



NINETEENTH REGULAR COMMON COUNCIL MEETING AGENDA

January 05, 2026 at 6:00 PM

**City Hall, 3rd Floor - Council Chambers, 828 Center Avenue,
Sheboygan, WI**

Notice of the 19th Regular Meeting of the 2025-2026 Common Council.

This meeting may be viewed LIVE on:

Charter Spectrum Channel 990, AT&T U-Verse Channel 99 and: www.wcsssheboygan.com/vod.

Persons with disabilities who need accommodations to attend the meeting should contact Meredith DeBruin at the City Clerk's Office, 828 Center Avenue, (920) 459-3361. Members of the public who wish to participate in public forum remotely shall provide notice to the City Clerk at (920) 459-3361 by 12:00 p.m. on meeting day to be called upon during the meeting. All Alderpersons may attend the meeting remotely.

To view the meeting:

Microsoft Teams

Meeting ID: 285 970 152 454 92

Passcode: oE9Tm3iN

OPENING OF MEETING

1. Call to order

2. Roll Call

3. Pledge of Allegiance

4. Approval of Minutes

Eighteenth Regular Council Meeting held on December 15, 2025

5. Mayoral Appointment

Fern Lomibao to the Historic Preservation Commission

6. Confirmation of Mayoral Appointments

Annie Van Zeeland to be considered for appointment to the Mayor's International Committee

Thomas Nicla to be considered for appointment to the Mayor's International Committee

7. Public Forum

Limit of five people having five minutes each with comments limited to items on this agenda.

8. Mayor's Announcements

Upcoming Community Events, Proclamations, Employee Recognitions

HEARINGS

9. Hearing 12-25-26 is scheduled to give persons an opportunity to be heard relative to a proposed amendment to the City of Sheboygan's Zoning Ordinance. The purpose of the amendment is to relocate the zoning-related boards and commissions in the code.

RESOLUTIONS

10. Res. No. 146-25-26 by Alderpersons Dekker and Perrella commemorating the distinguished service of Michael Vandersteen to the City of Sheboygan.

GENERAL ORDINANCES

11. Gen. Ord. No. 36-25-26 by Alderperson Close granting SBEHAH 505 SHEBOYGAN PROPERTY LLC, its successors and assigns, the privilege of encroaching upon the described portions of South Water Street right of way in the City of Sheboygan for the purpose of creating wheelchair ramp access to the Golden Harbor Assisted Living Facility building.

Voted 7-0 by City Plan Commission to recommend adoption

12. Gen. Ord. No. 37-25-26 by Alderperson Close repealing and replacing Chapter 105 of the Sheboygan Municipal Code entitled "General Zoning" and referred to as the City of Sheboygan Zoning Ordinance. LAYS OVER

Voted 7-0 by City Plan Commission to recommend adoption with the following amendments:

Voted 6-1 TO STRIKE 3.03(j)(III)(1) SECTION 7

Voted 6-1 TO STRIKE 3.03(j)(III)(1) 3, 10, 12, and verbiage "40% of" 13

Voted 6-1 TO STRIKE 3.03(b)(I)(1)

Voted 5-2 TO STRIKE 3.03(d)(I)(1) verbiage "greater than 21,780 sf"

Voted 7-0 TO STRIKE 4.06(h)(I) verbiage "3.0 per unit (1-2unit structure)" under R Uses on table IV-2

MATTERS LAID OVER

13. Gen. Ord. No. 35-25-26 by Alderperson Close updating various sections of the Sheboygan Municipal Code so as to relocate the zoning-related boards and commissions.

Voted 7-0 by City Plan Commission to recommend adoption

OTHER MATTERS AUTHORIZED BY LAW

TENTATIVE DATE OF NEXT REGULAR MEETING

14. Next Regular Meeting Date: January 19, 2026

ADJOURN MEETING

15. Motion to Adjourn

In compliance with Wisconsin's Open Meetings Law, this agenda was posted in the following locations more than 24 hours prior to the time of the meeting:

*City Hall • Mead Public Library
Sheboygan County Administration Building • City's website*

EIGHTEENTH REGULAR COMMON COUNCIL MEETING MINUTES

Monday, December 15, 2025

OPENING OF MEETING

1. Call to order

The meeting was called to order at 6:00 p.m.

2. Roll Call

Alderpersons present: Belanger, Boorse, Close, Dekker, Grawien, Heidemann, Menzer, Mitchell, Perrella (remote), Rust – 10.

3. Pledge of Allegiance

4. Approval of Minutes

Seventeenth Regular Council Meeting held on December 1, 2025

MOTION TO APPROVE MINUTES

Motion made by Dekker, Seconded by Rust.

Voting Yea: Belanger, Boorse, Close, Dekker, Grawien, Heidemann, Menzer, Mitchell, Perrella, Rust – 10.

5. Mayoral Appointments – Lays over.

Annie Van Zeeland to be considered for appointment to the Mayor's International Committee
Thomas Nicla to be considered for appointment to the Mayor's International Committee

6. Confirmation of Mayoral Appointments

Election Inspectors for all elections in 2026 and 2027

Eric Katte to the Board of Marina, Parks, and Forestry (Boat Slip Renter Rep)

MOTION TO CONFIRM APPOINTMENTS

Motion made by Dekker, Seconded by Perrella.

Voting Yea: Belanger, Boorse, Close, Dekker, Grawien, Heidemann, Menzer, Mitchell, Perrella, Rust – 10.

7. Public Forum

Limit of five people having five minutes each with comments limited to items on this agenda.
Michael Brunette and Dave Repinski spoke.

8. Mayor's Announcements

Upcoming Community Events, Proclamations, Employee Recognitions

HEARINGS

9. Hearing 10-25-26 is scheduled to give persons an opportunity to be heard relative to a proposed discontinuance and vacation of a portion of right-of-way on the south side of North Franklin

Street adjacent to Parcel 59281111200 located in part of Lots 15, 16, and 17, Block 313 of Original Plat, City of Sheboygan, Sheboygan County, Wisconsin.
David Nenning and Michael Brunette spoke.

Item 4.

MOTION TO CLOSE THE HEARING

Motion made by Dekker, Seconded by Rust.

Voting Yea: Belanger, Boorse, Close, Dekker, Grawien, Heidemann, Menzer, Mitchell, Perrella, Rust – 10.

10. Hearing 11-25-26 is scheduled to give persons an opportunity to be heard relative to a proposed amendment to the City of Sheboygan's Official Zoning Map to change the Use District Classification of property located at 819 N. 6th Street, Sheboygan from Class Suburban Office (SO) to Class Neighborhood Commercial (NC) Classification.

Aimee Markowski-Boerst spoke.

MOTION TO CLOSE THE HEARING

Motion made by Dekker, Seconded by Perrella.

Voting Yea: Belanger, Boorse, Close, Dekker, Grawien, Heidemann, Menzer, Mitchell, Perrella, Rust – 10.

CONSENT

11. Report 33-25-26 by Interim Human Resources & Labor Relations Director/City Attorney Liz Majerus submitting the 2026 City of Sheboygan table of organization.

MOTION TO ACCEPT AND FILE THE REPORT

Motion made by Dekker, Seconded by Perrella.

Voting Yea: Belanger, Boorse, Close, Dekker, Grawien, Heidemann, Menzer, Mitchell, Perrella, Rust – 10.

12. Report 35-25-26 by City Clerk submitting various license applications.

MOTION TO GRANT ALL LICENSES SUBJECT TO APPROVALS, INSPECTIONS, INSURANCE, PAYMENT OF LICENSE FEES AND MEETING STATE STATUTE REQUIREMENTS AND SHEBOYGAN MUNICIPAL CODE

Motion made by Dekker, Seconded by Perrella.

Voting Yea: Belanger, Boorse, Close, Dekker, Grawien, Heidemann, Menzer, Mitchell, Perrella, Rust – 10.

13. Res. No. 142-25-26 by Alderpersons Mitchell and Perrella adopting the revised 2026 City of Sheboygan compensation program for non-represented employees.

MOTION TO ADOPT RESOLUTION

Motion made by Dekker, Seconded by Perrella.

Voting Yea: Belanger, Boorse, Close, Dekker, Grawien, Heidemann, Menzer, Mitchell, Perrella, Rust – 10.

14. Res. No. 139-25-26 by Alderpersons Mitchell and Perrella authorizing retaining outside legal counsel to represent the City in the matter of SCF RC Funding IV LLC v. City of Sheboygan, and authorizing payment for said services.

MOTION TO ADOPT RESOLUTION

Motion made by Dekker, Seconded by Perrella.

Voting Yea: Belanger, Boorse, Close, Dekker, Grawien, Heidemann, Menzer, Mitchell, Perrella, Rust – 10.

15. Res. No. 138-25-26 by Alderpersons Mitchell and Perrella authorizing the Finance Director to make all necessary changes and record all transactions in the City's General Ledger to close the Boat Facilities Fund and the Marina Fund and consolidate it into a combined Marina/Boat Facilities Fund.

MOTION TO ADOPT RESOLUTION

Motion made by Dekker, Seconded by Perrella.

Voting Yea: Belanger, Boorse, Close, Dekker, Grawien, Heidemann, Menzer, Mitchell, Perrella, Rust – 10.

16. Res. No. 136-25-26 by Alderpersons Dekker and Rust authorizing the appropriate City officials to enter into a contract with David Tenor Corporation for the 2025 Sanitary Sewer Repairs (North 16th Street – Erie Avenue to St. Clair Avenue and Kentucky Avenue – West of South 17th Street).

MOTION TO ADOPT RESOLUTION

Motion made by Dekker, Seconded by Perrella.

Voting Yea: Belanger, Boorse, Close, Dekker, Grawien, Heidemann, Menzer, Mitchell, Perrella, Rust – 10.

17. Res. No. 145-25-26 by Alderpersons Dekker and Rust authorizing City officials to enter into a contract with Strand Associates for engineering services related to studying major factors to be considered should a wastewater treatment plant (WWTP) expansion be required in the future.

MOTION TO ADOPT RESOLUTION

Motion made by Dekker, Seconded by Perrella.

Voting Yea: Belanger, Boorse, Close, Dekker, Grawien, Heidemann, Menzer, Mitchell, Perrella, Rust – 10.

18. Res. No. 144-25-26 by Alderpersons Dekker and Rust authorizing City officials to enter into a contract with Donohue & Associates, Inc. for engineering services related to the replacement of a wastewater treatment plant (WWTP) aeration blower.

MOTION TO ADOPT RESOLUTION

Motion made by Dekker, Seconded by Perrella.

Voting Yea: Belanger, Boorse, Close, Dekker, Grawien, Heidemann, Menzer, Mitchell, Perrella, Rust – 10.

19. Res. No. 141-25-26 by Alderpersons Dekker and Rust authorizing the appropriate City officials to execute a First Amendment to Memorandum of Understanding with Ellwood H. May Environmental Park Association of Sheboygan County, Inc. relating to certain terms and conditions in the MOU.

MOTION TO ADOPT RESOLUTION

Motion made by Dekker, Seconded by Perrella.

Voting Yea: Belanger, Boorse, Close, Dekker, Grawien, Heidemann, Menzer, Mitchell, Perrella, Rust – 10.

20. Res. No. 140-25-26 by Alderpersons Dekker and Rust designating the Director of Public Works as the City's Authorized Representative for the Wisconsin Department of Transportation (WisDOT) Transportation Alternatives Program (TAP) Grant for State Funding Years (SFY) 2026-2030 and directing him to submit a WisDOT Transportation Alternatives Program Grant Application.

MOTION TO ADOPT RESOLUTION

Motion made by Dekker, Seconded by Perrella.

Voting Yea: Belanger, Boorse, Close, Dekker, Grawien, Heidemann, Menzer, Mitchell, Perrella, Rust – 10.

21. Res. No. 137-25-26 by Alderpersons Dekker and Rust authorizing the appropriate City officials to enter into a contract with Cornerstone Pavers, LLC for the 2025 Street Improvements, Concrete Pavement Repairs (Mead Avenue and Wilson Avenue).

MOTION TO ADOPT RESOLUTION

Motion made by Dekker, Seconded by Perrella.

Voting Yea: Belanger, Boorse, Close, Dekker, Grawien, Heidemann, Menzer, Mitchell, Perrella, Rust – 10.

REPORTS

22. Report 34-25-26 by City Clerk submitting a Summons and Complaint in the matter of SCR RC Funding IV LLC vs. City of Sheboygan. REFER TO FINANCE AND PERSONNEL COMMITTEE

RESOLUTIONS

23. Res. No. 143-25-26 by Alderpersons Dekker and Rust authorizing the appropriate City officials to execute a Vendor Permit Agreement with Tributary Beer Garden, LLC regarding the operation of a beer garden concession in Kiwanis Park.

MOTION TO ADOPT RESOLUTION

Motion made by Dekker, Seconded by Rust.

Voting Yea: Belanger, Boorse, Close, Dekker, Grawien, Heidemann, Menzer, Mitchell, Perrella, Rust – 10.

GENERAL ORDINANCES

24. Gen. Ord. No. 32-25-26 by Alderpersons Dekker and Rust amending Section 60-131 of the Sheboygan Municipal Code regarding permits for boat launching.

MOTION TO ADOPT ORDINANCE

Motion made by Dekker, Seconded by Rust.

Voting Yea: Belanger, Boorse, Close, Dekker, Grawien, Heidemann, Menzer, Mitchell, Perrella, Rust – 10.

25. Gen. Ord. No. 33-25-26 by Alderpersons Dekker and Rust changing the parking restrictions on the west side of North 9th Street from Erie Avenue to Ontario Avenue. Item 4.

MOTION TO ADOPT ORDINANCE

Motion made by Dekker, Seconded by Rust.

Voting Yea: Belanger, Boorse, Close, Dekker, Grawien, Heidemann, Menzer, Mitchell, Perrella, Rust – 10.

26. Gen. Ord. No. 34-25-26 by Alderpersons Dekker and Rust amending various sections of the Sheboygan Municipal Code so as to allow for specially charging lead service lateral replacement and to allow those special charge revenues to provide security for the Safe Drinking Water Loan Program Lead Service Lateral Loan Program.

MOTION TO ADOPT ORDINANCE

Motion made by Dekker, Seconded by Rust.

Voting Yea: Belanger, Boorse, Close, Dekker, Grawien, Heidemann, Menzer, Mitchell, Perrella, Rust – 10.

27. Gen. Ord. No. 35-25-26 by Alderperson Close updating various sections of the Sheboygan Municipal Code so as to relocate the zoning-related boards and commissions. **LAYS OVER**
Voted 7-0 by City Plan Commission to recommend adoption

MATTERS LAID OVER

28. Res. No. 122-25-26 by Alderpersons Dekker and Rust vacating a 1034.86 square foot portion of right-of-way on the south side of North Franklin Street adjacent to Parcel No. 59281111200 located in part of Lots 15, 16, and 17, Block 313 of Original Plat, City of Sheboygan, Sheboygan County, Wisconsin.

MOTION TO ADOPT RESOLUTION

Motion made by Dekker, Seconded by Rust.

Voting Yea: Belanger, Boorse, Close, Dekker, Grawien, Heidemann, Menzer, Mitchell, Perrella, Rust – 10.

29. Gen. Ord. No. 31-25-26 by Alderperson Close amending the City of Sheboygan Official Zoning Map of the Sheboygan Zoning Ordinance to change the Use District Classification of Parcel No. 59281111460, 819 N. 6th Street, from Class Suburban Office (SO) to Class Neighborhood Commercial (NC) Classification.

MOTION TO ADOPT ORDINANCE

Motion made by Close, Seconded by Dekker.

Voting Yea: Belanger, Boorse, Close, Dekker, Grawien, Heidemann, Menzer, Mitchell, Perrella, Rust – 10.

OTHER MATTERS AUTHORIZED BY LAW – None.

TENTATIVE DATE OF NEXT REGULAR MEETING

30. Next Regular Meeting Date: January 5, 2026

ADJOURN MEETING

31. Motion to Adjourn

MOTION TO ADJOURN AT 6:33 PM

Motion made by Dekker, Seconded by Perrella.

Voting Yea: Belanger, Boorse, Close, Dekker, Grawien, Heidemann, Menzer, Mitchell, Perrella, Rust – 10.



December 29th 2025

TO THE MEMBERS OF THE COMMON COUNCIL:

I hereby submit the following appointments for your confirmation:

- Fern Lomibao to be considered for appointment to the Historic Preservation Commission

A handwritten signature in black ink that reads 'Ryan Sorenson'.

Ryan Sorenson
Mayor
City of Sheboygan

Office of the Mayor

CITY HALL
828 CENTER AVE.
SHEBOYGAN, WI 53081

920-459-3317
www.sheboyganwi.gov

Fern Lomibao – Local Photographer, Self-directed study in early 20th-century Sheboygan County architecture, preservation practices, and sustainable design



December 10th 2025

TO THE MEMBERS OF THE COMMON COUNCIL:

I hereby submit the following appointments for your confirmation:

- Annie Van Zeeland to be considered for appointment to the Mayor's International Committee
- Thomas Nicla to be considered for appointment to the Mayor's International Committee

A handwritten signature in black ink that reads 'Ryan Sorenson'.

Ryan Sorenson
Mayor
City of Sheboygan

Office of the Mayor

CITY HALL
828 CENTER AVE.
SHEBOYGAN, WI 53081

920-459-3317
www.sheboyganwi.gov

Thomas Nicla – Local insurance business owner

Annie Van Zeeland – EMT Schooling, local artist

**CITY OF SHEBOYGAN
HEARING 12-25-26**

JANUARY 5, 2026.

A hearing is scheduled to give persons an opportunity to be heard relative to a proposed amendment to the City of Sheboygan's Zoning Ordinance. The purpose of the amendment is to relocate the zoning-related boards and commissions in the code.

All interested parties will be heard.

**NOTICE OF PUBLIC HEARING ON AMENDMENT TO THE CITY OF SHEBOYGAN ZONING
ORDINANCE:**

Notice is hereby given that a public hearing will be held at 6:00 P.M., January 5, 2026 in City Hall, 3rd Floor Council Chambers, 828 Center Avenue, Sheboygan, Wisconsin, to give persons an opportunity to be heard relative to the proposed amendment to the City of Sheboygan's Zoning Ordinance. The purpose of the amendment is to relocate the zoning-related boards and commissions in the code.

MEREDITH DEBRUIN
City Clerk



Thank you for placing your order with us.

From Sheboygan Legals <legals@sheboyganpress.com>

Date Fri 12/5/2025 10:24 AM

To DeBruin, Meredith <Meredith.DeBruin@sheboyganwi.gov>

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Classification: Govt Public Notices
Package: General Package
Additional Options: 1 Affidavit \$1.00
Total payment: \$31.03

Schedule for ad number LWIX04200710

Fri Dec 19, 2025 Sheboygan Press All Zones
Fri Dec 26, 2025 Sheboygan Press All Zones

Account Details

Sheb, City Of,Legal Acct
828 Center AVE # 110 ACCOUNTS PAYABLE
Sheboygan, WI 53081-4442
920-459-4000
Bernard.Rammer@sheboyganwi.gov
Sheb, City Of,Legal Acct

NOTICE OF PUBLIC HEARING ON
AMENDMENT TO THE CITY OF
SHEBOYGAN ZONING ORDINANCE:

Item 9.

Notice is hereby given that a public hearing will be held at 6:00 P.M., January 5, 2026 in City Hall, 3rd Floor Council Chambers, 828 Center Avenue, Sheboygan, Wisconsin, to give persons an opportunity to be heard relative to the proposed amendment to the City of Sheboygan's Zoning Ordinance. The purpose of the amendment is to relocate the zoning-related boards and commissions in the code.

MEREDITH DEBRUIN
City Clerk

WNAXLP

December 19, 26 2025

LWIX0420071

**CITY OF SHEBOYGAN
RESOLUTION 146-25-26**

BY ALDERPERSONS DEKKER AND PERRELLA.

JANUARY 5, 2026.

A RESOLUTION commemorating the distinguished service of Michael Vandersteen to the City of Sheboygan.

WHEREAS, God in his divine wisdom, has called from this life our valued friend and fellow Sheboygan leader Michael Vandersteen who passed away on Thursday, December 18th, 2025; and

WHEREAS, Michael Vandersteen served the residents of the City of Sheboygan as an alderperson from 1993 to 1997, and served as the Mayor of the City of Sheboygan from 2013 to 2021; and

WHEREAS, during his tenure as alderperson, Michael Vandersteen served as a valuable member of numerous city committees, including the Transit Commission, the Plan Commission, Finance Committee, Public Works Committee, and the Parks and Forestry Commission; and

NOW, THEREFORE, BE IT RESOLVED: That the Common Council hereby commemorates the service rendered by Michael Vandersteen to the City of Sheboygan throughout his years of service, expresses its sorrow in his passing, and offers to his wife Julie, and his entire family its deepest sympathy.

BE IT FURTHER RESOLVED: That this resolution be published in this council's official proceedings, and that a suitable copy be presented to the family of Michael Vandersteen.

PASSED AND ADOPTED BY THE CITY OF SHEBOYGAN COMMON COUNCIL

Presiding Officer

Attest

Ryan Sorenson, Mayor, City of
Sheboygan

Meredith DeBruin, City Clerk, City of
Sheboygan

**CITY OF SHEBOYGAN
GENERAL ORDINANCE 36-25-26**

BY ALDERPERSON CLOSE.

DECEMBER 23, 2025.

AN ORDINANCE granting SBEHAH 505 SHEBOYGAN PROPERTY LLC, its successors and assigns, the privilege of encroaching upon the described portions of South Water Street right of way in the City of Sheboygan for the purpose of creating wheelchair ramp access to the Golden Harbor Assisted Living Facility building.

