shall have a minimum width of 10 feet for one- and two-family dwellings, 18 feet for multi-family uses, and a maximum width of 25 feet. All non-residential access drives shall have a minimum width of 24 feet for land uses generating less than 750 vehicles per day, 30 feet for land uses generating 750 or more vehicles per day, and a maximum width of 40 feet. These widths may be increased with permission of the Plan Commission. Access drives may be flared between the right-of-way line and the roadway up to a maximum of five additional feet for a residential use and 25 feet for a non-residential use.

The driveway may be widened in front of the garage to the width of said garage and then up to another nine feet outside the garage. Paved surface must be 3 feet from side property line. If said addition is to be used for parking per section 15.704, said addition shall be a minimum of 9 feet wide and 18.5 feet deep. No storage of recreational equipment shall be permitted in the driveway or required front yard per Section 15.706(2). The driveway must access the garage or legal parking space to be considered a legal driveway under this Section. (G.O. 53-99-00; 11/15/99)

- (11) **Traffic Control:** The traffic generated by any use shall be channelized and controlled in a manner which avoids congestion on public streets and other safety hazards. Traffic into and out of all off-street parking, loading and traffic circulation areas serving six or more parking spaces shall be forward moving, with no backing into streets or pedestrian ways. Traffic control devices shall be required as determined by the Plan Commission.
- (12) **Depiction on Required Site Plan:** Any and all proposed access drives on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property. (Refer to Section 15.909.)
- (13) **Paving of Access:** All access approach areas shall be paved with asphaltic concrete or Portland cement and shall be maintained so as to prevent the transport of gravel, dirt, or other eroded material from the subject property into the right-of-way.

Section 15.703 Visibility Standards

- (1) **Purpose:** The purpose of this Section is to alleviate or prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of vehicular visibility.
- (2) **Requirement:** In order to provide a clear view of intersecting streets to motorists there shall be a triangular area of clear vision formed by the two intersecting

streets, alleys, or other right-of-ways, and a chord connecting said centerlines, as determined by the Plan Commission. The following standards outlined in Table 15.703 shall apply:

Table 15.703: VISION CLEARANCE TRIANGLE STANDARDS	
Right-of-way Width	Distance from R-O-W Intersection
less than 50 feet	50 feet
50 feet	50 feet
51-60 feet	40 feet
61-66 feet	34 feet
67 feet-82.5 feet	15 feet
greater than 82.5 feet	15 feet

Within said triangular area, no signs, parking spaces, structures, or earthwork in excess of 30 inches, and no vegetation, fencing, no other such obstructions between 30 inches and 8 feet in height which exceeds an opacity of 0.2 shall be permitted which exceeds 30 inches in height above either of the centerline elevations of said two streets.

- (3) **Depiction on Required Site Plan:** Any and all visibility triangles located on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property. (Refer to Section 15.908.)

Section 15.704 Off-Street Parking and Traffic Circulation Standards

- (1) **Purpose:** The purpose of this Section is to alleviate or prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of off-street parking and circulation in accordance with the utilization of various sites.
- (2) **Depiction on Required Site Plan:** Any and all parking and traffic circulation areas proposed to be located on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property. (Refer to Section 15.908.) Each and every parking space designed to serve as required parking shall not be located farther than 500 feet of shortest walking distance from the access to all of the various areas it is designated to serve. A garage stall, meeting the access requirements of Subsection (6)(d), below, shall be considered a parking space. Parking spaces for any and all vehicles exceeding 18 feet in length, shall be clearly indicated on said site plan.
- (3) **Use of Off-Street Parking Areas:** The use of all off-street parking areas shall be limited to the parking of operable vehicles not for lease, rent, or sale. Within residential districts, parking spaces shall only be used by operable cars and trucks. (GO 100-06-07/3-19-07)
- (4) **Traffic Circulation and Traffic Control:** Site circulation shall be designed to provide for the safe and efficient movement of all traffic entering, exiting, and on the site. Circulation shall be provided to meet the individual needs of the site

with specific mixing of access and through movements, and where required, shall be depicted on the required site plan. Circulation patterns shall conform with the general rules of the road and all traffic control measures shall meet the requirements of the Manual of Uniform Traffic Control Devices.

- (5) **Maintenance of Off-Street Parking and Traffic Circulation Areas:** All off-street parking and traffic circulation areas shall be paved with asphaltic concrete or Portland cement. In no instance or manner shall any off-street parking or traffic circulation area be used as a storage area, except as provided for by Section 15.706(3). When the site plan is modified to accommodate a change associated with conditional use, rezoning, or building addition and/or modification, changes in paving and landscaping shall be made as is practicable.
- (6) **Off-Street Parking and Traffic Circulation Design Standards**
 - (a) **Surfacing and Marking:** All off-street parking and traffic circulation areas (including all residential driveways – except those within the RA-35ac District) shall be paved with asphaltic concrete or Portland cement. Said surfaces intended for 6 or more parking stalls shall be marked in a manner which clearly indicates required parking spaces. Where building or parking/traffic circulation area additions are proposed, all areas not paved with asphaltic concrete or Portland cement shall be so paved. This additional paving may be phased over time with the express permission of the Plan Commission.
 - (b) **Curbing:** All off-street parking areas designed to have head-in parking within 6 ½ feet of any lot line shall provide a tire bumper or curb of adequate height and which is properly located to ensure that no part of any vehicle will project beyond the required setbacks of this Chapter as determined by the Plan Commission (see Sections 15.402 and 15.403). Curbing within off-street parking areas shall also be required to fully separate all required landscaped areas from the parking lot, (see Section 15.607(4)).
 - (c) **Lighting:** All off-street parking and traffic circulation areas serving 6 or more cars shall be lit so as to ensure the safe and efficient use of said areas during the hours of use. An illumination level of between 0.4 and 1.0 footcandles over ambient levels is recommended for said areas, and said illumination level shall not exceed the standards of Section 15.707.
 - (d) **Access:** Each required off-street parking space shall open directly upon an aisle or driveway that is wide enough and designed to provide a safe and efficient means of vehicular access to the parking space without directly backing or maneuvering a vehicle into a public right-of-way exceeding 82.5 feet in width. All off-street parking and traffic circulation facilities shall be designed with an appropriate means of vehicular access to a street or alley, in a manner which least interferes with traffic movements. No driveway across public property, or requiring a curb cut, shall exceed a width of 40 feet for commercial and industrial land uses, or 25 feet for residential land uses, or as otherwise determined by the Plan Commission. (See also Table 15.704(6)(j).) Off-street parking spaces for

residential uses may be stacked or in front of one-another for the same building unit. Parking spaces located behind an enclosed garage and located directly off a through aisle shall be a minimum of 30 feet deep.

- (e) **Fire Lanes:** A fire lane shall be required to provide access to any portion of any structure as determined by the City of Sheboygan Fire Department.
 - (f) **Signage:** All signage located within, or related to, required off-street parking or traffic circulation shall comply with the requirements in the latter part of this Subchapter 15-7.
 - (g) **Handicapped Parking Spaces:** Parking for the handicapped shall be provided at a size, number, location, and with signage as specified by State and Federal regulations.
 - (h) **Parking Space Design Standards:** Other than parking required to serve the handicapped, every and all provided off-street parking space shall comply with the minimum requirements of Table 15.704(6)(j). The minimum required length of parking spaces shall be 15.0 feet, plus an additional 1.5 foot vehicle overhang area at the end of the stall. All parking spaces shall have a minimum vertical clearance of at least seven feet.
 - (i) **Snow Storage:** Required off-street parking and traffic circulation areas shall not be used for snow storage. These areas shall be depicted on applicable site plans.
 - (j) **Parking Lot Design Standards:** Horizontal widths for parking rows, aisles, and modules shall be provided at widths no less than listed in Table 15.704(6)(j), and shown on the following page.
- (7) **Calculation of Minimum Required Parking Spaces**
- (a) **General Guidelines for Calculating Required Parking Spaces:** The requirements of Subsection (c), below, shall be used to determine the minimum required number of off-site parking spaces which must be provided on the subject property. Requirements are generally tied to the capacity of the use; the gross floor area of the use; or the number of employees which work at the subject property during the largest work shift. The term "capacity" as used herein means the maximum number of persons that may be accommodated by the use as determined by its design or by State Building Code regulations, whichever number is greater. References herein to "employee(s) on the largest work shift" means the maximum number of employees working at the facility during a single given day, regardless of the time period during which this occurs, and regardless of whether any such person is a full-time employee. The largest work shift may occur on any particular day of the week or during a lunch or dinner period in the case of a restaurant. In all cases, one reserved parking space shall be provided for each vehicle used by the operation during business hours. Said spaces shall be in addition to

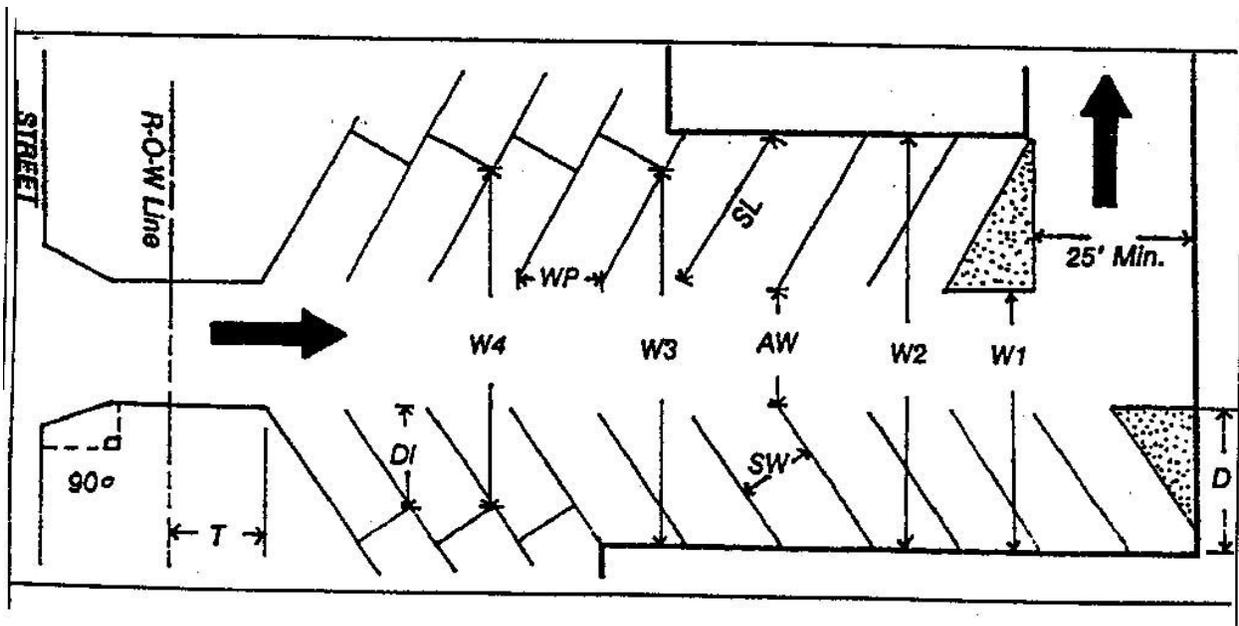
those required by Subsection (c), below. Where said parking needs of any land use exceed the minimum requirements of this Chapter, additional parking spaces sufficient to meet the average maximum weekly peak-hour parking space demand shall be provided by said land use.

Table 15.704(6)(j): PARKING LAYOUT DIMENSIONS					
↓ Minimum Permitted Dimensions ↓	↓ Parking Angle in Degrees (°) ↓				
	0° (parallel)	45°	60°	75°	90°
Stall Width at Parking Angle (SW)	9.0'	9.0'	9.0'	9.0'	9.0'
Stall Width Parallel to Aisle (WP)	17.90'	12.7'	10.4'	9.3'	9.0'
Stall Depth to Wall (D)	9.0' ¹	17.5' ¹	19.0'	19.5' ¹	18.5' ¹
Stall Depth to Interlock (D)	--	15.3'	17.5'	18.8'	--
Stall Length *(including 1.5' curb overhang)(SL)	18.5'	18.5'	18.5'	18.5'	18.5'
Aisle Width (AW)	12.0' ²	12.0' ²	16.0' ²	17.20' ²	26.0' ²
Throat Length (right-of-way to parking area)(T)	Refer to Requirements in Table 15.704(6)(c)10.				
Parking Module Width (PMW):					
Wall to Wall (Single-Loaded)(W1)	21.0'	29.5'	35.0'	42.5'	44.5'
Wall to Wall (Double-Loaded)(W2)	30.0'	47.0'	54.0'	62.0'	63.0'
Wall to Interlock (Double-Loaded)(W3)	--	44.8'	52.5'	61.3'	--
Interlock to Interlock (Double-Loaded)(W4)	--	42.6'	51.0'	60.6'	--

1 Parking spaces located behind an enclosed garage & located directly off a through aisle shall be at least 30 feet deep.

2 This dimension represents (AW) for one-way traffic. For two-way traffic, add 8.0 feet to a maximum(AW) of 26.0 feet.

Diagram for Table 15.704(6)(j): TYPICAL PARKING LAYOUT DIMENSIONS



(b) **Joint Parking Facilities**

1. Parking facilities which have been approved by the Plan Commission to provide required parking for one or more uses, shall provide a total number of parking spaces which shall not be less than the sum total of the separate parking needs for each use during any peak hour parking period when said joint parking facility is utilized at the same time by said uses.
2. Each parking space designed to serve as joint parking shall not be located farther than 500 feet from the access to all of the various areas it is designed to serve.
3. The applicant(s) for approval of a joint parking facility shall demonstrate to the Plan Commission's satisfaction that there is no substantial conflict in the demand for parking during the principal operating hours of the two or more uses for which the joint parking facility is proposed to serve.

A legally binding instrument, approved by the Zoning Administrator, shall be executed by any and all parties to be served by said joint parking facility. The applicant shall record this instrument with the Register of Deeds Office and file it with the City Clerk. A fee shall be required to file this instrument (see Section 15.936(l)).

(c) **Minimum Off-Street Parking Requirements for Land Uses:** The off-street parking requirements for each land use are listed within Section 15.206.

(d) **Waiver of Parking Requirement or Change of Land Use**

1. Within the Central Commercial (CC) District, the parking requirements of this Ordinance are hereby waived.
2. Within the Central Parking Waiver Area (defined by Jefferson Avenue to Ontario Avenue and 7th to 9th Streets) the parking requirements of this ordinance are hereby waived.
3. Where a change in land use as defined by the parking requirements, requires additional parking over the previously existing land use, the additional parking spaces shall be provided if sufficient space is available on the site as determined by the Zoning Administrator. If such required parking is not provided, and parking availability problems occur, the floor area devoted to the new land use which is in excess of parking space availability shall be vacated with a Plan Commission directive to the Zoning Administrator.

(e) **Locational Prohibitions for Off-Street Parking Areas**

1. Off-street parking shall not be located between the principal structure on a residential lot and a street right-of-way, except within residential driveways and parking lots designated on the approved site plan (see Section 15.908).

2. No private parking shall occur on street terraces between the sidewalks or right-of-way and the curb, on driveways, or on any other areas located within a public right-of-way not explicitly designated by the Plan Commission.

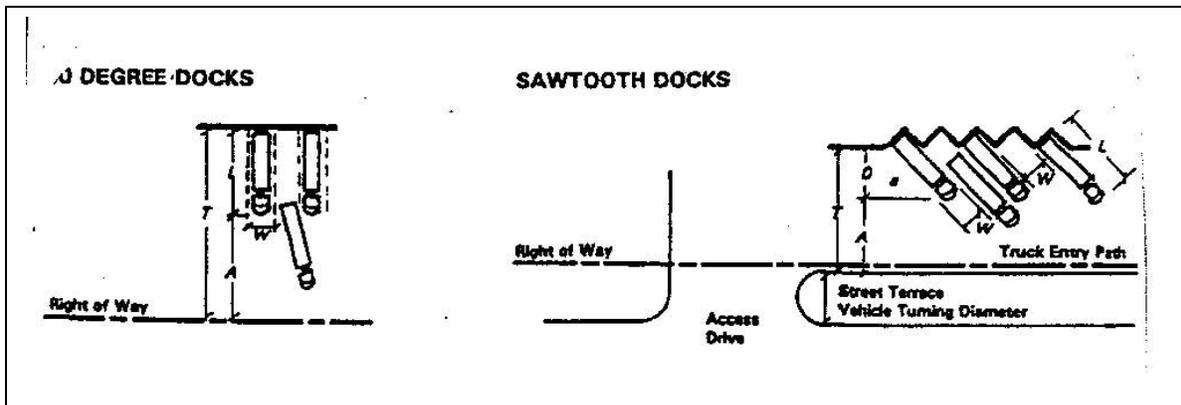
(f) **Minimum Permitted Throat Length:** Table 15.704(7)(f) on the following page shall be used to determine the minimum permitted throat length of access drives serving parking lots, as measured from the right-of-way line along the centerline of the access drive.

Table 15.704(7)(f): MINIMUM PERMITTED THROAT LENGTH				
Land Use	Type	Scale of Development	Type of Access Street	
			Collector	Arterial
Residential	Any Residential	0-100 dwelling units	25 feet	
		101-200 dwelling units	50 feet	75 feet
		201+ dwelling units	75 feet	1250 feet
Commercial	Office	0-50,000 gross sq. ft.	25 feet	50 feet
		50,000-100,000 gross sq. ft.	25 feet	75 feet
		100,001-200,000 gross sq. ft.	50 feet	100 feet
		200,001+ gross sq. ft.	100 feet	150 feet
	In-Vehicle Sales	0-2,000 gross sq. ft.	25 feet	75 feet
		2,001+ gross sq. ft.	50 feet	100 feet
	Indoor Entertainment	0-15,000 gross sq. ft.	25 feet	50 feet
		15,001+ gross sq. ft.	25 feet	75 feet
	Commercial Lodging	0-150 rooms	25 feet	75 feet
		151+ rooms	25 feet	100 feet
	Other Commercial Uses	0-25,000 gross sq. ft.	25 feet	50 feet
		25,001-100,000 gross sq. ft.	25 feet	75 feet
		100,001-500,000 gross sq. ft.	50 feet	100 feet
500,001+ gross sq. ft.		75 feet	200 feet	
Industrial	All Industrial Uses	0-100,000 gross sq. ft.	25 feet	50 feet
		100,001-500,000 gross sq. ft.	50 feet	100 feet
		500,001+ gross sq. ft.	50 feet	200 feet
All Other Land Uses:	6+ parking spaces		25 feet	50 feet

Section 15.705 Off-Street Loading Standards

- (1) **Purpose:** The purpose of this Section is to prevent congestion of public rights-of-way and private lots so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of loading facilities on various sites.
- (2) **Applicability:** Any use which has a gross floor area of 6,000 square feet or more, and which requires deliveries or makes shipments, shall provide off-street loading facilities in accordance with the regulations of this Section.

Design Vehicle (Wheel Base)	Length in Feet (L)	Dock Angle (a)	Clearance in Feet D	Berth Width in Feet (W)	Apron Space in Feet (A)	Total Offset in Feet (F)
WB-40	50	90°	50	10	63	113
				12	56	106
				14	52	102
		60°	44	10	46	90
				12	40	84
				14	35	79
		45°	36	10	37	73
				12	32	68
				14	29	65
WB-50	55	90°	55	10	77	132
				12	72	127
				14	67	122
		60°	48	10	55	103
				12	51	99
				14	46	94
		45°	39	10	45	84
				12	40	79
				14	37	76



- (3) **Location:** All loading berths shall be located 25 feet or more from the intersection of two street right-of-way lines. Loading berths shall not be located within any required front yard or street yard setback area. Access to the loading berth shall be located in conformance with Section 15.705(5). All loading areas shall be located on the private lot and shall not be located within, or so as to interfere with, any public right-of-way.
- (4) **Size of Loading Area:** The first required loading berth shall be designed in accordance with Table 15.705(4). All remaining required loading berths shall be a minimum of 15 feet in length. All required loading berths shall have a minimum vertical clearance of 14 feet. The following standards shall be the minimum used to design loading areas:

- (5) **Access to Loading Area:** Each loading berth shall be located so as to facilitate access to a public street or alley, and shall not interfere with other vehicular or pedestrian traffic per Section 15.702, and shall not interfere with the function of parking areas. In no instance shall loading areas rely on backing movements into public rights-of-way.
- (6) **Surfacing and Marking:** All required loading areas and their access drives shall be paved with asphaltic concrete or Portland cement. Said surface shall be marked in a manner which clearly indicates required loading areas.
- (7) **Use of Required Loading Areas:** The use of all required loading areas shall be limited to the loading and unloading of vehicles. Said area shall not be used to provide minimum required parking spaces.
- (8) **Lighting:** All loading areas shall be lit so as to not exceed the standards of Section 15.707.
- (9) **Signage:** All signage located within, or related to, loading areas shall comply with the requirements the latter part of this Subchapter 15-7.
- (10) **Depiction on Required Site Plan:** Any and all required loading areas proposed to be located on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property. (Refer to Section 15.908.)
- (11) **Calculation of Required Loading Spaces**
 - (a) **Indoor Institutional Land Uses:** One loading berth shall be required for each building having a gross floor area of 6,000 square feet to 29,999 square feet. For such uses located in buildings having a gross floor area of 30,000 square feet or greater, two loading berths shall be required.
 - (b) **Commercial (except Offices), Storage/Disposal, Transportation and Industrial Land Uses:** One loading berth shall be required for each building having a gross floor area of 6,000 square feet to 29,999 square feet. For each uses located in buildings having a gross floor area of 30,000 square feet or greater, an additional loading berth shall be required for any portion of each 50,000 square feet of gross floor area in addition to the original 29,999 square feet.
 - (c) **Office Land Uses:** One loading berth shall be required for each building having a gross floor area of 6,000 square feet to 99,999 square feet. For such uses located in buildings having a gross floor area of 100,000 square feet or greater, an additional loading berth shall be required for any portion of each 100,000 square feet of gross floor area in addition to the original 99,999 square feet.

Section 15.706 Exterior Storage Standards for Residential, Office and Commercial Districts

- (1) **Purpose:** The purpose of this Section is to control the use of residential, office and commercial property for exterior storage so as to promote the safety and general welfare of the public. For exterior storage in agricultural and industrial districts, refer to Section 15.206.
- (2) **Requirements for Exterior Storage in Residential Zoning Districts:**
 - (a) In all residential zoning districts (See Section 15.102 for a listing of these districts), all materials and equipment shall be stored within a completely enclosed building except for the following which shall not be located within any front yard or street yard (required or excess yard, except for vehicles in designated parking spaces) and shall be stored a minimum of three (3) feet from any and all property lines: firewood, construction materials, landscaping materials storage and related equipment connected with on-site construction, and off-street parking.
 - (b) In all residential zoning districts, recreational equipment including, but not limited to, boats, snowmobiles, all terrain vehicles, travel trailers, pop-up campers, and motor homes, shall be permitted if said equipment is stored or parked a minimum of three (3) feet from any and all property lines and shall not be located within any front yard or any required street side yard (except for designated parking spaces approved by the Plan Commission) and shall be located on a pad paved with asphaltic concrete or Portland cement.
 - (c) Said equipment storage shall not be located in, or block access to, a minimum required parking space during said equipment's off-season. Motor homes which are used on a year-round basis shall be permitted in said areas on a year-round basis. (Winterization of such vehicles shall be a conclusive indication of non-use.)
 - (d) Temporary utility hook-ups shall be permitted for a period not to exceed seventy-two (72) hours for loading and unloading purposes; and an aggregate of fourteen (14) days in any thirty (30) day period for sleeping quarters if the recreational vehicle is owned by the occupant or a guest of the occupant of the residence, subject to the conditions above. A fee of \$10.00 for temporary hook-ups is required.
 - (e) At no time shall a recreational vehicle be used for permanent living, sleeping, materials storage or other purpose. No recreational vehicle shall be permanently connected to water, gas, electric, or sanitary sewer service.
 - (f) Commercial vehicles, except for one pick-up or van operated by the occupant of a dwelling, may not be stored in residential districts.