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

Section 1. Subject to the terms and conditions contained herein, SBEHAH 505 SHEBOYGAN PROPERTY LLC, its successors and assigns, is hereby granted the privilege of encroaching upon South Water Street right of way as follows:

That part of Water Street and Pennsylvania Avenue lying west of Block 175 in the Sheboygan Original Plat, according to the Plat thereof, in the City of Sheboygan, Sheboygan County, Wisconsin, described as follows:

Beginning at the Northwest corner of Lot 2 in said Block 175; thence South 12 degrees 13 minutes 37 seconds East along the west line of said Lot 2, 70.00 feet; thence North 75 degrees 17 minutes 57 seconds West, 4.93 feet; thence North 12 degrees 20 minutes 03 seconds West, 17.00 feet; thence North 45 degrees 47 minutes 24 seconds West, 7.48 feet; thence North 12 degrees 25 minutes 30 seconds West, 38.88 feet; thence North 32 degrees 11 minutes 21 seconds East, 9.08 feet; thence North 78 degrees 12 minutes 50 seconds East, 2.34 feet; thence South 12 degrees 13 minutes 37 seconds East, 0.81 feet to the Point of Beginning, containing 492 square feet, more or less;

for the purpose of creating wheelchair ramp access to the building.

Section 2. The privilege as granted above is granted only on the condition that by the acceptance of the privilege, the said SBEHAH 505 SHEBOYGAN PROPERTY LLC, its successors and assigns:

a. Shall become primarily responsible and liable for all and any damage to persons or property caused by and arising from the grant and exercise of such privilege.

b. Shall remove the encroachment allowed herein within ten (10) days after notice so to remove given by the State of Wisconsin or the City of Sheboygan; in the event of the failure so to remove, the said SBEHAH 505 SHEBOYGAN PROPERTY LLC, its successors and assigns: shall pay the costs of removal by the State of Wisconsin or the City of Sheboygan, waiving all claim or claims for damages resulting from such removal, whether the removal is done by the said SBEHAH 505 SHEBOYGAN PROPERTY LLC, its successors and assigns, or by the State of Wisconsin or by the City of Sheboygan.

c. Shall pay such compensation to the City of Sheboygan for the grant of this privilege as may be determined by a board consisting of the Mayor, the Director of Public Works and the City Attorney; the compensation shall be paid into the General Fund.

d. Shall make such construction and/or alterations and maintain the same subject to the approval of the City Building Inspector and Director of Public Works, and shall waive the right to contest in any manner the validity of this ordinance or the amount of compensation charged.

Section 3. The provisions of § 66.0425(1)(2) of the Wisconsin Statutes are incorporated herein by reference to all intents and purposes as if set out fully.

Section 4. The City Clerk is authorized and directed to record a certified copy of this ordinance in the office of the Register of Deeds for Sheboygan County, Wisconsin, the costs thereof to be charged to the General Fund.

Section 5. This ordinance shall take effect and be in full force from and after its passage and publication and upon payment of the consideration to be determined hereunder, provided, however, that in the event of failure to exercise the privilege herein granted and the payment of such consideration within six (6) months from the effective date hereof, then and in that event such privilege shall be rendered null and void.

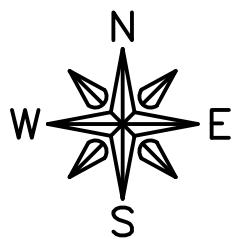
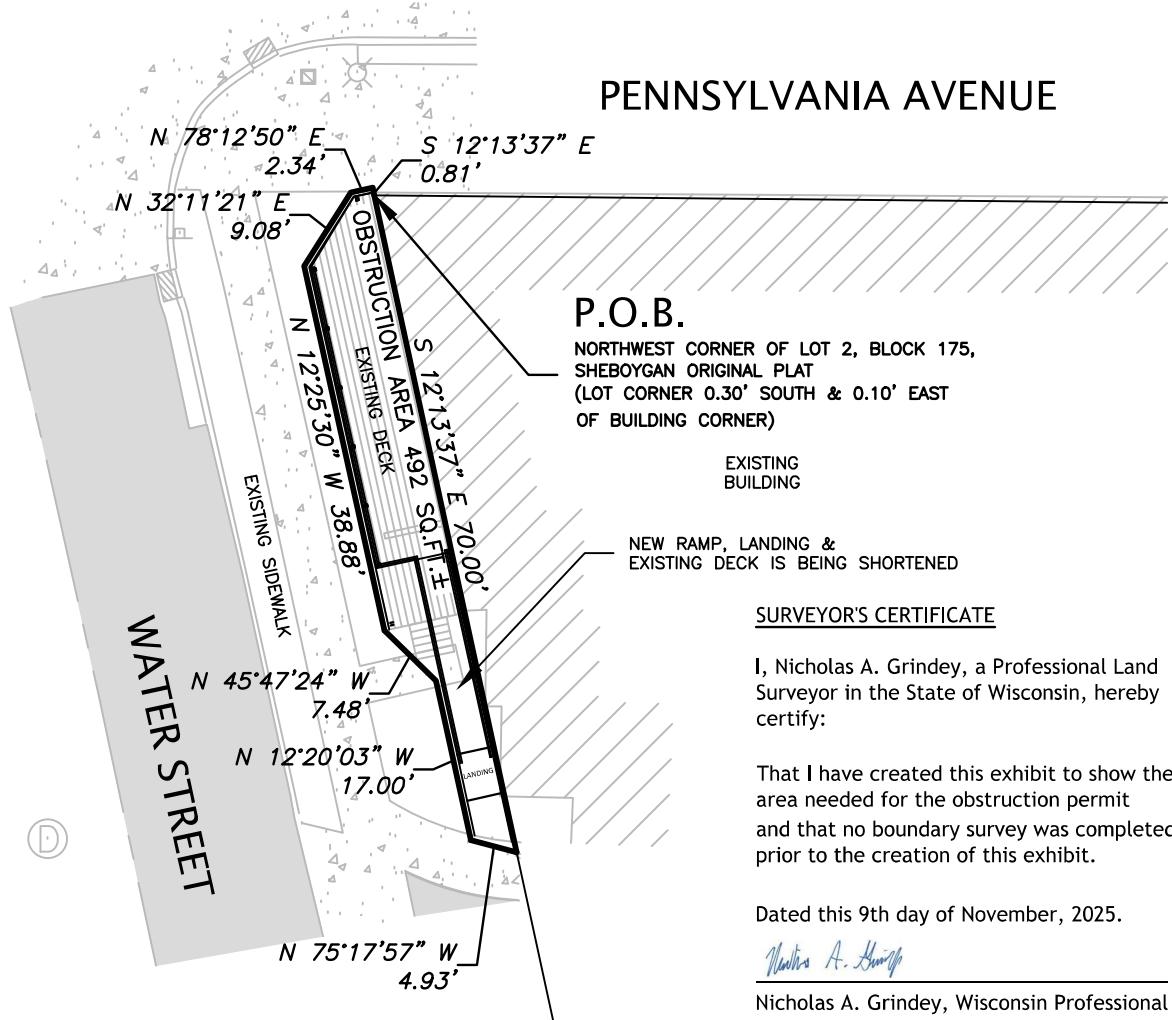
PASSED AND ADOPTED BY THE CITY OF SHEBOYGAN COMMON COUNCIL

Presiding Officer

Ryan Sorenson, Mayor, City of
Sheboygan

Attest

Meredith DeBruin, City Clerk, City of
Sheboygan



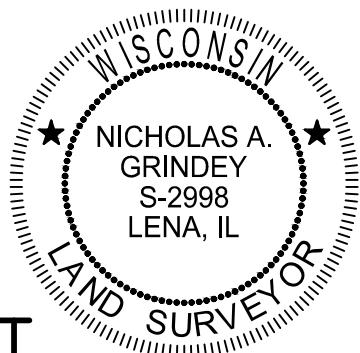
20 0 20 FEET
GRAPHIC SCALE IN FEET

PLOT DATE: 12/9/25

M:\Drawings\3D\25\251837\251837 Survey.dwg, EXHIBIT - 2

EXHIBIT

OBSTRUCTION PERMIT
505 S. WATER STREET
SHEBOYGAN, WI 53081 12/09/2025



FEHR GRAHAM
ENGINEERING & ENVIRONMENTAL
ILLINOIS DESIGN FIRM NO. 184-003525

ILLINOIS
IOWA
WISCONSIN

**CITY OF SHEBOYGAN
GENERAL ORDINANCE 37-25-26**

BY ALDERPERSON CLOSE.

DECEMBER 23, 2025.

AN ORDINANCE repealing and replacing Chapter 105 of the Sheboygan Municipal Code entitled “General Zoning” and referred to as the City of Sheboygan Zoning Ordinance.

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

SECTION 1: **REPEAL AND REPLACE** “Chapter 105 General Zoning” of the Sheboygan Municipal Code is hereby *repealed* and *replaced* to read as outlined in the document attached hereto.

SECTION 2: The City Attorney’s Office will put the replaced/recreated zoning ordinance into the proper Sheboygan Municipal Code format and update all cross-references within the Code.

SECTION 3: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 4: **EFFECTIVE DATE** This ordinance shall be in effect from and after its passage and publication according to law.

PASSED AND ADOPTED BY THE CITY OF SHEBOYGAN COMMON COUNCIL

Presiding Officer

Attest

Ryan Sorenson, Mayor, City of
Sheboygan

Meredith DeBruin, City Clerk, City of
Sheboygan

Plan Commission recommends amending Section 3.03(j)(III)(1) SECTION 7 as follows

1. ACCESSORY DWELLING UNIT REGULATIONS

An accessory dwelling unit (ADU) is a smaller, independently habitable residential dwelling unit located on the same lot as a standalone (i.e., detached) single-family home. ADUs can be converted portions of existing homes (i.e., internal ADUs), additions to new or existing homes (i.e., attached ADUs), new stand-alone accessory structures, or converted portions of existing stand-alone accessory structures (i.e., detached ADUs). Accessory Dwelling Units shall comply with the following regulations:

1. No more than one ADU shall be allowed on a single lot.
2. ADUs shall not be located on lots occupied by a two-unit house, townhouse, or cottage court development.
3. The number of occupants of the ADU shall not exceed one family.
4. Additional entrances shall not be added to the front elevation of an existing residential building but may be added to side, rear, or street side elevations.
5. Entrances to ADUs may not face the nearest side or rear property line unless there is an alley abutting that property line.
6. ADU entryways within a rear, side, or street side yard shall be connected to a street frontage by a paved walkway or driveway. The owner shall post one on-building locational sign displaying the address of the ADU.
7. ~~The ADU's exterior finish material, roof pitch, and trim elements must visually match the exterior finish material of the principal building in type, size and placement.~~
8. Attached ADUs shall adhere to the principal structure setback requirements and other regulations for the underlying zoning district.
9. Detached ADUs shall adhere to the accessory structure setback requirements and other regulations for the underlying zoning district.
10. Either the principal building or ADU must be occupied by the owner of the property as their primary residence for a total of at least 183 days in a calendar year. A restrictive agreement between the property owner and the City shall be recorded prior to issuance of a zoning permit and occupancy being granted.
11. The ADU shall not be sold separately or otherwise conveyed or titled separately from the principal dwelling.
12. ADUs shall not be rented for periods of one (1) to six (6) consecutive days.
13. The maximum size of an ADU shall not exceed 40% of the size of the principal dwelling's floor area, excluding any attached garage.
14. Neither fees in-lieu of parkland, nor park improvement fees shall be charged for a permit to construct an ADU.

Plan Commission recommends amending Section 3.03(j)(III)(1) 3, 10, 12, 13 as follows:

1. ACCESSORY DWELLING UNIT REGULATIONS

An accessory dwelling unit (ADU) is a smaller, independently habitable residential dwelling unit located on the same lot as a standalone (i.e., detached) single-family home. ADUs can be converted portions of existing homes (i.e., internal ADUs), additions to new or existing homes (i.e., attached ADUs), new stand-alone accessory structures, or converted portions of existing stand-alone accessory structures (i.e., detached ADUs). Accessory Dwelling Units shall comply with the following regulations:

1. No more than one ADU shall be allowed on a single lot.
2. ADUs shall not be located on lots occupied by a two-unit house, townhouse, or cottage court development.
3. ~~The number of occupants of the ADU shall not exceed one family.~~

4. Additional entrances shall not be added to the front elevation of an existing residential building but may be added to side, rear, or street side elevations.

5. Entrances to ADUs may not face the nearest side or rear property line unless there is an alley abutting that property line.

6. ADU entryways within a rear, side, or street side yard shall be connected to a street frontage by a paved walkway or driveway. The owner shall post one on-building locational sign displaying the address of the ADU.

7. The ADU's exterior finish material, roof pitch, and trim elements must visually match the exterior finish material of the principal building in type, size and placement.

8. Attached ADUs shall adhere to the principal structure setback requirements and other regulations for the underlying zoning district.

9. Detached ADUs shall adhere to the accessory structure setback requirements and other regulations for the underlying zoning district.

10. ~~Either the principal building or ADU must be occupied by the owner of the property as their primary residence for a total of at least 183 days in a calendar year. A restrictive agreement between the property owner and the City shall be recorded prior to issuance of a zoning permit and occupancy being granted.~~

11. The ADU shall not be sold separately or otherwise conveyed or titled separately from the principal dwelling.

12. ~~ADUs shall not be rented for periods of one (1) to six (6) consecutive days.~~

13. The maximum size of an ADU shall not exceed 40% of the size of the principal dwelling's floor area, excluding any attached garage.

14. Neither fees in-lieu of parkland, nor park improvement fees shall be charged for a permit to construct an ADU.

Plan Commission recommends amending Section 3.03(b)(1)(1) as follows:

B. AG: AGRICULTURAL USES

I. AG-1: CULTIVATION

AG-1 uses shall include all operations primarily oriented to the on-site, outdoor raising of plants for commercial purposes. This land use includes trees which are raised as a crop to be replaced with more trees after harvesting, such as in nursery or Christmas tree operations. Cultivation uses shall not include the incidental growing and harvesting of plants or crops for personal use or for a home occupation use within a residence or on the same lot as a residence, commonly known as home gardening.

In all zoning districts, except for the AG zoning district, the following regulations shall apply:

- ~~1. Cultivation uses shall not exceed 20% of a lot's area.~~
2. Cultivation uses shall not be located within a lot's required minimum accessory structure setback area.

Plan Commission recommends amending Section 3.03(d)(1)(1) as follows:

1. DATA CENTERS

Data center uses greater than 21,780 square feet have the following, additional regulations:

1. Data centers must screen the entire perimeter of the occupied parcel using Option A in **TABLE IV7: OUTDOOR STORAGE AND WORK AREA SCREENING OPTIONS**.
2. 100% of the remaining site landscaping must follow the standards of **SECTION 4.07(A)(VIII)**.
3. 100% of the stormwater runoff generated shall be treated on-site, and the applicant shall utilize green infrastructure to the maximum extent feasible.

4. They must generate 100% of the domestic electricity use (i.e., the electricity demand from non-server uses) on-site using renewable energy sources.

Item 12.

5. Zoning Permit applications for data center uses shall include water and energy use projections.

Plan Commission recommends amending Section 4.06(h)(1) table IV-2 as follows:

Table IV2 Minimum Vehicle Parking Spaces Required

| Uses | Minimum Parking Spaces Required | Maximum Parking Spaces Allowed |
|-----------------------|---|---|
| R Uses | 1.0 per unit | 3.0 per unit (1-2 unit structures) 2.0 per unit (3+ unit structures) |
| B, E, F, H, I, S Uses | 1.0 per 1,000 square feet of building area | 5.0 per 1,000 square feet of building area |
| A Uses | 1. per 1,000 square feet of building area OR 1 per 5 persons at the maximum capacity of the establishment | 10.0 per 1,000 square feet of building area OR 1 per 2 persons at the maximum capacity of the establishment |
| M Uses | 2.0 per 1,000 square feet of building area | 4.0 per 1,000 square feet of building area |
| AG Uses | 1 space per employee on the largest work shift | 1.5 spaces per employee on the largest work shift |
| HO, O, U Uses | No minimum | No maximum |

CHAPTER 105: GENERAL ZONING

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ARTICLE I. PROCEDURES AND ADMINISTRATION

SECTION 1.01 INTRODUCTION

(A) TITLE

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

(B) AUTHORITY

This zoning chapter is adopted under the authority of the powers granted and limitations imposed by Wisconsin law. The intent of this chapter is to promote the health, safety, morals, and general welfare of the community; to regulate and restrict by ordinance, subject to [§ 62.23\(7\)\(HM\), WIS. STATS.](#), the height, number of stories and size of buildings and other structures; the percentage of lot that structures may occupy; the size of yards, courts and other open spaces; subject to [§ 66.10015\(3\), WIS. STATS.](#), the density of population; and the location and use of buildings, structures and land for trade, industry, mining, residence, or other purposes if there is no discrimination against temporary structures. The public shall liberally construe this chapter and any ordinance, resolution, or regulation enacted or adopted under this chapter in favor of the City and as minimum requirements adopted for the purposes stated. No person may deem this chapter a limitation of any power granted elsewhere.

(C) EFFECTIVE DATE

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

(D) PURPOSE AND DESIGN

The City adopts this Chapter to protect the health, safety, and general welfare of the public. The City also intends this Chapter to:

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

(E) DISTRICT TRANSITIONS

The zones listed below generally transitioned to the new zoning districts as listed in **TABLE I-1: DISTRICT TRANSITION TABLE**. However, some districts may shift due by Council resolution over time.

Table I-1: District Transition Table

| Previous Zoning District | New Zoning District |
|--------------------------------|---------------------------|
| RA-35ac Rural Agricultural. | AG Agricultural |
| ER-1 Estate Residential. | E-N Estate Neighborhood |
| SR-3 Suburban Residential-3. | S-N Suburban Neighborhood |
| SR-5 Suburban Residential-5. | S-N Suburban Neighborhood |
| NR-6 Neighborhood Residential. | U-N Urban Neighborhood |

| | |
|-----------------------------|---|
| MR-8 Mixed Residential. | S-N Suburban Neighborhood or U-N Urban Neighborhood (based on lot size, see SECTION 2.05) |
| UR-12 Urban Residential. | U-N Urban Neighborhood |
| NO Neighborhood Office. | U-CO Urban Corridor |
| SO Suburban Office. | S-CO Suburban Corridor |
| NC Neighborhood Commercial. | U-CO Urban Corridor |
| SC Suburban Commercial. | S-CO Suburban Corridor |
| UC Urban Commercial. | U-CO Urban Corridor |
| CC Central Commercial. | U-DT Urban Downtown |
| SI Suburban Industrial. | I Industrial |
| UI Urban Industrial. | I Industrial |
| HI Heavy Industrial. | I Industrial |
| None | OS Open Space (new district) |

SECTION 1.02 APPLICATION

(A) SEPARABILITY AND NONLIABILITY

The 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 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 a court of competent jurisdiction finds any requirement or limitation attached to an authorization given in this chapter invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation.
- (4) The city does not guarantee, warrant, or represent that only those areas designated as flood lands will be subject to periodic inundation and hereby asserts that there is no liability on the part of the common council, its agencies, or employees for any flood damage, sanitation problems, or structural damages, upon reliance or conformance with this chapter.

(B) CONFLICTING PROVISIONS

It is not intended by this ordinance to interfere with, abrogate, or annul any existing easements, covenants, or agreements between parties, nor to impair or interfere with any existing provisions of law or ordinance or any rules, regulations or permits previously adopted or issued or which shall be adopted or issued under law, relocating to the use, occupancy, location and height of buildings or premises or require larger

open spaces than are imposed or required by such provisions of law or ordinance or by such rules, regulations or permits, the provisions of this ordinance shall control.

(I) ABROGATION

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

(II) STATE OR FEDERAL REGULATIONS

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

(III) OTHER CITY ORDINANCES

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

(IV) PRIVATE AGREEMENTS AND COVENANTS

The City is not responsible for monitoring or enforcing agreements or covenants among private parties. If the provisions of this Chapter impose a greater restriction than imposed by an agreement or covenant among private parties, the provisions of this Chapter govern.

(C) JURISDICTION

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

(D) COMPLIANCE REQUIRED

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

(E) MINIMUM REQUIREMENTS

Every person shall hold the provisions of this ordinance as the minimum requirements adopted for promoting public health, safety, morals, comfort, prosperity, and general welfare. The Common Council designed them to legally implement and influence the City of Sheboygan's development, per the powers granted under the provisions of **§ 62.23, WIS. STATS.**

(F) LANGUAGE AND INTERPRETATION

(I) MEANINGS AND INTENT

Words and terms expressly defined in this Chapter, including those described in **SECTION 1.04**, have the specific meanings assigned unless the context indicates

another meaning. Words not expressly defined in this zoning chapter have the meaning assigned in Merriam-Webster's Collegiate Dictionary.

(II) CONJECTIONS

Unless the context expressly indicates otherwise, "AND" indicates that all connected items or provisions apply, and "OR" indicates that the connected items or provisions may apply singularly or in combination.

(III) COMPUTATION OF TIME

References to "DAYS" are to calendar days unless otherwise expressly stated. References to "BUSINESS DAYS" are references to regular government working days, excluding Saturdays, Sundays, and City-observed holidays. This Chapter calculates the time to complete an act by excluding the first day and including the last day. The ordinance excludes that day if the last day is a Saturday, Sunday, or a City-observed holiday. A day concludes at the close of business, and the Zoning Administrator shall consider any materials received after that time as the following day.

(IV) TENSES AND USAGE

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

(V) ILLUSTRATIONS

This ordinance provides illustrations for convenience and reference only. They do not define or limit the scope of any provision of this zoning chapter. In case of any difference of meaning or implication between the text of this zoning chapter and any figure or illustration, the text governs.

(VI) REFERENCES TO OTHER REGULATIONS

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

(VII) VERSIONS AND CITATIONS

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

(VIII) LISTS AND EXAMPLES

The Common Council intends, unless otherwise expressly indicated, lists of items or examples that use "including," "such as," or similar terms to provide examples only. The public should not construe them as exhaustive lists of all possibilities.

(IX) DELEGATION OF AUTHORITY

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

(X) PUBLIC OFFICIALS AND AGENCIES

Unless otherwise expressly stated, this ordinance references employees, public officials, boards, and commissions of the City of Sheboygan.

SECTION 1.03 REVIEW AND DECISION-MAKING AUTHORITY

(A) ZONING ADMINISTRATOR

The Common Council, through the Plan Commission, vests the power to administer this chapter with the City Administrator. The City Administrator may delegate any administration powers to others as they see fit.

(B) REVIEW AND DECISION-MAKING AUTHORITY TABLE

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

Table I-2: Review and Decision-Making Authority

| Procedure | City Staff | Plan Commission | Common Council | Board of Appeals |
|---------------------------|------------|-----------------|----------------|------------------|
| Zoning Text Amendments | R | R* | DM | - |
| Zoning Map Amendments | R | R* | DM | - |
| Zoning Compliance Review | DM | - | - | A* |
| PUD | R | R* | DM | - |
| Administrative Adjustment | DM | - | - | A* |
| Zoning Variances | R | - | - | DM* |
| Sign Permits | DM | - | - | A* |
| Certificates of Occupancy | DM | - | - | A* |

R = Recommendation; DM = Decision Maker; A = Appeals

*Denotes a public hearing is required

SECTION 1.04 COMMON APPLICATION PROCEDURES

(A) APPLICABILITY

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

(B) FORM OF APPLICATION

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

- (1) Names, addresses, and phone numbers of all owners of record of the subject property; and
- (2) Maps, plats, surveys, dimensioned site plans, architectural drawings, engineering documents, environmental reports, traffic studies, and other materials and information, as required by this zoning chapter or application checklists established by the official responsible for accepting the application.

(C) AVAILABILITY

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

(D) FEES

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

(E) COMPLETENESS, ACCURACY, AND SUFFICIENCY

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

(I) INCOMPLETE APPLICATIONS

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

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

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

(II) PROCESSING CYCLE

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

(F) DENIED APPLICATIONS

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

(G) NOTICES

Whenever the provisions of this zoning chapter require that the Zoning Administrator publishes a notice, they must publish the notice per *CH. 985, WIS. STATS.* When the Zoning Administrator's records document the publication, mailing, or posting of notices, the Zoning Administrator will presume the required notice given. The failure of notices to reach any intended recipient does not invalidate any action taken on the subject matter of the notice. The Zoning Administrator shall not deem minor defects in required notices to impair the notice or invalidate proceedings under the notice. These minor defects include errors in a legal description, typographical errors, or grammatical errors that do not harm the communication of the notice to affected parties. If questions arise at the hearing regarding the adequacy of notice, the body conducting the hearing shall make a formal finding about whether there was substantial compliance with the notice requirements.

(H) PUBLIC HEARINGS

(I) RULES

The body conducting the hearing is authorized to establish reasonable rules and regulations governing the conduct of hearings and the presentation of information and comments.

(II) CONTINUATION

Once commenced, the hearing body may continue a public hearing. The Zoning Administrator does not need to republish notices if the body sets and announces continuance for a specified date and time.

(III) INDEFINITE CONTINUATION

If the body continues or postpones the hearing indefinitely from the date of the originally scheduled public hearing, the Zoning Administrator shall publish new notices before the rescheduled hearing. If the applicant requests, and the body grants, a continuance or postponement requiring notification, the body conducting the hearing may require the applicant to pay any notification costs.

(I) CONDITIONS OF APPROVAL

Review bodies, including staff, are authorized to recommend conditions and decision-making bodies are authorized to approve the subject application with conditions. Any conditions recommended or approved must relate to a situation likely created or aggravated by the proposed use or development and must be roughly proportional to the

use or development's impacts. Per **§ 66.10016(3), WIS. STATS.**, any conditions relating to new by-right residential developments shall coincide with ordinances and approved plans at the time of application.

The city shall assume any conditions of approval recommended by staff are included in any motion for approval made by the decision-making body, unless otherwise explicitly stated by the decision-making body.

(J) BURDEN OF PROOF

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

(K) REQUIRED TIME FRAMES FOR ACTION

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

(L) LESS INTENSE MODIFICATIONS

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

SECTION 1.05 ZONING TEXT AMENDMENTS

(A) PURPOSE

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

(B) AUTHORITY TO INITIATE

The Mayor, Common Council, Plan Commission, or Zoning Administrator may initiate a zoning text amendment.

(C) STAFF RECOMMENDATION

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

(D) PUBLIC HEARING

The Zoning Administrator shall direct the City to publish a class 2 notice, under **CH. 985, WIS. STATS.**, and notify the required parties per **§ 62.23(7)(D), WIS. STATS.** The

Plan Commission shall hold a public hearing regarding the zoning text amendment within 60 days of receiving the Zoning Administrator's recommendation.

(E) PLAN COMMISSION RECOMMENDATION

After closing the public hearing, the Plan Commission shall provide a recommendation and report on the zoning text amendment to the Common Council.

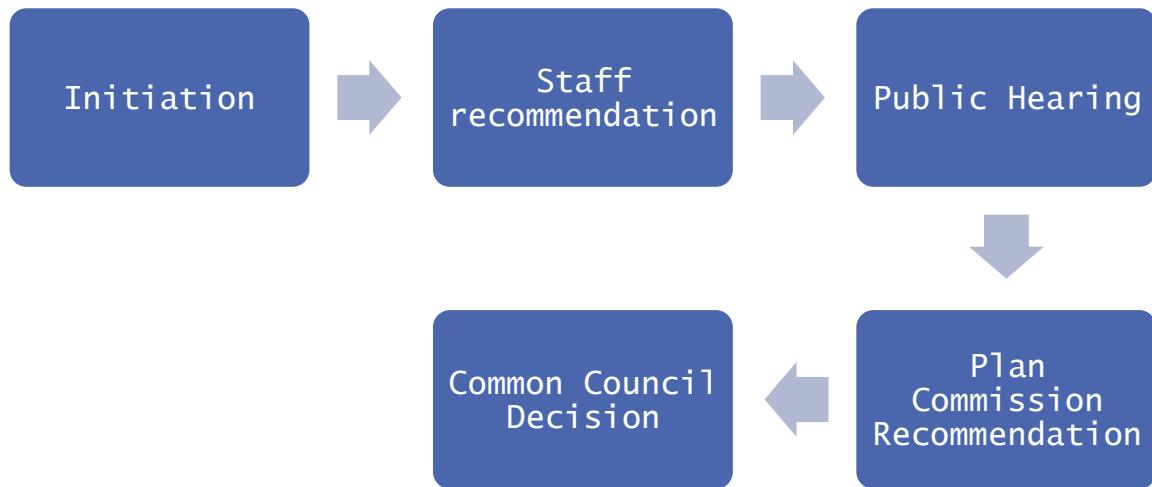
(F) COMMON COUNCIL DECISION

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

(G) REVIEW CRITERIA AND STANDARDS

Zoning text amendments are legislative decisions of the Common Council based on consistency with the Comprehensive Plan and promotion of public health, safety, and general welfare.

Figure I-1: Zoning Text Amendment Process



SECTION 1.06 ZONING MAP AMENDMENTS

(A) PURPOSE

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

(B) AUTHORITY TO INITIATE

The Common Council, Plan Commission, Zoning Administrator, the owner of the subject property, or the owner's authorized agent may initiate a zoning map amendment.

(C) PRE-APPLICATION MEETING

Eligible applicants shall meet with the Zoning Administrator to discuss the proposed amendment and application procedures before applying. The Zoning Administrator shall deem a Zoning Map amendment application incomplete if the eligible applicant does not complete a pre-application meeting.

(D) APPLICATION FILING

Applicants shall file applications with the Zoning Administrator.

(E) STAFF RECOMMENDATION

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

(F) PUBLIC HEARING

The Zoning Administrator shall direct the City to publish a class 2 notice, under *CH. 985, WIS. STATS.*, and notify the required parties per *§ 62.23(7)(D), WIS. STATS.* The Plan Commission shall hold a public hearing regarding the Zoning Map amendment within 60 days of receiving the Zoning Administrator's recommendation.

(G) PLAN COMMISSION RECOMMENDATION

After closing the Public Hearing, the Plan Commission shall recommend and report to the Common Council on the Zoning Map amendment.

(H) COMMON COUNCIL DECISION

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

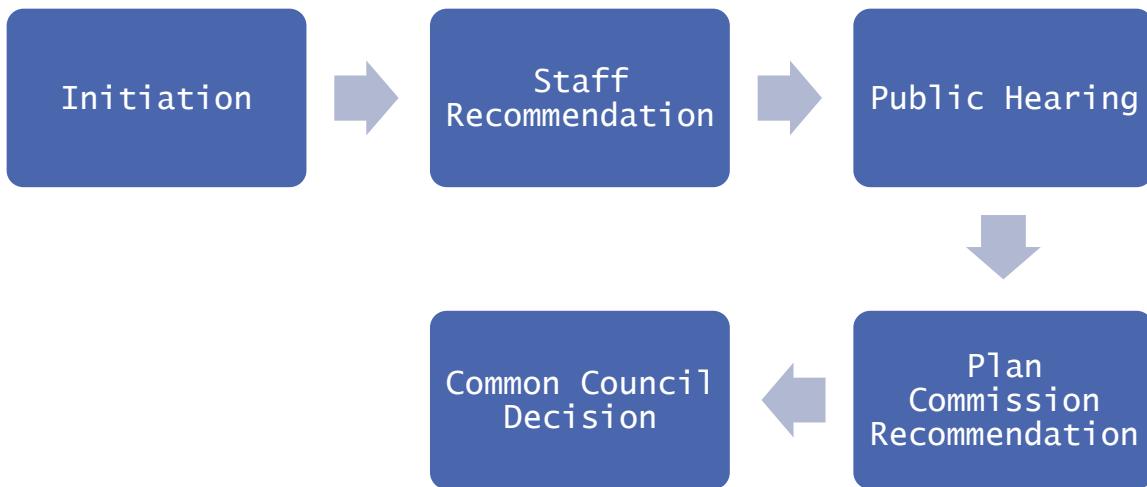
(I) REVIEW CRITERIA AND STANDARDS

Zoning map amendments are legislative decisions of the Common Council based on consistency with the Comprehensive Plan and promotion of public health, safety, and general welfare.

(J) SUCCESSIVE APPPLICATIONS

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

Figure I-2: Zoning Map Amendment Process



SECTION 1.07 ZONING COMPLIANCE REVIEW

(A) PURPOSE

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

(B) TIMING

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

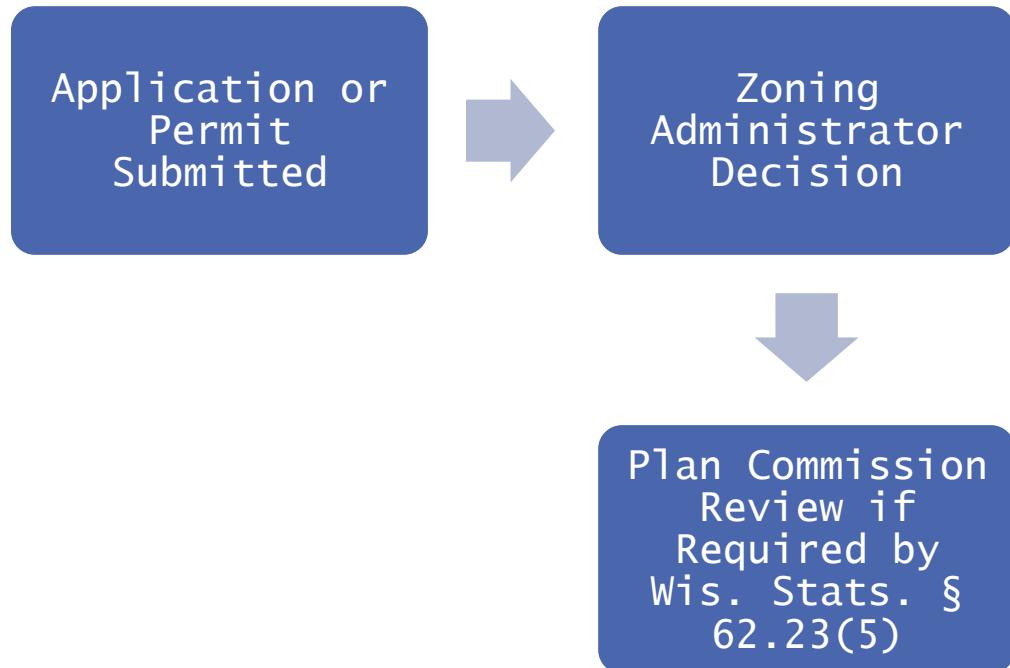
(C) APPLICATIONS

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

(D) DECISION

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

Figure I-3: Zoning Compliance Review Procedure



SECTION 1.08 SIGN PERMITS

(A) PURPOSE

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

(B) SIGN PERMIT APPLICATIONS

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

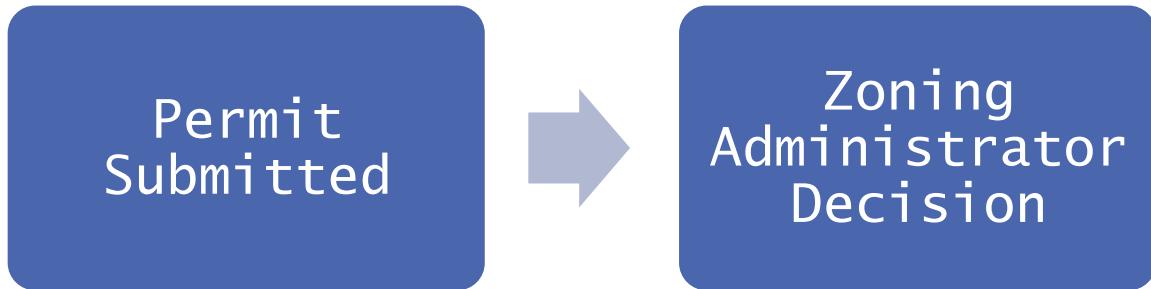
(C) SIGN PERMIT PROCEDURES

Applicants shall apply for Sign Permits with the Zoning Administrator. The Zoning Administrator shall review the application for completeness and approve or deny, in writing, complete applications within 10 business days.

(D) TIME TO CONSTRUCT

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

Figure I-4: Sign Permit Procedures



SECTION 1.09 APPEALS AND VARIANCES

(A) PURPOSE

The purpose of this section is to provide regulations which enable the city to hear and decide appeals of the interpretations of the Zoning Administrator, and requests for permitted variation from the terms of this chapter as will not be contrary to the public interest; where owing to special factors, a literal enforcement of the provisions of this chapter would result in practical difficulty or unnecessary hardship, so that the spirit of this chapter shall be observed, public safety and welfare secured, and substantial justice done; as provided for by *WIS. STATS. § 62.23(7)(E)(7)*.

(B) APPLICABILITY

The Board of Appeals shall hear and decide the following appeals

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

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

(C) PROHIBITED VARIANCES

The Board of Appeals shall not:

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

(D) AUTHORITY TO INITIATE

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

(E) APPLICATION FILING

Applicants shall file appeals and zoning variance applications with the Zoning Administrator.

(F) STAFF RECORD

The Zoning Administrator shall transmit to the Board of Appeals all the papers constituting the record upon which action the applicant appealed.

(G) PUBLIC HEARING NOTICE

The Board of Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it, give public notice, and give due notice to the parties in interest, and decide the same within a reasonable time. This shall include:

- (1) Publish a public notice of hearings on a zoning variance as required by state law; and

(H) PUBLIC HEARING

The Board of Appeals must hold a public hearing to consider the appeal or zoning variance request. Any party may appear in person or by an agent or attorney upon the

hearing. In any action involving a listed property, as defined in **§ 44.31 (4), WIS. STATS.**, the Board shall consider any suggested alternatives or recommended decision submitted by the Plan Commission.

(I) BURDEN OF PROOF

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

(J) ADDITIONAL REVIEW CRITERIA AND STANDARDS

(I) PARCEL-AS-A-WHOLE

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

(II) SELF-IMPOSED HARDSHIP

An applicant may not claim hardship because of conditions which are self-imposed.

(III) CIRCUMSTANCES OF APPLICANT

Circumstances of an applicant shall not factor in deciding variances.

(IV) FINANCIAL HARDSHIP

Economic loss or financial hardship do not justify variances.

(V) NEARBY VIOLATIONS

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

(VI) OBJECTIONS FROM NEIGHBORS

A lack of objections from neighbors does not provide a basis for granting a variance.

(K) BOARD OF APPEALS DECISION

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

(L) LIMITED EFFECT OF A VARIANCE

Where the Board of Appeals grants a variance, such approval shall neither change the use classification of the building or premises, nor give it any status as a nonconforming use other than that which it has because of the variance. The Board shall consider the granting of a variance unique and shall construe it as precedent for any other proposed variance.

(M) TRANSFERABILITY

A variance granted by the Board of Appeals runs with the land.

(N) LAPSE OF APPROVAL

Any variance granted expires within one year unless the applicant commences the action authorized by the variance. The Board of Appeals may establish a separate mandatory commencement or completion date.

(O) SUCCESSIVE APPLICATIONS

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

(P) APPEAL

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

(Q) ADMINISTRATIVE ADJUSTMENTS

The Zoning Administrator may, upon receipt of an administrative adjustment, modify a dimensional, physical, or locational requirement such as a setback, frontage, height, bulk, or density restriction for a structure by up to 10% if they notify all adjoining property owners of the proposed administrative adjustment in writing and do not receive any objections within ten business days of mailing the notice. When reviewing Administrative Adjustments, the Zoning Administrator shall follow **SECTION 1.15(B)**, **(I)**, and **(J)**. The Zoning Administrator may choose to refer any Administrative Adjustment to the Board of Appeals as a variance.

Figure I-5: Appeals and Variances Procedure

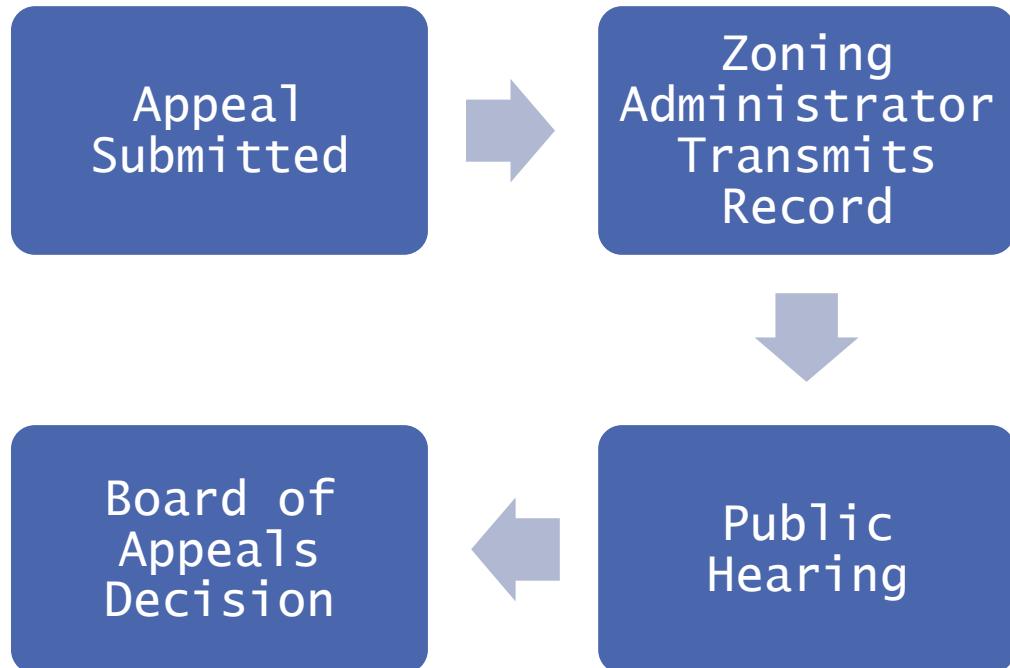
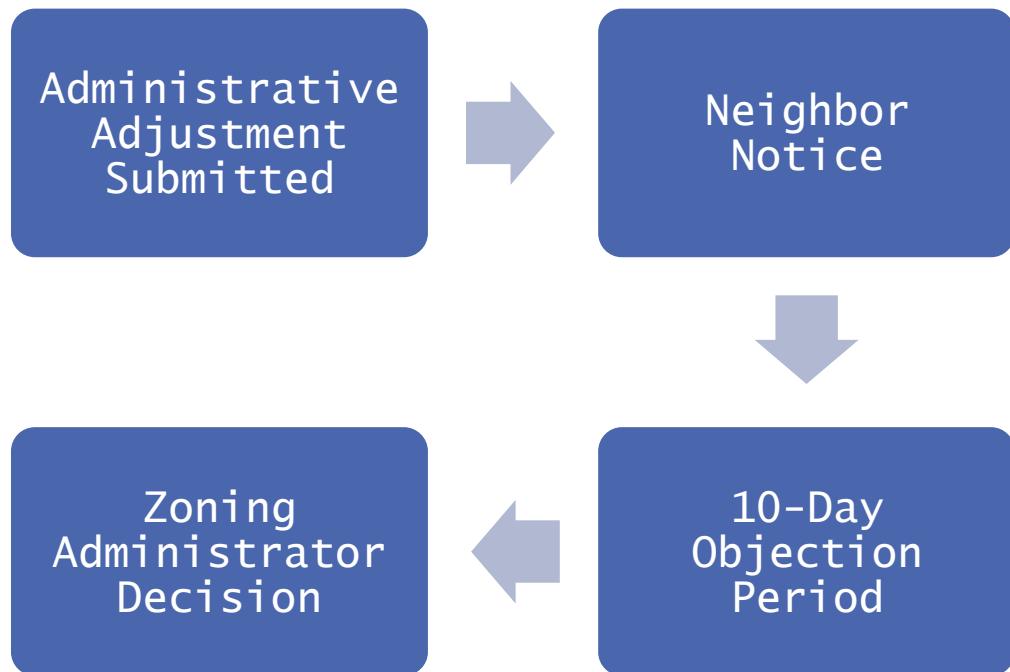


Figure I-6: Administrative Adjustment Procedure



SECTION 1.10 PLANNED DEVELOPMENT DISTRICTS

(A) PURPOSE

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

(B) GENERAL REGULATIONS

(I) WHEN APPROPRIATE

The Common Council may consider a PDD only when a use, structure, or development is not feasible under the current zoning regulations and when that use, structure, or development meets the purpose of this section.