- (3) **Requirements for Exterior Storage in Office and Commercial Districts:** In all office and commercial zoning districts (See Section 15.102 for a listing of these districts), all materials and equipment shall be stored within a completely enclosed building except for the following which shall not be located within any front yard or required street yard (except for vehicles in designated parking spaces) and shall be stored a minimum of five (5) feet from any and all property lines: visually screened refuse containers; construction materials, landscape materials and related equipment connected within on-site construction; and off-street parking.
- (4) **Inoperative Motor Vehicles and Junk:** Refer to the City Code of Ordinances.

Section 15.707 Exterior Lighting Standards

- (1) **Purpose:** The purpose of this Section is to regulate the spill-over of light and glare on operators of motor vehicles, pedestrians, and land uses in the vicinity of a light source in order to promote traffic safety and to prevent the creation of nuisances.
- (2) **Applicability:** The requirements of this Section apply to all private exterior lighting within the jurisdiction of this Chapter, except for lighting within public rights-of-way and/or lighting located on public property.
- (3) **Depiction on Required Site Plan:** Any and all exterior lighting shall be depicted as to its location, orientation and configuration on the site plan required for the development of the subject property. (Refer to Section 15.908.)
- (4) **Requirements:**
 - (a) **Orientation of Fixture:** In no instance shall an exterior lighting fixture be oriented so that the lighting element (or a transparent shield) is visible from an adjacent property or street right-of-way. The use of shielded luminaries and careful fixture placement is encouraged so as to facilitate compliance with this requirement.
 - (b) **Intensity of Illumination:** In no instance shall the amount of illumination attributable to exterior lighting, as measured at the property line, exceed 0.50 footcandles above ambient lighting conditions on a cloudless night.
 - (c) **Location:** Light fixtures shall not be located within required bufferyards.
 - (d) **Flashing, Flickering and other Distracting Lighting:** Flashing, flickering and/or other lighting which may distract motorists, such as red, yellow or green lights near traffic signals, are prohibited. (Refer to Section 15.804(1)(c).)
 - (e) **Minimum Lighting Standards:** All areas designated on required site plans for vehicular parking, loading, or circulation and used for any such

purpose after sunset shall provide artificial illumination in such areas at a minimum intensity of 0.4 footcandles.

- (f) **Nonconforming Lighting:** All lighting fixtures existing prior to the effective date of this Chapter shall be considered as legal conforming uses, (see Section 15.207).
- (g) **Special Events Lighting:** Any temporary use using exterior lighting which is not in complete compliance with the requirements of this Section shall secure a temporary use permit. (Refer to Section 15.906.)

Section 15.708 Vibration Standards

- (1) **Purpose:** The purpose of this Section is to regulate the creation of vibration which adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.
- (2) **Applicability:** The requirements of this Section apply to all uses and activities which create detectable vibrations, except that these standards shall not apply to vibrations created during the construction of the principal use on the subject property.
- (3) **Depiction on Required Site Plan:** Any activity or equipment which create detectable vibrations outside the confines of a building shall be depicted as to its location on the site plan required for the development of the subject property. (See Section 15.908.)
- (4) **Requirements:** No activity or operation shall cause or create earthborne vibrations in excess of those discernable by the Zoning Administrator.
- (5) **Method of Measurement:** Measurements shall be made at or beyond the adjacent lot line or the nearest residence district boundary line. Vibration displacements shall not be discernable by the Zoning Administrator.

Section 15.709 Noise Standards

- (1) **Purpose:** The purpose of this Section is to regulate the creation of noise which adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.
- (2) **Applicability:** The requirements of this Section apply to all uses and activities which create detectable noise, except that these standards shall not apply to noise created during the construction of the principal use on the subject property, or by incidental traffic, parking, loading, maintenance or agricultural operations.
- (3) **Requirements:** All noise shall be muffled so as to not be objectionable due to intermittence, beat frequency or shrillness. In no event shall the sound-pressure level of noise radiated continuously from a facility exceed at the lot line of the

subject property the values given in Table 15.709(3)(a) (on the following page) as measured by, at the minimum, a Type 2 sound meter that is in compliance with ANSI standard S1.4-1983, where said lot abuts property within any residential, office, commercial zoning district, or the Suburban Industrial (SI) District. (See Section 15.102.)

- (4) **Ambient noise:** 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. (G.O. 89-97-98; 12/15/97)

Table 15.709(3)(a): Maximum Permitted Noise Level at Lot Line For Noise Radiated Continuously*	
Neighboring Property's Zoning District	Increase in Noise Level over Ambient Level (dBA)
RA-35ac, ER-1, SR-3, SR-5, NR-6, MR-8, UR-12	plus 3 dBA
NO, SO, SC, SI, NC, UC, CC	plus 5 dBA
UI, HI	plus 8 dBA
*If the noise is not smooth and continuous or is present only during day time hours, one or more of the corrections, in Table 15.709(3)(b) on the following page, shall be added to or subtracted from each of the decibel levels given above in Table 15.709(3)(a).	

Table 15.709(3)(b) Adjustment Factors for Maximum Noise Levels	
Type of Operation in Character of Noise	Correction in Decibels
Daytime operation only	plus 5
Noise source operates less than 20% of any one-hour period	plus 5*
Noise source operates less than 5% of any one-hour period	plus 10*
Noise source operates less than 1% of any one-hour period	plus 15*
Noise of impulsive character (Hammering, etc.)	minus 5
Noise of periodic character (Hum, Speech, etc.)	minus 5
* Apply one of these corrections only.	

Section 15.710 Air Pollution Standards

Refer to the standards and procedures set forth by the Wisconsin Department of Natural Resources.

Section 15.711 Odor Standards

- (1) **Purpose:** The purpose of this Section is to regulate the creation of odor which adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.
- (2) **Applicability:** The requirements of this Section apply to all land uses and activities, except that these standards shall not apply to odors created during the construction of the principal use on the subject property, or by incidental traffic, parking, loading, or maintenance operations. Public landfills and public sanitary

sewage treatment plants shall be exempted from the requirements of this Section as essential public services.

- (3) **Standards:** Except for food preparation, cooking and fireplace odors emanating from residential land uses, and odors associated with property development and maintenance (such as construction, lawn care, and the painting and roofing of structures), no odor shall be created for periods exceeding a total of 15 minutes per any day which are detectable (by a healthy observer such as the Zoning Administrator or a designee who is unaffected by background odors such as tobacco or food) at the boundary of the subject property, where said lot abuts property within any residential, office, commercial zoning district, or the Suburban Industrial (SI) District. (See Section 15.102.)

Section 15.712 Electromagnetic Radiation Standards

Refer to the standards and procedures set forth by the Federal Communication Commission.

Section 15.713 Glare and Heat Standards

Refer to the standards and procedures set forth in the Wisconsin Statutes.

Section 15.714 Fire and Explosion Standards

Refer to the City of Sheboygan Fire Department for standards and procedures associated with fire and explosions.

Section 15.715 Toxic or Noxious Material Standards

Refer to the Wisconsin Department of Natural Resources for standards and procedures applicable to toxic and noxious materials.

Section 15.716 Waste Material Standards

Refer to the Wisconsin Department of Natural Resources for standards and procedures applicable to waste materials.

Section 15.717 Drainage Standards

Refer to the City of Sheboygan Department of Public Work's policy stormwater management control for standards and procedures regarding drainage.

Section 15.718 Exterior Construction Material Standards

- (1) **Purpose:** The purpose of this Section is to regulate the use of certain exterior construction materials so as to attain a degree of uniformity in exterior appearance, and thus maintain and enhance the attractiveness and property value of certain zoning districts.
- (2) **Applicability:** The requirements of this Section apply to all land uses and activities.
- (3) **Standards for ER-1, SR-3, SR-5, NR-6, MR-8, UR-12, NO, SO, NC, SC, UC, CC, and SI Zoning Districts:** Except for exposed foundations not to exceed three feet in height from the adjacent grade, all development located within the ER-1, SR-3, SR-5, NR-6, MR-8, UR-12, NO, SO, NC, SC, UC, CC, and SI zoning districts (see Section 15.102) shall employ only high-quality, decorative exterior construction materials (as determined by the Plan Commission) on the visible exterior of the following portions of all structures and buildings:
 - (a) any portion of the building or structure visible from adjacent residentially zoned property;
 - (b) any portion of the building or structure located within 50 feet of a public right-of-way; or
 - (c) any other portion of the building or structure visible from a public street and/or situated at an angle of 60 degrees or less: from a line which is parallel to the nearest right-of-way (for uncurved rights-of-way); or from a line which is parallel to a chord connecting the right-of-way boundary on the inside of the curve at points located at, or opposite from, the two outer boundaries of the subject property along the right-of-way line (for curved rights-of-way).
- (4) **Exceptions:** The variance process administered through the Plan Commission (per Section 15.905) may be used to propose the use of a material otherwise prohibited by subsection (3) above.

Section 15.719 Hazardous Materials Standards

Refer to the Wisconsin Statutes for standards and procedures regarding hazardous materials.

Section 17.720 Fencing Standards

- (1) **Purpose:** The purpose of this Section is to regulate the materials, location, height, and maintenance of fencing, landscaping walls and decorative posts in order to prevent the creation of nuisances and to promote the general welfare of the public.
- (2) **Applicability:** The requirements of this Section apply to all fencing, landscape walls and decorative posts equal to, or exceeding, 30 inches in height, for all land uses and activities.

(3) **Standards:**

(a) **Materials:**

1. **Residential Districts:** Acceptable materials for constructing fencing, landscape walls, and decorative posts include wood, stone, brick, wrought iron, chain link, and wire mesh, except that wire mesh fencing is not permitted within required front yard or street yard areas. Any fence within a street yard, including along property lines which intersect a right-of-way, shall be a maximum of 50% opaque.
2. **Nonresidential Districts:** Acceptable materials for constructing fencing, landscape walls, and decorative posts include wood, stone, brick, wrought iron, chain link, and wire mesh. Barbed wire fencing is permitted on security fences at heights equal to or greater than six feet. This height requirement may be exceeded with the granting of a Conditional Use Permit (per Section 15.905). Any fence within a street yard, including along property lines which intersect a right-of-way, shall be a maximum of 50% opaque. See Section 15.703.
3. **Temporary Fencing:** Temporary fencing, including the use of wood or plastic snow fences for the purposes of limiting snow drifting between November 1 and April 1, protection of excavation and construction sites, and the protection of plants during grading and construction is permitted for up to 180 consecutive days and no more than 180 consecutive days per calendar year.
4. **Snow Fences:** Snow fences constructed of wood and wire, and/or plastic shall be permitted only as temporary fences.

(b) **Location:** On all properties, no fence, landscape wall, or decorative post shall be located closer than 1 foot to the front yard or street yard property line. Fences may be located on any property line abutting a side or rear yard. See Section 15.703.

(c) **Maximum Height:** The maximum height of any fence, landscape wall, or decorative post shall be the following:

1. 4 feet when located within a required street yard on any property, except if the house is closer to the property line than required by the zoning district in which it is located, the fence may be 6 feet high and solid for that portion between the setback line and the front of the house. The fence from the front of the house to the property line shall not exceed 4 feet in height and must be 50% open. (GO 58-99-00/12/6/99)
2. 6 feet when located on any residentially zoned property, within required interior side or rear yards, but not within a required front yard or a required street yard; and

3. 8 feet in any portion of interior side or rear yards which are not required yards.
 4. 6 feet when located on any nonresidentially zoned property, but not within a required front yard or a required street yard, except that security fences may exceed this height, up to nine feet.
 5. The maximum heights listed for Sections (3)(c)1.-3., above, may be exceeded up to nine feet with the approval of a Conditional Use Permit per Section 15.905. The following conditions (at a minimum) shall be established for such requests:
 - a. The increase in height shall in no way further obstruct vision for intersecting streets, driveways, sidewalks or other traffic areas;
 - b. The fence shall be screened on its external side with adequate plants so as to maintain an attractive appearance to said side;
 - c. The fence shall be set back from the property line beyond the requirement of Subsection (3)(b), above, such distance as appropriate to contain adequate landscaping per (3)(c)4.b., above, and so as to maintain an attractive relationship to fence's external side.
- (d) **Orientation:** Any and all fences, landscape walls, or decorative posts shall be erected so as to locate visible supports and other structural components toward the subject property.
- (e) **Maintenance:** Any and all fences, landscape walls, or decorative posts shall be maintained in a structurally sound and attractive manner as determined by the Zoning Administrator.
- (f) **Swimming Pools:** Fencing for swimming pools shall be provided per the Model Swimming Pool Enclosure Code established by the National Spa and Pool Institute (NSPI), which is available from the City Planning Department. Yards containing non-swimming pool bodies of water shall be enclosed per the satisfaction of the Plan Commission.
- (g) **Signage on Fences:** Prohibited

Section 15.721 Administration & Enforcement of Performance Standards

- (1) Determinations necessary for administration and enforcement of performance standards set forth herein range from those which can be made with satisfactory accuracy by a reasonable person using normal senses and no mechanical

equipment, to those requiring great technical competence and complex equipment for precise measurement. It is the intent of this Chapter that:

- (a) Where determinations can be made by the Zoning Administrator using equipment normally available to the City or obtainable without extraordinary expense, such determinations shall be so made before notice of violations is issued.
 - (b) Where technical complexity or extraordinary expense makes it unreasonable for the City to maintain the personnel or equipment necessary for making difficult or unusual determinations, procedures shall be available for causing corrections or apparent violations of performance standards, for protecting individuals from arbitrary, capricious, and unreasonable administration and enforcement of performance standard regulations, and for protecting the general public from unnecessary costs for administration and enforcement.
 - 1. The Zoning Administrator shall give written notice to the person or persons responsible for the alleged violations,. The notice shall describe the particulars of the alleged violation and the reasons why the Zoning Administrator believes there is a violation in fact, and shall require an answer or correction of the alleged violation to the satisfaction of the Zoning Administrator.
 - 2. The notice shall state, and it is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of the administrative official within the time limit set constitutes admission of violation of the terms of this Chapter. The notice shall further state that upon request of those to whom it is directed, technical determination as described in this Chapter will be made, and that if violations as alleged are found, costs of such determinations shall be charged against those responsible for the violation, in addition to such other penalties as may be appropriate, but that if it is determined that no violation exists, the cost of the determination will be paid by the City.
- (2) Enforcement of the provisions of this Subchapter shall be per Section 15.937.

SUBCHAPTER 15-8: SIGNAGE REGULATIONS

Section 15.801 Purpose

The purpose of this Ordinance is to establish standards for the fabrication, erection, and use of signs and signage for all properties within the City of Sheboygan. This Ordinance regulates the location, type, size, and height of signage in order to protect and promote the public welfare, health, and safety of persons within the community; to aid in the development and promotion of business and industry; and to ensure implementation of the Comprehensive Plan of the City of Sheboygan with the City's zoning districts. The adoption of this Ordinance reflects the formal finding of fact on the part of the City of Sheboygan Plan Commission and the Sheboygan Common Council that regulation of signage furthers four compelling governmental interests:

- (1) To promote the public welfare, health, and safety of all persons using the public thoroughfares and right-of-ways within the City of Sheboygan as to the signage displayed thereon, or overhanging, or projecting into such public spaces;
- (2) To advance the aesthetic goals of the City throughout the community, and to ensure the effectiveness and flexibility in the design of, and the creativity of, the use of such devices without creating detriment to the general public;
- (3) To reduce the visual clutter caused by advertising signage which the City has determined is a significant cause of unsafe traffic and visibility conditions; and
- (4) To limit the spread of strip commercial development, of which signs are a primary contributor, so as to be respectful of the reasonable rights of other advertisers and business entities whose messages are also displayed in such areas.

Furthermore, the City of Sheboygan advocates that this regulation leaves ample and adequate alternative channels of commercial speech communication for the messages portrayed on such advertising signage, namely, print media, broadcast media, and point-of-purchase display, and is narrowly defined so as to limit any prohibitions on commercial speech on exterior signage.

Section 15.802 Sign Permits

- (1) No person shall erect, alter (per Subsection 15.809(1)(a)), or relocate within the City of Sheboygan any other type of sign without first obtaining a sign permit, except for the exceptions in (2) below. (per Section 15.907.)

- (2) The following sign uses and purposes are permitted in all zoning districts without the need for a sign permit. Such signs shall not count as part of the maximum permitted sign area as regulated by this Subchapter.
- (a) Address numerals and identification signs not exceeding four square feet in area.
 - (b) Legal notices and other signs established, or ordered, by an governmental agency.
 - (c) Memorial signs and tablets displayed in cemeteries.
 - (d) On-premise directional signs which bear no advertising if under four square feet, and if limited to business site or business name or logo.
 - (e) Temporary signs which conform to the requirements of Section 15.807.
 - (f) Political signs and flags of government, religious, fraternal or civic organizations.
 - (g) Auxiliary signs per Section 15.803(1)(b), if under four square feet.
 - (h) Message/copy change for advertising or marquee sign.
- (3) **Community information signs** shall be permitted only as a conditional use within all zoning districts and upon any property within the jurisdiction of this Chapter. Refer to Section 15.009. As such, the review of a request for the erection of a community information sign shall comply with the requirements of Section 15.905. The proposed size, configuration, and design of the sign shall be described as part of the conditional use requirements. As a conditional use, the City of Sheboygan may revoke the designation of an approved community information sign if such sign fails to comply with the requirements of this Chapter. Such action shall proceed per the requirements of Section 15.905(8). Upon revocation, the owner of said sign shall have 30 days to remove the sign at the owner's expense.
- 1. Such sign shall only display information regarding events and information of general interest to the residents of Sheboygan. Copy which may be considered as advertising a product, private or restricted participation event, or activity for private profit shall be prohibited.
 - 2. Such sign may be located on private or public property (except for residential properties within the ER-1, SR-3, SR-5, NR-6 and MR-8 districts).
 - 3. Such sign shall conform to the visibility requirements of Section 15.703.
 - 4. Such sign shall not be counted as adding to the area of signage on the subject property for the purposes of regulating sign area per Section 15.806.

Section 15.803 Definitions and Regulations Specific to Certain Signs

The following definitions shall be used by this Subchapter to assist in the establishment of clear-cut signage regulations. In general, Sign Purposes refers to where or how a sign is used. Sign Configurations refers to the style of the sign, and Sign Measurement explains how the dimensions of a sign are determined.

Sign: any object, device, display, structure, or part thereof, situated outdoors and in view of the general public, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, logos, symbols, fixtures, or projected images. Signs do not include the flag or emblem of any nation, organization of nations, state, city, religious, fraternal, or civic organization; also merchandise and pictures or models of products or services incorporated in a window display, works of art which in no way identify a product, or scoreboards located on athletic fields. Building colors and outline lighting which do not convey a logo or written message (as determined by the Zoning Administrator) are not considered signs. Definitions of particular functional, locational, and structural types of signs are listed in this Section. (Traffic control and other public agency signs located within a right-of-way are not included within this definition and are not regulated by the provisions of this Chapter.)

(1) **Sign Purposes:**

- (a) **Advertising sign (Off-Premise sign):** A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where the sign is displayed. Off-premise advertising signs include billboards. Refer to Section 15.810.
- (b) **Auxiliary sign:** A sign which provides special information such as price, hours of operation, or warning and which does not include brand names, or information regarding product lines or services. It may contain a business logo if the logo is under one square foot in area. Examples of such signs include directories of tenants in buildings, “no trespassing” signs, menu boards, and signs which list prices of gasoline, up to one price listing sign per type of fuel, which must be displayed on a single structure. Refer to Subsections 15.805(2)(b) and 15.806(3)(b).
- (c) **Business sign (On-Premise Sign):** A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, offered, or manufactured upon the premises where the sign is located. Refer to Section 15.806.
- (d) **Community Information sign:** A permanent sign approved with a Conditional Use Permit per Section 15.802(3) which may have changeable copy and which is limited to the display of information of interest to the general community regarding scheduled public events and public activities.

- (e) **Directional sign, Off-Premise:** A sign which indicates only the name, direction, and/or distance of a business or activity. It may contain a business name and logo if the logo is under one square foot in area. Refer to Subsection 15.804(1)(f). This definition does not pertain to off-premise advertising signs.
- (f) **Directional sign, On-Premise:** A sign which indicates only the name, logo (if under one square foot), and or direction of a pedestrian or traffic facility, or a particular building within a complex of structures, on the property on which said facility or building is located. Refer to Section 15.804(3)(f).
- (g) **Group sign:** A sign displaying the collective name of a group of uses such as the title of a shopping center, office park, or industrial park and its tenants. No sales or price information shall be permitted. Portions of the sign containing names of individual tenants shall be considered as part of the area of a group sign. Group signs shall only be permitted within developments serving two or more non-residential tenants.
- (h) **Identification sign:** A sign indicating the name and/or address of the tenant of the unit or manager of the property located upon the residential premises where the sign is displayed.
- (i) **Temporary sign:** A sign or advertising display intended to be displayed for a certain period of time (as permitted by Section 15.807). Included in the definition of “temporary signs” are retailers’ signs temporarily displayed for the purpose of informing the public of a “sale” or special offer. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be considered as temporary. A mobile or portable sign shall not be considered a temporary sign or used for such a purpose.

(2) **Sign Types:**

- (a) **Awning Sign:** A type of on-building sign which projects from the building consisting of a fabric or fabric-like sheathing material.
- (b) **Freestanding Sign:** A totally or partially independent sign resting on or supported by means of poles, standards, or any other type of base on the ground. This type of sign includes monument signs and pylon signs. Refer to Subsections (e) and (g), below. The height of a freestanding sign shall be measured per Section (3)(a) below.
- (c) **Marquee Sign:** A type of projecting sign, on-building sign (see (f), below) sheltering the entrance and/or entrance approaches of a theater, auditorium, fairground, museum or other use, which advertises present and scheduled events.