(II) PERMITTED USES

The Common Council may permit a mix of any or all uses within a PDD.

(III) DENSITY, INTENSITY, AND BULK REQUIREMENTS

The Common Council may permit unique density, intensity, and bulk (building height, setback, area, etc.,) regulations within a PDD.

(IV) SITE DEVELOPMENT STANDARDS

The Common Council may permit unique site development standards within a PUD.

(C) APPROVAL CRITERIA FOR PLANNED DEVELOPMENT DISTRICTS

In recommending approval or conditional approval of a PDD, the Common Council shall find that the application meets all the criteria below.

(I) NECESSITY

Before creating any PDD, the Common Council shall first consider whether amending the existing zoning text could accomplish the purpose without adversely affecting the health, safety, and welfare of the City.

(II) QUALITY DESIGN

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

1. Enclosed, underground, depressed, or highly landscaped parking areas;
2. Varied building setbacks or other measures to reduce monotony in design;
3. The quality of building materials and architectural design;
4. Leadership in Energy and Environmental Design (LEED), LEED Neighborhood Design (LEED-ND), or other nationally recognized sustainable design criteria and standards;
5. Provision of a buffer or transition between the PUD and adjacent and nearby zoning districts, land uses, and development intensities;
6. Provision for a wide range of housing opportunities;
7. Other features as determined by the Plan Commission or Common Council.

(III) MEETS PDD REQUIREMENTS

The PUD meets the requirements set forth in this section.

(IV) CONSISTENT WITH COMPREHENSIVE PLAN

The PUD is consistent with the goals and objects of the city's comprehensive plan.

(V) NATURAL FEATURES

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

(VI) CIRCULATION AND ACCESS

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

(VII) OPEN SPACE AND LANDSCAPING

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

(VIII) PUBLIC SERVICES

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

(IX) PHASING

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

(D) AUTHORITY TO INITIATE

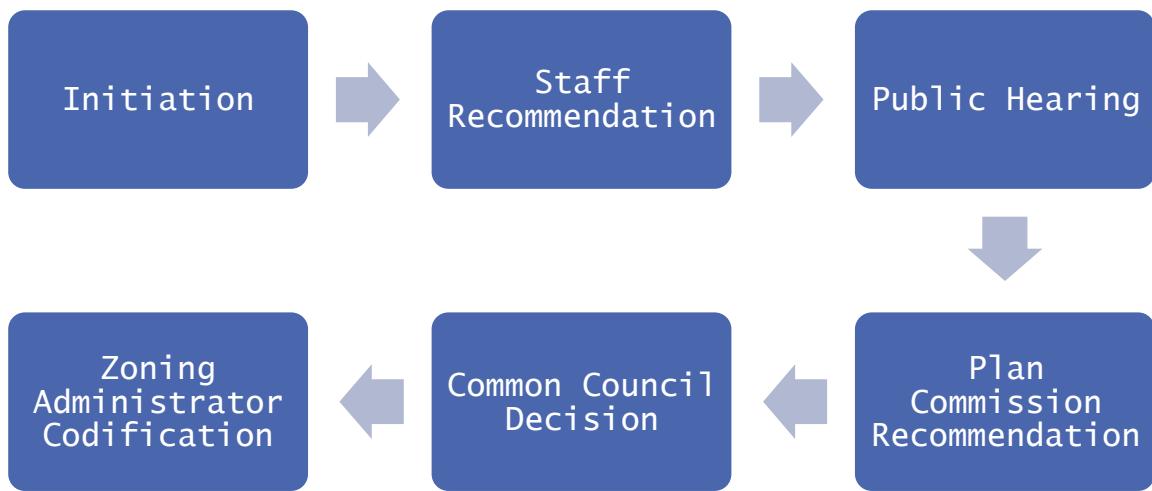
The owners of the subject property, the Plan Commission, or the Common Council may initiate PDD proceedings.

(E) APPLICATION PROCEDURES

A new or modification to an existing PDD shall follow both the zoning text amendment and zoning map amendment procedures contained within this chapter. After the Common Council adopts any PDD, the Zoning Administrator shall codify the regulations of that PDD within **ARTICLE II**.

(F) LAPSE OF APPROVAL

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



SECTION 1.11 NONCONFORMITIES

(A) AUTHORITY TO CONTINUE

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

(B) DETERMINATION OF NONCONFORMITY

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

(C) REPAIRS AND MAINTENANCE

Property owners must maintain nonconformities per all other applicable building and property maintenance codes. They may repair and maintain nonconformities so long as repair and maintenance activities do not expand the extent of the nonconformity unless the repair and maintenance activities are an express order from a duly authorized city official to strengthen or restore nonconformity to a safe condition or to comply with state or federal requirements. Intentionally disregarding the property's maintenance in a way that causes the property's destruction may disqualify a property owner for nonconforming status.

(D) CHANGE IN OWNERSHIP

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

(E) NONCONFORMING LOTS

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

(F) NONCONFORMING STRUCTURES

(I) ALTERATIONS AND EXPANSIONS

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

(II) MOVEMENT

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

(III) REPLACEMENT

Property owners may restore or replace a nonconforming structure at the size, location, and use that it had immediately before the damage or destruction occurred, so long as violent wind, vandalism, fire, flood, ice, snow, mold, or infestation unintentionally caused the damage or destruction.

(G) NONCONFORMING USES

(I) CHANGE OF USE

Property owners may only change nonconforming uses to new uses if the subject zoning district allows the new use.

(II) EXPANSION OF USE

Property owners may only expand nonconforming uses within the structure designated for that use before the use gained nonconforming status.

(III) DISCONTINUANCE

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

(H) EXISTING NONCONFORMING SIGNS

(I) EXISTING SIGNS

Property owners may continue signs lawfully existing at the time of the adoption or amendment of this ordinance if the size or location does not conform to the provisions of this ordinance. This section deems such signs as nonconforming structures, and this ordinance's nonconforming structure provisions apply.

(II) CHANGE IN USE

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

SECTION 1.12 CERTIFICATES OF OCCUPANCY

(A) REQUIRED

No entity shall occupy or use land or structures until the Zoning Administrator issues a Certificate of Occupancy. Situations for which the city requires a Certificate of Occupancy include new residential uses, alterations which include additional bedrooms to residential structures, new commercial buildings, alterations to commercial buildings, changes in use, adding accessory uses or structures, and new businesses.

(B) ISSUANCE

The Zoning Administrator shall issue a Certificate of Occupancy only once the Building Inspector, Public Works Director, Fire Chief, Assessor, or any other affected regulatory agency confirms that the applicant followed their applicable regulations. The Zoning Administrator may issue Certificates of Occupancy for existing uses or structures after inspecting and verifying whether the use or structure conforms to this chapter.

(C) TEMPORARY CERTIFICATES

The Zoning Administrator may issue a temporary Certificate of Occupancy for up to six months during the completion of any final improvements. The Zoning Administrator may extend a Temporary Certificate of Occupancy at their discretion so long as that extension does not affect the rights, duties, and obligations of the owner or the City.

(D) APPLICATION

Parties may file complete applications for Certificates of Occupancy with the Zoning Administrator.

(E) WORK DESCRIPTION AND VALUATION

Applicants shall submit work descriptions and scheduled valuations for all improvements subject to the commercial building code before the Zoning Administrator may issue a Certificate of Occupancy.

SECTION 1.13 FEES

(A) FEES FOR PROCEDURES REQUESTED BY A PRIVATE PARTY

The Common Council establishes a fee schedule annually. The fee schedule establishes and requires fees for all zoning applications when requested by a private party. Base fees may be modified by **(D)**. Applicants shall contact the Zoning Administrator for the current application fees.

(B) FEES FOR PROCEDURES REQUESTED BY THE CITY

There shall be no fee in the case of applications filed in the public interest by the Common Council, Plan Commission, other agency, or official of the city.

(C) PAYMENT OF FEES

The City Treasurer shall collect application fees at the time an application is filed with the city. Fees are not refundable.

(D) PROFESSIONAL CONSULTANT REVIEW SERVICES

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

SECTION 1.14 ENFORCEMENT AND PENALTIES

(A) ENFORCEMENT

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

(B) FORFEITURE

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

(C) DEFAULT OF PAYMENT

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

(D) COMPLIANCE REQUIRED

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

(E) OTHER REMEDIES

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

(F) NO PERMIT DEFENSES

In any violation, the fact that a City of Sheboygan officer, board, or department may have issued a permit shall not constitute a defense, nor shall an error, oversight, or dereliction of duty on the part of any public official, body, or department constitute a defense.

(G) COST OF ABATEMENT

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

SECTION 1.15 HISTORIC PRESERVATION REGULATIONS

(A) PURPOSE AND INTENT

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

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

(B) DEFINITIONS

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

(I) CERTIFICATE OF APPROPRIATENESS

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.

(II) COMMISSION

Commission means the city historic preservation commission.

(III) HISTORIC DISTRICT

Historic district means an area designated by the city council on recommendation of the commission, that contains two or more historic improvements or sites.

(IV) HISTORIC SITE

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.

(V) HISTORIC STRUCTURE

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

(VI) IMPROVEMENT

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

(C) HISTORIC PRESERVATION COMMISSION COMPOSITION

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

alderperson member whose term shall be one year, the term of each member shall be three years.

(D) HISTORIC STRUCTURE, HISTORIC SITE AND HISTORIC DISTRICT DESIGNATION CRITERIA

- (1) For the purposes of this section, a historic structure, historic site, or historic district designation may be placed on any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historic architectural, archeological or cultural significance to the city such as historic structures, sites, or districts which:
 - a. Exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community;
 - b. Are identified with historic personages or with important events in national, state or local history;
 - c. Embody the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship;
 - d. Are representative of the notable work of a master builder, designer or architect who influenced their age; or
 - e. Have yielded, or may be likely to yield, information important to prehistory or history.
- (2) The commission may adopt specific operating guidelines for historic structure, historic site and historic district designation providing such are in conformance with the provisions of this section.

(E) POWERS AND DUTIES

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

(F) REGULATION OF CONSTRUCTION, RECONSTRUCTION, ALTERATION, AND DEMOLITION

- (1) No owner or person in charge of a historic structure, historic site or structure within a historic district shall be issued a permit to reconstruct, alter or demolish all or any part of the exterior of such property or to construct any exterior improvement upon such designated property or properties or cause or permit any such work to be performed upon such property or demolish such property unless a certificate of appropriateness has been granted by the commission. Also, unless such certificate has been granted by the commission, the building inspector shall not issue a permit for any such work.
- (2) Upon filing of any application for a certificate of appropriateness with the historic preservation commission, the commission shall approve the application unless:
 - a. In the case of a designated historic structure or historic site, the proposed work would detrimentally change, destroy or adversely affect any

exterior feature of the improvements or site upon which said work is to be done;

- b. In the case of the construction of a new improvement upon a historic site, or within a historic district, the exterior of such improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such site or within the district;
- c. In the case of any property located in a historic district, the proposed construction, reconstruction, exterior alteration or demolition does not conform to the purpose and intent of this section and to the objectives and design criteria of the historic preservation plan for said district;
- d. The building or structure is of such architectural or historical significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the city and state;
- e. In the case of a request for the demolition of a deteriorated building or structure, any economic hardship or difficulty claimed by the owner is self-created or is the result of any failure to maintain the property in good repair.

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

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

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

(G) APPEALS

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

(H) RECOGNITION OF HISTORIC STRUCTURES, SITES, AND DISTRICTS

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

(I) PROCEDURES

(I) DESIGNATION OF HISTORIC STRUCTURES AND HISTORIC SITES

- a. The commission may, after notice and public hearing, designate of historic structures and historic sites or rescind such designation or recommendation, after application of the criteria in subsection (d) of this section. At least ten days prior to such hearing, the commission shall notify the owners of record, as listed in the city office assessor, who are owners of property in whole or in part situated adjacent to the boundaries of the property affected.
- b. The commission shall then conduct such public hearing and, in addition to the notified persons, may hear expert witnesses and shall have the power to subpoena such witnesses and records as it deems necessary. The commission may conduct an independent investigation into the proposed designation or rescission. Within ten days after the close of the public hearing, the commission may designate the property as either a historic structure or historic site or rescind the designation. After the designation or rescission has been made, notification shall be sent to the property owner or owners. Notification shall also be given to the city clerk, building inspector, plan commission and city assessor. The commission shall cause the designation or rescission to be recorded, at the city's expense, in the county register of deeds office.

(II) CREATION OF HISTORIC DISTRICT

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

(III) REVIEW AND ADOPTION PROCEDURE

1) HISTORIC PRESERVATION

The commission shall hold a public hearing when considering the plan for a historic district. Notice of the time, place and purpose of such hearing shall be given by publication as a Class 1 notice under state statute in the official city paper. Notice of the time, place and purpose of the public hearing shall also be sent by the city clerk to the alderperson of the alderpersonic district in which the Historic District is located, and the owners of record, as listed in the city office 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 days prior to the date of the public hearing. Following the public hearing, the commission shall vote to recommend, reject or withhold action on the plan.

2) THE CITY COUNCIL

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

3) INTERIM CONTROL

No building permit shall be issued by the building inspector for alteration, construction, demolition, or removal of a nominated historic structure, historic site, or any property or structure within a nominated historic district from the date of the meeting of the commission at which a nomination form is first presented until the final disposition of the nomination by the commission or the 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 180 days.

4) PENALTIES FOR VIOLATIONS

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

5) 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.

ARTICLE II. DISTRICTS

SECTION 2.01 PURPOSE

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

SECTION 2.02 ZONING DISTRICTS

The Common Council divides the city into the following zoning districts.

Table II-1: Zoning Districts

| Zoning District Symbol | Zoning District Name |
|------------------------|-----------------------|
| OS | Open Space |
| AG | Agricultural |
| E-N | Estate Neighborhood |
| S-N | Suburban Neighborhood |
| S-CO | Suburban Corridor |

| | |
|-------|-------------------------------------|
| U-N | Urban Neighborhood |
| U-CO | Urban Corridor |
| U-DT | Urban Downtown |
| I | Industrial |
| NRP-O | Natural Resource Protection Overlay |

The City characterizes the zoning districts identified in **TABLE II-1: ZONING DISTRICTS** as follows:

(A) OS: OPEN SPACE

The Open Space (OS) zoning district accommodates preserved areas of open space and recreational opportunities.

(B) AG: AGRICULTURAL

The Agricultural (AG) zoning district accommodates areas of rural character, farming, and agricultural activities, including low-density residential development and limited commercial uses.

(C) E-N: ESTATE NEIGHBORHOOD

The Estate Neighborhood (E-N) zoning district accommodates low-density, estate-style residential development. This includes primarily single-family detached houses on large lots.

(D) S-N: SUBURBAN NEIGHBORHOOD

The Suburban Neighborhood (S-N) zoning district accommodates predominantly suburban-style residential development with one dwelling unit per lot.

(E) S-CO: SUBURBAN CORRIDOR

The Suburban Corridor (S-CO) zoning district accommodates large lot commercial development.

(F) U-N: URBAN NEIGHBORHOOD

The Urban Neighborhood (U-N) zoning district accommodates traditional residential development patterns, with smaller lot sizes and allowing for up to two attached dwelling units per lot and townhouses.

(G) U-CO: URBAN CORRIDOR

The Urban Corridor (U-CO) zoning district accommodates commercial uses primarily located along collector and arterial streets. This district includes primarily commercial uses, with residential uses allowed on upper floors.

(H) U-DT: URBAN DOWNTOWN

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

(I) I: INDUSTRIAL

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

(J) NATURAL RESOURCE PROTECTION – OVERLAY

(I) PURPOSE

The Natural Resource Protection – Overlay zoning district sets the requirements for the mandatory protection of natural resources and permanently protected green space areas within the jurisdiction of this chapter. The provisions of this district ensure the implementation of the city comprehensive plan and Wis. Stats. §§ 62.231 and 87.30.

(II) RESOURCES INCLUDED

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

(III) PERMITTED USES

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

(IV) DEVELOPMENT PADS

The city limits all site disruption, including selective cutting, proposed to occur within the NRP-O district to development pads. Beyond visible damage to natural resources, vegetation, soil, and drainage patterns, site disruption activities shall not compact soil covering tree roots, or otherwise damage trees beyond the area from which trees are to be removed. All trees with calipers exceeding three 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 three-inch caliper tree of the same type (canopy or understory). Therefore, care shall be taken to ensure that equipment and actions associated with permitted site disruption activities are limited to the area in which they are permitted. The use of snow fences and other barriers to outline development pads during disruption activity is strongly recommended to limit the extent of inadvertent compaction or other disturbance of earth, and collision damage to vegetation intended for protection. Such barriers should be placed no closer to protected trees than a point on the ground directly under their outer canopy edge.

SECTION 2.03 ZONING MAP

The Common Council establishes the boundaries of districts as shown on a map entitled Zoning Map, City of Sheboygan, Wisconsin, as a part of this ordinance. All notations, references, and other information shown on it shall be as much a part of this ordinance as if the matters and things set forth by said map were all fully described within this

chapter. The City may establish this map as a layer of its geographic information system (GIS).

SECTION 2.04 INTERPRETATION OF ZONING DISTRICT BOUNDARIES

The City shall use the following rules to determine the precise location of any zoning district boundary shown on the official zoning map:

1. The City shall construe the zoning district boundaries shown as following or approximately following the limits of any city, village, town, or county boundary as following such limits.
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 or county 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 subsections (a) through (e) of this section, 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 2.05 LOT AND STRUCTURE REGULATIONS

(A) REGULATIONS TABLE

Lots and structures within the city shall follow the regulations contained within **TABLE II-2: LOT AND STRUCTURE REGULATIONS** and with the supplemental regulations identified throughout **SECTION 3.03**.

Table II-2: Lot and Structure Regulations

| District | OS | AG | E-N | S-N | U-N | S-CO | U-CO | U-DT | I | PDD |
|----------------|----|----|-----|-----|-----|------|------|------|---|-----|
| Lot Occupation | | | | | | | | | | |

| District | OS | AG | E-N | S-N | U-N | S-CO | U-CO | U-DT | I | PDD | |
|--|---|---|---------------------|---------------------|--------------------|---|---------------------|---------------------|----------------|--------------------------------------|--|
| Lot Width (ft.) | Not applicable | 120 min. | 80 min. 250 max. | 50 min. 110 max. | 30 min. 90 max. | 60 min. | 30 min. 90 max. | 180 max. | 900 max. | Established during district adoption | |
| Minimum Lot Size (square feet) | Not applicable | 5 acres | 9,600 | 5,000 | 3,600 | As needed to meet all other regulations | | | | | |
| Net Density (DU/Acre) | Not applicable | No min. 2 max. | 1 min. 10 max. | 4 min. 15 max. | 8 min. 25 max. | 8 min. 50 max. | 20 min. 100 max. | 40 min. 150 max. | Not Applicable | | |
| Maximum Impervious Coverage (%) | Not applicable | 25 | 30 | 50 | 70 | 80 | 100 ¹ | | | | |
| Setbacks – Principal Building | | | | | | | | | | | |
| Street Setback [ft.] | Regulations of most restrictive abutting district | 50 min. | 20 min. | 20 min. 30 max. | 10 min. 20 max. | 20 min. 40 max. | 0 min. 20 max. | 0 min. 15 max. | 20 min. | Established during district adoption | |
| Side Setback (ft.) | | | 10 min. | 5 min. | 5 min. | 10 min. | 5 min. | 0 min. | 12 min. | | |
| Rear Setback (ft.) | | | 30 min. | 20 min. | 15 min. | 20 min. | 10 min. | 3 min. | 12 min. | | |
| Minimum Frontage Buildout (%) | Not applicable | 40 | 60 | 70 | 50 | 70 | 80 | 30 | | | |
| Setbacks – Accessory Building | | | | | | | | | | | |
| Street Setback (ft.) | Regulations of most restrictive abutting district | Even with or behind principal structure | | | | Allowed in rear yard only | | | | Established during district adoption | |
| Side Setback (ft.) | | 25 min. | 5 min. | 3 min. | 3 min. | 5 min. | 3 min. | 3 min. | 6 min. | | |
| Rear Setback (ft.) | | | | | | | | | | | |

| District | OS | AG | E-N | S-N | U-N | S-CO | U-CO | U-DT | I | PDD |
|--|----|----|-----|-----|-----|------|------|------|---|-----|
| ¹ Sites in the U-DT and I districts exceeding 80% impervious coverage shall include green infrastructure that captures at least the first $\frac{1}{2}$ inch of rainfall over the total site impervious area. | | | | | | | | | | |

(B) CONTEXTUAL STREET-YARD BUILDING SETBACKS

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

(C) SETBACK ENCROACHMENTS

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

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

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

Fences may encroach in to required minimum setbacks up to a property line. For fence requirements, reference [SECTION 4.07\(B\)](#).

(D) HEIGHT REGULATIONS

Property owners may construct buildings no taller than the limits listed in [TABLE II-3: HEIGHT REGULATIONS](#) measured at the shared property line with the right-of-way. All principal buildings may increase in height by one foot for every foot beyond the minimum street setback.

Table II-3: Height Regulations

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

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

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

(I) CONTEXTUAL BUILDING HEIGHTS

If a primary structure exists on any immediately adjacent parcel, not including parcels separated by a public right-of-way, the maximum building height of the subject parcel shall not exceed the height of the adjacent principal building multiplied by the ratio in **TABLE II-4: CONTEXTUAL BUILDING HEIGHT INCREASES**, or the limits listed in **TABLE II-3: HEIGHT REGULATIONS**, whichever is less.

Table II-4: Contextual Building Height Increases

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

(II) HEIGHT

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

(III) EXCEPTIONS

1) MECHANICAL EQUIPMENT

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

2) ACCESSORY DWELLING UNITS

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

(E) ONE BUILDING PER LOT

The City permits only one principal building per lot except if the City approved them in accordance with a condominium plat or otherwise where specifically allowed.

(F) PAVEMENT SETBACKS

On lots occupied exclusively by an R-3 use and any associated accessory structures, all paved areas, including but not limited to driveways, walkways, and patios, shall be setback at least 3 feet from any side or rear property line. Nonconforming paved areas located on a lot occupied by only an R-3 use which existed prior to the adoption of this Chapter may be repaired, rebuilt, or replaced provided there are no further encroachments in to the required setback area of this section.

On lots occupied by any use other than R-3, paved areas may extend up to the property line but shall be graded to direct all stormwater runoff on to the property or toward an adjacent public right-of-way where curb and gutter are present. Paved areas shall be constructed and maintained to prevent runoff on to adjacent lots.

(G) NONCONFORMING COVERED FRONT PORCHES

This section shall apply to existing nonconforming covered front porches which encroach in to the required front yard setback area and which existed prior to the adoption of this Chapter.

Nonconforming covered front porches may be rebuilt, repaired, or replaced in the same location within the existing setback. Such work shall not increase the location of the porch along the front façade, size, footprint, height, or encroachment of the porch beyond what existing prior to the adoption of this Chapter. All rebuilt or replaced porches shall comply with current building codes.

ARTICLE III. USES

SECTION 3.01 USE TABLE

Table III-1: Uses

| Use | OS | AG | E- N | S- N | U- N | S- CO | U- CO | U- DT | I | NRP- O | Reference |
|----------------------|----|----|---------|---------|---------|----------|----------|----------|---|-----------|-----------------------------|
| Assembly | | | | | | | | | | | |
| A-1 (Theaters) | - | - | - | - | - | P | P | P | - | - | <i>SECTION 3.03(A)(I)</i> |
| A-2 (Food and Drink) | - | - | - | - | - | P | P | P | P | - | <i>SECTION 3.03(A)(II)</i> |
| A-3 (Amusement) | - | - | - | - | - | P | P | P | P | - | <i>SECTION 3.03(A)(III)</i> |
| A-4 (Indoor Sports) | - | - | - | - | - | P | P | P | - | - | <i>SECTION 3.03(A)(IV)</i> |
| A-5 (Outdoor Stadia) | - | - | - | - | - | P | P | P | - | - | <i>SECTION 3.03(A)(V)</i> |
| Business | | | | | | | | | | | |

| Use | OS | AG | E-N | S-N | U-N | S-CO | U-CO | U-DT | I | NRP-0 | Reference |
|---|----|------------------|----------------|----------------|----------------|------|----------------|------|---|-------|-----------------------------|
| B-1 (Professional or service) | - | P | - | - | - | P | P | P | P | - | <i>SECTION 3.03(B)</i> |
| Educational | | | | | | | | | | | |
| E-1 (Schools and day cares) | - | - | - | - | - | P | P | P | - | - | <i>SECTION 3.03(C)</i> |
| Factory | | | | | | | | | | | |
| F-1 (Moderate-Hazard) | - | - | - | - | - | - | - | - | P | - | <i>SECTION 3.03(D)(I)</i> |
| F-2 (Low-Hazard) | - | - | - | - | - | P | - | - | P | - | <i>SECTION 3.03(D)(II)</i> |
| High-Hazard | | | | | | | | | | | |
| H-1 (High-Hazard) | - | - | - | - | - | - | - | - | P | - | <i>SECTION 3.03(E)</i> |
| Home Occupations | | | | | | | | | | | |
| HO (Home Occupations) | - | P | P | P | P | P | P | P | - | - | <i>SECTION 3.03(F)</i> |
| Institutional | | | | | | | | | | | |
| I-1 (24-Hour Custodial Care Facilities) | - | - | - | - | - | P | P | P | P | - | <i>SECTION 3.03(G)(I)</i> |
| I-2 (24-Hour Self Care Facilities) | - | - | - | - | - | P | P | P | P | - | <i>SECTION 3.03(G)(II)</i> |
| I-3 (Secure Facilities) | - | - | - | - | - | - | - | - | P | - | <i>SECTION 3.03(G)(III)</i> |
| I-4 (Day Care Facilities) | - | P ¹ | P ¹ | P ¹ | P ¹ | P | P | P | - | - | <i>SECTION 3.03(G)(IV)</i> |
| Mercantile | | | | | | | | | | | |
| M (Merchandise sales) | - | P | - | - | - | P | P | P | P | - | <i>SECTION 3.03(H)</i> |
| Outdoor | | | | | | | | | | | |
| 0-1 (Cemeteries) | P | - | - | - | - | - | - | - | - | - | <i>SECTION 3.03(I)(I)</i> |
| 0-2 (Natural areas and recreation) | P | P | P | P | P | P | P | P | P | P | <i>SECTION 3.03(I)(II)</i> |
| 0-3 (Non-accessory parking) | - | - | - | - | - | P | P | P | P | - | <i>SECTION 3.03(I)(III)</i> |
| Residential | | | | | | | | | | | |
| R-1 (Hotels) | - | - | - | - | - | P | P | P | - | - | <i>SECTION 3.03(J)(I)</i> |
| R-2 (3+ Units) | - | - | - | P ² | P ² | P | P | P | - | - | <i>SECTION 3.03(J)(II)</i> |
| R-3 (1-2 Units) | - | P ^{3,4} | P | P | P | - | P ⁴ | P | - | - | <i>SECTION 3.03(J)(III)</i> |
| R-4 (Small Community-Based Residential Facility) | - | P | P | P | P | P | P | P | - | - | <i>SECTION 3.03(J)(IV)</i> |
| R-5 (Mobile Home Parks) | - | - | - | - | - | P | P | - | - | - | <i>SECTION 3.03(J)(V)</i> |

| Use | OS | AG | E-N | S-N | U-N | S-CO | U-CO | U-DT | I | NRP-0 | Reference |
|---|----|----|-----|-----|-----|------|------|------|---|-------|-----------------------------|
| Storage | | | | | | | | | | | |
| S-1 (Moderate-Hazard Storage) | - | - | - | - | - | - | - | - | P | - | <i>SECTION 3.03(K)(I)</i> |
| S-2 (Low-Hazard Storage) | - | P | - | - | - | - | - | - | P | - | <i>SECTION 3.03(K)(II)</i> |
| Utility and Miscellaneous | | | | | | | | | | | |
| U (Accessory structures and uses) | P | P | P | P | P | P | P | P | P | - | <i>SECTION 3.03(L)</i> |
| Agricultural | | | | | | | | | | | |
| AG-1 (Cultivation) | - | P | P | P | P | P | P | P | P | P | <i>SECTION 3.03(M)(I)</i> |
| AG-2 (Animal Husbandry) | - | P | P | - | - | - | - | - | - | - | <i>SECTION 3.03(M)(II)</i> |
| AG-3 (Intensive Agriculture) | - | P | - | - | - | - | - | - | - | - | <i>SECTION 3.03(M)(III)</i> |
| AG-4 (Agricultural Services) | - | P | - | - | - | - | - | - | - | - | <i>SECTION 3.03(M)(IV)</i> |
| AG-5 (On-Site Agricultural Retail) | - | P | - | - | - | - | - | - | - | - | <i>SECTION 3.03(M)(V)</i> |
| AG-6 (Community Gardens) | P | P | P | P | P | P | P | P | P | - | <i>SECTION 3.03(M)(VI)</i> |
| ¹ At-home family daycares as defined in Section 3.03(G)(IV) are permitted. All other I-4 uses are not permitted. | | | | | | | | | | | |
| ² Townhouses are the only R-2 use permitted in the S-N and U-N districts. | | | | | | | | | | | |
| ³ Cottage court developments are not permitted in the AG and E-N districts. | | | | | | | | | | | |
| ⁴ Single-family detached homes and Accessory Dwelling Units are the only permitted R-3 use in the AG | | | | | | | | | | | |

SECTION 3.02 INTERPRETATION OF THE USE TABLE

(A) PERMITTED USES

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

(B) PROHIBITED USES

The city prohibits uses identified with “-” and uses not listed in **TABLE III-1: USES** and that the Zoning Administrator does not interpret to fall within any defined use category or subcategory.

(C) UPPER-STORY USES

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

(D) REFERENCES

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

(E) USE CLASSIFICATION

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

- (1) The proposed use's designation under the International Building Code Occupancy Classification and Use Designations;
- (2) The types of activities that typically occur in conjunction with the proposed use;
- (3) The proposed use's equipment and processes;
- (4) The existence, number, and frequency of residents, customers, or employees;
- (5) Parking demands;
- (6) Other factors the Zoning Administrator deems relevant.

SECTION 3.03 USE DEFINITIONS AND STANDARDS

(A) A: ASSEMBLY USES

Assembly uses include, among others, the use of a building or structure, or a portion thereof, for the gathering of persons for purposes such as civic, social, or religious functions; recreation; food or drink consumption; or awaiting transportation.

(I) A-1: THEATERS

A-1 uses include assembly uses, usually with fixed seating, intended for the production and viewing of the performing arts or motion pictures.

(II) A-2: FOOD AND DRINK

A-2 uses include assembly uses intended for food and drink consumption, such as banquet halls; casinos; nightclubs; restaurants, cafeterias, and similar dining facilities including associated commercial kitchens; and taverns and bars. Also includes food trucks and similar mobile food vendors parked adjacent to the applicable zoning district.

1) OUTDOOR SEATING AREAS

The following regulations apply to all designated outdoor seating areas on the same lot as a restaurant, café, bar, tavern, or other food service establishment where food or beverages are served or consumed. Outdoor seating areas may include tables, chairs, umbrellas, fencing, planters, or similar furnishings, subject to all other standards of this Chapter. Outdoor seating areas may be located on private property, patios, decks, sidewalks, or other approved areas. Such areas are not fully enclosed

by permanent walls or a roof and operate as an accessory use to the principal establishment.

- (1) An outdoor seating area may not be located within a required setback area.
- (2) No outdoor seating area furnishing or structure may be located within the required visibility triangle.
- (3) Outdoor seating areas may not be located within a parking area necessary for meeting the standards set forth in **SECTION 4.06(H)** of this chapter.
- (4) No outdoor seating area furnishing or structure shall obstruct building exits, fire lanes, standpipes, utilities, hydrants, ramps, sidewalks, or walkways necessary for providing access to the establishment.
- (5) Outdoor seating areas may not operate between the hours of 10:00 p.m. and 7:00 a.m., unless otherwise specified by this Chapter.
- (6) Amplified sound, including speakers, live music, or DJs, shall not exceed 55 decibels (dBa) as measured at the nearest property line, unless otherwise permitted by an approved Special Event Permit.
- (7) Amplified sound is not permitted between the hours of 10:00 p.m. and 7:00 a.m., unless otherwise permitted by an approved Special Event Permit.
- (8) All outdoor seating areas located on a City sidewalk or other City right-of-way shall obtain a Sidewalk Café permit, pursuant to **ARTICLE 14-III** of the Code of Ordinances.

(III) A-3: AMUSEMENT

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

1) SEXUALLY-ORIENTED ESTABLISHMENTS

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

- (1) No property owner may establish a sexually-oriented establishment within 1,000 feet of any Residential (R), Educational (E), or Daycare (I-4) use.
- (2) No areas depicting, describing, or relating to sexual conduct shall be visible from any of the adjacent properties or public rights-of-way.
- (3) Property owners looking to establish a sexually-oriented establishment must file a security plan with the City that specifically describes the security staff, hours, and precautions the operator will follow. The City Police Chief, Fire Chief, and Zoning Administrator must unanimously approve the security plan before the City shall issue any Certificate of Occupancy.

Sexually-oriented establishments shall not include theaters, cabarets, restaurants, taverns, bars, or other venues that offer live performances of dance, comedy, impersonation, or other forms of expressive entertainment that are not characterized by an emphasis on sexual conduct or nudity for the purpose of sexual arousal or sexual gratification.

(IV) A-4: INDOOR SPORTS

A-4 uses include uses intended for viewing of indoor sporting events and activities with spectator seating, such as arenas; skating rinks; swimming pools; or tennis courts.

(V) A-5: OUTDOOR STADIA

A-5 uses include uses intended for participation in or viewing of outdoor activities such as amusement park structures; bleachers; grandstands; outdoor swimming pools; golf courses; or stadiums.

(B) B: BUSINESS USES

Business uses (B-1: Professional or service) include, among others, the use of a building for office, professional, or service-type transactions, including storage of records and accounts. Business uses include animal hospitals, kennels, and pounds; banks and financial services; automobile show rooms, car washes; civic administration; dry cleaning and laundry pick-up and delivery stations; food processing establishments and commercial kitchens not associated with restaurants, cafeterias, and similar dining facilities not more than 2,500 square feet (232 m²) in area; laboratories; outpatient healthcare; salons; showrooms; post offices; print shops; and professional services offices.

(I) CONVENIENT CASH BUSINESSES

Convenient cash businesses include the following uses:

- (1) Payday Lenders, as defined in [WIS. STAT. 62.23\(7\)\(HI\)](#).
- (2) Auto Title Loan businesses, defined as a financial service offering title loans pursuant to [WIS. STAT. 138.16\(1\)\(C\)](#).
- (3) Check Cashing businesses, as defined in [WIS. STAT. 218.05\(1\)\(B\)](#).

Convenient cash business uses have the following, additional regulations:

1. A convenient cash business cannot locate within 2,500 feet of another convenient cash business.
2. Convenient cash businesses shall not be located within 250 feet of a Residential Use (R), as defined in [SECTION 3.03\(J\)](#).
3. Convenient cash businesses shall not operate during the hours of 9:00PM-8:00AM.

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

(C) E: EDUCATIONAL USES

Educational uses (E-1: Schools and Day Cares) include, among others, the use of a building by six or more persons at any one time for educational purposes through the 12th grade. These uses include buildings, structures, or portions thereof occupied by more than five children older than 2.5 years of age who receive educational, supervision, or personal care services for fewer than 24 hours per day.

(D) F: FACTORY USES

Factory uses include, among others, the use of a building, structure, or a portion thereof for assembling, disassembling, fabricating, finishing, manufacturing, packaging, repair, or processing operations that the City does not classify as High-Hazard Uses or Storage Uses. Example uses include building products, chemicals; clothing; commercial food and beverage operations not associated with restaurants, cafeterias, and similar dining facilities more than 2,500 square feet (232 m^2) in area; data centers; dry cleaning and dyeing; electronics; filming without spectators; furniture; machinery; metals; plastics; printing; textiles; utility plants.

(I) F-1: MODERATE-HAZARD

F-1 uses include, among others, factory uses that are not classified as Low-Hazard Factory uses (F-2), as set forth in IBC 2024 Section 306.2. F-1 uses shall include data centers and similar large-scale computer processing uses.

1) DATA CENTERS

Data center uses greater than 21,780 square feet have the following, additional regulations:

1. Data centers must screen the entire perimeter of the occupied parcel using Option A in **TABLE IV-7: OUTDOOR STORAGE AND WORK AREA SCREENING OPTIONS**.
2. 100% of the remaining site landscaping must follow the standards of **SECTION 4.07(A)(VIII)**.
3. 100% of the stormwater runoff generated shall be treated on-site, and the applicant shall utilize green infrastructure to the maximum extent feasible.
4. They must generate 100% of the domestic electricity use (i.e., the electricity demand from non-server uses) on-site using renewable energy sources.
5. Zoning Permit applications for data center uses shall include water and energy use projections.

(II) F-2: LOW-HAZARD

F-2 uses include, among others, the fabrication or manufacturing of noncombustible materials that during finishing, packing, or processing do not involve a significant fire hazard, as set forth in IBC 2024 Section 306.3.

(E) H: HIGH-HAZARD USES

High-hazard (H-1) uses include, among others, the use of a building or structure, or a portion thereof, that involves the manufacturing, processing, generation, or storage of materials that constitute a physical or health hazard in quantities in excess of those allowed in control areas complying with IBC 2024 Section 414, based on the maximum allowable quantity limits for control areas set forth in IBC 2024 Tables 307.1(1) and

307.1(2). High-hazard uses include the manufacturing, processing, generation, or storage of uses that pose a detonation, deflagration, combustion, or health hazards and semiconductor fabrication facilities and comparable research and development areas in which hazardous production materials (HPM) are used and the aggregate quantity of materials is in excess of those specified in IBC 2024 Tables 307.1(1) and 307.1(2). H-1 uses shall include salvage yards, scrapyards, and junkyards.

(I) EXPRESSLY PROHIBITED HIGH-HAZARD USES

Any lot or portion thereof used for the collection, storage, dismantling, processing, salvaging, or sale of used, damaged, or discarded materials, including but not limited to salvage yards, scrap yards, and junk yards. Materials may include, but is not limited to, metals, machinery, appliances, building materials, vehicles, vehicle parts, and industrial equipment.

(F) HO: HOME OCCUPATIONS

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

(I) HOME OCCUPATION REGULATIONS

- (1) Home occupation uses shall be operated by a resident of the dwelling unit.
- (2) The area devoted to conduct a home occupation use shall be limited to 33% of the dwelling unit's floor area, or 750 square feet, whichever is less.
- (3) Home occupation uses may not change the character of the residential building they occupy or adversely affect the character of the surrounding neighborhood, including making any noise audible beyond the lot lines of the subject property.
- (4) Home occupation uses must lie entirely within the dwelling unit or accessory building.
- (5) Home occupation uses are allowed one wall sign per business. All other signs are not permitted. Signs for a home occupation use shall comply with **SECTION 4.03**, but shall not be illuminated and shall not exceed three sq. ft. in size.
- (6) Home occupation uses may display a limited amount of window or other public material or merchandise. Display areas shall be confined to an area not exceeding ten square feet and shall be located entirely within the interior of the dwelling unit or accessory building. Merchandise displayed in a window shall not be illuminated. All displayed merchandise must be directly related to the services offered or goods produced by the home occupation.
- (7) Home occupation uses may not use or store hazardous substances, except at the "consumer commodity" level, as 49 CFR 171.8 defines that term.
- (8) Home occupation uses may only use licensed vehicles with a GVWR 14,000 pounds or below. Home occupation uses may not park or store any other types of vehicles on the premises. The City permits deliveries and pickups by common carrier delivery vehicles (e.g., postal service, United Parcel Service, Fed Ex, et al.) of the type typically used in residential neighborhoods.

(II) EXPRESSLY PROHIBITED HOME OCCUPATION USES

- (1) Any type of assembly, cleaning, maintenance or repair of vehicles or equipment with internal combustion engines or of large appliances;
- (2) Dispatch centers or other businesses where employees come to the site and are dispatched to other locations;
- (3) Equipment supply or equipment rental businesses;
- (4) Taxi, limo, van, or bus services with more than two vehicles;
- (5) Tow truck services;
- (6) Mercantile uses in which goods are sold directly to on-site customers;
- (7) Eating or drinking places, in which food or beverages are prepared and served to be consumed on site;
- (8) Funeral or interment services;
- (9) Animal care or boarding businesses, except for animal grooming; and
- (10) Any use involving the use or storage of vehicles, products, parts, machinery or similar materials or equipment outside of a completely enclosed building.

(G) I: INSTITUTIONAL USES

Institutional uses include, among others, the use of a building, structure, or a portion thereof, in which care or supervision is provided to persons who are or are incapable of self-preservation without physical assistance, persons are detained for penal or correctional purposes, or the liberty of the occupants is restricted. Institutional occupancies shall be classified as I-1, I-2, I-3, or I-4.

(I) I-1: 24-HOUR CUSTODIAL CARE FACILITIES

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

(II) I-2: 24-HOUR SELF CARE FACILITIES

I-2 uses shall include buildings, structures used for medical care on a 24-hour basis for more than five persons who are incapable of self-preservation. I-2 uses shall include foster care facilities; detoxification facilities; hospitals; nursing homes; and psychiatric hospitals.