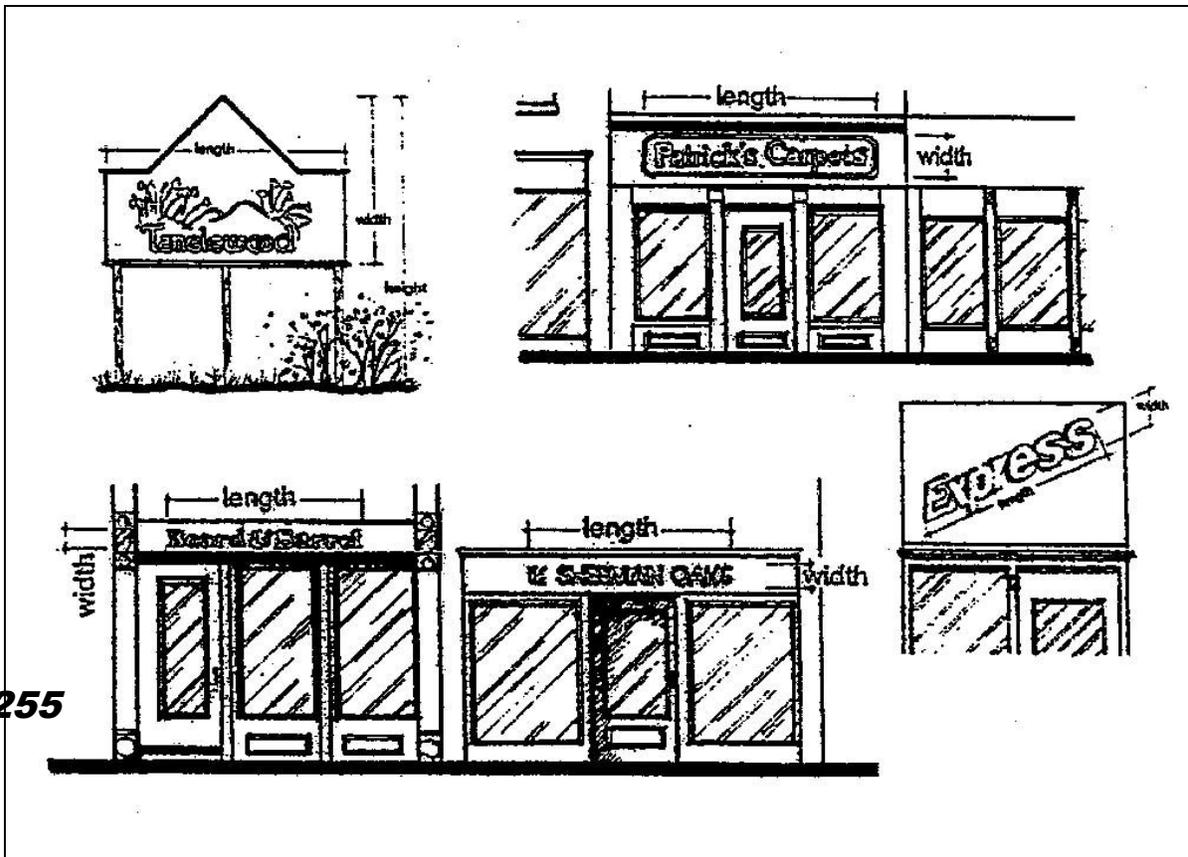
- (d) **Mobile Sign (portable sign):** A sign mounted on a frame or chassis designed to be easily relocated, including vehicles and/or trailers whose principal commercial use is for signage.
- (e) **Monument sign:** (See (2)(b), above) A type of freestanding sign whose bottom edge is located within one foot of a ground-mounted pedestal and whose top edge is located no more than eight feet high. Refer to Sections 15.703, 15.804(2)(a), 15.805 and 15.806.
- (f) **Projecting sign:** A type of on-building sign, other than a wall sign which is attached to and projects more than one foot, generally perpendicular from a structure or building face. Refer to Subsection 15.804(2)(f).
- (g) **Pylon sign:** (See (2)(b), above) A type of freestanding sign whose bottom edge is located more than one foot above a ground-mounted pedestal or whose top edge is located more than eight feet high, up to a maximum of 10 feet in Neighborhood Commercial (NC), or Neighborhood Office (NO) Districts, up to a maximum of 15 feet in the Central Commercial (CC), or up to a maximum of 30 feet high in all other commercial and industrial zoning districts. Refer to Section 15.703.
- (h) **Wall sign:** A type of on-building sign mounted parallel to a building façade or other vertical building surface.
- (i) **Personal greeting and congratulatory sign:** A temporary sign, limited to 32 square feet, and which is limited to a personal greeting or message used to announce, congratulate, or greet members of a family, faculty, or work staff, and which is not intended for commercial purposes.

(3) **Sign Measurement:**

- (a) **Ground Level:** The average elevation of the ground upon which the sign supports are placed, except when the sign supports rest upon a berm or other area elevated above the surrounding ground. In such cases, the average elevation of the base of such berm or other area shall be considered as the ground level.
- (b) **Sign area** shall be measured in the following manner:
 1. In the case of a sign placed within a frame, a marquee sign, or other structure, sign area consists of the entire surface area of the sign on which copy could be placed. The supporting structure or bracing of a sign, including the supports of monument signs not used for copy, shall not be counted as a part of the sign face area unless such structure or bracing is made a part of the sign's message.
 2. Where a freestanding on-premise sign (monument or pylon) has two or more identical display faces each of which is intended to be

viewed principally from a different direction of travel, the area of the largest display face shall be considered the sign face area.

3. For freestanding signs on corner lots use one and one-half times the listed ratio of sign area in square feet to linear feet of public street frontage along the chosen street frontage.
4. In the case of a sign whose message is fabricated together with the background which borders or frames that message, sign face area shall be the total area of the entire background.
5. In the case of a sign whose message is applied to a background which provides no border or frame (such as individual letters to a building face or awning), sign face area shall be the combined areas of the smallest rectangles which can encompass each word, letter, figure, emblem, and other element of the sign message per a scaled, fully dimensioned drawing approved by the Zoning Administrator. Where such drawing is not provided, said area shall be the smallest area enclosed in a single rectangle.
6. Signs less than one square foot in area are not regulated by this Chapter.
7. All dimensional measurements and calculations thereof shall be the responsibility of the Applicant of the sign permit and shall be approved by the Zoning Administrator or designee thereof.
8. The following illustration demonstrates how sign face area is measured.



Section 15.804 General Signage Regulations

The regulations contained in this Section apply to signs in all districts.

(1) **Sign Prohibitions and Limitations:**

- (a) **No sign** shall use any word, phrase, symbol, shape, form, or character in such manner and location as to interfere with moving traffic, including signs which incorporate typical street-type and/or traffic control-type signage designs and colors
- (b) Except for sequin-like eyecatcher device and temporary banners secured on all four corners, **no fluttering, undulating, swinging, rotting, or otherwise moving signs, pennants or other decorations** shall be permitted.
- (c) **No illuminated flashing signs** shall be permitted. Flashing signs are those which change their appearance more than once every 3 seconds, however, electronic message center signs are permitted with a Conditional Use Permit outside of agricultural, residential, and neighborhood office and neighborhood commercial districts. No sign cycle shall take more than 15 seconds. Chasing lights shall be allowed only as a conditional use, and shall be limited to a maximum lamp wattage of 11 watts.
- (d) **No illuminated sign** shall be permitted unless the illumination of the sign is so designed that the lighting element (except neon signs) is not visible from any property within a residential zoning district (per Section 15.102). All illuminated signs shall comply with the State Electrical Code.
- (e) **Mobile signs** shall be prohibited after January 1, 1997.

- (f) **No off-premise directional signs** shall be permitted for non-governmental or non-institutional uses or for any use outside of a public right-of-way. However, such signs are permitted within a public right-of-way per Subsection (2)(e), below, for government facilities, and schools.
- (g) **No inflatable signs** shall be permitted, except as temporary signs.
- (h) **No advertising vehicle signs** shall be permitted, except as temporary signs. Refer to Section 15.803(2)(j).
- (i) **Off-premise advertising signs** shall be regulated per Section 15.810.

(2) **Sign Location Requirements:**

- (a) **No sign** shall be erected or maintained at any location where by reason of its position, wording, illumination, size, shape, or color it may obstruct, impair, obscure, interfere with the view of, or be confused with, any **authorized traffic control sign, signal or device**. Freestanding signs may not locate within vision triangles nor otherwise impede traffic or pedestrian visibility. Freestanding sign setbacks from right-of-way lines vary by zoning district – refer to Sections 15.805 and 15.806.
- (b) **No sign** shall be located within a **required bufferyard** or within a permanently protected green space area. Refer to Section 15.205.
- (c) **No sign** shall be mounted on a **roof**. No sign shall extend above the roof line, except with a Conditional Use Permit.
- (d) **No sign**, temporary or otherwise, shall be affixed to a **tree or utility pole** unless otherwise authorized by the Director of Public Works.
- (e) **Private signs** shall not be allowed within road **right-of-way** lines.
- (f) **Projecting signs** shall be a minimum of 14 feet over the elevation of a vehicle circulation area, a minimum of 10 feet over the elevation of a public pedestrian way and 8 feet over the elevation of a private pedestrian way. (G.O. 35-97-98; 8/4/97)
- (g) **Pylon signs** are not permitted in any residential district.

(3) **Sign Configuration Requirements:**

- (a) **Freestanding sign configuration:** The base and support(s) of any and all freestanding signs shall be concealed and shall comply with the State Building Code. A freestanding sign shall not be erected so that it impedes visibility for safe pedestrian and/or vehicular circulation. The footing and related supporting structure of a freestanding sign including bolts, flanges, brackets, etc., shall be concealed by the sign exterior, masonry covering, earth and permanent groundcover, or through the use of evergreen shrubs. Refer to Subsection 15.803(2)(b).

- (b) **Mobile sign configuration:** Mobile signs which have exposed electrical cords or wiring, and do not have GFI protection, or do not meet Building Code regulations are not in compliance with basic safety standards and must be removed upon the effective date of this Ordinance. Refer to Subsection 15.803(2)(d).
- (c) **Projecting sign configuration:** The bottom edge of a projecting sign shall be located a minimum of ten feet from the ground level directly under the sign. Such sign shall be mounted directly to a building. In no instance shall such sign be projecting more than four and one-half feet into and over a public right-of-way or private street, drive, or parking area. No new projecting signs, including replacement faces, shall be permitted. Refer to Subsection 15.803(2)(f).
- (d) **Wall sign configuration:** A wall sign shall not extend beyond the edge of any wall or other surface to which it is mounted, nor shall it project more than twelve (12) inches from its surface. The height of a wall sign shall be measured from the base of the building below the sign to the top of the sign face. The top of the sign shall be no higher than the nearest portion of the building to which it is mounted. Signs painted directly on a wall or other portion of a building are not permitted. Refer to Subsection 15.803(2)(h).
- (e) **Advertising vehicle sign configuration:** No persons shall park any vehicle or trailer on a public right-of-way or on private properties so as to be seen from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business activity located on the same or nearby property or any other premise. Licensed business vehicles containing typical business signage and which are actively used on a daily basis for business purposes, and transit signs as permitted by the Transit Commission, are exempt from this prohibition. Refer to Subsection 15.803(1)(h).
- (f) **Directional sign, On-Premise configuration:** For each permitted or required parking area that has a capacity of more than five cars, one sign, not more than ten square feet in area, designating each entrance and/or exit; and other signs, not more than nine square feet in area, designating the conditions of use of the parking area. Any institutional land use may use as many one-premise directional signs as needed. No other land use nor lot shall contain more than two such signs for each driveway. Refer to Subsection 15.803(1)(f).

Section 15.805 Sign Regulations Applicable to the ER-1, SR-3, SR-5, NR-6, MR-8, UR-12 Zoning Districts

- (1) **Rules for All Signs:**

- (a) Signs shall comply with all provisions of the Municipal Code, including Section 15.803 and Section 15.804 for general signage definitions and regulations.
- (b) Signage on a lot shall be limited to the combined total of all signs listed under Subsection (2), below, or as otherwise modified by conditional use, conditional zoning, planned development, deed restriction or other site specific regulation, restriction or requirement. The owner of a property containing more than one tenant shall allocate signs to the tenants, up to the allowed maximum for the entire property. This provision will allow the property owner to allocate all the allowed signage to one tenant and none to another tenant if they see fit to do so.

(2) Rules for Particular Sign Purposes:

(a) Identification Sign

- 1. For one-family, two-family, three-family or four-family dwelling:
 - a. Permitted Sign Type: Wall Sign
 - b. Maximum Permitted Number per Lot: One
 - c. Maximum Permitted Area per Sign: Two square feet
 - d. Minimum Permitted Sign Setback: 12 feet
- 2. For multi-family dwelling of five or more units:
 - a. Permitted Sign Type: Wall Sign, Canopy Sign or Monument Sign
 - b. Maximum Permitted Number per Lot: One monument, plus one wall or canopy
 - c. Maximum Permitted Area per Sign: Twenty-Four square feet
 - d. Minimum Permitted Sign Setback: 12 feet
- 3. For institutional use:
 - a. Permitted Sign Type: Wall Sign, Canopy Sign or Monument Sign
 - b. Maximum Permitted Number per Lot: One monument per each street frontage, plus one wall or canopy per each street frontage (G. O. 41-97-98; 8/18/97)
 - c. Maximum Permitted Area per Sign: Twenty-Four square feet

- e. Minimum Permitted Sign Setback: 12 feet
4. For group development or subdivision
- a. Permitted Sign Type: Wall Sign, Canopy Sign or Monument Sign
 - b. Maximum Permitted Number per Development: Per Plat or Conditional Use
 - c. Maximum Permitted Area per Sign: Thirty-Two square feet
 - d. Minimum Combined Permitted Area of All Signs: Per Plat or Conditional Use
 - e. Minimum Permitted Sign Setback: 12 feet
- (b) **Auxiliary Sign** (such as “Beware of Dog” or “No Trespassing” for all land uses):
- 1. Permitted Sign Type: Wall Sign
 - 2. Maximum Permitted Number per Lot: Two
 - 3. Maximum Permitted Area per Sign: Two square feet
- (c) **On-Premise Directional Sign** (for multi-family, group development or institutional use):
- 1. Permitted Sign Type: Wall Sign or Monument Sign
 - 2. Maximum Permitted Number per Lot: One sign for each vehicular entrance, one sign for each vehicular exit, one sign for each parking area conditions list. Institutional uses may use any additional number of signs as needed.
 - 3. Maximum Permitted Area per Sign: Nine square feet
- (d) **Temporary Sign** (per Section 15.807)
- (e) **On-Premise Business Sign** (for legal, non-conforming business only):

For any permitted non-residential principal use other than those specified above, two signs (one wall sign and one freestanding sign), not to exceed a combined total of 32 square feet in area, are permitted. The signs shall indicate nothing more than the name and address of the premises and the schedule of services or other information relevant to the operation of the premises.

- (f) **Off-Premise directional Sign** (for governmental facility only):
 1. Permitted Sign Type: Wall Sign or Monument Sign
 2. Maximum Permitted Number per Development: Per Conditional Use Permit
 3. Maximum Permitted Area per Sign: Four square feet
 4. Maximum Permitted Area of All Signs: Per Conditional Use Permit

- (g) **Community Information Sign** (per Section 15.802(3))

Section 15.806 Sign Regulations Applicable to the NO, SO, NC, SC, UC, CC, SI, UI, AND HI Zoning Districts

- (1) **Rules for all Signs:**
 - (a) Signs shall comply with all provisions of the Municipal Code, including Section 15.803 and Section 15.804 for general signage definitions and regulations.
 - (b) Signage on a lot shall be limited to the combined total of all signs listed under Subsection (2), below, or as otherwise modified by conditional use, conditional zoning, planned development, deed restriction or other site specific regulation, restriction or requirement. The owner of a property containing more than one tenant shall allocate signs to the tenants, up to the allowed maximum for the entire property. This provision will allow the property owner to allocate all of the allowed signage to one tenant and none to another tenant if they see fit to do so.

- (2) **Rules for Particular Sign Purposes (All Residential and Institutional Land Uses):**

Shall comply with provisions of Section 15.805.

- (3) **Rules for Particular Sign Purposes (All Office, Commercial and Industrial Land Uses):**
 - (a) **Business Signs:**
 1. For **NO, NC** Zoning Districts:
 - a. Permitted Sign Type: On-Building (Wall or Awning) Sign:
 - i. Maximum Permitted Number per Lot: Two On-building Signs for each fronting business or group

for all walls not directly abutting residentially zoned property.

- ii: Maximum Permitted Area per Sign: One square foot of signage for every linear foot of exposed exterior wall length on that supporting wall.
- b. Permitted Sign Type: Freestanding (Monument or Pylon) Sign:
 - i. Maximum Permitted Number per Lot: One Freestanding Sign per each public street frontage.
 - ii. Maximum Permitted Area per sign: One square foot of signage for every foot of the public street frontage on any chosen street – up to a maximum sign area of 150 square feet per sign.
 - iii. Maximum Permitted Sign Height: 10 feet.
 - iv. Minimum Permitted Sign Setback: 12 feet in the NO district; 12 feet from the right-of-way line, or 24 feet from the face of the curb whichever is shorter in the NO district.
- c. Permitted Sign Type: Projecting Sign
 - i. Maximum permitted number by lot: One projecting sign per business in lieu of one flush on building sign which would be permitted by Sec. 15.806(3)(a)1.a.
 - ii. Maximum permitted area per sign: 12 square feet.
 - iii. Projecting signs may not be internally illuminated.
 - iv. Minimum height above grade: see Sec. 15.804(2)(f)
 - v. Maximum projection over a public right of way: 4.5 feet.
 - vi. Swinging projecting signs shall not be installed over any public road, alley, sidewalk or pedestrian way. (G. O. 37-97-98; 8/4/97)

(2) For CC Zoning District:

- a. Permitted Sign Type: On-building (Wall, Awning, Projecting or Marquee) Sign:
 - i. Maximum Permitted Number per Lot: Two On-building Signs for each fronting business or group

for all walls not directly abutting residentially zoned property.

- ii. Maximum Permitted Area per Sign: Two square feet of signage for every linear foot of exposed exterior wall length on that supporting wall, or per business minimum of 50 square feet, whichever is greater.
- b. Permitted Sign Type: Freestanding (Monument or Pylon) Sign:
- i. Maximum Permitted Number per Lot: One Freestanding Sign per public street frontage of provided on-site parking lot.
 - ii. Maximum Permitted Area per Sign: One square foot of signage for every foot of the public street frontage of a provided on-site parking lot – up to a maximum sign area of 150 square feet per sign.
 - iii. Maximum Permitted Sign Height: 15 feet.
 - iv. Minimum Permitted Sign Setback: 12 feet from the right-of-way line, or 24 feet from the face of the curb whichever is shorter.
- c. Permitted Sign type: Projecting Sign
- i. Maximum Permitted Number by Lot: One projecting sign per business in lieu of one flush on building sign which would be permitted by Sec. 15.806(3)(a)1.a.
 - ii. Maximum Permitted Area per Sign: 12 square feet.
 - iii. Projecting signs may not be internally illuminated.
 - iv. Minimum height above grade: see Sec. 15.804(2)(f).
 - v. Maximum projection over a public right of way: 4.5 feet
 - vi. Swinging projecting signs shall not be installed over any public road, alley, sidewalk or pedestrian way. (G. O. 370-97-98; 8/4/97)
- d. Permitted Sign Type: Flush On-Canopy Sign
- i. Maximum Permitted per Lot: One per each street frontage in lieu of one on-building sign permitted by (a.)

- ii. Maximum Permitted Area per Sign: 20 square feet.
- iii. No sign shall be located on the roof or the top horizontal plane of the canopy. (G. O. No. 143-97-98; 5/4/98)

3. For UC, UI, and HI Zoning Districts:

- a. Permitted Sign Type: On-Building (Wall or Awning) Sign:
 - i. Maximum Permitted Number per Lot: Four One-Building Signs for each fronting business or group for all walls not directly abutting residential zoned property.
 - ii. Maximum Permitted Area per Sign: One and one-half square feet of signage for every linear foot of exposed exterior wall length on that supporting wall.
- b. Permitted Sign Type: Freestanding (Monument or Pylon) Sign:
 - i. Maximum Permitted Number per Lot: One Freestanding Sign per each public street frontage.
 - ii. Maximum Permitted Area per Sign: One and one-half square feet of signage for every foot of public street frontage on any chosen public street – up to a maximum sign area of 250 square feet per sign.
 - iii. Maximum Permitted Sign Height: 30 feet.
 - iv. Minimum Permitted sign Setback: 12 feet from the right-of-way line, or 24 feet from the face of the curb whichever is shorter.
- c. Permitted Sign Type: Flush On-Canopy Sign:
 - i. Maximum Permitted per Lot: One per each street frontage in lieu of one on-building sign permitted by (a.).
 - ii. Maximum Permitted Area per Sign: 20 square feet.
 - iii. No sign shall be located on the roof or on the top horizontal plane of the canopy. (G. O. No. 143-97-98; 5/4/98)

4. For SO, SC, and SI Zoning Districts:

- a. Permitted Sign Type: On-Building (Wall or Awning) Sign:
 - i. Maximum Permitted Number per Lot: Two On-Building Signs (in SO) and four On-Building Signs (in SC and SI) for each fronting business or group for all walls not directly abutting residentially zoned property.
 - ii. Maximum Permitted Area per Sign: One and one-half square feet of signage for every linear foot of exposed exterior wall length on that supporting wall.

- b. Permitted Sign Type: Freestanding (Monument or Pylon) Sign:
 - i. Maximum Permitted Number per Lot: One Freestanding Sign per each public street frontage.
 - ii. Maximum Permitted Area per Sign: Two square feet of signage for every foot of public street frontage on any chosen public street – up to a maximum sign area of 250 square feet per sign.
 - iii. Maximum Permitted Sign Height: 30 feet.
 - iv. Minimum Permitted Sign Setback: 12 feet.

- c. Permitted Sign Type: Flush On-Canopy Sign
 - i. Maximum Permitted per Lot: One per each street frontage in lieu of one on-building sign permitted by (a.).
 - ii. Maximum permitted area per sign: 20 square feet.
 - iii. No sign shall be located on the roof or the top horizontal plane of the canopy. (G. O. 143-97-98; 5/4/98)

- (b) **Auxiliary Sign** (such as required Gas Price Signs or “No Trespassing” sign):
 - 1. Permitted Sign Type: Wall Sign
 - 2. Maximum Permitted Number per Lot: Per approved site plan for new construction. For existing sites, staff approval is required.

3. Maximum Permitted Area per Sign: Combined area of all auxiliary signs shall be calculated independently of the requirements above, and shall not exceed 50% of the maximum permitted area.

(c) **On-Premise Directional Sign:**

1. Permitted Sign Type: Wall Sign or Monument Sign.
2. Maximum Permitted Number per Lot: One sign for each vehicular entrance, one sign for each vehicular exit, one sign for each parking area conditions list.
3. Maximum Permitted Area per Sign: Nine square feet.

(d) **Temporary Sign** (per section 15.807)

(e) **Off-Premise Directional Sign** (for governmental facility only):

1. Permitted Sign Type: Wall Sign or Monument Sign.
2. Maximum Permitted Number per Development: Per Conditional Use Permit.
3. Maximum Permitted Area per Sign: Four square feet.
4. Maximum Permitted Area of All Signs: Per Conditional Use Permit.

(g) **Community Information Sign** (per Section 15.802(3))

Section 15.807 Temporary Signs

Except as provided in (5) and (7) below, only one temporary sign may be displayed on a property at one time. Except as provided by (1) through (7) below, any one lot is permitted to display a temporary sign for a maximum of thirty days within any 12-month period. Furthermore, any one lot is limited to a maximum of six temporary signs in any 12-month period (political signs are exempt from this restriction). A portable sign is not a temporary sign. (G. O. 21-98-00; 7/6/98)

- (1) For each lot: one "For Sale," "For Rent," or "Garage Sale" signs, not more than 12 square feet in area.
- (2) For construction on or development of a lot, one sign not more than 32 square feet in area, indicating the name of the contractors, engineers or architect, or products being used in the construction of a building but only during the time that construction or development is actively under way.
- (3)
 - (a) For a temporary event of public interest such as a neighborhood garage sale involving three or more households or church fair, one sign, not over

32 square feet in area (or not over 100 square feet if visible from IH 43), located upon the site of the event. Such sign shall not be erected more than 30 days before the event and shall be removed immediately after the event.