(III) I-3: SECURE FACILITIES

I-3 uses include buildings and structures inhabited by more than five persons who are under restraint or security. I-3 uses included correctional centers; jails; and prisons.

(IV) I-4: DAY CARE FACILITIES

I-4 uses include buildings and structures occupied by more than five persons of any age who receive custodial care for fewer than 24 hours per day by persons other than parents or guardians; relatives by blood, marriage, or adoption; and in a

place other than the home of the person cared for. I-4 uses include adult and child day cares.

I-4 uses shall include At-home family daycares which provide care for at least four but no more than twelve individuals under seven years of age and which are operated from a residential dwelling unit by one or more members of the household who reside in the dwelling unit.

(H) M: MERCANTILE USES

Mercantile uses (M: Merchandise Sales) include, among others, buildings or structures or a portion thereof for the display and sale of merchandise, and involves stocks of goods, wares, or merchandise incidental to such purposes and where the public has access. The aggregate quantity of nonflammable solid and nonflammable or noncombustible liquid hazardous materials stored or displayed in a single area of a M use shall not exceed the limits set forth in **CHS. SPS 301-399; SAFETY, BUILDINGS, AND ENVIRONMENT**. Mercantile occupancies shall include department stores, drug stores, greenhouses, markets, gas stations, retail or wholesale stores, and sales rooms.

(I) OUTDOOR SALES AND DISPLAY

Uses where property owners sell and display merchandise or equipment outside of an enclosed building on more than a temporary basis. Examples include, but the City does not limit them to, outdoor garden centers, outdoor recreation equipment sales, monument sales, flea markets, vehicle sales, and manufactured and mobile housing sales.

If the permanent Outdoor Sales and Display area is less than the equivalent of 5% of the total gross square footage of the building and is secondary to a Mercantile use, such use shall instead be considered Incidental Outdoor Sales and Display as defined in **SECTION 3.03 (H)(II)**.

Outdoor Sales and Display uses shall comply with the following regulations:

- (1) The outdoor display area shall be calculated as the area which would be enclosed by an imaginary line that would completely enclose all materials displayed outdoors in the smallest possible rectangle.
- (2) The display of items shall not be permitted in permanently protected green space areas, required landscaped areas, or required bufferyards.
- (3) The display of items shall not be permitted within required setback areas for the principal structure.
- (4) In no event shall the display of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of **Section 4.06(h)**. If the number of provided parking stalls on the property is already less than the requirement, such display area shall not further reduce the number of parking stalls already present.
- (5) Display areas shall be separated from any vehicular parking or circulation area by a minimum of ten 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.

- (6) Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, including potential traffic/traffic and traffic/pedestrian conflicts.
- (7) 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 ten calendar days of the goods' removal.
- (8) 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.
- (9) Outdoor sales and display uses shall provide a bufferyard with a minimum opacity of 60% along all borders of the display area butting residentially zoned property.

(II) INCIDENTAL OUTDOOR SALES AND DISPLAY

The sale and display of merchandise or equipment outside of an enclosed building and is incidental to a principal commercial or industrial land use. Incidental outdoor sales and display uses shall comply with the following regulations:

- (1) Incidental Outdoor Sales and Display land uses shall comply with all regulations of **SECTION 3.03(H)(I)**.
- (2) The display area shall not be greater than the equivalent to 5% percent of the gross floor area of the building. Display area more than 5% of the gross floor area of the building shall be considered Outdoor Sales and Display as a principal use under **SECTION 3.03(H)(I)**.

(I) O: OUTDOOR USES

Outdoor uses include, among others, uses which generally lack primary buildings or structures. The city shall classify outdoor uses as 0-1, 0-2, or 0-3.

(I) 0-1: CEMETERIES

0-1 uses include lands and facilities for the interment of humans or domestic household pets.

(II) 0-2: NATURAL AREAS AND RECREATION

0-2 uses include parks, recreation, and natural resource preservation areas, such as nature preserves, arboreta, and playgrounds.

(III) 0-3: NON-ACCESSORY PARKING

0-3 uses include parking lots that primarily serve the public-at large instead of occupants of or visitors to a use under a 14,000 pounds gross vehicle weight rating (GVWR). The City permits parking lots that primarily serve vehicles over a 14,000 GVWR only accessory to F or H uses.

(J) R: RESIDENTIAL USES

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

(I) R-1: HOTELS

R-1 uses contain sleeping units of more than two dwelling units where the occupants are primarily transient in nature, such as hotels, motels, or lodging houses with more than five guestrooms.

(II) R-2: 3+ UNIT RESIDENTIAL

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

1) TOWNHOUSE REGULATIONS

When individual townhouse units are located on separate parcels, the following regulations shall apply:

- (1) Minimum combined lot area of all parcels: 8,000 square feet
- (2) Minimum combined lot width of all parcels: 80 feet
- (3) Minimum lot width (individual parcel): 20 feet
- (4) Minimum shared side yard setback: 0 feet
- (5) Minimum unshared side yard setback: setback of underlying zoning district
- (6) Minimum street yard setback: setback of underlying zoning district
- (7) Minimum rear yard setback: setback of underlying zoning district

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

(III) R-3: 1-2 UNIT RESIDENTIAL

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

1) ACCESSORY DWELLING UNIT REGULATIONS

An accessory dwelling unit (ADU) is a smaller, independently habitable residential dwelling unit located on the same lot as a standalone (i.e., detached) single-family home. ADUs can be converted portions of existing homes (i.e., internal ADUs), additions to new or existing homes (i.e., attached ADUs), new stand-alone accessory structures, or converted portions of existing stand-alone accessory structures (i.e., detached ADUs). Accessory Dwelling Units shall comply with the following regulations:

- (1) No more than one ADU shall be allowed on a single lot.
- (2) ADUs shall not be located on lots occupied by a two-unit house, townhouse, or cottage court development.
- (3) The number of occupants of the ADU shall not exceed one family.

- (4) Additional entrances shall not be added to the front elevation of an existing residential building but may be added to side, rear, or street side elevations.
- (5) Entrances to ADUs may not face the nearest side or rear property line unless there is an alley abutting that property line.
- (6) ADU entryways within a rear, side, or street side yard shall be connected to a street frontage by a paved walkway or driveway. The owner shall post one on-building locational sign displaying the address of the ADU.
- (7) The ADU's exterior finish material, roof pitch, and trim elements must visually match the exterior finish material of the principal building in type, size and placement.
- (8) Attached ADUs shall adhere to the principal structure setback requirements and other regulations for the underlying zoning district.
- (9) Detached ADUs shall adhere to the accessory structure setback requirements and other regulations for the underlying zoning district.
- (10) Either the principal building or ADU must be occupied by the owner of the property as their primary residence for a total of at least 183 days in a calendar year. A restrictive agreement between the property owner and the City shall be recorded prior to issuance of a zoning permit and occupancy being granted.
- (11) The ADU shall not be sold separately or otherwise conveyed or titled separately from the principal dwelling.
- (12) ADUs shall not be rented for periods of one (1) to six (6) consecutive days.
- (13) The maximum size of an ADU shall not exceed 40% of the size of the principal dwelling's floor area, excluding any attached garage.
- (14) Neither fees in-lieu of parkland, nor park improvement fees shall be charged for a permit to construct an ADU.

2) COTTAGE COURT REGULATIONS

A cottage court development is a grouping of small detached houses, two-unit houses, twin houses, or backyard cottages clustered around a common open space or shared courtyard. Cottage court uses shall comply with the following regulations:

- (1) Property owners must provide at least 400 square feet of contiguous, regularly shaped, common open space per unit as the focal point of the development accessible to its residents.
- (2) Property owners must orient the unit entrances around at least two sides of the common open space, except units adjacent to local and collector streets that must face towards the street.
- (3) Property owners must locate all units within 75 feet of the common open space area.
- (4) For the purposes of cottage courts, the following minimum setbacks shall apply:
 - a. Front Yard (fronting the common open space): 10 ft.
 - b. Street Yard (fronting a public or private street): minimum street yard setback of the underlying zoning district.
 - c. Side Yard: 5 ft.
 - d. Rear Yard: 5 ft.

- e. Distance between a cottage court home and the side yard of an adjacent parcel which is not part of the cottage court: minimum side yard setback of the underlying zoning district.
- f. Distance between a cottage court home and the rear yard of an adjacent parcel which is not part of the cottage court: minimum rear yard setback of the underlying zoning district.

(5) Property owners may provide cottage court parking in attached garages, detached garages, or in a shared parking area. They must screen shared parking areas in accordance with the vehicular use area screening standards of **SECTION 4.06**. They may not locate parking in the required courtyard or common open space area.

(IV) R-4: SMALL COMMUNITY-BASED RESIDENTIAL FACILITIES

R-4 uses shall include buildings, structures, or portions thereof used and licensed as a small Community-based residential facility (CBRF), as defined in **WIS. STATS. § 50.01(1g)** and **WIS. ADMIN. CODE DHS 83.04(1)(A)**. R-4 uses shall include small (5-8 residents) CBRFs, but shall not include medium (6-20 residents) or large (21+ residents). CBRFs shall demonstrate proof of licensure from the State Department of Health Services to the Zoning Administrator prior to issuance of a Certificate of Occupancy.

(V) R-5: MOBILE HOME PARKS

R-5 uses shall include manufactured and mobile homes, as defined in **CHAPTER 34 OF THE CODE OF ORDINANCES**. Manufactured and mobile homes shall only be allowed within a permitted Mobile Home Park, pursuant to **CHAPTER 34**. In addition to the requirements of **CHAPTER 34**, Mobile Home Parks are subject to the following standards:

- (1) Every mobile home in a trailer camp or mobile home park shall be located on a space not less than 1,000 square feet in area, and all such spaces shall be arranged in rows, facing on a continuous driveway which is at least 25 feet in width, and each space shall have a frontage on such driveway of at least 30 feet.
- (2) Every mobile home shall be located at least 25 feet from the nearest adjacent mobile home.
- (3) No structure shall be located closer than 10 feet to the exterior boundary line of any mobile home space.
- (4) No structure shall be located closer than 25 feet from the property line of the mobile home park.
- (5) A maximum of 100 mobile homes are permitted per mobile home park.
- (6) No lean-to, shack, tent, room or similar structure of a detachable nature shall be attached to any trailer or mobile home located in a mobile home park, other than as may be required for the housing of equipment for the furnishing of power, light, water, gas or similar service to such trailer or mobile home.
- (7) Any and all extensions in the area of a mobile home park existing on the date the ordinance from which this chapter is derived takes effect, made after such date, as well as all mobile home parks constructed after such date, shall be laid out and maintained with regard to the spacing of mobile homes located, or to be located, therein, so as to

meet the requirements of this subsection or the requirements of the county zoning ordinance, as applicable thereto, whichever requires the greater area of such spacing.

(K) S: STORAGE USES

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

(I) S-1: MODERATE-HAZARD STORAGE

S-1 uses include, among others, buildings used for storage uses that are not classified as S-2 uses, as set forth in IBC 2024 Section 311.2.

(II) S-2: LOW-HAZARD STORAGE

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

(L) U: UTILITY AND ACCESSORY USES

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

1) GENERAL PROVISIONS

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

2) WHEN ALLOWED

The City limits accessory uses to those expressly regulated in this section or elsewhere in the zoning chapter, as well as those that, in the determination of the Zoning Administrator, satisfy all the following criteria:

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

3) TIME OF CONSTRUCTION AND ESTABLISHMENT

One may only establish an accessory use after the principal use.

4) LOCATION

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

5) R-3 ACCESSORY STRUCTURES

On all lots occupied by an R-3 primary use, the following accessory structure standards apply:

- (1) Accessory structures shall have a maximum footprint of 1,000 square feet.
- (2) The footprint of an accessory structure shall not exceed the footprint of the primary structure.
- (3) Each lot may contain a maximum of one detached garage.
- (4) All non-garage accessory structures shall have a maximum individual footprint of 250 square feet.
- (5) All accessory structures shall meet the standards set forth by **TABLE II-2: LOT AND STRUCTURE REGULATIONS** and **TABLE II-3: HEIGHT REGULATIONS**.

6) COMPOSTING

A) SIZE

The City permits small-scale, non-commercial composting fewer than 50 cubic yards (38.2 m³).

B) LOCATIONAL LIMITATIONS

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

C) MEAT PRODUCTS

The City prohibits meat products in compost bins.

D) RODENT PROTECTION

Property owners must place all compost waste within rodent-resistant compost bins.

E) ANIMAL WASTE

The City permits only animal waste from herbivores within compost bins.

F) BURNING EXPRESSLY PROHIBITED

No person may burn compost within the City.

7) DONATION DROP-OFF BOXES

A) GENERAL

The City limits donation drop-off boxes to the S-CO, U-CO, U-DT, and I zoning districts.

B) NUMBER ALLOWED

The City permits one donation drop-off box per property.

C) LOCATION

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

8) ELECTRIC VEHICLE CHARGING STATIONS

A) PARKING

Property owners must reserve public electric vehicle charging stations for parking and charging electric vehicles. Owners must post signs reserving the space for electric vehicle charging purposes.

B) EQUIPMENT

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

C) POSTED INFORMATION

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

9) GEOTHERMAL ENERGY SYSTEMS

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

10) PORTABLE STORAGE UNITS

The City exempts portable storage units from street-yard setbacks for up to 31 consecutive days within a 12-month period. The City permits portable storage units on properties longer than 31 days for properties with an active building permit.

11) SATELLITE ANTENNAS

Satellite dishes accessory to R uses may not exceed 36 inches (91.4 cm) in diameter.

12) SOLAR ENERGY SYSTEMS

Property owners may locate solar energy systems in any zoning district. The City classifies non-accessory solar energy systems as F-1 uses.

13) SHORT-TERM RESIDENTIAL RENTALS

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

A) DEFINITIONS

I) TOURIST OR TRANSIENT

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

II) OPERATOR

A person who is the owner or lessee of property being used as a Short-Term Residential Rental and who is conducting the Short-Term Residential Rental business by, among other things, interacting digitally and in person with guests and is identified in Short-Term Residential Rental listings and advertisements as the Short-Term Residential Rental "host." An operator may not be an LLC, Trust, Nonprofit, or other corporate entity.

III) PRIMARY RESIDENCE

A dwelling unit that serves as an individual's true, fixed and permanent home for at least one hundred eighty-three (183) days in a calendar year and to which, whenever absent therefrom, that individual intends to return. Additional characteristics of a primary residence include, but are not limited to, where an individual receives mail, claims residence for purposes of voter registration, pays for utilities, and lists as their address on state issued identification cards. An individual can have only one (1) primary residence.

B) PERMIT REQUIREMENTS

Short-term residential rentals are permitted by-right in all zoning districts, subject to the below supplemental regulations. All operators shall obtain a valid Operators Permit from the City prior to operating a Short-Term Residential Rental, pursuant to Section 50-32 of the Municipal Code of Ordinances.

C) SHORT-TERM RESIDENTIAL RENTAL REGULATIONS

- (1) A short-term residential rental shall only be located as an accessory land use to a residential land use.
- (2) Only the owner of the property may operate a short-term residential rental, except that a renter may operate if explicitly allowed in the lease. A property owner proposing to operate a short-term residential rental in a dwelling unit that is subject to rules, regulations, or bylaws of a condominium association may only operate the dwelling unit as short-term residential rental if explicitly allowed by the condominium association.
- (3) If the short-term residential rental is operated for stays of more than six (6) but fewer than twenty-nine (29) consecutive days, the short-term residential rental may be operated for no more than one hundred eighty (180) days in any consecutive three hundred sixty-five (365) day period as provided in Wis. Stat. § 66.1014(2)(d). The one hundred eighty (180) allowable days in any three hundred sixty-five (365) day period must run consecutively and the short-term residential rental operator must give the Zoning Administrator notice of the first rental of any three hundred sixty-five (365) day period.
- (4) If the short-term residential rental is operated for stays of one (1) to six (6) consecutive days, the property shall be the operator's primary residence.

- a. If an operator who is operating a short-term residential rental pursuant to #4 above occupies the residence at the time of rental, there is no limit to the number of days the Short-Term Residential Rental may operate.
- b. If an operator who is operating a short-term residential rental pursuant to #4 above does not occupy the residence at the time of rental, the short-term residential rental may operate no more than thirty (30) days per permitting year.

(5) Maximum tourist or transient occupancy shall not exceed the lesser of two (2) times the number of legal bedrooms in the dwelling unit or twelve (12). Children under the age of twelve (12) shall not count toward the maximum tourist occupancy.

(6) Each short-term residential rental shall provide and maintain a Guest Register and shall require all guests to register their true names and addresses before allowing occupancy. The Guest Register shall be kept intact and available by the operator for inspection by representatives of the City for at least one (1) year from the day of the conclusion of the period of operation.

(7) Each short-term residential rental shall maintain the following written Business Record for each rental of the short-term residential rental: the true names and addresses of any person renting the property, the dates of the rental period (which must be a minimum of one (1) consecutive day), and the monetary amount or consideration paid for the rental. The Business Record shall be kept intact and available by the operator for inspection by representatives of the City for at least one (1) year from the day of the conclusion of the period of operation.

(8) A minimum of one (1) off-street parking space shall be provided on the subject property for each short-term residential rental. If the short-term residential rental provides three (3) or more bedrooms, an additional on-site parking space is required for each additional bedroom over two (2).

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

(10) Aside from a changing mix of guests and their vehicles, there shall be no evidence of the property being used as a short-term residential rental visible on the exterior of the subject property.

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

14) WIRELESS TELECOMMUNICATIONS

A) APPLICABILITY

The regulations of this article apply to mobile service facilities.

B) PURPOSE

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

C) DEFINITIONS

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

I) ANTENNA

Communications equipment that transmits and receives electromagnetic radio signals and is used in the provision of mobile services.

II) APPLICATION

An application for a permit under this section to engage in either:

(a) The siting and construction of a new mobile service support structure and facilities.

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

III) CLASS 1 COLOCATION

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

IV) CLASS 2 COLLOCATION

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

V) COLLOCATION

Class 1 or Class 2 collocation or both.

VI) DISTRIBUTED ANTENNA SYSTEM

A network of spatially separated antenna nodes that is connected to a common source via a transport medium and that provides mobile service within a geographic area or structure.

VII) EQUIPMENT COMPOUND

An area surrounding or adjacent to the base of an existing support structure within which is located mobile service facilities.

VIII) EXISTING STRUCTURE

A support structure that exists at the time a request for permission to place mobile service facilities on a support structure is filed with the City.

IX) FALL ZONE

The area over which a mobile support structure is designed to collapse.

X) MOBILE SERVICE

Has the meaning given in 47 U.S.C. § 153(33), as follows: a radio communication service carried on between mobile stations or receivers and land stations, and by mobile stations communicating among themselves, and includes:

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

XI) MOBILE SERVICE FACILITY

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

XII) MOBILE SERVICE PROVIDER

A person who provides mobile service.

XIII) MOBILE SERVICE SUPPORT STRUCTURE

A freestanding structure that is designed to support a mobile service facility.

XIV) PERMIT

A permit, other than a building permit, or approval issued by a political subdivision that authorizes any of the following activities by an applicant:

- (a) A Class 1 collocation.
- (b) A Class 2 collocation.
- (c) The construction of a mobile service support structure.

XV) PUBLIC UTILITY

Has the meaning given in Wisconsin Statutes.

XVI) SEARCH RING

A shape drawn on a map to indicate the general area within which a mobile service support structure should be located to meet radio frequency engineering requirements, taking into account other factors including topography and the demographics of the service area.

XVII) SUBSTANTIAL MODIFICATION

The modification of a mobile service support structure, including the mounting of an antenna on such a structure, that does any of the following:

- (a) For structures with an overall height of 200 feet or less, increases the overall height of the structure by more than 20 feet.
- (b) For structures with an overall height of more than 200 feet, increases the overall height of the structure by 10% or more.
- (c) Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by 20 feet or more, unless a larger area is necessary for collocation.
- (d) Increases the square footage of an existing equipment compound to a total area of more than 2,500 square feet.

XVIII) SUPPORT STRUCTURE

An existing or new structure that supports or can support a mobile service facility, including a mobile service support structure, utility pole, water tower, building, or other structure.

XIX) UTILITY POLE

A structure owned or operated by an alternative telecommunications utility, as defined in Wisconsin Statutes; public utility, as defined in Wisconsin Statutes; telecommunications utility, as defined in Wisconsin Statutes; political subdivision; or cooperative association organized under Wisconsin Statutes; and that is designed specifically for and used to carry lines, cables, or wires for telecommunications service, as defined in Wisconsin Statutes; for video service, as defined in Wisconsin Statutes; for electricity; or to provide light.

D) NEW FACILITIES AND SUBSTANTIAL MODIFICATIONS

I) APPLICABILITY

The regulations of this section apply to the siting and construction of new mobile service support structures and facilities and substantial modifications of existing mobile service support structures and facilities.

II) APPLICATION AND FEE

The applicant must submit to the Zoning Administrator a written application, which must include all of the following information. Applications for approval of a substantial modification must describe the proposed modifications, rather than the new structure.

- (1) The name and business address of, and the contact individual for, the applicant.
- (2) The subject property owner.
- (3) The location of the proposed tower.
- (4) The location of the mobile service facility.
- (5) A construction plan that describes the tower, equipment, network components, antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new tower.

- (6) An explanation of why the applicant chose the proposed location, and why the applicant did not choose collocation, including a sworn statement from the responsible party attesting that collocation within the applicant's service area would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome.
- (7) The application must be accompanied by the fee established by the City Council to defray the cost of notification and holding of public hearing. Costs incurred by the City in obtaining legal, planning, engineering, and other technical and professional advice in connection with the review and implementation of the use will also be charged to the applicant. Such fee must be established by resolution of the City Council and may not exceed the limits established by *WIS. STATS. § 66.0404(4)(D)*.

III) DETERMINATION OF COMPLETENESS

The Zoning Administrator must review the application and determine whether the application is complete. The Zoning Administrator must notify the applicant of the determination within 10 business days of receiving the application. If the application is found to be incomplete, such notice must specify in detail the missing information. Applicants are allowed to resubmit their applications as often as necessary to provide the required information.

IV) REVIEW PROCEDURE

Applications for new wireless telecommunications mobile service facilities and substantial modifications of existing facilities must be reviewed pursuant to the procedures set forth below:

- (1) After determining that an application is complete, the Zoning Administrator must forward the application to the Plan Commission for review. The Plan Commission must forward its recommendation to the City Council for a public hearing on the matter.
- (2) Notice of the City Council's public hearing must be published by the City Clerk as a Class I notice. The City Clerk must also provide by first-class mail a copy of the public hearing notice to all owners of record of real property located within 300 feet of the property for which approval is sought.
- (3) Approval of a new wireless telecommunications mobile service facility or a substantial modification of an existing facility may not be granted unless the tower is located so that there is sufficient radius of clear land around the tower so that its collapse will be completely contained on the subject property. If an applicant provides the City with engineering certification showing that the tower is designed to collapse within a smaller area than the radius equal to the height of the tower, the smaller area must be used unless the City has and provides the applicant substantial evidence that the engineering certification is flawed.
- (4) All facilities must comply with all applicable state and federal regulations

V) PUBLIC HEARING AND DECISION

- (1) The City Council must decide on the application for a new wireless telecommunications mobile service facility or a substantial modification of

an existing facility within 90 days of a completed application unless the applicant extends the time.

- (2) The decision must be in writing and a copy of the decision must be made a permanent part of the City records. If approval is not granted, the reasons for disapproval must be included in such record.
- (3) An official record of the decision must be prepared by the Zoning Administrator. The official record must include a description of the use for which the approval is granted and all conditions attached to such approval as well as a copy of the resolution of the City Council approving the application. A copy of the completed form must be recorded with the County Register of Deeds as a covenant on the title for the premises for which the approval was granted.

VI) CONDITIONS OF APPROVAL

Conditions such as landscaping, architectural design, type of construction, floodproofing, anchoring of structures, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yard, or parking requirements, among other issues as deemed appropriate, may be required by the City Council upon a finding that such conditions are necessary to fulfill the purpose and intent of this section.

VII) LIMITATIONS ON AUTHORITY

The City's review and action on applications for new wireless telecommunications mobile service facilities or substantial modifications of existing facilities are subject to the limitations imposed by *WIS. STATS. § 66.0404(4)*. If the applicant believes the City has exceeded its authority in this regard, the applicant must notify the City Council in writing, in which case the City Council reserves the right to reconsider the matter, to ensure that applicable laws are followed.

E) NONSUBSTANTIAL MODIFICATIONS

I) GENERAL

Nonsubstantial changes, additions or other modifications to an existing mobile service support structure or mobile service facility are subject to the requirements of this section. The application together with applicable fees must be submitted to the Zoning Administrator, who must review the application determine whether the changes, additions, or other modifications shown on the application constitute a nonsubstantial modification.

II) APPLICATION INFORMATION

The applicant must submit a written application that describes the applicant's basis for concluding that the modification is not substantial, and all of the following information:

- (1) The name and business address of, and the contact individual for, the applicant.
- (2) The location of the affected support structure.
- (3) The location of the proposed facility.

III) DETERMINATION OF COMPLETENESS

The Zoning Administrator must review the application and determine whether the application is complete. The Zoning Administrator must notify the applicant of the determination within ten business days of receiving the application. If the application is found to be incomplete, such notice must specify in detail the missing information. Applicants are allowed to resubmit their applications as often as necessary to provide the required information.

IV) DECISION

The Zoning Administrator must decide on the application within a reasonable time after receipt of the completed application and no later than 45 days after receipt of the completed application unless the applicant extends the time. The decision must be in writing and a copy of the decision must be made a permanent part of the City records. If approval is not granted, the reasons for disapproval must be included in such record.

V) LIMITATIONS ON AUTHORITY

The City's review and action on applications for nonsubstantial modifications of existing facilities are subject to the limitations imposed by **WIS. STATS. § 66.0404(4)**. If the applicant believes the City has exceeded its authority in this regard, the applicant must notify the City Council in writing, in which case the City Council reserves the right to reconsider the matter or to direct the Zoning Administrator to reconsider the matter, to ensure that applicable laws are followed.

(b) AG: AGRICULTURAL USES

(I) AG-1: CULTIVATION

AG-1 uses shall include all operations primarily oriented to the on-site, outdoor raising of plants for commercial purposes. This land use includes trees which are raised as a crop to be replaced with more trees after harvesting, such as in nursery or Christmas tree operations. Cultivation uses shall not include the incidental growing and harvesting of plants or crops for personal use or for a home occupation use within a residence or on the same lot as a residence, commonly known as home gardening.

In all zoning districts, except for the AG zoning district, the following regulations shall apply:

- (1) Cultivation uses shall not exceed 20% of a lot's area.
- (2) Cultivation uses shall not be located within a lot's required minimum accessory structure setback area.

The city permits only the following cultivation activities in the NRP-O district, subject to site plan review by the Zoning Administrator .

- (1) Hiking, fishing, trapping, swimming, and boating, unless prohibited by other ordinances and laws.
- (2) 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.

(3) Silviculture, including the planting, thinning, and harvesting of timber, in a manner that is not injurious to woodland area as a whole.

(II) AG-2: ANIMAL HUSBANDRY

AG-2 uses include all operations primarily oriented to the on-site raising or use of animals at an intensity of less than one animal unit as, established in **TABLE V-2 ANIMAL UNIT TABLE**, per acre. AG-2 uses shall not include residential beekeeping or keeping of chickens.

The Zoning Administrator is authorized to determine the value in animal units for mature animals not listed in **TABLE V-2 ANIMAL UNIT TABLE**.

Any building housing animals for animal husbandry shall be located a minimum of 100 feet from all lot lines. All outdoor animal containments (pasture) shall be located a minimum of ten feet from any residentially zoned property.

(III) AG-3: INTENSIVE AGRICULTURE

AG-3 uses include all operations primarily oriented to the on-site raising or use of animals at an intensity equal to or exceeding one animal unit, as established in **TABLE V-2 ANIMAL UNIT TABLE**, per acre or agricultural activities requiring large investments in structures. Examples of such land uses include feed lots, hog farms, poultry operations, fish farms, commercial greenhouse operations and certain other operations meeting this criterion.

The following regulations apply to Intensive Agriculture uses:

- (1) They shall not lie in, or adjacent to, an existing or platted residential subdivision.
- (2) The property owner shall screen the entire perimeter of the occupied parcel using Option A in **TABLE IV-7: OUTDOOR STORAGE AND WORK AREA SCREENING OPTIONS**.
- (3) All buildings, structures, outdoor storage areas, and outdoor animal containments shall lie a minimum of 300 feet from all parcels with an R use and 100 feet from all other lot lines.
- (4) They shall lie in an area designated for agricultural, or, additionally, in the case of commercial greenhouses, industrial use on the City's comprehensive plan.

(IV) AG-4: AGRICULTURAL SERVICES

AG-4 uses include all operations pertaining to the sale, handling, transport, packaging, storage, or disposal of agricultural equipment, products, by-products, or materials primarily used by agricultural operations. Examples of such land uses include agricultural implement sales, storage, or repair operations; feed and seed stores; agricultural chemical dealers or storage facilities; animal feed storage facilities; commercial dairies; food processing facilities; canning and other packaging facilities; and agricultural waste disposal facilities.

The following regulations apply to Agricultural Services uses:

- (1) They shall not lie in, or adjacent to, an existing or platted residential subdivision.

- (2) All buildings, structures, outdoor storage areas, and outdoor animal containments shall lie a minimum of 100 feet from all lot lines.
- (3) They shall lie in an area designated either agricultural or industrial on the City's comprehensive plan.

(V) AG-5: ON-SITE AGRICULTURAL RETAIL

AG-5 uses include land uses solely associated with the sale of agricultural products grown exclusively on the site. The sale of products grown or otherwise produced off-site shall not be permitted within on-site agricultural retail operations and such activity constitutes retail sales as a commercial land use. Packaging and equipment used to store, display, package or carry products for the convenience of the operation or its customers (such as egg cartons, baskets, containers, and bags) shall be produced off-site.

The following regulations apply to On-site Agricultural Retail uses:

- (1) Shall meet the accessory structure regulations as detailed in [**TABLE II-2: LOT AND STRUCTURE REGULATIONS**](#) and [**TABLE II-3: HEIGHT REGULATIONS**](#).
- (2) A minimum of one parking space shall be required for every 200 square feet of product display area.
- (3) Said structure and fencing shall be located a minimum of 100 feet from any residentially-zoned property.

(VI) AG-6: COMMUNITY GARDEN

AG-6 uses are areas of no more than one acre in areas that are managed and maintained by a group of individuals to grow and harvest food crops or non-food crops (e.g., flowers). A community garden area may be divided into separate garden plots for cultivation by one or more individuals or may be farmed collectively by members of the group. Community gardens may be principal or accessory uses.

ARTICLE IV. CITY-WIDE SITE DESIGN REGULATIONS

SECTION 4.01 UTILITY SERVICE REGULATIONS

The city requires municipal utility service connections for development on any parcel. In addition, the city permits solar and wind installations per Wis. Stats. s. 66.0401.

SECTION 4.02 INTERSECTION VISIBILITY REGULATIONS

(a) APPLICABILITY

This section's intersection visibility regulations apply to all districts except U-CO and U-DT. They do not apply to structures permitted within the right-of-way by the government, such as traffic signs or utility structures.

(b) VISIBILITY TRIANGLES ESTABLISHED

The city establishes an imaginary visibility triangle at all streets' intersections. No property owner may erect, place, plant, or allow any object, structure, or vegetation to exist between thirty (30) inches and eight (8) feet

above the elevation of the center point of the street intersection within the defined visibility triangle.

(c) VISIBILITY TRIANGLES DEFINED

The city forms intersection visibility triangles by creating two lines that begin at the point of intersection of the subject lot's street lot lines. These lines extend 20 feet along each street lot line away from the point of intersection. A third connecting line completes the triangle.

SECTION 4.03 SIGN REGULATIONS

(a) PURPOSE AND INTENT

This section provides sign regulations that preserve the right of free speech and expression; avoid excessive levels of visual clutter or distraction that are potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance; and ensure that signs are well-constructed, maintained, and expressive of the identity of individual activities and the community.

(b) COMPLIANCE

No person shall locate, erect, move, reconstruct, extend, enlarge, convert, or structurally alter any sign without conforming to the provisions of this Section and a sign permit, unless exempted from sign permit requirements under **(C)** or **(G)**.

(c) EXEMPTIONS

The city exempts the following signs from the regulations contained in this Ordinance.

- (1) A sign posted by a governmental agency.
- (2) A sign integrated into or on an automatic teller machine, coin-operated machine, or vending machine.
- (3) Fuel price signs on lots occupied by fueling stations, as required by **WIS. STATS. § 100.18(8)**.
- (4) Street addresses and numbers.
- (5) Murals and other works of art not related by logo, pictorial depiction, or other means to the advertisement of any product or service or the identification of any business. See **SECTION 4.09**.
- (6) Holiday lights and decorations containing no commercial message and displayed during the appropriate time of year.
- (7) Flags, up to a maximum of three per parcel. The length of the hoist side of any flag shall not exceed 20% of the vertical height of the pole. Property owners must fly U.S. flags under protocol established by the U.S. Congress. The City considers any flag that does not meet these requirements a sign subject to the requirements of this Ordinance.

(d) ABANDONED SIGNS

Property owners shall remove all signs, sign messages, and supporting structures, as applicable, when the related use concludes or it is dilapidated beyond repair under the provisions of **WIS. STATS. § 66.0413**.

(e) CONSTRUCTION AND MAINTENANCE

(I) WIND PRESSURE AND DEAD LOAD REQUIREMENTS

Property owners shall design and construct all signs and supporting structures to withstand wind pressure of not less than 40 pounds per square foot of area [1,916.74 Pa] and to receive dead loads as required in the Building Code.

(II) PROTECTION OF THE PUBLIC.

The City permits temporary occupancy of a sidewalk, street, or other public property during the construction, removal, repair, alteration, or maintenance of a sign, provided the applicant ropes off or isolates the temporarily occupied space.

(III) MAINTENANCE

The owner of any sign shall keep the sign and supporting structure in good maintenance and repair, which includes restoring, repainting, or replacing worn or damaged legally existing signage to its original permitted condition. Property owners shall maintain clean, sanitary, and inoffensive conditions, free and clear of all obnoxious substances, rubbish, and weeds.

(IV) CONSTRUCTION

Property owners shall construct all sign elements in materials resistant to rust, rot, or other degradation. They shall also attach all sign elements to support structures or adjacent buildings using methods approved by the Building Inspector.

(V) PROHIBITED ATTACHMENT AREAS

No property owner may attach, fasten, or anchor any sign element to any fire escape, ladder, or standpipe. No sign element may hinder or prevent ingress or egress through any door, window, or fire escape, or hinder or prevent the Fire Department from raising or placing ladders against a building.

(VI) ELECTRICAL PERMITS

Signs with electrical wiring require a separate electrical permit from the Building Inspector. No property owner may serve any sign with electricity via overhead electrical wiring.

(VII) UNMOVABLE BASE

If the Zoning Administrator approves a sign with external illumination, the property owner shall mount the illumination fixture on a permanent, unmovable base to prevent the fixture from tampering redirection from its permitted configuration.

(f) GENERAL PROVISIONS

(I) SIGNS RESEMBLING OTHER SIGNS

No sign shall resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices, and shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices.

(II) OBSTRUCTING SIGNS

No property owner shall locate a sign that obstructs or interferes with traffic visibility, nor illuminate it in a way that causes glare or impairs driver visibility upon public ways.

(III) ILLUMINATED SIGNS

Property owners may illuminate signs provided they, other than public traffic control signs, have no elements that flash, blink, rotate, or pulsate. All illuminated signage must meet **SECTION 4.08**. The City shall not consider signs that include changeable copy reader boards and Electronic Message Boards (EMBs) flashing or pulsating signs, provided they comply with all other applicable ordinances.

(g) SIGNS PERMITTED WITHOUT A PERMIT

The City permits the following signs without a permit.

(I) SALE, LEASE, OR RENT SIGNAGE

The City permits temporary freestanding or wall signs on properties or buildings for sale, lease, or rent not exceeding 24 square feet in area and nine feet in height. Such signs shall meet the minimum accessory structure setbacks or nine feet, whichever is less. No person shall place a temporary sign in a public right-of-way. The property owner shall remove all sale, lease, or rent signage within 10 days after selling, leasing, or renting the property.

(II) CONSTRUCTION SIGNAGE

When it is subject to an active building permit, each property may contain up to 32 square feet of temporary signage. Building permit placards and other government-ordered signage do not count towards this allowance.

(III) UNIVERSAL TEMPORARY SIGNAGE

The City permits one temporary freestanding sign, not exceeding six square feet for R-3 uses or 32 square feet for all other uses, provided that no such signs exceed four feet in height or lie within a public right-of-way. The City limits universal temporary signage to no more than 30 days, three times in any calendar year. Common examples of temporary signage include yard sales, congratulatory postings, or notices of gatherings. The City regulates commercial sandwich boards within **4.03(H)(IV)**.

(IV) SMALL PERMANENT WALL SIGNAGE

The City permits small permanent wall signage that is mounted flush against a building and does not exceed two square feet in area.

(V) INTERIOR AND WINDOW SIGNAGE

The City permits interior and inside-window signs for viewing from inside or outside the building, provided that such signs cover or obscure no more than 40% of the window's area.

(VI) RECOGNITION OF HISTORIC STRUCTURES, SITES, AND DISTRICTS

When a historic structure, site, or district has been properly designated, the commission, in cooperation with the property owner, may prepare and erect, at city expense, a suitable plaque declaring that such property is a historic structure, site, or district.

(VII) ELECTION CAMPAIGN SIGNS

As provided in **WIS. STATS. § 12.04**, the City permits election campaign signs subject to the following requirements:

- (1) No person may erect an election campaign sign before the first day of the election campaign period as defined in the Wisconsin Statutes. The property owner shall remove any election campaign sign within 10 days following the election.
- (2) Election campaign signs shall not exceed 11 square feet in area unless the person affixes the sign to a permanent structure, does not extend beyond the perimeter of the structure, and does not obstruct a window, door, fire escape, ventilation shaft, or other area required by the City to remain unobstructed.
- (3) No person shall place any election campaign sign within a public right-of-way nor so close to a pedestrian way as to hinder or endanger safe passage.

(h) SIGNS PERMITTED WITH A PERMIT

Table IV-1 Sign Regulations

| Sign Type | Number Allowed | Sign Area (Maximum) | Sign Height (Maximum, feet) | Where Allowed |
|----------------|--|---|-----------------------------|--|
| Ground | 1 per street yard | 1 square foot per linear foot of lot frontage | 10 | Street yard |
| Wall | No maximum so long as the total square feet of signage per façade does not exceed 1 square foot per linear foot of building façade | | N/A | Street-facing building façade |
| Projecting | 1 per business | 12 square feet | N/A | Within 6 feet of entrance |
| Wayfinding | No limit | 6 square feet | 5 | No limit |
| Sandwich Board | 1 per building, business, or tenant space as applicable | 12 square feet | 4 | Street yard or public sidewalk within 10 feet of business entrance |

(I) GROUND SIGNS

1) SETBACKS

Property owners must set ground signs back from the right-of-way a distance equal to their height.

2) GROUPING OF USES

Property owners may group multiple uses within a single property on a single sign.

(II) WALL SIGNS

1) PROJECTIONS ABOVE THE ROOF LINE

Wall signs may not project above the roof line or eaves.

2) PARKING AREA

A façade that faces a customer parking area counts as a street-facing building façade.

(III) PROJECTING SIGNS

1) EXTENSION DISTANCE

Projecting signs may project no more than six feet into the public right-of-way or beyond the face of the street curb, whichever is less.

2) VERTICAL CLEARANCE

Projecting signs must have a minimum vertical clearance of at least eight feet above the ground surface.

(IV) SANDWICH BOARD SIGNS

Property owners must remove sandwich board signs from any sidewalk by 2:30 AM.

(i) SIGNS PROHIBITED IN ANY DISTRICT

The City prohibits the following signs.

- (1) Off-premise advertising signs (e.g. billboards).
- (2) Abandoned Signs
- (3) A vehicle or trailer used exclusively as a sign or advertising device. No person shall park any such vehicle or trailer on a public right-of-way, public property, or private property to be visible from a public right-of-way. This provision does not prohibit vehicle signs customarily attached, lettered, or painted on a vehicle or trailer to identify the ownership or function of the vehicle.
- (4) Signs whose content violates any laws or regulations, including but not limited to the obscenity provisions of Chapter 944 of the Wisconsin Statutes.
- (5) Signs painted, attached, or affixed to trees or other living vegetation.
- (6) Permanent corrugated plastic signs and other materials intended for interior use.

(j) SIGN MEASUREMENTS

(I) SIGNABLE AREA

The city designates a building's signable area as the facade area up to the roof line, free of windows and doors or major architectural details on which people may display signs. In computing the signable area, a person may utilize any facade that faces or abuts a public right-of-way. Calculations may include parapet walls, but shall exclude door and window openings.

(II) MEASURING SIGN FACE

1) AREA OF COPY

In calculating the area of a sign to determine whether it meets the requirement of this Ordinance, the Zoning Administrator shall include the sign copy and any border or frame surrounding that copy, but shall exclude supporting posts or foundations from the area calculation.

2) IRREGULAR SHAPES

The Zoning Administrator shall determine the area of irregularly shaped signs or signs containing two or more detached elements by measuring the area of the smallest regular polygon that will encompass all elements of the sign.

3) MULTI-SIDED SIGNS

The Zoning Administrator shall use the area of only one side of a multi-sided sign if the sides are less than or equal to 30° from parallel to each other. If the sides are greater than 30° from parallel, the Zoning Administrator shall count all sign faces towards the total sign area.

(III) MEASURING SIGN HEIGHT

The Zoning Administrator shall calculate sign height by measuring the vertical distance from the normal grade at the base to the highest point of the sign structure. The Zoning Administrator shall set the normal grade as the lowest of:

- (1) The existing grade before construction;
- (2) The newly established grade after construction, excluding any filling, berms, mounds, or excavating solely for locating the sign;
- (3) The average elevation of the property within 100 feet of the sign location; and
- (4) The average between the sign elevation and the centerline elevation of an adjacent public right-of-way within 100 feet of the sign location.

SECTION 4.04 ARCHITECTURAL REGULATIONS

(a) PURPOSE AND SCOPE

The city intends for this section to implement the urban design recommendations of the comprehensive plan by preserving and enhancing the historical and visual aesthetic qualities of the city, and by achieving a consistent, visually pleasing image for various portions of the city. This section governs the site design and

appearance of development within the city, ensuring consistency with sound land use, urban design, and economic development principles. These regulations apply to all uses except R-3 uses.