- (b) For temporary events at exposition/exhibition facilities such as the municipal auditorium and the Blue Line Indoor Ice Center one sign per premises not more than 32 square feet for each event to be held at such sites. No more than one such sign shall be permitted on such a site at any one time and shall be removed from the site immediately after the event. (G. O. 142-97-98; 5/4/98)
- (4) Temporary political signs are permitted without restriction so long as they do not locate on public property including right-of-ways, they do not impair vision, or otherwise create a public nuisance.
- (5) For each real estate subdivision that has been approved in accordance with the City of Sheboygan Land Division Regulations, a minimum of two temporary development project identification signs are permitted to be located on some portion of the subject subdivision. Each such sign shall be not more than 32 square feet in area. One additional similar sign shall be permitted for each 100 lots in the subdivision in excess of said original 100 lots. These signs shall comply with the visibility standards of Section 15.703. These signs shall be permitted to remain within the subject subdivision until a time at which Building Permits have been issued for 80 percent or more of the lots in the subdivision.
- (6) One personal greeting/congratulatory sign per premises shall be permitted for up to 7 days which is limited to 8 feet tall and 32 square feet and which is not intended for commercial purposes.
- (6) Each City-wide festival organized and operated by a non-profit organization, authorized by the City, and located within a City park or upon public rights-of-way shall be permitted to display signs which advertise products or services of festival sponsors as well as products, services, or entertainment available on site during the festival. No sign shall be erected more than 5 days prior nor shall any sign remain more than 2 days after the authorized festival days. All City costs associated with the removal of any sign shall be paid by the operators of the festival. (G. O. 21-98-99; 7/6/98)

Section 15.808 Appearance, Construction, and Maintenance of Signage

- (1) All signage within the jurisdiction of this Chapter shall remain in a state of proper maintenance. Refer to Subsection (2), below.
- (2) Proper maintenance shall be the absence of loose materials (including peeling paint, paper or other material), the lack of excessive rust, the lack of excessive vibration or shaking, and the presence of the original structural integrity of the sign, its frame and other supports, its mounting, and all components thereof.

- (3) The repainting, changing of parts, and preventive maintenance of signs which completely conform to the requirements of this Chapter, and result in absolutely no change in the appearance of the sign from that originally approved, shall not be deemed alterations requiring a sign permit.
- (4) The owner, lessee, or manager of a sign, and the owner of the land on which the same is located, shall keep grass or weeds and other growth cut and debris and rubbish cleaned up and removed from the lot on which the sign is located.
- (5) Any signs which may be, or may hereafter become rotted, unsafe, or in a state which is not properly maintained shall be repaired or removed by the licensee or owner of the sign, or owner of the property upon which the sign stands upon notice of the Zoning Administrator.
- (6) All signs shall be constructed and mounted so as to comply with State Building Codes.
- (7) All signs and decorative lighting shall be constructed and maintained to conform with State Electrical Codes.
- (8) The base of signs shall be landscaped so as to conceal footings, mountings, brackets, and related structural elements.
- (9) All signs shall in no instance create a traffic visibility or other safety hazard.
- (10) Signage found to be in violation of the provisions of this Subchapter shall be subject to the provisions of Section 15.937.
- (11) It shall be the responsibility of the Applicant to provide written certification of compliance with all applicable State costs to the Zoning Administrator for approval of the provisions outlined in (1) through (10), above.

Section 15.809 Nonconforming On-Premise Signs

- (1) **Nonconforming On-Premise Signs**
 - (a) On-premise signs existing as of the effective date of this Chapter (refer to Section 15.011) which do not conform to the provisions of this Subchapter, shall be nonconforming signs and shall be subject to the provisions of Section 15.809(2). Nonconforming signs may be maintained. No nonconforming on-premise sign shall be altered or moved to a new location without being brought into compliance with the requirements of this Chapter. Refer to Subsection (2)(a).
 - (b) Business signs on the premises of a nonconforming use or building may be continued per Section 15.809(2), but shall not be allowed to expand in number, area, height, or illumination. New signs, not to exceed the maximum allowable aggregate sign area may be erected only upon the complete removal of all other nonconforming signs.

- (c) Nonconforming on-premise signs shall be removed when the principal structure located on the premises undergoes a change of use, or shall be removed per Section 15.809(2). Closing businesses must remove their signs within 60 days of closing.
- (d) On-premise signage not in compliance with the provisions of this Section shall be subject to the provisions of Section 15.809(2).

(2) Removal of Nonconforming On-Premise Signs

(a) Alteration of Signs

- 1. For the purpose of this Chapter, alteration of a sign is considered to be any structural change to the sign (such as a change to the supporting poles, a change in the sign frame, or a change in sign location), other than changes to ensure safety required by the City. Any alteration of the sign requires conformance with all the regulations of this subchapter (e.g. any structural change to the sign requires that the sign comes in to conformance with the locational requirements, the height regulations, and the total sign area requirements of this subchapter).
 - 2. Altering a sign does not include maintaining the existing appearance of the sign or replacing the sign face, business name, or the supporting structure with identical materials, colors, and messages nor changing the message of a marquee sign, nor changing the face of an off-premise advertising sign.
- (b) All on-premise signs found not to be in compliance with the provisions of this Subchapter shall be removed within 30 days of receiving written notice of noncompliance and removal from the Zoning Administrator.
 - (c) The penalties of Section 15.937 shall be applicable to violations of this Subchapter.

Section 15.810 Off-Premise Advertising Signs (Billboards)

- (1) Off-premise advertising signs shall be limited in sign location, maximum sign area, minimum sign spacing, and configuration.
- (2) **Sign Location and Zoning District Limitations**

Off-premise advertising signs are permitted by right on legal conforming or legal nonconforming lots in the UC district, and in the former B-3 and B-4 districts as those districts existed as of August 5, 1996, with Taylor Drive and Kohler Memorial Drive excluded. Illegal, nonconforming lots shall not be used for new off-premise advertising sign locations. In addition, all off-premise advertising signs existing as of the effective date of this Chapter which are located in the former B-3, B-4, I-1, I-2 and I-3 districts shall be considered as lawful, conforming signs. Such existing signs shall not be eliminated through the conditional use

process, and may be continued on legal, legal nonconforming, or illegal nonconforming lots where such signs exist as of the effective date of this Ordinance. Off-premise advertising signs shall be prohibited in all other zoning districts. Off-premise advertising signs shall be a minimum of 12 feet from any street right-of-way (except for all mounted signs) and shall not be located within a vision triangle or create a traffic visibility or other public safety hazard. Off-premise advertising signs may not be located on roofs, but may be freestanding or located on building walls.

(3) **Maximum Sign Number Cap**

The number of off-premise advertising signs permitted with the City of Sheboygan shall be limited to the number of legally permitted off-premise advertising signs existing within the City as of the effective date of this Chapter, including signs for which legal permits have been issued, but are not yet erected. This number shall be referred to as the “off-premise sign cap”. The inventory of legally erected signs and legal sign permits which comprise this cap shall be maintained by the Zoning Administrator. When land is annexed into the City of Sheboygan that has legally permitted off-premise advertising signs on it, the number of those signs shall be added to the “cap”. Annexed signs shall secure a legal sign permit issued by the Zoning Administrator to ensure accurate reflection in the sign inventory. All such annexed signs shall be otherwise governed by all the Regulations of this Chapter.

Any signs that are removed from locations permitted by this cap shall allow the property owner of said locations to have first right to replacement permits for signs on said property for a period of sixty (60) days. If the property owner does not exercise his right then any sign which is permitted by this “cap” which is subsequently removed may be replaced by the owner of the removal sign in any legally permitted location, with the granting of a sign permit by the City of Sheboygan.

The owner of the sign shall secure a legal permit from the City for removal of the original sign and for the erection of the replacement sign if the landowner does not exercise his right to obtain a permit for replacement signs. Any such removed sign which is not replaced by the landowner, sign owner, or “other holder of the wrecking permit” within eighteen months of the sign removal, will create an available “replacement sign” which may be sued by the first applicant who secures a legal sign permit from the City.

(4) **Application for Off-Premise Advertising Sign Permit**

The application for an off-premise advertising sign permit shall contain all information necessary for the Zoning Administrator to ensure that the sign meets all requirements of this chapter, and to ensure that accurate sign inventory records are kept. No permit shall be issued for a replacement sign until the sign on the wrecking permit has been fully removed.

(5) **Maximum Sign Area**

The maximum area of an off-premise advertising sign shall be 288 square feet for poster panel signs and 672 square feet for painted bulletin signs, plus up to an additional 20% of said areas for attached cutout extensions. Except for lawful conforming signs existing as of the effective date of this Chapter, plus eight additional 672 square foot signs, no off-premise advertising sign may exceed 288 square feet, plus up to an additional 20% of said areas for attached cutout extensions. As land is annexed to the City with 672 square foot size signs, those numbers will be added to the total allowed. Legal off-premise advertising signs existing as of the effective date of this Chapter may be legally maintained, rebuilt or modernized as legal conforming signs at the same size and same property. Signs attached to one-another (side by side signs) or located on the same support (double-deck signs) shall be counted as separate signs. Back-to-back off-premise advertising signs or "V-shaped" off-premise advertising signs which are installed perpendicular to the street (where no more than 15 feet of spacing exists between the two closest spread ends) or are otherwise installed so as to be viewed from one direction of travel on the street) shall be counted as separate signs which face in different directions, (and thus may be permitted per (6), below if the spacing limitations of (6) are otherwise met).

(6) Spacing Limitation

- (a) Off-premise advertising signs shall be spaced in a manner which avoids the over-concentration of off-premise advertising signs in a limited area. To accomplish this, off-premise advertising signs located along the same side of a road shall be spaced from sign center to sign center in the following manner:
 - 1. Along Interstate Highway (IH 43), the minimum spacing of off-premise advertising signs which face in the same general direction of travel shall be 500 feet. In addition, one State-permitted off-premise "Directional Sign" shall be allowed per mile facing the same general direction of travel. In no instance shall said sign be located closer than 100 feet to an existing off-premise advertising sign.
 - 2. Along all other roads, the minimum spacing of poster panel or painted bulletin off-premise advertising signs which face in the same general direction of travel shall be 200 feet.
- (b) No more than one 672 square foot painted bulletin sign, nor more than two 288 square foot poster panel signs may be permitted in any location which face so as to be viewed from the same direction of travel.

(7) Visibility of Off-Premise Advertising Signs

Where possible, the City shall adjust the spacing of its street tree plantings to provide for the visibility of off-premise advertising signs. To accomplish this, trees which would normally be spaced at regular intervals shall be clustered

away from the intended sight lines within 150 feet of an off-premise advertising sign. Low leaf density trees such as locust and linden shall also be used to minimize sign sight line obstruction.

(8) Sign Design and Construction

Off-premise advertising signs shall not exceed 30 feet in height, as measured from the elevation of the public right-of-way roadway pavement to the top of the structure. Off-premise advertising signs shall be designed to comply with the State Building Code. Illuminated off-premise advertising signs shall be designed to conceal the view of the lighting elements from other properties and any public right-of-way. The concrete bases of off-premise advertising signs and electrical services shall be reasonably screened from view through the use of decorative sign structure and/or landscaping.

(9) Nonconforming Off-Premise Signs

Off-premise advertising signs which do not comply with the provisions of this Section but were in place as of the effective date of this Chapter shall be regulated as legal, conforming structures. The message of all legal off-premise advertising signs (including cutout extensions) may be replaced with another message without the need to secure a sign permit. Written notification to the Zoning Administrator shall be required for the change from a painted bulletin sign to a poster panel if costs do not exceed \$400.00. If the costs for a change from a painted bulletin to a poster panel exceed \$400.00, a sign permit shall be required. Any other change in the sign, including the placement of any additional signs, shall require a sign permit

(10) Off-Premise Signs and Conditional Land Uses

The conditional use process, when applied to a property containing an off-premises sign, shall not be used to require the removal of the sign. Additionally, off-premise advertising signs shall not be considered a conditional use and shall not be required to go through the conditional use process for a sign permit to be granted on a property that has a conditional use business located or proposed on it. However, off-premise signs shall be placed so as not to create a public safety hazard, as determined by the City of Sheboygan Police Department, and shall be designed and located so as to minimize nuisance potential as determined through the site plan review process.

SUBCHAPTER 15-9: PROCEDURES AND ADMINISTRATION

Section 15.901 Purpose of Procedural Regulations

The purpose of this portion of the Subchapter is to establish the procedural requirements for zoning text amendments, zoning map amendments, conditional use review and approval, special use review and approval, temporary use review and approval, sign permits, site plan review and approval, variances, and appeals of zoning provision interpretations to the Zoning Board of Appeals.

Section 15.902 Amendment of Zoning Regulations

- (1) **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 Chapter. (Refer to the requirements of Wisconsin Statutes 62.23(7)(d).

- (2) **Initiation of Request for Amendment to this Chapter:**

Proceedings for amendment of this Chapter may be initiated by any one of the following three methods:

- (a) an application by any member of the general public;
- (b) a recommendation of the City staff or Plan Commission; or
- (c) by action of the City Council.

- (2) **Application Requirements:** All applications for proposed amendments to this Chapter, regardless of the part of their initiation per 15.902(2) above shall be approved as complete by the Zoning Administrator prior to the formal initiation of this procedure. The submittal of an application to the City Clerk to initiate this procedure shall not occur until the Zoning Administrator has certified acceptance of the complete application to the City Clerk. No placement of the application on any agenda, as an item to be acted upon, shall occur unless said certification has occurred. The item may be placed on any agenda as a discussion-only item, with the permission of the Zoning Administrator, without an application. Prior to the submittal of the Official Notice regarding the application to the newspaper by the City Clerk, the applicant shall provide the City Clerk with a copy of the complete application as certified by the Zoning Administrator. Said complete application shall be comprised of all of the following:
- (a) A copy of the portion of the current provisions of this Chapter which are proposed to be amended, with said provisions clearly indicated in a manner which is clearly reproducible with a photocopier;
 - (b) A copy of the text which is proposed to replace the current text; and
 - (c) As an optional requirement, the applicant may wish to provide written justification for the proposed text amendment, consisting of the reasons why the applicant believes the proposed text amendment is in harmony with the recommendation of the City of Sheboygan Comprehensive Master Plan, particularly as evidenced by compliance with the standards set out in subsection (4)(c)1.-5., below.
- (4) **Review by the Zoning Administrator:** The proposed text amendment shall be reviewed by the Zoning Administrator as follows:
- (a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the Zoning Administrator determines that the application is not complete or does not fulfill the requirements of this Chapter, he shall return the application to the applicant. If the Zoning Administrator determines that the application is complete, he shall so notify the applicant.
 - (b) Upon notifying the applicant that his application is complete, the Zoning Administrator shall review the application and evaluate and comment on the written justification for the proposed text amendment provided in the application per Subsection 15.902(3)(a)-(c), above.
 - (c) The Zoning Administrator may also evaluate the application to determine whether the requested text amendment is in harmony with the recommendations of the City of Sheboygan's Comprehensive Master Plan, particularly as evidenced by compliance with the standards of Subsection 15.902(4)(c)1.-5. below:

1. How does the proposed text amendment further the purposes of this Chapter as outlined in Section 15.005?
 2. How does the proposed text amendment further the purposes of the general Subchapter in which the amendment is proposed to be located?
 3. How does the proposed text amendment further the purposes of the specific Section in which the amendment is proposed to be located?
 4. Which of the following factors has arisen that are not properly addressed in the current zoning text?
 - a. The provisions of this Chapter should be brought into conformity with the Comprehensive Master Plan. (If a factor related to the proposed amendment, not pertinent portions of the Comprehensive Master Plan.);
 - b. A change has occurred in the land market, or other factors have arisen which require a new form of development, a new type of land use, or a new procedure to meet said change(s);
 - c. New methods of development for providing infrastructure make it necessary to alter this Chapter to meet these new factors;
 - d. Changing governmental finances require amending this Chapter in order to meet the needs of the government in terms of providing and affording public services.
 5. If the proposed text amendment is concerned with the provisions of Subchapter 15-2 and/or 15-3: How does the proposed amendment maintain the desired overall consistency of land uses, land use intensities, and land use impacts within the pertinent zoning districts?
 - (d) The Zoning Administrator shall forward the report per 15.902(4)(b), and if prepared the report per 15.902(4)(c), to the Plan Commission for the Commission's review and use in making its final recommendation to City Council. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of the City's Comprehensive Master Plan, the Zoning Administrator shall note this determination in the report.
- (5) **Review and Recommendation by the Plan Commission:** City Council shall not make an amendment to this Chapter without allowing for a recommendation from the Plan Commission per the provisions of this Subsection.
- (a) The Plan Commission shall schedule a reasonable time and place for a public meeting to consider the application within 45 days after the acceptance and determination of the complete application as determined

by the Zoning Administrator. The application may appear in person, or by agent, and/or by attorney.

- (b) Within 60 days after the public meeting (or within an extension of said period requested in writing by the applicant and granted by the Plan Commission), the Plan Commission may make a written report stating to the City Council, and/or shall state in the minutes, its findings regarding Subsections 15.902(3) and (4), above, and its recommendations regarding the application as a whole. Said report may include a formal finding of facts developed and approved by the Plan Commission concerning the requirements of 15.902(4)(c)1.-5., above.
 - (c) If the Plan Commission fails to make a report within 60 days after the filing of said complete application (and in the absence of an applicant-approved extension per (5)(b), above), then the City Council shall hold a public hearing within 30 days after the expiration of said 60 day period. Failure to received said written report from the Plan Commission per Subsection 15.902(5)(b), above, shall not invalidate the proceedings or actions of the City Council.
 - (d) If the Plan Commission recommends approval of an application, it shall state in the minutes or in the subsequently issued written report to the City Council, its conclusion and any finding of facts supporting its conclusion as to the following: that the potential public benefits of the proposed text amendment outweigh, or do not outweigh, any and all potential adverse impacts of the proposed text amendment, as identified in Subsections 15.902(4)(c)1.-5. above, after taking into consideration the proposal by the applicant.
- (6) **Review and Action by City Council:** City Council shall consider the Plan Commission's recommendation regarding the proposed text amendment. The City Council may request further information and/or additional reports from the Plan Commission, the Zoning Administrator, and/or the applicant.
- (a) The City Council shall schedule a reasonable time and place for a public hearing to consider the application within 45 days after receipt of the written recommendation from the Plan Commission. The applicant may appear in person, or by agent, and/or by attorney. Notice of the proposed text amendment and the public hearing shall conform to the requirements of Section 62.23(7)(d) of the Wisconsin Statutes. Said notice shall contain a description of the proposed text amendment. In addition, at least ten days before said public hearing, the City Clerk shall mail an identical notice to the applicant and to the Clerk of any municipality whose boundaries are within 1,000 feet of any portion of the jurisdiction of this Title. Failure to mail said notice, provided it is unintentional, shall not invalidate proceedings under this Section.
 - (b) The City Council may take final action on the application at the time of public hearing, or may continue the proceedings at its discretion or at the applicant's request. City Council may approve the text amendment as originally proposed, may approve the proposed text amendment with

modifications (per the recommendations of the Zoning Administrator, the Plan Commission, authorized outside experts, or its own members) or may deny approval of the proposed text amendment. If the City Council wishes to make significant changes in the proposed text amendment, as recommended by the Plan Commission, then the procedure set forth in Section 62.23(7)(d) of the Wisconsin Statutes shall be followed prior to City Council action.

- (c) When the City Council takes action on the application, it shall state in the minutes and/or in a subsequently issued written decision, its conclusion and any finding of facts supporting its conclusion as to the following: that the potential public benefits of the proposed text amendment outweigh, or do not outweigh, any and all potential adverse impacts of the proposed text amendment, as identified in Subsections 15.902(4)(c)1.-5. above, after taking into consideration the proposal by the applicant and the recommendation of the Plan Commission. Any action to amend the provisions of proposed text amendment requires a majority vote of the City Council. The City Council's approval of the proposed text amendment shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed amendments to provisions of this Chapter.
- (7) **Effect of Denial:** No application which has been denied (either wholly or in part) shall be resubmitted for a period of 6 months from the date of said order of denial, except on grounds of new evidence or proof of change found valid by the Zoning Administrator.
- (8) **Protest:** In the event of a protest against such amendment to the regulations of this Chapter filed with the City Clerk, duly signed and acknowledged either by the owners of 20% or more of the areas of the land included in such proposed change, or by owners of 20% or more of the area of land immediately adjacent extending 100 feet therefrom, or by the owners of 20% or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, then such amendment shall not become effective except by the favorable vote of three-fourths of the members of the Common Council.
- (9) **Fee:** A fee is required for this procedure. Refer to Section 15.936(1)(a).

Section 15.903 Amendment of Official Zoning Map

- (1) **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 the Official Zoning Map (see Sections 15.102 and 15.107). (Refer to the requirements of Wisconsin Statutes 62.23(7)(d)2.)
- (2) **Initiation of Request for Amendment to Official Zoning Map:** Proceedings for amendment to the Official Zoning Map may be initiated by any one of the following three methods:

- (a) an application of the owner(s) of the subject property;
 - (b) a recommendation of the City staff or the Plan Commission; or
 - (c) by action of the City Council.
- (3) **Application Requirements:** All applications for proposed amendments to the Official Zoning Map, regardless of the party of their initiation per 15.903(2) above, shall be filed in the office of the Zoning Administrator, and shall be approved as complete by the Zoning Administrator prior to the formal initiation of this procedure. The submittal of an application to the City Clerk to initiate this procedure shall not occur until the Zoning Administrator has certified acceptance of the complete application to the City Clerk. No placement of the application on any agenda, as an item to be acted upon, shall occur unless said certification has occurred. The item may be placed on any agenda as a discussion-only item, with the permission of the Zoning Administrator, without an application. Prior to the submittal of the Official Notice regarding the application to the newspaper by the City Clerk, the applicant shall provide the City Clerk with a copy of the complete application as certified by the Zoning Administrator. Said complete application shall be comprised of all of the following:
- (a) A map of the subject property showing all lands for which the zoning is proposed to be amended, and all other lands within 100 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current tax records of the City of Sheboygan. Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;
 - (b) A map, such as the Land Use Plan Map, of the generalized location of the subject property in relation to the City as a whole; and
 - (c) As an optional requirement, the applicant may wish to provide written justification for the proposed map amendment, consisting of the reasons why the applicant believes the proposed map amendment is in harmony with the recommendations of the City of Sheboygan Comprehensive Master Plan, particularly as evidenced by compliance with the standards set out in Subsection 15.903(4)(c)1.-3., below.
- (4) **Review by the Zoning Administrator:** The proposed amendment to the Official Zoning Map shall be reviewed by the Zoning Administrator as follows:
- (a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the Zoning Administrator determines that the application is not complete or does not fulfill the requirements of this Chapter, he shall return the application to

the applicant. If the Zoning Administrator determines that the application is complete, he shall so notify the applicant.

- (b) Upon notifying the applicant that his application is complete, the Zoning Administrator shall review the application and evaluate and comment on the written justification for the proposed map amendment provided in the application per Subsection 15.903(3)(a)-(c), above.
- (c) The Zoning Administrator may also evaluate the application to determine whether the requested amendment to the Official Zoning Map is in harmony with the recommendations of the City of Sheboygan's Comprehensive Master Plan, particularly as evidenced by compliance with the standards of 15.903(4)(c)1.-3.:
 - 1. How does the proposed Official Zoning Map amendment further the purposes of this Chapter as outlined in Section 15.005 and the applicable rules and regulations of the Wisconsin Department of Natural Resources (DNR) and the Federal Emergency Management Agency (FEMA)?
 - 2. Which of the following factors has arisen that are not properly addressed on the current Official Zoning Map?
 - a. The designations of the Official Zoning Map should be brought into conformity with the Comprehensive Master Plan;
 - b. A mistake was made in mapping on the Official Zoning Map. (That is, an area is developing in a manner and purpose different from that for which it is mapped.) NOTE: If this reason is cited, it must be demonstrated that the discussed inconsistency between actual land use and designated zoning is not intended, as the City may intend to stop an undesirable land use pattern from spreading;
 - c. Factors have changed, (such as the availability of new data, the presence of new roads or other infrastructure, additional development, annexation, or other zoning changes), making the subject property more appropriate for a different zoning district;
 - d. Growth patterns or rates have changed, thereby creating the need for an Amendment to the Official Zoning Map.
 - 3. How does the proposed amendment to the Official Zoning Map maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?
- (d) The Zoning Administrator shall forward the report per 15.903(4)(b), and if prepared the report per 15.903(4)(c), to the Plan Commission for the

Commission's review and use in making its final recommendation to City Council. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of the City's Comprehensive Master Plan, the Zoning Administrator shall note this determination in the report.

- (5) **Review and Action by the Plan Commission:** City Council shall not make an amendment to the Official Zoning Map without allowing for a recommendation from the Plan Commission per the provisions of this Subsection.
 - (a) The Plan Commission shall schedule a reasonable time and place for a public meeting to consider the application within 45 days after the acceptance and determination of the complete application as determined by the Zoning Administrator. The applicant may appear in person, or by agent, and/or by attorney.
 - (b) Within 60 days after the public meeting (or within an extension of said period requested in writing by the applicant and granted by the Plan Commission), the Plan Commission may make a written report stating to the City Council, and/or shall state in the minutes, its findings regarding Subsections 15.903(3) and (4), above, and its recommendations regarding the application as a whole. Said report may include a formal finding of facts developed and approved by the Plan Commission concerning the requirements of 15.903(4)(c)1.-3., above.
 - (c) If the Plan Commission fails to make a report within 60 days after the filing of said complete application (and in the absence of an applicant-approved extension per 15.903(5)(b), above), then the City Council shall hold a public hearing within 30 days after the expiration of said 60 day period. Failure to receive said written report from the Plan Commission per subsection 15.903(5)(b), above, shall not invalidate the proceedings or actions of City Council.
 - (d) If the Plan Commission recommends approval of an application, it shall state in the minutes or in subsequently issued written report to the City Council, its conclusion and any finding of facts supporting its conclusion as to the following: that the potential public benefits of the proposed amendment to the Official Zoning Map outweigh, or do not outweigh, any and all potential adverse impacts of the proposed map amendment, as identified in Subsections 15.903(4)(c)1.-3. above, after taking into consideration the proposal by the applicant.
- (6) **Review and Action by City Council:** City Council shall consider the Plan Commission's recommendation regarding the proposed amendment to the Official Zoning Map. The City Council may request further information and/or additional reports from the Plan Commission, the Zoning Administrator, and/or the applicant.
 - (a) The City Council shall schedule a reasonable time and place for a public hearing to consider the application with 45 days after receipt of the written recommendation from the Plan Commission. The applicant may appear in person, or by agent, and/or by attorney. Notice of the proposed

amendment to the Official Zoning Map and the public hearing shall conform to the requirements of Section 62.23(8)(d) of the Wisconsin Statutes. Said notice shall contain a description of the subject property and the proposed change in zoning. In addition, at least ten days before said public hearing, the City Clerk shall mail an identical notice to the applicant; to all property owners within 100 feet of the boundaries of the subject property as identified in Subsection 15.903(3)(a), above; and to the Clerk of any municipality whose boundaries are within 1,000 feet of any portion of the jurisdiction of this Title. Failure to mail said notice, provided it is unintentional, shall not invalidate proceedings under this Section.

- (b) The City Council may take final action on the application at the time of public hearing, or may continue the proceedings at its discretion or at the applicant's request. City Council may approve the amendment to the Official Zoning Map as originally proposed, may approve the proposed map amendment with modifications (per the recommendations of the Zoning Administrator, the Plan Commission, authorized outside experts, or its own members) or may deny approval of the proposed map amendment. If the City Council wishes to make significant changes in the proposed map amendment, as recommended by the Plan Commission, then the procedure set forth in Section 62.23(7)(d) of the Wisconsin Statutes shall be followed prior to City Council action.
 - (c) When the City Council takes action on the application, it shall state in the minutes and/or in a subsequently issued written decision, its conclusion and any findings of facts supporting its conclusion as to the following: that the potential public benefits of the proposed map amendment outweigh, or do not outweigh, any and all potential adverse impacts of the proposed map amendment, as identified in Subsections 15.903(c)1.-3. above, after taking into consideration the proposal by the applicant and the recommendation of the Plan Commission. Any action to amend the provisions of proposed map amendment requires a majority vote of the City Council. The City Council's approval of the proposed map amendment shall be considered the approval of a unique request, and shall not be construed as precedent for any other amendment to the Official Zoning Map.
- (7) Effect of Denial: No application which has been denied (either wholly or in part) shall be resubmitted for a period of 6 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.
 - (8) Protest: In the event of a protest against such amendment to the Official Zoning Map filed with the City Clerk, duly signed and acknowledged either by the owners of 20% or more the areas of the land included in such proposed change, or by owners of 20% or more of the area of land immediately adjacent extending 100 feet therefrom, or by the owners of 20% or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, then such amendment of the Official Zoning Map shall not become effective except by the favorable vote of three-fourths of the members of the Common Council.

- (9) **Fee:** A fee is required for this procedure. Refer to Section 15.936(1)(b).

Section 15.904 Special Use Review and Approval

(1) **Purpose**

- (a) The purpose of this section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed special uses.
- (b) Special uses are those uses which have the potential to create undesirable impacts on nearby properties if allowed to develop simply under the general requirements of this Chapter. In order to prevent this from occurring, all special uses are required to meet certain requirements applicable only to special uses, in addition to the general requirements of this Chapter and the requirements of the zoning district in which the subject property is located.
- (c) Land uses proposed which fail to meet one of the requirements for special uses of Section 15.206, may be reviewed as a conditional use. (See Section 15.202(3)(b).)

- (2) **Regulations Applicable to All Special Uses:** No public hearing is required to develop a special use, however, a demonstration that the developer proposes to meet all special use requirements of this Subchapter and Subchapter 15-4 must be made at time of site plan application (see Section 15.908). Furthermore, no Building Permit shall be issued for any development which does not comply with all requirements of this Chapter. Any special use found not to be in compliance with the terms of this Chapter shall be considered in violation of this Chapter and shall be subject to all applicable procedures and penalties.

- (3) **Application Requirements:** All applications for proposed special uses, shall be approved as complete by the Zoning Administrator prior to certification of the proposed special use. Said complete application shall be comprised of all of the following:

- (a) A map of the subject property showing all lands for which the special use is proposed, and all other lands within 200 feet of the boundaries of the subject property. Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;
- (b) A map, such as the Land Use Plan Map, of the generalized location of the subject property in relation to the City as a whole;

- (c) A written description of the proposed special use describing the type of activities, buildings, and structures proposed for the subject property and their general locations; and
 - (d) A site plan of the subject property as proposed for development. Said site plan shall conform to any an all the requirements of Section 15.908(3).
- (4) **Fee:** A fee is required for this procedure. Refer to Section 15.936(1)(c).

Section 15.905 Conditional Use Review and Approval

(1) Purpose

- (a) The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed conditional uses.
 - (b) Certain uses in situations which are of such a special nature, or are so dependent upon actual contemporary circumstances, as to make impractical the predetermination of permissibility, or the detailing in this Chapter of specific standards, regulation, or conditions which would permit such determination in each individual situation, may be permitted as conditional uses.
 - (c) Conditional uses are also those proposed uses which are listed as special uses, but fail to meet one of the requirements for special use approval listed in Section 15.206. (See Section 15.202(3)(b).
 - (d) Under this Chapter, a proposed Conditional Use shall be denied unless the applicant can demonstrate, to the satisfaction of the City Plan Commission, that the proposed Conditional Use will not create major undesirable impacts on nearby properties, the environment, nor the community as a whole.
- (2) **Initiation of Request for Approval of a Conditional Use:** Proceedings for approval of a conditional use may be initiated by an application of the owner(s) of the subject property.
- (3) **Application Requirements:** All applications for proposed conditional uses shall be approved as completed by the Zoning Administrator prior to the initiation of this procedure. No placement of the application on any agenda, as an item to be acted upon, shall occur unless said certification has occurred. The item may be placed on any agenda as a discussion-only item, without an application. Prior to the submittal of the Official Notice regarding the application to the newspaper, the applicant shall provide 5 copies of the complete application. Said complete application shall be comprised of all of the following:

- (a) A map of the subject property showing all lands for which the conditional use is proposed, and all other lands within 200 feet of the boundaries of the subject property, together with the names and address of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Sheboygan County. Said map shall clearly indicate the current zoning of the subject property and all other land within 200 feet, and the jurisdiction(s) which maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;
 - (b) A map, such as the Land Use Plan Map, showing the generalized location of the subject property in relation to the City as a whole;
 - (c) A written description of the proposed conditional use, describing the type of activities, buildings, and structures proposed for the subject property and their general locations;
 - (d) A site plan of the subject property as proposed for development. Said site plan shall conform to any and all the requirements of Section 15.206(1)(b) or a group development (per Section 15.208). A proposed preliminary plat or conceptual plat may be substituted for the required site plan, provided said plat contains all information required on said site plan per section 15.908.
 - (e) Additionally, the applicant may wish to provide written justification for the proposed conditional use consisting of the reasons why the applicant believes the proposed conditional use is appropriate, particularly as evidenced by compliance with the standards set forth in Subsection 15.905(4)(c)1.-6.
- (4) **Review by the Zoning Administrator:** The proposed conditional use shall be reviewed by the Zoning Administrator as follows:
- (a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the Zoning Administrator determines that the application is not complete or does not fulfill the requirements of this Chapter, he shall return the application to the applicant. If the Zoning Administrator determines that the application is complete, he shall so notify the applicant.
 - (b) Upon notifying the applicant that his application is complete, the Zoning Administrator shall review the application and evaluate and comment on the written justification for the proposed conditional use.
 - (c) The Zoning Administrator may also evaluate the application to determine whether the requested conditional use is in harmony with the recommendations of the City's Comprehensive Master Plan, particularly as evidenced by compliance with the standards of Subsection (4)(c)1.-6. below:

1. How is the proposed conditional use (the use in general, independent of its location) in harmony with the purposes, goals, objectives, policies and standards of the City of Sheboygan Comprehensive Plan, this Chapter, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the City?
 2. How is the proposed conditional use (in its specific location) in harmony with the purposes, goals, objectives, policies and standards of the City of Sheboygan Comprehensive Plan, this Chapter, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the City?
 3. Does the proposed conditional use, in its proposed location and as depicted on the required site plan, result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of this Chapter, the Comprehensive Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the City or other governmental agency having jurisdiction to guide development?
 4. Does the proposed conditional use maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?
 5. Is the proposed conditional use located in an area that will be adequately served by, and will not impose an undue burden on any of the improvements, facilities, utilities or services provided by public agencies serving the subject property?
 6. Do the potential public benefits of the proposed conditional use outweigh any and all potential adverse impacts of the proposed conditional use after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts?
- (d) The Zoning Administrator shall forward the report to the Plan Commission for the Commission's review and use in making its decision. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of the City's Comprehensive Master Plan, the Zoning Administrator shall note this determination in the report.

(5) **Review by the Plan Commission and Public Hearing:**

- (a) The Plan Commission shall schedule a public hearing to consider the application within 45 days after the acceptance and determination of the complete application as determined by the Zoning Administrator, the applicant may appear in person, or by agent, and/or by attorney. Said notice shall contain a description of the subject property and the proposed conditional use. In addition, at least seven days before said public hearing, the Zoning Administrator shall mail an identical notice to the applicant and to all owners of abutting properties. Failure to mail said notice, provided it is unintentional, shall not invalidate proceedings under this Section.
 - (b) Within 60 days after the public hearing (or within an extension of said period requested in writing by the applicant and granted by the Plan Commission), the Plan Commission shall make its findings. If the Plan Commission makes a favorable finding, it shall state in the minutes and in a substantially issued written conditional use permit, its conclusion and any finding of facts supporting its conclusion.
 - (c) For existing developments that do not meet the landscaping and paving requirements of this Chapter, the Plan Commission may choose to require the development paving and landscaping to come into compliance with the requirements per Section 15.307.
- (6) **Plan Commission Action:** The Plan Commission may take final action on the application at the time of its initial consideration of the written conditional use permit, or may continue the proceedings at its discretion or at the applicant's request. The Plan Commission may approve the conditional use as originally proposed, may approve the proposed conditional use with modifications or may deny approval of the proposed conditional use. The Plan Commission's approval of the proposed conditional use shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed conditional use.
- (7) **Effect of Denial:** No application which has been denied (either wholly or in part) shall be resubmitted for a period of 6 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.
- (8) **Termination of an approved Conditional Use:** Upon approval by Plan Commission, the applicant must demonstrate that the proposed conditional use meets all general and specific conditional use requirements in the site plan required for initiation of development activity on the subject property per Section 15.908. Once a conditional use is granted, no Erosion Control Permit, Site Plan approval (per Section 15.908), Certificate of Compliance (per Section 15.909), or Building Permit shall be issued for any development which does not comply with all requirements of the Conditional Use Permit. The applicant shall provide Certification of Compliance to the City staff upon completion of the development activity. Any conditional use found not to be in compliance with the terms of this Chapter shall be considered in violation of this Chapter and shall be subject to all applicable procedures and penalties. A conditional use may be revoked for such

a violation by majority vote of the Plan Commission, following the procedures outlined in Subsections (2) through (7), above.

- (9) **Time Limits on the Development of Conditional Use:** The start of construction of any and all conditional uses shall be initiated within 365 days of their approval by Plan Commission and shall be operational within 730 days of said approval. Failure to initiate development within this period shall automatically constitute a revocation of the conditional use. For the purposes of this Section, “operational” shall be defined as the granting of a Certificate of Compliance for the conditional use. Prior to such a revocation, the applicant may request an extension of this period. Said request shall require formal approval by Plan Commission and shall be based upon a showing of acceptable justification (as determined by Plan Commission).
- (10) **Discontinuing an Approved Conditional Use:** Any and all conditional uses which have been discontinued for a period exceeding 365 days shall have their conditional use invalidated automatically. The burden of proof shall be on the property owner to conclusively demonstrate that the subject conditional use was operational during this period.
- (11) **Change of Ownership:** All requirements of the approved conditional use shall be continued regardless of ownership of the subject property. Modification, alteration, or expansion of any conditional use in violation as approved per (5) above, without approval by the Plan Commission, shall be grounds for revocation of said conditional use approval per (8), above.
- (12) **Recording of Conditional Use Requirements:** Except for conditional use approvals for temporary uses, all documents associated with the written description, the approved site plan, and the specific requirements of approval, and a memorandum referring to and stating the general purpose of the conditional use (along with a legal description of the subject property), shall be recorded by the applicant with the County Register of Deeds office and submit evidence of said recordation to the City staff.
- (13) **Fee:** One or more fees are required for this procedure. Refer to Section 15.936(1)(d). (G. O. 54-96-97; 11/4/96)

Section 15.906 Temporary Use Review and Approval

- (1) **Purpose**
 - (a) The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed temporary use.
 - (b) Temporary uses are those uses which have the potential to create undesirable impacts on nearby properties if allowed to develop simply under the general requirements of this Chapter. In addition to such potential, temporary uses also have the potential to create undesirable

impacts on nearby properties which potentially cannot be determined except on a case by case basis. In order to prevent this from occurring, all temporary uses are required to meet certain procedural requirements applicable only to temporary uses, in addition to the general requirements of this Chapter and the requirements of the zoning district in which the subject property is located.

- (c) Land uses proposed which fail to meet one of the requirements for temporary uses of Section 15.206, may be reviewed as a conditional use. (See Section 15.202(3)(b).)
- (2) **Regulations Applicable to All Temporary Uses:** No public hearing is required to develop a temporary use, however, a demonstration that the developer proposes to meet all temporary use requirements of this Subchapter and Subchapter 15-4 must be made at time of site plan application (see Section 15.908). Furthermore, no Building Permit shall be issued for any development which does not comply with all requirements of this Chapter. Any temporary use found not to be in compliance with the terms of this Chapter shall be considered in violation of this Chapter and shall be subject to all applicable procedures and penalties.,
- (3) **Application Requirements:** All applications for proposed temporary uses, shall be approved as complete by the Zoning Administrator prior to certification of the proposed temporary use. Said complete application shall be comprised of all of the following:
 - (a) A map of the subject property showing all lands for which the temporary use is proposed, and all other lands within 200 feet of the boundaries of the subject property. Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;
 - (b) A map, such as the Land Use Plan Map, of the generalized location of the subject property in relation to the City as a whole;
 - (c) A written description of the proposed temporary use describing the type of activities, buildings, and structures proposed for the subject property and their general locations; and,
 - (d) A site plan of the subject property as proposed for development. Said site plan shall conform to any and all the requirements of Section 15.908(3).
- (4) **Fee:** A fee is required for this procedure. Refer to Section 15.936(1)(c).

Section 15.907 Sign Permit

- (1) **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.
- (2) **General Requirement:** Unless specifically exempted by Subchapter 15-8, no sign shall be erected, altered, or relocated after the effective date of this Chapter (see Section 15.011) until a Sign Permit has been secured from the Zoning Administrator.
- (3) **Application Requirements:** All applications for sign permits shall be made in writing on a form supplied by the City of Sheboygan Zoning Administrator. Said application shall be submitted with all required information provided by the sign company or additional consultants, as needed, and shall contain or have attached the following information:
 - (a) For new development, the approved site plan for the subject property (per Section 15.908), showing the location and dimensions of all buildings, structures, signs on the subject property; said subject property boundaries and dimensions; the location of the proposed sign; and the requirements of 15.907(c) through (e) below.
 - (b) For existing development, a sketch plan approved by the Zoning Administrator, showing the location and dimensions of all buildings, structures, signs on the subject property; said subject property boundaries and dimensions; the location of the proposed sign; and the requirements of 15.907(c) through (e) below.
 - (c) The configuration of the proposed sign listing the height, width, total square footage, method of attachment, method of illumination, and sign materials;
 - (d) The subject property's zoning designation; and
 - (e) The total area of all signs on the subject property both before and after the installation of the proposed sign.
- (4) **Procedure:** The Zoning Administrator shall review the submitted application for compliance with the requirements of Subsection (3), above. Upon the receipt of a complete applications, the Zoning Administrator shall review said application for compliance with the requirements of this Chapter, and shall issue an approved or denied Sign Permit based on the submitted application within ten working days of the acceptance of the complete application.
- (5) **Termination of a Sign Permit:** Any sign found not to be in compliance with the terms of this Chapter shall be considered in violation of this Chapter and shall be subject to all applicable procedures and penalties.
- (6) **Fee:** A fee is required for this procedure. Refer to Section 15.936(1)(f).

Section 15.908 Site Plan Review and Approval

(1) **Purpose:** The purpose of this Section is to specify the requirements and procedures for the review and approval of site plan applications. The provisions of this Section are designed to ensure that all proposed land use and development activity complies with the requirements of this Chapter. Specifically, this Section requires that the initiation of all development activity (including building permits, zoning certificates, occupancy permits for a change of use of an existing lot or structure where there is contemplated a site plan revision, clear cutting, grading or filling) require the approval of site, building and operational plans by the City Plan Commission before the building, occupancy, and zoning permits can be issued – except, however, that development activity associated with an approved final plat of subdivision or certified survey map for single-family and/or duplex/twin home dwelling units, and development activity associated with the full and complete implementation of a project approved within the PIP phase of the Planned Unit Development District (PUD) is exempt from this requirement. Site Plan Review and Approval is not required for a change of occupancy, a change in land use, or a change in the paved area, but is required for changes to principal or accessory structures or in instances which will increase traffic or change circulation.

(2) **Procedure**

(a) **Initiation of Request for Approval of a Site Plan**

Proceedings for approval of a site plan shall be initiated by the owner's of the subject property, or their legally authorized representative(s).

(b) **Pre-Application Meeting**

The applicant shall first meet with the Zoning Administrator and other applicable City Staff to discuss preliminary concepts and plans for the development. Guidance will be provided to the applicant on technical requirements and procedures, and a timetable for project review may be discussed.

(c) **Application for Site Plan Review and Review by Zoning Administrator**

The applicant shall apply to the Zoning Administrator for the scheduling of an appearance before the Plan Commission. The Zoning Administrator shall notify the applicant of the date and time of the applicable Plan Commission meeting. The appearance before the Plan Commission shall not be scheduled unless the application is approved as complete by the Zoning Administrator per the requirements of Subsection 15.908(3), below. The review of the submitted application shall be completed within ten working days of application submittal. Once the application is approved as complete, the Zoning Administrator shall schedule an appearance before the Plan Commission a minimum of two weeks from the date of complete application acceptance.

(3) **Application Requirements:** All applications for proposed site plans shall be approved as complete by the Zoning Administrator prior to the formal initiation of this procedure. The submittal of an application to the City Development Department to initiate this procedure shall not occur until the Zoning Administrator has certified acceptance of the complete application to the City Development Department. No placement of the application on any agenda, as an item to be acted upon, shall occur unless said certification has occurred. The item may be placed on any agenda as a discussion-only item, with the permission of the Zoning Administrator, without an application. Prior to the placement of the site plan application on the Plan Commission's agenda, the applicant shall provide the Zoning Administrator with a copy of the complete application as certified by the Zoning Administrator. Said complete application shall be comprised of all of the following:

(a) Written Description of the intended use describing in reasonable detail the:

1. existing zoning districts(s) (and proposed zoning district(s) if different);
2. land use plan map designation(s);
3. Natural Resources Site Evaluation Worksheet (Subsection 15.303);
4. current land uses present on the subject property;
5. proposed land uses for the subject property (per Section 15.206);
6. projected number of residents, employees, and daily visitors;
7. proposed amount of dwelling units, floor area, impervious surface area, and landscape surface area, and resulting site density, floor area ratio, impervious surface area ratio, and landscape surface area ratio;
8. operational considerations relating to hours of operation, projected normal and peak water usage, sanitary sewer or septic loadings, and traffic generation;
9. operational considerations relating to hours of potential nuisance creation pertaining to noncompliance with the performance standards addressed in Subchapter 15-7 (Sections 15.701-15.721) including, street access, traffic visibility, parking, loading, exterior storage, exterior lighting, vibration, noise, air pollution, odor, electromagnetic radiation, glare and heat, fire and explosion, toxic or noxious materials, waste materials, drainage, and hazardous materials. If no such nuisances will be created (as indicated by complete and continuous compliance with the provisions of Subchapter 15-7), then the statement "The proposed

development shall comply with all requirements of Subchapter 15-7." shall be provided;

10. exterior building and fencing materials (Sections 15.718 and 15.720);
 11. possible future expansion and related implications for 15.908(3)(a)1.-10., and;
 12. any other information pertinent to adequate understanding by the Plan Commission of the intended use and its relation to nearby properties.
- (b) A Small Location Map at 11"x17" showing the subject property and illustrating its relationship to the nearest street intersection. (A photocopy of the pertinent section of the City's Land Use Plan Map with the subject property clearly indicated shall suffice to meet this requirement.)
- (c) A Property Site Plan drawing (and reduction at 11"x17") which includes:
1. A title block which indicates the name, address and phone/fax number(s) of the current property owner and/or agent(s) (developer, architect, engineer, planner) for project;
 2. The date of the original plan and the latest date of revision to the plan;
 3. A north arrow and a graphic scale. Said scale shall not be smaller than one inch equals 100 feet;
 4. A legal description of the subject property;
 5. All property lines and existing and proposed right-of-way lines with bearings and dimensions clearly labeled;
 6. All existing and proposed easement lines and dimensions with a key provided and explained on the margins of the plan as to ownership and purpose;
 7. All required building setback lines;
 8. All existing and proposed buildings, structures, and paved areas, including building entrances, walks, drives, decks, patios, fences, utility poles, drainage facilities, and walls;
 9. The location and dimension (cross-section and entry throat) of all access points onto public streets;
 10. The location and dimension of all on-site parking (and off-site parking provisions if they are to be employed), including a

summary of the number of parking stalls provided versus the number required by this Chapter;

11. The location and dimension of all loading and service areas on the subject property and labels indicating the dimension of such areas;
12. The location of all outdoor storage areas and the design of all screening devices;
13. The location, type, height, size and lighting of all signage on the subject property;
14. The location, height, design/type, illumination power and orientation of all exterior lighting on the subject property – including the clear demonstration of compliance with Section 15.707;
15. The location and type of any permanently protected green space areas;
16. the location of existing and proposed drainage facilities; and
17. In the legend, data for the subject property:
 - a. Lot Area;
 - b. Floor Area;
 - c. Floor Area Ratio (b/A);
 - d. Impervious Surface Area;
 - e. Impervious Surface Ratio (d/A); and
 - f. Building Height

- (d) A Detailed Landscaping Plan of the subject property, at the same scale as the main plan (and reduction at 11"x17"), showing the location of all required bufferyard and landscaping areas, and existing and proposed landscape point fencing and berm options for meeting said requirements. The landscaping plan shall demonstrate complete compliance with the requirements of Subchapter 15-6. (NOTE: the individual plant locations and species, fencing types and heights, and berm heights need to be provided.) In addition, the plan shall separately show and enumerate, in chart form, on the face of the plan or attached sheets, the number of landscape points required for each specific category of required landscaping. It shall also show the number, size, type and location of the plants proposed to fulfill the requirements of each specific category listed in 15.604 through 15.610 of the Zoning Ordinance. (Amended, GO 27-01-02/8-6-01)

- (e) A Grading and Erosion Control Plan at the same scale as the main plan (and reduction at 11"x17") showing existing and proposed grades, including retention walls and related devices, and erosion control measures per the requirements of the City of Sheboygan Municipal Code.
 - (f) Elevation Drawings of proposed buildings or proposed remodeling of existing buildings showing finished exterior treatment shall also be submitted, with adequate labels provided to clearly depict exterior materials, texture, color and overall appearance. Perspective renderings of the proposed project and/or photos of similar structures may be submitted, but not in lieu of adequate drawings showing the actual intended appearance of the buildings.
 - (g) Three full size copies of 15.908(3)(c) through (f), above.
- (4) **Review by the Plan Commission:** The Plan Commission, in its consideration of the submitted complete application, shall take into account the basic intent of the Zoning Chapter to ensure attractive, efficient, and appropriate development of land in the community, exterior architectural design, construction materials, signage, color, and building form, and to ensure particularly that every reasonable step has been taken to avoid depreciating effects on surrounding property and the natural environment. The Plan Commission, in reviewing the application may require such additional measures and/or modifications as it deems necessary to accomplish this objective. For existing developments that do not meet the landscaping and paving requirements of this Chapter, the Plan Commission may choose to require the development's paving and landscaping to come into compliance with the requirements per Section 15.307. If such additional measures and/or modifications are required, the Plan Commission may withhold approval of the Site Plan until a revision depicting such additional measures and/or modifications are submitted to the satisfaction of the Plan Commission, or may approve the application subject to the provision of a revised application reflecting the direction of the Plan Commission to the satisfaction of the Zoning Administrator. Such amended plans and conditions applicable to the proposed use shall be made a part of the official record, and development activity on the subject property may not proceed until the revised application has been approved by one of the two above procedures as directed by the Plan Commission.
- (5) **Initiation of Land Use or Development Activity:** Absolutely no land use or development activity, including site clearing, grubbing, or grading shall occur on the subject property prior to the approval of the required site plan. Any such activity prior to such approval shall be a violation of this Chapter and shall be subject to all applicable enforcement mechanisms and penalties.
- (6) **Modification of an Approved Site Plan:** Any and all variation between development and/or land use activity on the subject property and the approved site plan is a violation of this Chapter. An approved site plan shall be revised and approved via the procedures of Subsections (2) and (4), above, so as to clearly and completely depict any and all proposed modifications to the previously approved site plan, prior to the initiation of said modifications.

- (7) **Fee:** A fee is required for this procedure. Refer to Section 15.255(1)(g).

Section 15.909 Reserved

Section 15.910 Variances

- (1) **Purpose:** The purpose of this Section is to provide regulations which enable the City to hear and decide 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 Wisconsin Statutes 62.23(7)(e)(7).
- (2) **Initiation of Request for Approval of a Variance:** Proceedings for approval of a requested variance shall be initiated by:
- (a) an application of the owner(s) of the subject property.
- (3) **Application Requirements.** All applications for requested variances shall be approved as complete by the Zoning Administrator a minimum of two weeks prior to the initiation of this procedure. The submittal of an application to the Building Inspector to initiate this procedure shall not occur until the Zoning Administrator has certified acceptance of the complete application to the Building Inspector. No placement of the application on any agenda, as an item to be acted upon, shall occur unless said certification has occurred. The item may be placed on any agenda as a discussion-only item, with the permission of the Zoning Administrator, without an application. Prior to the submittal of the Official Notice regarding the application to the newspaper by the Building Inspection Department, the applicant shall provide the Building Inspector with a copy of the complete application as certified by the Zoning Administrator. Said complete application shall be comprised of all of the following:
- (a) A map of the subject property showing all lands for which the variance is proposed, and all other lands within 100 feet of the boundaries of the subject property, 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 Register of Deeds of Sheboygan County (as determined by the City of Sheboygan). Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided.
- (b) A map, such as the Land Use Plan Map, of the generalized location of the subject property in relation to the City as a whole;

- (c) A written description of the proposed variance describing the type of specific requirements of the variance proposed for the subject property.
 - (d) A site plan of the subject property as proposed for development. Said site plan shall conform to any and all the requirements of Section 15.908(3); and
 - (e) Written justification for the requested variance consisting of the reasons why the applicant believes the proposed variance is appropriate, particularly as evidenced by compliance with the standard set out in Subsection 15.910(4)(c)1.-6., below.
- (4) **Review by the Zoning Administrator:** The requested variance shall be reviewed by the Zoning Administrator as follows:
- (a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the Zoning Administrator determines that the application is not complete or does not fulfill the requirements of this Chapter, he shall return the application to the applicant. If the Zoning Administrator determines that the application is complete, he shall so notify the applicant.
 - (b) Upon notifying the applicant that his application is complete, the Zoning Administrator shall review the application and evaluate and comment on the written justification for the proposed variance provided in the application per Subsection 15.910(3)(a)-(e), above.
 - (c) The Zoning Administrator may also evaluate the application to determine whether the requested variance is in harmony with the recommendations of the City of Sheboygan's Comprehensive Master Plan, particularly as evidenced by compliance with the standards of Subsection 15.910(4)(c)1.-6., below:
 - 1. What exceptional or extraordinary circumstances or special factors are present which apply only to the subject property? The response to this question shall clearly indicate how the subject property contains factors which are not present on other properties in the same zoning district. Specifically:
 - a. The hardship or difficulty shall be peculiar to the subject property and different from that of other properties, and not one which affects all properties similarly. Such a hardship or difficulty shall have arisen because of the unusual shape of the original acreage parcel; unusual topography or elevation; or because the property was created before the passage of the current, applicable zoning regulations, and is not economically suitable for a permitted use or will not accommodate a structure of reasonable design for a permitted use if all area, yard, green space, and setback requirements are observed;

- b. Loss of profit or pecuniary hardship shall not, in and of itself, be grounds for a variance;
 - c. Self-imposed hardship shall not be grounds for a variance. Reductions resulting from the sale of portions of a property reducing the remainder of said property below buildable size or cutting-off existing access to a public right-of-way or deed restrictions imposed by the owner's predecessor in title are considered to be such self-imposed hardships;
 - d. Violations by, or variances granted to, neighboring properties shall not justify a variance;
 - e. The alleged hardship shall not be one that would have existed in the absence of a zoning ordinance. (For example, if a lot were unbuildable because of topography in the absence of any or all setback requirements.)
2. In what manner do the factors identified in 15.910(4)(c)1., above, prohibit the development of the subject property in a manner similar to that of other properties in the same zoning district? The response to this question shall clearly indicate how the requested variance is essential to make the subject property developable so that property rights enjoyed by the owners of similar properties can be enjoyed by the owners of the subject property.
 3. Would the granting of the proposed variance be of substantial detriment to adjacent properties? The response to this question shall clearly indicate how the proposed variance will have no substantial impact on adjacent properties.
 4. Would the granting of the proposed variance as depicted on the required site plan (see 15.910(3)(d), above), result in a substantial or undue adverse impact on the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the intent, provisions, and policies of this Chapter, the Comprehensive Master Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the City or other governmental agency having jurisdiction to guide growth and development? The response to this question shall clearly indicate how the proposed variance will have no substantial impact on such long-range planning matters.
 5. Have the factors which present the reason for the proposed variance been created by the act of the Application or previous property owner or their agent (for example: previous development

decisions such as building placement, floor plan, or orientation, lotting pattern, or grading) after the effective date of this Chapter (see Section 15.011). The response to this question shall clearly indicate that such factors existed prior to the effective date of this Chapter and were not created by action of the applicant, a previous property owner, or their agent.

6. Does the proposed variance involve the regulations of Section 15.203 (Table of Land Uses)? The response to this question shall clearly indicate that the requested variance does not involve the provisions of this Section.

(d) The Zoning Administrator shall forward the report per 15.910(4)(b), and if prepared per 15.910(4)(c), to the Zoning Board of Appeals for the Board's review and action. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of the City's Zoning Ordinance and Comprehensive Master Plan, the Zoning Administrator shall note this determination in the report.

(5) Review and Determination by Zoning Board of Appeals

(a) Within 30 days after filing of the complete application as determined by the Zoning Administrator, the Zoning Board of Appeals shall hold a public hearing. Notice of the requested variance and the public hearing shall conform to the requirements of Section 62.23(7)(e) of Wisconsin Statutes. Said notice shall contain a description of the subject property and the proposed variance per Subsections (3)(a) and (c), above. In addition, at least ten days before said public hearing, the Building Inspection Department shall mail an identical notice to the applicant of the proposed variance; to the Clerk of any municipality whose boundaries are within 1,000 feet of any portion of the subject property; and to all property owners within 100 feet of the boundaries of the subject property as identified in Subsection 15.910(3)(a), above. Failure to mail said notice, provided it is unintentional, shall not invalidate proceedings under this Section.

(b) Within 30 days after the holding of the public hearing (per 15.910(5)(a), above, (or, within an extension of said period approved by the applicant and granted by the Zoning Board of Appeals), the Zoning Board of Appeals will make its findings per Subsection 15.910(4), above, and its determination regarding the application as a whole. The Zoning Board of Appeals may request further information and/or additional reports from the Zoning Administrator and/or the applicant. The Zoning Board of Appeals may take final action on said request for approval of the requested variance at time of its initial meeting, or said proceedings may be continued from time-to-time for further consideration. The Zoning Board of Appeals shall make a written report of its findings and determinations following its determination.

- (c) If the Zoning Board of Appeals fails to make a determination within 30 days after said public hearing, then the request for the variance shall be considered denied.
 - (d) Said report shall include a formal findings of facts developed and approved by the Zoning Board of Appeals concerning the requirements of 15.910(4)(c)1.-6., above.
- 6) **Effect of Denial:** No application for a variance which has been denied (either wholly or in part) shall be resubmitted for a period of 6 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.
- 7) **Limited Effect of a Variance:** Where the Zoning Board of Appeals has granted 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 as a result of the variance. Granting of a variance shall be considered as unique to the variance granted, and shall not be construed as precedent for any other proposed variance.
- 8) **Stay of Proceedings:** An application for a variance shall stay all legal proceedings furthering enforcement of any provisions of this Chapter from which the applicant is requesting a variance, unless the Zoning Administrator certifies to the Zoning Board of Appeals after the request for the variance has been filed, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such, case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals, or by a Court of Record on application, on notice to the Zoning Administrator, and on due cause shown. *State Law Reference: Section 62.23(7)(e)5, Wis. Stats.*
- 9) **Fee:** A fee is required for this procedure. Refer to Section 15.936(1)(l).

Section 15.911 Reserved

Section 15.912 Appeals of Zoning Interpretations

- (1) **Purpose:** The purpose of this Section is to provide regulations which enable the City to hear and decide requests for appeals from the interpretations of this zoning ordinance as provided for by Wisconsin Statutes 62.23(7)(e)(7).
- (2) **Initiation of Request for Review of Zoning Interpretation:** Proceedings for the review of an appeal may be initiated by any person aggrieved, or by any officer, department, board, or bureau of the City affected by any decision of the Zoning Administrator.
- (3) **Time Limit for Filing an Appeal:** Any appeal of an interpretation under the provisions of this Section shall be made per the requirements of Subsection 15.912(4), below, within a period not exceeding 45 days from the date of

issuance of the interpretation by the Zoning Administrator. Failure to initiate this appeal procedure within this 45 day period shall constitute a final and binding waiver of the right to appeal said interpretation.

- (4) **Application Requirements:** All applications for review of an interpretation, regardless of the party of their initiation per 15.912(2) above, shall be filed in the office of the Building Inspector, and shall be approved as complete by the Zoning Administrator a minimum of two weeks prior to the initiation of this procedure. The Building Inspector shall forward copies of said complete application to the Zoning Board of Appeals. Said complete application shall be accompanied by all of the following:
- (a) A copy of pertinent items in the file on the matter at hand maintained by the Zoning Administrator, as identified by the Zoning Administrator and/or the applicant.
 - (b) A written statement from the applicant indicating the reasons why an appeal is justified, based upon an analysis of the Zoning Administrator's interpretation. This statement shall be dated and signed by the applicant.
- (5) **Review by the Zoning Administrator:** The submitted appeal shall be reviewed by the Zoning Administrator in the following steps:
- (a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the Zoning Administrator determines that the application is not complete or does not fulfill the requirements of this Chapter, he shall return the application to the applicant. If the Zoning Administrator determines that the application is complete, he shall so notify the applicant.
 - (b) Upon notifying the applicant that the application is complete, the Zoning Administrator shall review the application and shall evaluate and comment on the written justification for the appeal to the Zoning Board of Appeals as submitted by the applicant. The Zoning Administrator shall also evaluate the application to determine whether the requested appeal is in harmony with the recommendations of the City of Sheboygan's Comprehensive Master Plan.
 - (c) The Zoning Administrator shall forward a report to the Zoning Board of Appeals for review and action. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of the City's Comprehensive Master Plan or Zoning Ordinance, the Zoning Administrator shall note this determination in the report.
- (6) **Review and Action by the Zoning Board of Appeals**
- (a) Within 45 days after the filing of the complete application as determined by the Zoning Administrator, the Zoning Board of Appeals shall schedule a reasonable time and place for a public hearing to consider the application. Notice of the appeal and said public hearing shall conform to Section 63.23(7)(d) of the Wisconsin Statutes. Said notice shall contain a

description of the issue per Subsection 15.912(4)(b), above. At least ten days before said public hearing, the Building Inspector shall mail an identical notice to the applicant; to the Clerk of any municipality whose boundaries are within 1,000 feet of any portion of the jurisdiction of this Chapter; and to any property owner within 100 feet of the subject property. Failure to mail said notice, provided it is unintentional, shall not invalidate proceedings under this Section.

- (b) Within 60 days after the filing of the complete application as determined by the Zoning Administrator (or, within an extension of said period requested in writing by the applicant and granted by the Zoning Board of Appeals), the Zoning Board of Appeals will make its findings per Subsection 15.912(3) above. The Zoning Board of Appeals may request further information and/or additional reports from the Zoning Administrator and/or the applicant. The Zoning Board of Appeals may take final action on the application for appeal at the time of its initial meeting, or may continue the proceedings at its discretion or at the applicant's request. Said final action shall be followed by a written report which shall include a formal finding of facts developed and approved by the Zoning Board of Appeals concerning the request.
- (7) **Effect of Denial:** No application for an appeal which has been denied (either wholly or in part) shall be resubmitted for a period of 6 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.
- (8) **Limited Effect of a Favorable Ruling on an Appeal**
 - (a) No ruling by the Zoning Board of Appeals on an appeal finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be valid for a period of more than 365 days from the date of issuance of the ruling on the appeal, unless a building permit is issued and development is actually begun within that period, and is thereafter diligently pursued to completion and a use commenced within that period.
 - (b) A ruling by the Zoning Board of Appeals on an appeal finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be deemed to authorize only that particular use at that particular location for which the ruling was issued. The ruling shall not be deemed to authorize any allegedly similar use for which a separate ruling has not been issued. A favorable ruling shall automatically expire and cease to be of any force or effect if the particular use for which it was issued shall, for any reason, be discontinued for a period of 365 consecutive days or more.
- (9) **Fee:** A fee is required for this procedure. Refer to Section 15.936(1)(k).

Section 15.913 Urban Design Overlay Zoning District Procedures

- (1) **Purpose and Scope:** This district is intended to implement the urban design recommendations of the Comprehensive Master Plan by preserving and enhancing the aesthetic qualities (historical and visual) of the community, and by attaining a consistent visually pleasing image for various portions of the City. As emphasized by said Plan, this district is designed to forward both aesthetic and economic objectives of the City by controlling the site design and appearance of development within the district in a manner which is consistent with sound land use, urban design, and economic revitalization principals. The application of these standards will ensure the long-term progress and broad participation toward these principles.
- (2) **Definitions**
 - (a) cornice: The topmost projecting portion of the entablature, or top portion of a building. This term also refers to any “crowning” projection of a building.
 - (b) header: 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.
 - (c) kickplate: A horizontal area on the façade of a building located between the sidewalk/entrance pavement and the lowest storefront windows.
 - (d) sign band: 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.
 - (e) sill: A horizontal, lower member or bottom of a door or window casing.
 - (f) transom: A horizontal bar of stone, wood or glass across the opening of a door or window.
- (3) **Designation of Urban Design Overlay Zoning District Boundaries:** The following Urban Design Overlay Zoning Districts are designated on Sheet 2 of the Official Zoning Map: (This listing and Official Zoning Map designation will be provided following adoption of the City of Sheboygan Comprehensive Master Plan.)
- (4) **Powers and Duties of the Zoning Administrator and the Architectural Review Board for All Development:** Proposed changes to the exterior appearance (no structural changes) of properties used exclusively for one- and two-family residential purposes are hereby excluded from the provisions of this Section. All other development applications within an Urban Design Overlay Zoning District are subject to one of the following three processes, as determined by the Zoning Administrator.
 - (a) Applications which involve *only a renovation of the exterior appearance of a property* (such as repainting, re-roofing, residing or replacing with identical colors and materials approved by the City and listed in the attached Appendix), or a change in the exterior appearance of a property

in absolute clear and complete compliance with the provisions of Subsection 15.913(9) below (as determined by the Zoning Administrator), are subject to **Renovation Review** by the Zoning Administrator. The Zoning Administrator shall determine whether the petition requires only certification of thorough compliance with the technical requirements set out in Subsection 15.913(5)(b) below. In part, this effort shall be guided by the attached appendix, which provides a list of sample projects which are eligible for this form of review;

- (b) Applications which involve *only a change in the appearance of a property* (such as painting, roofing, siding, architectural component substitution, fencing, paving, or signage), are subject to **Design Review** by the Zoning Administrator and the Architectural Review Board. The Zoning Administrator shall serve as the liaison between the applicant and the Architectural Review Board in facilitating the thorough and expedient review of an application, and shall ensure that the technical and procedural requirements of the Zoning Ordinance are met. The Architectural Review Board shall serve as the final review and determining body in these matters, and shall focus its review on whether the application complies with sound aesthetic, urban design, historic and architectural practices pursuant to the procedures outlined in Subsection 15.913(5)(b), below. In part, this effort shall be guided by the Comprehensive Master Plan.
- (c) Applications which involve *modification to the physical configuration of a property* (such as grading, the erection of a new building, the demolition of an existing building, or the addition or removal of bulk to an existing building) are subject to **Project Review** by the Zoning Administrator and the Architectural Review Board. the Zoning Administrator shall serve as the liaison between the applicant and the Architectural Review Board in facilitating the thorough and expedient review of an application, and shall ensure that the technical and procedural requirements of the Zoning Ordinance are met. The Architectural Review Board shall serve as the initial and final review and determining body in these matters, and shall focus its review on whether the application complies with sound aesthetic, urban design, historic and architectural practices pursuant to the procedures outlined in Subsection 15.913(5)(b), below. In part, this effort shall be guided by the Comprehensive Master Plan.

(5) **Procedure for Project Review and Approval**

- (a) **Renovation Review:** Applications which involve *only a renovation of the exterior appearance of a property* (such as repainting, re-roofing, residing or replacing with identical colors and materials approved by the City and listed in the attached Appendix,) or a change in the exterior appearance of a property in absolute clear and complete compliance with the provisions of Subsection 15.913(9) below (as determined by the Zoning Administrator), are subject to **Renovation Review** by the Zoning Administrator. The Zoning Administrator shall serve to determine whether the application simply requires certification of thorough compliance with the technical requirements below. In part, this effort shall be guided by

the attached appendix, which provides a list of sample projects which are eligible for this form of review. (Refer to the procedure summary chart at the end of this Section.)

1. **Application Requirements:** All applications for Renovation Review shall be made to the Zoning Administrator and shall be accompanied by the Building Permit application, and, in addition, shall be accompanied by all of the following, in addition to the requirements for Site Plan (per Section 15.908):

- a. A clear depiction of the *existing appearance* of the property. Clear color photographs are recommended for this purpose. Scaled and dimensioned drawings of existing components such as windows, doors, railings, fencing or other site components, and/or detailed building elevations which are proposed for alteration or replacement may be required by the Zoning Administrator.
- b. A clear depiction of the *proposed appearance* of the property. Paint charts, promotional brochures, and/or clear color photographs of replacement architectural components are recommended for this purpose. Scaled and dimensioned drawings of proposed components such as windows, doors, railings, fencing or other site components, and/or detailed building elevations which are proposed for renovation or replacement may be required by the Zoning Administrator.
- c. A written description of the proposed renovation, including a complete listing of proposed components, materials, and colors.
- d. Written justification for the proposed renovation consisting of the reasons why the applicant believes the requested alteration is in harmony with the recommendations of the Comprehensive Master Plan, particularly as evidenced by compliance with the standards set out in Subsection 15.913(5)(a)1.b.

2. **Review by the Zoning Administrator:** The application for Renovation Review shall be reviewed by the City following the procedure required for Conditional Uses per Section 15.905.

- (b) **Design Review:** Applications which *involve only a change in the appearance of a property* (such as painting, roofing, siding, architectural component substitution, fencing, paving, or signage), are subject to **Design Review** by the Zoning Administrator and the Architectural Review Board. The Zoning Administrator shall serve as the liaison between the applicant and the Architectural Review Board in facilitating the thorough and expedient review of an application, and shall ensure that the technical and procedural requirements of the Zoning Ordinance are met.

The Architectural Review Board shall serve as the final review and determining body in these matters, and shall focus its review on the application's compliance with sound aesthetic, urban design, historic and architectural practices per the procedures outlined below. In part, this effort shall be guided by the Urban Design Guidelines of the Comprehensive Master Plan. (Refer to the procedure summary chart at the end of this Section.)

1. **Procedure:** Urban Design Review proposals shall follow the procedures for Conditional Use Permits, see Section 15.905.
2. **Application Requirements:** In addition to the application requirements for Conditional Use Permits, Section 15.905, all applications for Urban Design Review shall be made to the Zoning Administrator and shall be accompanied by the Building Permit application, and, in addition, shall be accompanied by all of the following:
 - a. A clear depiction of the *existing appearance* of the property. Clear color photographs are recommended for this purpose. Scaled and dimensioned drawings of existing components such as windows, doors, railings, fencing or other site components, and/or detailed building elevations which are proposed for alteration or replacement may be required by the City.
 - b. A clear depiction of the *proposed appearance* of the property. Paint charts, promotional brochures, and/or clear color photographs of replacement architectural components are recommended for this purpose. Scaled and dimensioned drawings of proposed components such as windows, doors, railings, fencing or other site components, and/or detailed building elevations which are proposed for alteration or replacement may be required by the City.
 - c. A written description of the proposed modification, including a complete listing of proposed components, materials, and colors.
 - d. Written justification for the proposed alteration consisting of the reasons why the applicant believes the requested alteration is in harmony with the recommendations of the Comprehensive Master Plan, particularly as evidenced by compliance with the standards set out in Subsection 15.913(5)(b)2.b. above, using the following question to develop said written justification:

How is the proposed alteration in harmony with the recommendations of the Comprehensive Master

Plan, particularly as evidenced by compliance with Subsection 15.913(9), below?

(c) **Project Review:** Applications which *involve modification to the physical configuration of a property* (such as the erection of a new building, the demolition of an existing building, or the addition or removal of bulk to an existing building) are subject to **Project Review** by the Zoning Administrator and the Architectural Review Board. Specifically, the powers of the Zoning Administrator, Architectural Review Board, and the Zoning Board of Appeals within the Urban Design Overlay Zoning District shall be as described in the following sections. The Zoning Administrator shall serve as the liaison between the applicant and the City in facilitating the thorough and expedient review of an application, and shall ensure that the technical and procedural requirements of the Zoning Ordinance are met. The Architectural Review Board shall serve as the initial and final discretionary review body, and shall focus its review on the application's compliance with sound land use, site design and economic revitalization practices. In part, this effort shall be guided by the Comprehensive Master Plan. (Refer to the procedure summary chart at the end of this Section.)

1. **Procedure:** Project Review proposals shall follow procedures for Conditional Use Permits, refer to Section 15.905.
2. **Application Requirements:** In addition to the application requirements for Conditional Use Permits, Section 15.905, all applications for Project Review shall be made to the Zoning Administrator and shall be accompanied by the Building Permit application, and, in addition, shall be accompanied by all of the following:
 - a. A clear depiction of the *existing appearance* of the property. Clear color photographs are recommended for this purpose. Scaled and dimensioned drawings of existing components such as windows, doors, railings, fencing or other site components, and/or detailed building elevations which are proposed for alteration or replacement may be required by the City.
 - b. A clear depiction of the *proposed appearance* of the property. Paint charts, promotional brochures, and/or clear color photographs of replacement architectural components are commended for this purpose. Scaled and dimensioned drawings of proposed components such as windows, doors, railings, fencing or other site components, and/or detailed building elevations which are proposed for alteration or replacement may be required by the City.

- c. For all projects involving a new building, or an addition exceeding 100 square feet of gross floor area, a detailed site plan which provides the following information:
- i. A title block indicating name and address of the current property owner, developer and project consultants;
 - ii. The date of the original plan and the latest date of revision to the plan;
 - iii. A north arrow and a graphic scale. Said scale shall not be smaller than one inch equals 100 feet;
 - iv. All property lines and existing and proposed right-of-way lines with bearings and dimensions clearly labeled;
 - v. All existing and proposed easement lines and dimensions with a key provided and explained on the margins of the plan as to ownership and purpose;
 - vi. All existing and proposed buildings, structures, and paved areas, including walks, drives, decks, patios, fences, utility poles, drainage facilities, and walls;
 - vii. All required building setback lines;
 - viii. A legal description of the subject property;
 - ix. The location, type and size of all signage on the site;
 - x. The location, type and orientation of all exterior lighting on the subject property;
 - xi. The location of all access points, parking and loading areas on the subject property, including a summary of the number of parking stalls and labels indicating the dimension of such areas;
 - xii. The location of all outdoor storage areas;
 - xiii. The location and type of any permanently protected green space areas;
 - xiv. The location of existing and proposed drainage facilities;

xv. In the legend, the following data for the subject property:

- Lot Area;
- Floor Area;
- Floor Area Ratio;
- Impervious Surface Area;
- Impervious Surface Ratio; and
- Building Height

d. A detailed landscaping plan of the subject property, at the same scale as the main plan, showing the location, species and size of all proposed plant materials;

e. A written description of the proposed project, including a complete listing of proposed components, materials, and colors;

f. Written justification for the proposed project consisting of the reasons why the applicant believes the requested alteration is in harmony with the recommendations of the Comprehensive Master Plan, particularly as evidenced by compliance with the standards set out in Subsection 15.913(5)(c)2.b., above, using the following question to develop said written justification:

How is the proposed project in harmony with the recommendations of the Comprehensive Master Plan, particularly as evidenced by compliance with the standards of Subsection 15.913(6) below?

(6) **Additional Recommendations Permitted Under the Design Review Process**

(a) The Zoning Administrator is hereby authorized to make recommendations for, or require modifications to, a proposed application for Renovation Review; and to make recommendations for the modification of a proposed application for Design Review or Project Review.

(b) The Architectural Review Board is hereby authorized to make recommendations for, or require modifications to, a proposed application for Design Review and Project Review.

(7) **Appeals:** Appeals from the decisions of the Zoning Administrator and Architectural Review Board may be made per the provisions of the Municipal Code and State Statutes.

- (8) **Penalty:** Penalty for violation of the provisions of this Chapter shall be per the provisions of Section 17. 946.
- (9) **Urban Design Standards (Reserved)**

Process for Residential and Nonresidential Proposal Review			
↓ Procedure ↓	↓ Type of Proposal ↓		
	Renovation ¹	Design ²	Project ³
1. Optional meeting with Architectural Review Board to discuss proposal	No	optional	recommended
2. Submit Zoning Permit Application to the Zoning Administrator, including:	Yes	Yes	Yes
a. Color photos/drawings of existing property, with close-ups of details	Yes	Yes	Yes
b. Drawings/depictions of proposed changes to the site & bldg. exterior	Yes	Yes	Yes
c. For new projects or additions ≥ 100 sf, provide Site Plan including:	No	No	Yes
i. Title block with name of current property owner and applicant;			

Unit Development shall provide a much higher level of site design, architectural control and other aspects of aesthetic and functional excellence than normally required for other developments.

- (c) Planned Unit Developments have the potential to create undesirable impacts on nearby properties if allowed to develop simply under the general requirements of this Chapter. In addition to such potential, Planned Unit Developments also have the potential to create undesirable impacts on nearby properties which potentially cannot be determined except with a binding site plan, landscape plan and architectural plan, and on a case by case basis. In order to prevent this from occurring, all Planned Unit Developments are required to meet certain procedural requirements applicable only to Planned Unit Developments, in addition to the general requirements of this Chapter. A public hearing process is required to review a request for a Planned Unit Development. This process shall essentially combine the process for a zoning map amendment with that required for a conditional use, with several additional requirements.

(2) **Provision of Flexible Development Standards for Planned Unit Developments**

- (a) **Permitted Location:** Planned Unit Developments shall be permitted with the approval of a Planned Unit Development District, specific to the approved Planned Unit Development, within the Mixed Residential (MR-8), Urban Residential (UR-12), Neighborhood Office (NO), Urban Commercial (UC), Central Commercial (CC), Urban Industrial (UI), and Heavy Industrial (HI) Zoning Districts.
- (b) **Flexible Development Standards:** The following exemptions to the development standards of the underlying zoning district may be provided with the approval of a Planned Unit Development:
 - 1. **Land Use Requirements:** All land uses listed as “Residential”, “Institutional”, or “Commercial” in section 15.203 may be permitted within a Planned Unit Development.
 - 2. **Density and Intensity Requirements:** All requirements listed in Sections 15.304 and 15.305 for residential density and nonresidential intensity may be waived within a Planned Unit Development.
 - 3. **Bulk Requirements:** All requirements listed in Sections 15.402, 15.403, 15.404, 15.405 and 15.406 may be waived within a Planned Unit Development.
 - 4. **Landscaping Requirements:** All requirements listed in Sections 15.604, 15.605, 15.606, 15.607, 15.608, 15.609 and 15.610 may be waived within a Planned Unit Development.

5. **Parking and Loading Requirements:** All requirements listed in Sections 15.704 and 15.705 may be waived within a Planned Unit Development.
- (c) **Requirements to Depict All Aspects of Development:** Only development which is explicitly depicted on the required site plan approved by the City Council as part of the approved Planned Unit Development, shall be permitted, even if such development (including all aspects of land use, density and intensity, bulk, landscaping, and parking and loading), is otherwise listed as permitted in Section 15.402-15.406. Requested exemptions from these standards shall be made explicit by the applicant in the application, and shall be recommended by the Plan Commission and approved explicitly by the City Council. If not so requested and approved, such exemptions shall not be permitted.
- (3) **Initiation of Request for Approval of a Planned Unit Development.** Proceedings for approval of a Planned Unit Development shall be initiated by:
 - (a) an application of the owner(s) of the subject property;
 - (b) a recommendation of the Plan Commission; or
 - (c) by action of the City Council.
 - (4) **Application Requirements:** All applications for proposed Planned Unit Developments, regardless of the party of their initiation per 15.914(3) above, shall be approved as complete by the Zoning Administrator a minimum of two weeks prior to the initiation of this procedure. The Zoning Administrator shall forward copies of said complete application to the office of the City Planning Department. Said application shall apply to each of the process steps in 15.914(5) through (8) below.
 - (5) **PUD Process Step 1: Pre-Application Conference**
 - (a) The applicant shall contact the Zoning Administrator to place an informal discussion item for the PUD on the Plan Commission agenda.
 - (b) No details beyond the name of the applicant and the identification of the discussion item for the PUD is required to be given in the agenda.
 - (c) At the Plan Commission meeting, the applicant shall engage in an informal discussion with the Plan Commission regarding the potential PUD. Appropriate topics for discussion may include the location of the PUD, 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 Master Plan.
 - (d) 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.

(6) PUD Process Step 2: Concept Plan

(a) The applicant shall provide the Zoning Administrator with a draft PUD Concept Plan submittal packet for a determination of completeness prior to placing the proposed PUD on the Plan Commission agenda for Concept Plan review. This submittal packet shall contain all of the following items, prior to its acceptance by the Zoning Administrator and placement of the item on a Plan Commission agenda for Concept Plan review:

1. A location map of the subject property and its vicinity at 11"x17", as depicted on a copy of the City of Sheboygan Land Use Plan Map;
2. A general written description of proposed PUD including:
 - a. general project themes and images;
 - b. the general mix of dwelling unit types and/or land uses;
 - c. approximate residential densities and non-residential 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 which will not be met by the proposed PUD and the location(s) in which they apply and, a complete list of zoning standards which will be more than met by the proposed PUD and the location(s) in which they apply. 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; and
3. A written description of potentially requested exemption from the requirements of the underlying zoning district, in the following order:
 - a. Land Use Exemptions;

- b. Density and Intensity Exemptions;
 - c. Bulk Exemptions;
 - d. Landscaping Exceptions;
 - e. Parking and Loading Requirements Exceptions;
4. A conceptual plan drawing (at 11"x17") 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 "bubble plan" in addition to the 11"x17" reduction.
- (b) Within ten working days of receiving the draft PUD Concept Plan submittal packet, the Zoning Administrator shall determine whether the submittal is complete. Once the Zoning Administrator has received a complete packet, the proposed PUD Concept Plan shall be placed on the Plan Commission agenda.
 - (c) At the 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 PUD Concept Plan submittal packet, or other items as determined by the Plan Commission.
 - (d) 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 GDP application, as described in 15.914(7), below.

(7) PUD Process Step 3: General Development Plan (GDP)

- (a) The applicant shall provide the Zoning Administrator with a draft GDP Plan submittal packet for a determination of completeness prior to placing the proposed GDP on the Plan Commission agenda for GDP review. This submittal packet shall contain all of the following items, prior to its acceptance by the Zoning Administrator and placement of the item on a Plan Commission agenda for GDP review:
 - 1. A location map of the subject property and its vicinity at 11"x17", as depicted on a copy of the City of Sheboygan Land Use Plan Map;
 - 2. A map of the subject property showing all lands for which the planned unit development is proposed, and all other lands within 200 feet of the boundaries of the subject property, 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 Register of Deeds of Sheboygan County (as provided by the City of Sheboygan). Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;

3. A general written description of proposed PUD including:
 - a. general project themes and images;
 - b. the general mix of dwelling unit types and/or land uses;
 - c. approximate residential densities and non-residential 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 PUD zoning is proposed. This shall identify barriers that the applicant perceives in the form of requirements of standard zoning districts and opportunities for community betterment the applicant suggests are available through the proposed PUD zoning;
 - h. a complete list of zoning standards which will not be met by the proposed PUD and the location(s) in which they apply and a complete list of zoning standards which will be more than met by the proposed PUD and the location(s) in which they apply shall be identified. 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;
 - i. a written description of potentially requested exemption from the requirements of the underlying zoning district, in the following order:
 - i. Land Use Exemptions;

- ii. Density and Intensity Exemptions;
 - iii. Bulk Exemptions;
 - iv. Landscaping Exceptions;
 - v. Parking and Loading Requirements Exceptions.
4. A GDP drawing at a minimum scale of 1"=100' (11"x17" 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:
- a. a conceptual plan drawing (at 11"x17") 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 "bubble plan" in addition to the 11"x17" reduction;
 - b. location of recreational and open space areas and facilities and specifically describing those that are to be reserved or dedicated for public acquisition and use;
 - c. 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
 - d. notations relating the written information provided in 15.914(7)(a)3.a.-f., above to specific areas on the GDP Drawing.
5. A general conceptual landscaping plan for subject property, 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 the use of extra landscaping and bufferyards.
6. A general signage plan for the project, including all project identification signs and concepts for public fixtures and signs (such as street light fixtures and/or poles or street sign faces and/or poles) which are proposed to vary from City standards or common practices.

7. Written justification for the proposed Planned Unit Development. (The applicant is advised to use the requirements of the conditional use procedure to develop said written justification.)
8. The process for review and approval of the GDP shall be identical to that for conditional use permits per Section 15.905 of this Chapter and (if land is to be divided) to that for preliminary and final plats of subdivision per the Municipal Code.
9. All portions of an approved PUD/GDP not fully developed within five years of final City Council approval shall expire, and no additional PUD-based development shall be permitted. The City Council may extend this five year period by up to five additional years with a majority vote following a public hearing.

(8) PUD Process Step 4: Precise Implementation Plan (PIP)

- (a) After the effective date of the rezoning to PUD/GDP, the applicant may file an application for a proposed Precise Implementation Plan (PIP) with the Plan Commission. This submittal packet shall contain all of the following items, prior to its acceptance by the Zoning Administrator and placement of the item on a Plan Commission agenda for PUD review:
 1. A location map of the subject property and its vicinity at 11"x17", as depicted on a copy of the City of Sheboygan Land Use Plan Map;
 2. A map of the subject property showing all lands for which the planned unit development is proposed, and all other lands within 200 feet of the boundaries of the subject property, 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 Register of Deeds of Sheboygan County (as provided by the City of Sheboygan). Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;
 3. A general written description of proposed PIP including:
 - a. specific project themes and images;
 - b. the specific mix of dwelling unit types and/or land uses;
 - c. specific residential densities and non-residential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio;

- d. the specific treatment of natural features;
 - e. the specific relationship to nearby properties and public streets;
 - f. a Statement of Rationale as to why PUD zoning is proposed. This shall identify barriers that the applicant perceives in the form of requirements of standard zoning districts and opportunities for community betterment the applicant suggests are available through the proposed PUD zoning.
 - g. a complete list of zoning standards which will not be met by the proposed PIP and the location(s) in which they apply and a complete list of zoning standards which will be more than met by the proposed PIP and the location(s) in which they apply shall be identified. 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.
4. A Precise Implementation Plan Drawing at a minimum scale of 1"=100' (11"x17" 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:
- a. A PIP site plan conforming to any and all the requirements of Section 15.908(3). If the proposed Planned Unit Development is a cluster development (per Section 15.206(1)(b) or a group development (per Section 15.208) a proposed preliminary plat or conceptual plat shall be provided in addition to the required site plan.
 - b. location of recreational and open space areas and facilities and specifically describing those that are to be reserved or dedicated for public acquisition and use;
 - c. statistical data on minimum lot sizes in the development, the precise areas of all 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
 - d. notations relating the written information provided in 15.914(8)(a)3.a.-f., above to specific areas on the GDP Drawing.

5. A landscaping plan for subject property, specifying the location, species, and installed size of all trees and shrubs. This plan shall also include a chart which provides a cumulative total for each species, type and required location (foundation, yard, street, paved area or bufferyard) of all trees and shrubs.
6. A series of building elevations for the entire exterior of all buildings in the Planned Unit Development, including detailed notes as to the materials and colors proposed.
7. A general signage plan for the project, including all project identification signs, concepts for public fixtures and signs (such as street light fixtures and/or poles or street sign faces and/or poles), and group development signage themes which are proposed to vary from City standards or common practices.
8. A general outline of the intended organizational structure for a property owners association, if any; deed restrictions and provisions for private provision of common services, if any.
9. A written description which demonstrates the full consistency of the proposed PIP with the approved GDP.
10. Any and all variations between the requirements of the applicable PUD/GDP zoning district and the proposed PIP development; and
11. The applicant shall submit proof of financing capability pertaining to construction and maintenance and operation of public works elements of the proposed development.
12. The area included in a Precise Implementation Plan may be only a portion of the area included in a previously approved General Implementation Plan.
13. The PIP submission may include site plan and design information, allowing the Plan Commission to combine design review and review of the PIP. 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.
14. The Plan Commission or City Council may specify other plans, documents or schedules that must be submitted prior to consideration or approval of the PIP, as such may be relevant to review.
15. The process for review and approval of the PUD shall be identical to that for conditional use permits per Section 15.905 of this Chapter and (if land is to be divided) to that for preliminary and final plats of subdivision per the Municipal Code.

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

Section 15.915 Historic Preservation Regulations

- (1) **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:
 - (a) Effect and accomplish the protection, enhancement and preservation of such improvements, sites and districts which represent or reflect elements of the City of Sheboygan's cultural, social, economic, political and architectural history.
 - (b) Safeguard the City of Sheboygan's historic, prehistoric and cultural heritage, as embodied and reflected in such historic structures, sites and districts.
 - (c) Stabilize and improve property values and enhance the visual and aesthetic character of the City of Sheboygan.
 - (d) Protect and enhance the City of Sheboygan's attractions to residents, tourists and visitors, and serve as a support and stimulus to business industry.
- (2) **Definitions:** The definitions shall be as follows:
 - (a) **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.
 - (b) **Historic district** is an area designated by the City Council on recommendation of the Historic Preservation Commission, that contains two or more historic improvements or sites.
 - (c) **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.

- (d) **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 of Sheboygan, state or nation and which has been designated as a historic structure pursuant to the provisions of this Section.
 - (e) **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.
- (3) **Historic Preservation Commission Composition:** A Historic Preservation Commission is hereby created, consisting of seven (7) 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. Each member shall have, to the highest extent practicable, a known interest in historic preservation. The Mayor shall appoint the commissioners subject to confirmation by the City Council. Of the initial members so appointed, two 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, the term of each member shall be three years. (G. O. 89-00-01; 4/4/01)
- (4) **Historic Structure, Historic Site and Historic District Designation Criteria:**
- (a) For 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 of Sheboygan such as historic structures, sites, or districts which:
 - 1. Exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community; or
 - 2. Are identified with historic personages or with important events in national, state or local history; or
 - 3. 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; or
 - 4. Are representative of the notable work of a master builder, designer or architect who influenced his age; or
 - 5. Have yielded, or may be likely to yield, information important to prehistory or history.
 - (b) The Historic Preservation 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

(5) **Powers and Duties: (Gen. Ord. No. 94-05-06, 2-20-06)**

- (a) **Designation:** The Historic Preservation Commission shall have the power subject to subsection 15.915(6), to recommend designation of historic structures and historic sites and to recommend designation of historic districts within the City of Sheboygan limits. Such designations shall be made based on subsection 15.915(4). Historic structures, sites and districts shall be approved by the City Council. Once designated, such historic structures, sites and districts shall be subject to all the provisions of this Section.
- (b) **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 Historic Preservation Commission. No Certificate of Appropriateness is required for interior work or other work that is not subject to the City's building permit requirements.
 2. Upon filing of any application for a Certificate of Appropriateness with the Historic Preservation Commission, the Historic Preservation 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 architectural 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 as duly adopted by the City Council;

- 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 of Sheboygan and State of Wisconsin;
 - 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 Historic Preservation 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 Historic Preservation Commission shall make this decision within forty-five (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 of Sheboygan. 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.
 6. A Certificate of Appropriateness shall be valid for twelve (12) months from the date of issuance, and the work authorized by the certificate shall conform to the provisions of the certificate. The City may inspect the work during and after construction in order to assure compliance. Failure to comply with a Certificate of Appropriateness or failure to obtain a Certificate of Appropriateness shall be a violation of this section. In addition to other penalties and remedies, the City shall issue a stop work order, and all work shall cease on the designated property. No additional work shall be undertaken as long as such stop work order shall continue in effect. In the event the work authorized by the certificate is not completed within twelve (12) months after the issuance of the certificate, all work shall cease on the designated property until such time as a new certificate has been granted by the Historic Preservation Commission upon filing of a new application by the owner or person in charge of the historic structure, historic site or structure within a historic district. **(Subs. of Gen. Ord. No. 59-06-07, 12-06)**

- (c) **Appeals:** Should the Historic Preservation 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 City Council within thirty (30) days. In addition, if the Historic Preservation Commission fails to issue a Certificate of Appropriateness, the Historic Preservation 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.

Recognition of Historic Structures, Sites and Districts: (Subs. of Gen. Ord. No. 59-06-07, 12-06)

1. At such time as a historic structure or site has been properly designated, the Historic Preservation Commission, in cooperation with the property owner, may cause to be prepared and erected on such property in a location to be approved by the Commission, at the property owner's expense, a suitable plaque, conforming to city specifications, declaring that such property is a historic structure or site.
2. At such time as a historic district has been properly designated, the Historic Preservation Commission, in cooperation with the property owners within the district, may cause to be prepared and erected, at City expense, a suitable plaque conforming to City specifications, declaring that such area is a historic district.
3. Recommendations of the Historic Preservation Commission recognizing historic structures, sites and districts shall be submitted to the Common Council for final approval.

(6) **Procedures:**

(a) **Designation of Historic Structures and Historic Sites:**

1. The Historic Preservation Commission may, after notice and public hearing, recommend to the City Council the designation of historic structures, historic sites and historic districts, or recommend rescinding such designation after application of the criteria in subsection 15.915(4). At least ten (10) days prior to such hearing, the Historic Preservation Commission shall notify the owners of record, as listed in the office of the City of Sheboygan Assessor, who are owners of property in whole or in part situated within one hundred feet of the boundaries of the property affected or within the boundaries of the historic district. These owners shall have the right to confer with the Commission prior to final action by the Commission on the recommendation. Notice of such hearing shall also be published as a Class 1 notice, under the Wisconsin Statutes. The Commission shall also notify the following: Department of Public Works, Fire and Police Departments, and Department of City Development. Each such department may respond to the Commission within thirty days of

notification with its comments on the proposed designation or rescission.

2. The Historic Preservation 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 Historic Preservation Commission may conduct an independent investigation into the proposed designation or rescission. Within ten (10) days after the close of the public hearing, the commission may recommend designation of the property as either a historic structure or historic site, or its inclusion in a historic district, or rescind the designation. (Subs. (revised) GO 66-06-07/2-19-07). After the designation or rescission has been approved by the City Council, notification shall be sent to the property owner or owners. Notification shall also be given to the City Clerk, Building Inspector, Plan Commission, and the City Assessor. The City Clerk shall cause the designation or rescission to be recorded, at the City of Sheboygan's expense, in the County Register of Deeds office.
3. No structure or site may be designated as a historic structure or historic site if any owner or owners of record of the affected property containing the structure or site file (s) a written objection to such designation with the City Clerk at least 24 hours prior to action by the Common Council on such designation. (Subs. (Revised) GO 66-06-07/2-19-07).

(b) **Creation of Historic District:**

1. For preservation purposes, the Historic Preservation Commission shall select geographically defined areas within the City of Sheboygan to be designated as Historic Districts and shall, with the assistance of the City of Sheboygan 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 of Sheboygan, after the application of the criteria in 15.915(4), above. Each historic preservation plan prepared for or by the Historic Preservation 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.

2. **Review and Adoption Procedure:**

- a. **Historic Preservation Commission:** The Historic Preservation 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 the Wisconsin

Statutes 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 Aldermanic District or Districts in which the Historic District is located, and the owners of record, as listed in the office of the City Assessor, 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 (10) days prior to the date of the public hearing. Following the public hearing, the Historic Preservation Commission shall vote to recommend, reject or withhold action on the plan. This recommendation shall be forwarded to the City Council, which shall in turn refer the recommendation to the City Plan Commission for review and recommendation. The Plan Commission shall make its recommendation on the historic district plan within thirty days.

b. **The City Council:** The City Council, upon receipt of the recommendations from the Historic Preservation Commission and Plan Commission shall hold a public hearing, notice to be given as notice in subsection 15.915(6)(b)2.a., above, 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. However, the designation of a Historic District shall not be effective if the owners of record of a majority of the parcels within the proposed district file a written objection to such designation with the City Clerk at least 24 hours prior to action b the Common Council on such designation. (Subs. (revised) of GO 66-06-07/2-19-07)

- (7) **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 Historic Preservation Commission at which a nomination form is first presented until the final disposition of the nomination by the Historic Preservation Commission or the City Council unless such alteration, removal or demolition is authorized by formal resolution of the City Council as necessary for public health, welfare or safety. In no event shall the delay be for more than one hundred eighty (180) days.
- (8) **Penalties for Violations:** Any person or persons violating any provision of this Section shall be fined fifty dollars (\$50) 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.
- (9) **Separability:** If any provision of this Section or the application thereof to any person or circumstances is held invalid, the remainder of this Section and the

application of such provisions to other persons or circumstances shall not be affected thereby.

Section 15.916 Historic Preservation Regulations (GO 82-07-08, 1-08)

- (1) **Purpose:** This ordinance is adopted for the purpose of preserving and protecting significant buildings within the City which constitute or reflect distinctive features of the architectural, cultural, political, economic or social history of the City; to resist and restrain environmental influencing adverse to this purpose; to encourage owners of preferably preserved significant buildings to seek out persons who might be willing to purchase and to preserve, rehabilitate or restore such buildings, rather than demolish them; and by furthering these purposes to promote the public welfare, to preserve the resources of the City and to make the City a more attractive and desirable place in which to live.
- (2) No building permit shall be issue by the Building Inspector for demolition of a significant building other than in conformity with the provisions of this Section, as well as in conformity with the provisions of other laws and ordinances applicable to the demolition of buildings and the issuance of permits therefore generally.
- (3) The term “significant building” for the purposes of this Section means any building within the City which is in whole or substantial part fifty (50) years or more old, which is listed as potentially eligible for listing in the National Register of Historic Places at pages 248-256 in the report entitled “City of Sheboygan, Wisconsin Architectural and Historical Intensive Survey Report” prepared by LJM Architects, Inc. dated 2002, 2004 and 2006, a copy of which is on file in the office of the Director of City Development, and which has not been designated or nominated by the City as a historic structure.
- (4) The Building Inspector shall cause a copy of each application for a demolition permit for a significant building to be forwarded to the Historic Preservation Commission whether the building which is the subject of such application is a preferably preserved significant building.
- (5) The term “preferably preserved significant building” for purposes of this Section means any significant building which the Commission determines, as provided in Subsection (6) hereof, that it is in the public interest to be preserved or rehabilitated rather than to be demolished.
- (6) The commission shall determine whether the building which is the subject of the application for a demolition permit is a preferably preserved significant building. The Commission shall hold a public hearing prior to making the determination provided for in this Subsection. Notice of the time, place and purpose of such hearing shall be given by publication as a Class 1 notice under the Wisconsin Statutes in the official City newspaper. At least ten (10) days prior to such hearing, the Commission shall send notice of the public hearing to the permit applicant, the owners of record as listed in the office of the City Assessor and to the owners of property in whole or in part abutting the boundaries of the property containing the building which is the subject of the application.

If the Commission determines that the demolition of the subject building would result in the demolition of a significant building whose loss would be detrimental to the historical or architectural heritage or resources of the City, such building shall be considered a preferably preserved significant building. Upon determination by the Commission that a building is not a preferably preserved significant building, or upon failure by the Commission to make any determination which ninety (90) days of the date that a copy of the application was submitted to the Commission, the Building Inspector may, subject to the Subsection (2) of this Section, grant the permit applied for.

- (7) Upon a determination by the Commission that any building which is the subject of an application is a preferably preserved significant building, it shall so advise the person who submitted the application and the Building Inspector, and no demolition permit or building permit for new construction on the premises shall be issued until ninety (90) days after the date of such determination by the Commission except as may be provided for in Subsection (12) of this Section. Notwithstanding then preceding sentence, the Building Inspector may issue a demolition permit for a preferably preserved significant building at any time after receipt of written advice from the Commission to the effect either (A) that the Commission is satisfied that there is no reasonable likelihood that either the owner or some other person or group willing to purchase the preferably preserved significant building would be willing to preserve, rehabilitate or restore such building, or (B) that the Commission is satisfied that for at least ninety (90) days since the owner first sought advice of the Commission or Commission staff in locating a person or group that might be willing to purchase such building and to preserve, rehabilitate or restore the same, the owner of the preferably preserved significant building has made continuing, bona fide, reasonable and unsuccessful efforts to locate such a purchaser.
- (8) No permit for demolition of a building determined to be a preferably preserved significant building under Subsection (6) of this Section shall be granted until all proceedings relating to amendments of the zoning code of the City have been completed, if such proceedings have been initiated prior to the expiration of any period of delay of demolition resulting from such determination, and if such amendments affect the site of the building whose demolition has been thereby delayed.
- (9) No permit for erection of a new structure on the site of an existing significant building may be issued prior to issuance of a permit for demolition of such existing building
- (10) No permit for demolition of a building determined to be a preferably preserved significant building under Subsection (6) of this Section shall be granted until plans for use or development of the site after demolition have been filed with the Building Inspector and found to comply with all laws pertaining to the issuance of a building permit, or if for a parking lot, a certificate of occupancy, for that site. All approvals necessary for the issuance of such a building permit or certificate of occupancy, including without limitation any necessary zoning variances or conditional use permits, must be granted and all appeals from the granting of such approvals must be concluded, prior to the issuance of a demolition permit under this Section.

- (11) During the ninety (90) day delay of demolition, no application for a building permit for new construction or alterations on the premises of a preferably preserved significant building shall be granted until reviewed by the Commission as though the property were designated as a historic site or structure under Section 15.915. Until the expiration of the ninety (90) day delay period, the Commission shall review all construction, demolition, or alteration that affects the exterior architectural features, other than color, of the structure on the premises of a preferably preserved significant building.
- (12) **Emergency Demolition.** Nothing in this Section shall prevent the construction, reconstruction, alteration or demolition of any feature which the Building Inspector shall certify is required for public safety because of an unsafe or dangerous condition.
- (13) **Enforcement.** The City is authorized to institute any and all actions and proceedings, in law or in equity, as it may deem necessary and appropriate to obtain compliance with the requirements of this Section or to prevent a threatened violation thereof.
- (14) **Building Permit To Be Withheld.** No building permit shall be issued with respect to any premises upon which a significant building has been voluntarily demolished otherwise than pursuant to a demolition permit granted after compliance with the provisions of this Section for a period of one (1) year after the date of the completion of such demolition. As used in this Section, "premises" refers to the parcel of land upon which the demolished building was located and all adjoining parcels of land under common ownership or control.
- (15) **Securing of Building Required.** Upon a determination by the Commission that a building is a preferably preserved significant building, the owner shall be responsible for properly securing the building in compliance with the regulations of the Building Inspection Department. Should the owner fail to so secure the building, the loss of such building through fire or other cause shall be considered voluntary demolition for purposes of Subsection (14) of this Section.
- (16) Nothing in this Section shall be deemed to conflict with the provisions of Section 15.915 of this Code regarding demolition of historic structures within historic districts, or interim controls of nominated structures or structures within nominated historic districts."

Section 15.931 Purpose of Administrative Regulations

The purpose of this portion of the Subchapter is to establish the administrative and enforcement framework for the application of this Chapter.

Section 15.932 Zoning Administrator

- (1) **Designation:** The Zoning Administrator or a designee of the Zoning Administrator is hereby designated as the administrative and enforcement officer for the provisions of this Zoning Ordinance. The duty of the Zoning Administrator

is to interpret and administer this Zoning Ordinance and to issue, after on-site inspection, all permits required by this Zoning Ordinance.

- (2) **Duties:** The provisions of this Chapter shall be administered and enforced by the Zoning Administrator or a designee, who in addition thereto and in furtherance of said authority shall:
- (a) Determine that all Detailed Site Analyses, Building Permits, Sign Permits, Site Plans, (and their constituent plans) comply with all provisions of this Chapter.
 - (b) Conduct inspections of buildings, structures, waters and land to determine compliance with all provisions of this Chapter.
 - (c) Be permitted access to premises and structures during reasonable hours to make those inspections as deemed necessary to ensure compliance with this Section. If refused entry after presentations of proper identification, the Zoning Administrator may procure a special inspection warrant in accordance with Section 66.122 of the Wisconsin Statutes.
 - (d) Maintain permanent and current records of this Chapter, including but not limited to all maps, amendments, conditional uses, temporary uses, sign permits, site plans, occupancy permits, variances, appeals, interpretations, and applications therefor.
 - (e) Record the first floor elevations of all structures erected, moved, altered, or improved in the floodland districts.
 - (f) Receive, file and forward all applications for any and all procedures governed by this Chapter to the designated official bodies.
 - (g) Investigate all complaints made relating to the location of structures and the use of structures lands, and waters, give notice of all violations of this Ordinance to the owner, resident, agent, or occupant of the premises, and report uncorrected violations to the City Attorney in a manner specified by him.

- (h) Institute, in the name of the City of Sheboygan, any appropriate actions or proceedings against a violator of this Chapter, as provided by law.
- (i) Prohibit the use or erection of any structure, on land or water until inspection and approval of such use or erection.
- (j) Where useful, the Zoning Administrator, or his agent, may set marks on bridges or buildings or other markers which show the depth of the regional flood; or may set marks delineating the boundaries of wetlands.
- (k) Request assistance and cooperation from the City Police Department and City Attorney as deemed necessary.
- (l) Make available to the public, to the fullest extent possible, all reports and documents concerning the City's comprehensive plan and ordinances. In addition, information in the form of reports, bulletins, maps, and engineering data shall be readily available and widely distributed. The City Council may set fees necessary to recover the cost of providing information to the public.
- (m) Grant minor variations from the dimensional (setback, height, and area requirements of this Chapter; up to a maximum variation of 5% for setbacks and height limitations; and up to a maximum variation of 5% or 1,000 square feet for area requirements (whichever is less); so long as the spirit and intent of the performance standards are preserved.

Section 15.933 Plan Commission

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 City 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.

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 Ordinance, its functions are primarily recommendatory to the City Council pursuant to guidelines set forth in this Ordinance as to various matters, and, always being mindful of the intent and purpose of this Ordinance.

Recommendations shall be in writing. A recording thereof in the Commission's minutes shall constitute the required written recommendation. The Commission may, in arriving at its recommendation, on occasion and of its own volition, conduct its own public hearing.

Section 15.934 Zoning Board of Appeals

The Zoning 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 (see Section 15.910); or appeals regarding an interpretation of the Zoning Administrator of the provisions of this Chapter (see Section 15.912).

(1) **Establishment and Membership:** A Zoning Board of Appeals is hereby established. The Zoning Board of Appeals shall consist of five (5) members appointed by the Mayor, subject to confirmation by the City Council, for three (3) 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 chairman. The Mayor shall appoint, subject to confirmation of the City Council for staggered terms of three (3) years, two alternate members of such board, in addition to the five members above provided for. 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 the first day of May. The Building Inspector Clerk shall serve as Secretary of the Board. The Board of Appeals may employ other employees.

(2) **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 Chairman, and at such other times as the Board of Appeals may determine. The Chairman or, in his absence, an elected Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Appeals, which is the Building Inspector's office, and shall be a public record.

(3) **Powers**

(a) 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 Ordinance 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 Ordinance 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 Ordinance, 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.
- (b) In exercising the above 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 Zoning Administrator 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. (GO 33-05-06/9-6-06)
- (c) In addition to the foregoing powers, the Board of Appeals shall have the following specific powers:
1. 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.
 2. 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.
 3. To permit the substitution of a nonconforming use with another nonconforming use with similar characteristics per the requirements of Section 15.207(7).
- (d) 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.
- (4) **Appeals:** Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the City of Sheboygan 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 officer(s) 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 officer(s) 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.

- (5) **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 (7) days prior thereto, cause notice to be given to the appellant or applicant and the administrative officer(s) appealed from by regular mail or by personal service not less than five (5) days prior to the date of hearing. In every case involving a variance, notice shall also be mailed not less than five (5) 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.
- (6) **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.
- (7) **Findings**
- (a) Findings of the fact and reasons for all actions taken shall be reduced by the Board to writing in the minutes of the proceedings.
- (b) 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:
1. A literal enforcement of the terms of the Zoning Ordinance would result in practical difficulty or unnecessary hardship to the appellant.
 2. The variance is not contrary to the public interest and will not endanger public safety.
 3. The variance is in accord with the spirit of the Zoning Ordinance.
 4. The variance will cause substantial justice to be done.
- (c) Further to be considered by the Board in case of appeal based on variance, in arriving at its reasons and grounds for the above required findings, are the following:
1. **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.
 2. **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 the Zoning Ordinance should be changed.

3. **Economic Hardship and Self-Imposed Hardship Not Grounds for Variance:** 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.
 4. **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.
 5. **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 Ordinance or the public interest.
- (8) **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, Zoning Administrator, and City Plan Commission.
- (a) Conditions may be placed upon any Zoning Permit ordered or authorized by this Board.
 - (b) Variances, substitutions, or use permits granted by the Board shall expire within six (6) months unless substantial work has commenced pursuant to such grant.
 - (c) Applicants receiving variances in floodlands shall be notified, in writing, by the Board of Appeals that increased flood insurance premiums and risk to life or property may result from the granting of the variance. The Board shall keep a record of the notification in its files.
- (9) **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.

Section 15.935 Architectural Review Board

- (1) **Architectural Review Board**
 - (a) **Composition:** An Architectural Review Board consisting of seven (7) members shall be appointed by the Mayor subject to confirmation by the

City Council. The members of the Architectural Review Board shall serve a term of three years. At least three members of the Architectural Review Board shall be architects, including landscape architects, licensed to practice by the State of Wisconsin, one member shall be a real estate broker licensed by the State of Wisconsin, one member shall be a general contractor licensed by the City of Sheboygan, and one member shall be a member of the Plan Commission. One of the members of the Architectural Review Board shall be designated by the Mayor as the Chairman, and he shall hold his office as Chairman until his successor is appointed. The Mayor shall have the power to remove any member of the Architectural Review Board for cause upon written charges and after a public hearing. Vacancies upon the Architectural Review Board shall be filled for the unexpired term of the member whose place has become vacant in the manner herein provided for the appointment of such member. (General Ordinance No. 168-86-87, Section 1,3-2-87)

- (b) **Jurisdiction and Authority:** The Architectural Review Board is hereby vested with the jurisdiction and authority to review applications for approval of the exterior architectural features and design of buildings and other structures in all instances in which such approval is required by subsection 15.934(2), below.
- (c) **Meetings and Rules of the Architectural Review Board:** The Architectural Review Board shall be subject to the same requirements and restrictions with respect to its meetings and rules as are contained in Section 15.934, below, relating to meetings and rules of the Zoning Board of Appeals.
- (d) **Finality of Decisions of the Architectural Review Board:** All decisions and findings of the Architectural Review Board shall be subject to review by the Zoning Board of Appeals in the same manner as is provided by Section 15.912 relating to appeals from decisions and determinations of the Building Inspector.

(2) **Architectural Approval**

No building permit for any new nonresidential building or structure to be hereafter erected in the City of Sheboygan, and any addition to, or alteration of nonresidential buildings or structures which alters more than twenty (20) percent of the area of any facade of the building or structure shall be issued unless the exterior architectural features and design of such building or structure have been approved by the Architectural Review Board. Exact replacements of architectural components are exempt from this provision. (General Ordinance No. 128-87-88, Section 1, 12-21-87)

- (a) **Application for Architectural Approval:** An application for a building permit for a building or other structure for which the approval of the Architectural Review Board is required shall be accompanied by the following additional documents and drawings:

1. A scale drawing of all exterior elevations showing the design and appearance of the proposed building or structure.
2. A written description of the general design, arrangement, texture, material and color of the building or structure and the relationship of such factors to similar features of buildings located within the same block or located along the frontage of any block across the street from the proposed building or structure for which architectural approval is sought.

(b) **Standards for Architectural Approval:** The Architectural Review Board shall inspect the site of the proposed building or other structure for which architectural approval is sought and the immediate neighborhood of such site. After examining all of the drawings and documents submitted with the application for a building permit and for architectural approval, the Architectural Review Board shall approve the architecture and design of the proposed building or structure whenever it shall find that:

1. The exterior architectural features, including general design, arrangement, texture, color and materials will be consistent and in harmony with the exterior architectural appeal and functional plan of the buildings located within the same block or located along the frontage of any block across the street from the proposed building or structure.
2. The construction of the proposed building or structure will not cause a substantial depreciation in the value of the property in the same block or located along the frontage of any block across the street from the proposed building or structure because of its dissimilarity to, or failure to harmonize with, the buildings located on such property.

The Architectural Review Board shall not consider the interior arrangement of buildings for which architectural approval is sought.

(c) **Meetings by the Architectural Review Board:** All applications for architectural approval of a building or structure shall be considered by the Architectural Review Board at a public meeting. A notice of the date, time, place and subject of the meeting shall be provided.

Section 15.936 Fees

- (1) **Fees for Procedures Requested by a Private Party:** The following fees are hereby established and required:

- (a) **Text Amendment** (per Section 15.902): \$100.00*
- (b) **Zoning Map Amendment** (per Section 15.903): \$100.00*
- (c) **Special Use** (per Section 15.904): \$ 50.00*
- (d) **Conditional Use** (per Section 15.905): (G.O.44-01-02; 11/5/01) \$150.00*
- (e) **Temporary Use** (per Section 15.906): \$ 0.00*
- (f) **Sign Permit** (per Section 15.907): (G.O.44-01-02; 11/5/01) \$50.00 min. or
\$.50/sf of sign area*
- (g) **Site Plan** (per Section 15.908): \$ 0.00*
- (h) **Variance** (per Section 15.910): (G.O.44-01-02; 11/5/01) \$150.00*
- (i) **Appeal** (per Section 15.912):(G.O.44-01-02; 11/5/01) \$150.00*

Base fee may be modified by Subsection (4), below.
(G. O. 42-96-97; 9/16/96) (G. O. 117-97-98; 3/2/98)

- (2) **Fees for Procedures Requested by the City of Sheboygan:** There shall be no fee in the case of applications filed in the public interest by the City Council or the Plan Commission, other agency, or official of the City of Sheboygan.
- (3) **Payment of Fees:** Fees shall be payable at the time applications are filed with the appropriate officer of the City (per the requirements of this Chapter), and are not refundable.
- (4) **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 a proposal coming before the Plan Commission. 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 such fees are paid by the applicant. The submittal of a development proposal application or petition by an applicant shall be construed as an agreement to pay for such professional review services applicable to the proposal. Review fees which are applied to an applicant, but which are not paid, may be assigned by the City as a special assessment to the subject property.

Section 15.937 Violations and Penalties

- (1) **Violation of this Chapter:** It shall be unlawful to construct or use any land, engage in any development activity (including disruption of protected vegetation), or construct or use any structure, land or water in violation of any of the

provisions of this Chapter, or otherwise neglect, refuse or fail to comply with this Chapter's requirements. Any person who violates or fails to comply with any of

the provisions of this Chapter shall, upon conviction thereof, be subject to the penalties set forth in Subsection (2), below, and in addition, shall pay all costs and expenses, including actual reasonable attorney and other fees involved in the case. Each day a violation exists or continues shall constitute a separate offense.

- (2) **Penalties:** Any person, firm, or corporation who fails to comply with the provisions of this Ordinance or any order of the Zoning Administrator shall, upon conviction thereof, forfeit not less than \$10.00 nor more than \$200.00 and costs of prosecution for each violation, and in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense.
- (3) **City Promulgated Correction of Violation:** In addition to any penalty imposed by this Subchapter for a violation of the provisions of this Chapter, the City reserves and maintains the continued right to abate violations of this Chapter.
 - (a) **Hazardous Condition Caused by Violation of this Chapter:** If the Zoning Administrator determines that a violation of this Chapter exists, and further determines that the nature of such violation poses a great and immediate danger to the public health, safety, peace, morals or decency, the Zoning Administrator shall cause the violation to be abated. Costs associated with said abatement shall be charged to the owner of the property on which said violation has occurred per Subsection 15.937(c), below. The Zoning Administrator is hereby authorized to abate a violation of this Chapter.
 - (b) **Non-Hazardous Condition Caused by Violation of this Chapter:** If the Zoning Administrator determines that a violation of this Chapter exists, and further determines that the nature of such violation is not such as to pose great and immediate danger to the public health, safety, peace, morals or decency, the Zoning Administrator shall serve written notice by registered mail on the current owner of the property (as indicated by current City of Sheboygan tax records) on which said violation is occurring to remove said violation within ten working days. If such violation is not removed within such ten working days, the Zoning Administrator shall cause the violation to be abated per Subsection (a), above. Costs associated with said abatement shall be charged to the owner of the property on which said violation has occurred per Subsection 15.937(c), below.
 - (c) **Cost of Abatement:** In addition to any other penalty imposed by this Subchapter for a violation of the provisions of this Chapter, the cost of abating a violation of this Chapter per Subsections 15.937(a) and/or (b), above, shall be collected as a debt from the owner of the property on which said violation has occurred. An account of the expenses incurred by the City to abate the violation shall be kept and such expenses shall be charged to and paid by the property owner. Notice of the bill for abatement of the violation shall be mailed to the last known address of said property owner by registered mail, and shall be payable within 30

calendar days from the receipt thereof. Within 60 days after such costs and expenses are incurred and remain unpaid, the City Clerk shall enter such charge onto the tax roll as a special tax as provided by State Statute 66.615(5).