(b) BUILDING FAÇADES

(I) HORIZONTAL EMPHASIS

Architects may combine building wall materials on each façade with visually heavier materials (stone, concrete) generally placed below the lighter ones (glass, wood). Architects may apply materials vertically to delineate corners, differentiate tenants, monument entrances, or other similar limited applications if the total square feet of the vertical material on upper stories does not exceed the total linear feet of building façade.

(II) REQUIRED MATERIALS

Architects must utilize the following materials to finish an exterior façade: brick masonry; stone or cast stone; concrete; cementitious siding; wood siding; vinyl siding, in Suburban districts only; glass, not including spandrel or covered glass products which prohibit all light from entering the building; architectural metal panels; or stucco, not including EIFS or other faux stucco products.

(III) ACCESSORY BUILDING MATCHING

Accessory buildings visible from a public right-of-way must match the architectural style and major building materials of the principal building.

(IV) URBAN DISTRICT DESIGN REGULATIONS

Architects shall design buildings in urban districts to match the historical and aesthetic design of urban buildings by incorporating features such as recessed door openings, first-floor glass storefronts with knee walls, dimensional fenestrations and finishes, cornices, transom areas, and proportional upper-story windows.

(c) ALTERNATIVE COMPLIANCE

Architects may apply for alternative compliance from the regulations of this section per **SECTION 4.10**.

SECTION 4.05 HISTORIC PRESERVATION REGULATIONS

(a) PURPOSE AND INTENT

The city declares that the protection, enhancement, perpetuation, and use of improvements or sites of special character, architectural interest, historic interest, or value is a public necessity. The city requires it in the interest of the people's health, prosperity, safety, and welfare. This section's purpose includes the protection, enhancement, and preservation of such improvements, sites, and districts which represent or reflect elements of the city's cultural, social, economic, political, and architectural history; safeguarding the city's historic, prehistoric, and cultural heritage, as embodied and reflected in such historic

structures, sites, and districts; stabilizing and improving property values; enhancing the visual and aesthetic character of the city; and protecting and enhancing the city's attractions to residents, tourists, and visitors, and serve as a support and stimulus to business industry.

(b) HISTORIC STRUCTURE, HISTORIC SITE, AND HISTORIC DISTRICT DESIGNATION CRITERIA

The city may designate a historic structure, historic site, or historic district on any site, natural or improved, including any building, improvement, or structure located thereon, or any area of particular historic architectural, archeological, or cultural significance to the city, such as historic structures, sites, or districts that exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community; are identified with historic personages or with important events in national, state or local history; embody the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship; represent the notable work of a master builder, designer, or architect who influenced their age; or yielded, or may be likely to yield, information important to prehistory or history. The City shall follow the designation procedures documented in Article II-V-8 of the Code of Ordinances.

(c) CERTIFICATE OF APPROPRIATENESS REQUIRED

No person shall reconstruct, alter, demolish, or improve any exterior part of a historic structure, site, or district unless the Historic Preservation Commission grants a Certificate of Appropriateness for that work, per the process and standards documented in Article II-V-8 of the Code of Ordinances. The building inspector shall not permit such work without a Certificate of Appropriateness.

(d) ORDINARY MAINTENANCE AND REPAIRS

People may undertake ordinary maintenance and repairs without a Certificate of Appropriateness provided that the work repairs existing features of a historic structure or site or replaces elements of a structure with pieces identical in appearance, does not change the exterior appearance of the structure or site, and does not require the issuance of a building permit.

SECTION 4.06 PARKING AND ACCESS REGULATIONS

(a) PURPOSE

The regulations of this section help protect the public health, safety, and general welfare by promoting economically viable and beneficial land use and providing flexible methods of responding to the transportation and access demands of various land uses in different areas of the City.

(b) APPLICABILITY

The regulations of this section apply to all zoning districts and uses, including new uses and development, changes of use, and building enlargements or enhancements.

(c) BICYCLE PARKING

(I) GENERAL DESIGN

1) LOCATION

Property owners must locate bicycle parking spaces in areas readily visible by the public or building users, except for long-term spaces in secure areas accessible only to employees, staff, or residents.

2) ACCESSIBILITY

Property owners must locate bicycle parking spaces in areas accessible without climbing stairs, going up or down a slope of more than 12%, and via a route on the property designed to minimize conflicts with motor vehicles and pedestrians.

3) CLEARANCE

Property owners must locate bicycle parking spaces in areas with at least two feet of clearance surrounding the spaces.

4) SIZE

Property owners must provide bicycle parking spaces with a minimum dimensioned area of two feet wide by six feet long, with at least seven feet of overhead clearance.

(II) SHORT-TERM BICYCLE PARKING

1) AMOUNT

All uses that employ or house more than 100 people on the same parcel shall provide two short-term bicycle parking spaces plus one additional space for every 20,000 square feet of building floor area.

2) PUBLIC PARKING CREDIT

Property owners shall count existing publicly accessible bicycle parking spaces within 500 feet of the property towards the mandatory parking ratios.

3) LOCATION

Property owners must locate short-term bicycle parking spaces on private property within 75 feet of a building entrance accessible to the public. The Zoning Administrator may approve locations within the public right-of-way.

(d) SIDEWALKS

Property owners must provide pedestrian accommodations, such as sidewalks or multi-use pathways, along all sides abutting a public street unless specifically prohibited, in writing, by the Wisconsin Department of Transportation or Sheboygan County on roadways under their jurisdiction, or unless approved in a development plan or plat prior to the adoption date of this ordinance.

(e) INTERNAL PEDESTRIAN CIRCULATION

Property owners must provide an internal circulation system for pedestrian and nonmotorized travel on all lots except those solely occupied by R-3 uses.

(I) CONNECTION TO PUBLIC SIDEWALKS

The internal pedestrian circulation system must connect the main building entrance to all sidewalks along street frontages abutting the site. Required connections must follow a direct route and not involve significant out-of-direction travel.

(II) INTERNAL CONNECTIONS

The internal pedestrian circulation system must connect all primary buildings on the site and provide connections to other areas used by pedestrians and nonmotorized travel, such as parking areas, bicycle parking, usable open spaces, recreation areas, and similar amenity features.

(III) DESIGN

1) ADA-COMPLIANCE

The internal pedestrian circulation system must comply with The Americans with Disabilities Act.

2) DRIVE-AISLE CROSSINGS

Property owners must clearly differentiate when the internal pedestrian circulation system crosses drive aisles by elevation changes, different paving material, or other equally effective methods of safely accommodating nonmotorized travel, as approved by the Zoning Administrator. Striping alone does not meet this requirement.

3) PARALLEL DESIGN

Property owners must raise the internal pedestrian circulation system at least six inches above the vehicle travel lane surface when it is parallel and adjacent to a motor vehicle travel lane. Alternatively, property owners may separate the system from the vehicle travel lane by a raised curb, bollards, landscaping, or another physical barrier.

(f) ACCESSIBLE PARKING

Property owners must provide accessible parking facilities for persons with disabilities per all applicable state and federal regulations.

(g) USE OF MOTOR VEHICLE PARKING AREAS

Property owners may only park licensed, operable motor vehicles in outdoor off-street motor vehicle parking spaces. They may not work on any motor in any outdoor motor vehicle parking space. They may not use any motor vehicle parking spaces for storing, displaying, or selling any goods or materials unless specifically approved by the Zoning Administrator.

(h) PARKING AREA RATIOS

(I) AMOUNT

Property owners shall provide motor vehicle parking spaces in accordance with the following ratios except in the U-DT District, which does not have a minimum vehicle parking requirement.

Table IV-2 Minimum Vehicle Parking Spaces Required

| Uses | Minimum Parking Spaces Required | Maximum Parking Spaces Allowed |
|-----------------------|--|---|
| R Uses | 1.0 per unit | 3.0 per unit (1-2-unit structures) 2.0 per unit (3+ unit structures) |
| B, E, F, H, I, S Uses | 1.0 per 1,000 square feet of building area | 5.0 per 1,000 square feet of building area |
| A Uses | 1.0 per 1,000 square feet of building area OR 1 per 5 persons at the maximum capacity of the establishment | 10.0 per 1,000 square feet of building area OR 1 per 2 persons at the maximum capacity of the establishment |
| M Uses | 2.0 per 1,000 square feet of building area | 4.0 per 1,000 square feet of building area |
| AG Uses | 1 space per employee on the largest work shift | 1.5 spaces per employee on the largest work shift |
| HO, O, U Uses | No minimum | No maximum |

The Plan Commission may allow for off-street parking totals exceeding the maximum allowed based on a parking analysis that demonstrates the need for extra parking.

(II) PARKING CALCULATIONS

1) ON-STREET PARKING CREDIT

Property owners shall count abutting on-street parking spaces towards the mandatory parking ratios.

2) LONG-TERM BICYCLE PARKING CREDIT

Property owners shall count each six long-term bicycle parking spaces as one motor vehicle parking space towards the mandatory parking ratios.

3) PUBLIC PARKING CREDIT

Property owners shall subtract one mandatory parking space per every four spaces provided in a public parking lot or garage within 1,000 feet of the subject property.

4) OFF-SITE PARKING

Property owners may count private off-site parking spaces owned or rented by the property owner towards the mandatory parking requirements so long as the private parking lies within 1,000 feet of the subject property, is in a zone that permits O-3 uses, and provides the Zoning Administrator legal proof authorizing use of the off-site parking spaces.

5) PROXIMITY TO TRANSIT

On parcels of land which are within 500 feet of a public transit stop with regular, scheduled service, as measured from any point along the lot line, property owners shall subtract two mandatory parking spaces.

6) CAR-SHARE CREDIT

Residential uses which provide car-share parking spaces shall subtract three mandatory parking spaces for each car-share parking space provided, subject to the following regulations:

- (1) The property owner shall provide documentation of an agreement with a car-share provider in a format approved by the City Attorney.
- (2) The car-share parking spaces shall be located on-site, clearly signed and reserved exclusively for car-share vehicles, and be available for use by registered members of a recognized car-share provider.
- (3) If the car-share vehicle is removed or service discontinued, the property owner shall either replace the car-share vehicle within 90 days, or provide the number of parking spaces reduced under this credit.

7) SHARED PARKING

On parcels of land with multiple uses, the property owner shall divide the sum of the total for each use required in (i) by the following ratio to calculate the minimum number of required parking spaces.

Table IV-3 Shared Parking Ratios

| | R Uses | B, E, F, H, I, S Uses | A, M Uses | HO, O, U Uses |
|-----------------------|--------|-----------------------|-----------|---------------|
| R Uses | 1.0 | 1.6 | 1.4 | 1.0 |
| B, E, F, H, I, S Uses | 1.6 | 1.0 | 1.4 | 1.0 |
| A, M Uses | 1.4 | 1.4 | 1.0 | 1.0 |
| HO, O, U, AG Uses | 1.0 | 1.0 | 1.0 | 1.0 |

(i) PARKING AREA LAYOUT AND DESIGN

Property owners shall design and lay out all off-street motor vehicle parking areas and drive aisles per this subsection.

(I) LOCATION

Property owners shall place all off-street motor vehicle parking areas behind buildings to the maximum extent feasible.

(II) INGRESS AND EGRESS

Property owners must design all areas serving all uses, except R-3 uses on a local street, to allow vehicles to enter and exit streets and cross public sidewalks in a forward motion. The City Engineer must permit Ingress and Egress per 48-IV.

(III) ALLEY ACCESS

Property owners shall access all parking areas from an alley if the lot has legal access to an alley. Where alley access is impossible, property owners shall prioritize vehicular access to sites from local streets.

(IV) PARKING DIMENSIONS

Property owners shall design all parking spaces to the following dimensions.

Table IV-4: Parking Stall Dimensions

| Stall Type | Width (ft) | Length (ft) | Aisle Width (ft) |
|------------------------------|---------------------------|-------------|------------------------------|
| Standard 90° | 9 | 18 | 20 (one-way) 24 (two-way) |
| Angled 45°, 60° | 9 | 18 | 16 (one-way) |
| Compact | 7.5 | 15 | See Standard or Angled |
| Accessible (Standard) | 8 + 5 (min.) side aisle | 18 | See Standard or Angled |
| Accessible (Van) | 11 + 5 (min.) side aisle | 18 | See Standard or Angled |
| Parallel | 8 measured from curb edge | 22 | 10 (one-way) 20 (two-way) |
| Oversized | 12 | 30 | See Standard or Angled |

(V) OVERSIZED AND COMPACT SPACES

Property owners may provide oversized or compact spaces with modified sizes as approved by the Zoning Administrator, so long as the total number of spaces is not greater than 50% of the total number of off-street motor vehicle parking spaces.

(VI) DRIVEWAY WIDTH

The maximum width of driveways at the point of connection to the street is 24 feet for two-way travel and 12 feet for one-way travel, unless otherwise approved by the City Engineer or recommended in a Traffic Impact Analysis.

For all driveways providing access to an R-3 use, the following additional standards shall apply:

- (1) Driveways providing access to an R-3 use shall have a minimum width of 10 feet and maximum width of 24 feet.
- (2) Driveways serving an attached garage shall not be located more than 9 feet beyond the outermost edge of the attached garage, as measured along the building façade.
- (3) Vehicles stored on-site shall not be placed in the area located directly in front of a dwelling, not including accessory dwelling units. All on-site vehicle parking or storage visible from the street shall be located only in front of an attached or detached garage, or within a designated driveway.

(VII) NUMBER OF ACCESS POINTS

The City allows each property one vehicular access point. Properties exceeding 150 feet of street frontage shall be allowed a second vehicular access point. The minimum distance between access drives serving the same property shall be 100 feet on 25 miles per hour speed limit streets, 125 feet on 30 miles per hour streets, and 150 feet on streets of 35 miles per hour or more, as measured at the property line.

Additional vehicular access points and exceptions from the above spacing requirements may be allowed for any property, if, in the written opinion of a Wisconsin licensed traffic engineer or the Fire Chief, life safety requires separate ingress and egress or when the use meets the threshold to require a traffic impact analysis per **SECTION 4.06(L)** and the TIA recommends exceptions from City Code.

(VIII) VERTICAL CLEARANCE

Property owners shall provide at least 98 inches of vertical clearance above all parking spaces.

(IX) SURFACING

Property owners shall surface all areas with asphalt, concrete, or other hard, dust-free surfaces approved by the Zoning Administrator.

(X) TANDEM AND STACKED PARKING

Property owners may utilize tandem or stacked parking areas when they assign those spaces to the same dwelling unit.

(XI) CURBS AND BARRIERS

Property owners must provide six-inch curbs and gutters, wheel stops, or other physical barriers for all areas abutting setbacks, landscaped areas, and adjoining property lines. They shall locate all barriers parallel to the protected area and perpendicular to the parking angle at least two feet from the edge of the protected area.

(j) R USE HEAVY VEHICLE PARKING LIMITATIONS

Property owners may only park vehicles over 14,000 pounds gross vehicle weight rating on lots occupied by R uses in a completely enclosed building.

(k) STACKING SPACES

(I) NUMBER REQUIRED

For uses including drive-throughs, property owners must provide at least five stacking spaces before the first service window, one stacking space at each service window and two stacking spaces after the last window.

(II) DIMENSIONS

Stacking spaces must meet the Parallel dimensions of **(I)(IV)**.

(III) BYPASS LANE

Drive-throughs must include a minimum nine-foot-wide bypass lane to allow vehicles to circumvent or leave the stacking lane without waiting for other queued vehicles to exit.

(IV) LOCATION

Property owners must enclose all stacking spaces completely within the subject property. They may not locate them within areas that interfere with access to parking areas, areas that provide ingress and egress to the street, or between the principal building and the street.

(V) PEDESTRIAN ACCESS

Property owners shall design stacking lanes to not obstruct any sidewalk or internal pedestrian circulation system.

(I) TRAFFIC IMPACT ANALYSIS (TIA)

(I) PURPOSE

The purpose of this ordinance is to ensure that development proposals adequately assess impacts on the City's street network; to promote the safe and efficient movement of people and goods; and to provide consistency with Wisconsin Department of Transportation (WisDOT), American Association of State Highway and Transportation Officials (AASHTO), and City of Sheboygan design standards.

(II) APPLICABILITY

Property owners shall provide a TIA when:

1. A development contains more than 25 dwelling units;
2. The City Engineer anticipates a development will generate more than 25 peak hour vehicle trips;
3. A development accesses or is bisected by a state highway or arterial roadway;
4. A development contains a drive-through; or
5. The Department of Public Works believes, due to a history of crashes, safety conflicts, or traffic issues that a TIA is warranted.

(III) REQUIREMENTS

Traffic Impact Analyses shall include, at a minimum:

1. A current traffic count for all adjacent streets and intersections during peak hours.
2. Trip generation estimates for the proposed land use, using ITE rates.
3. Future (design year) traffic volumes, accounting for background growth and proposed site traffic.
4. Phased Years of Completion. If the project involves construction or occupancy in phases, the applicant shall assess the expected roadway, intersection, and land use conditions resulting from major development phases. Phased years of analysis will be determined in coordination with city staff.

5. Level of Service (LOS) calculations for study intersections and roadway segments under current and future conditions.
6. Sight distance analyses at all site access points, in accordance with WisDOT policies.
7. Identification of needed mitigation measures—such as additional turning lanes, signalization, sidewalk extensions, or signage—to maintain acceptable LOS and safety.
8. A phasing plan for any recommendations requiring future roadway or intersection improvements.

(IV) STUDY AREA

Traffic Impact Analyses shall include the following facilities in the study area, unless expanded or modified by the City Engineer:

1. All site access points and intersections adjacent to the proposed site. If the proposed site fronts an arterial or collector street, the analysis shall address:
 1. All intersections and driveways along the site frontage, including those serving parcels on the opposite side of the street(s); and
 2. All intersections within 1,000 feet of the proposed site.
2. Roads through and adjacent to the site.
3. Any intersection of two streets, each with a classification of collector or arterial, where site traffic will exceed 20 vehicles during a peak hour.
4. All intersections needed for signal progression analysis.

(V) PEAK HOUR ANALYSIS

1. The traffic impact analysis shall address the weekday a.m. and p.m. peak hours.
2. Depending upon the proposed land use action and the expected trip-generating characteristics of that development, other periods may be specified, either as a substitute for or in addition to the a.m. and p.m. peak hours.
 1. Schools: End of the school day (early afternoon) peak hour.
 2. Churches and worship facilities: Peak period prior to and after worship services.
 3. Restaurants: Midday weekday peak hour.
3. The above list is not necessarily an all-inclusive list of uses for which additional analysis periods are required. The City Engineer shall inform the property owner of additional study periods prior to the start of the traffic impact analysis.

(VI) SUBMITTAL PROCEDURES

1. The TIA shall be submitted concurrently with the project's initial application for preliminary plat, site plan review, or building permit, whichever is first.
2. The TIA shall be prepared by, or under the supervision of, a Professional Engineer (PE) who has a valid Wisconsin PE license/registration and experience in traffic engineering operations. The report must be stamped by the registered Professional Engineer (PE) identified above.
3. Fees for TIA review shall be paid at the time of submittal, as set forth in the City's fee schedule.

(VII) REVIEW AND APPROVAL

1. The Department shall evaluate the TIA within 30 days of receipt and may request additional information or clarifications.
2. If the TIA identifies mitigation measures, the Applicant shall revise the site plan to incorporate those measures or post a performance bond guaranteeing completion.
3. No building permits or occupancy approvals shall be issued until the Department confirms that all required TIA-related improvements are constructed or financially guaranteed.
4. Where the traffic impact analysis indicates that a project may cause off-site public roads, intersections, or interchanges to function below a level of service (LOS) C, the City may deny the application, require a size reduction in the proposed development, and/or require the developer to construct and/or pay for required off-site improvements to achieve a LOS C for a planning horizon of a minimum of ten years assuming full build-out of the site.

(m) LOADING AREAS

Property owners must locate all loading areas designed to receive deliveries, materials, or merchandise on private property except in Urban districts or unless approved by the Zoning Administrator.

(I) ALTERNATIVE COMPLIANCE

Property owners may apply for alternative compliance from the regulations of this section per **SECTION 4.10**.

SECTION 4.07 LANDSCAPING AND SCREENING REGULATIONS

(a) LANDSCAPING

(I) PURPOSE

The City intendeds the landscaping and screening sections of this section to maintain and enhance the City's appearance; mitigate adverse impacts of different abutting uses; reduce noise and glare; improve air quality; reduce the negative impacts of stormwater runoff; moderate heat; encourage the preservation of existing landscaping elements; and reestablish plant species native to the City.

(II) APPLICABILITY

These regulations apply to all zones when a property owner adds a new, expands an existing, or reconstructs an existing vehicular use area, outdoor storage area, work area, or trash, recycling, and mechanical equipment area. Reconstruction expressly includes repaving activities that remove and replace; apply an additional surface course; or pulverize and stabilize asphalt paved areas.

(III) EXEMPT USES

The City exempts landscaping areas related to lots occupied by only R-3 uses from these landscaping requirements.

(IV) VEHICULAR USE AREAS

1) STREET FRONTEAGE SCREENING

Property owners must screen street frontages using one of the options in **TABLE IV-5** from vehicular use areas located outside of a public right-of-way and within 50 feet [15.2 m] of any publicly accessible right-of-way, trail, or pedestrian walkway. The requirements do not apply if there are buildings or other site features that effectively block views of such vehicular use areas.

Table IV-5: Vehicular Use Area Street Frontage Screening Options

| Regulation | Option A | Option B | Option C |
|--|---|------------------------|--------------|
| Minimum width of landscaped area (ft) | 10 | 5 | - |
| Minimum number of Trees and Shrubs per 50 ft | 2 | 2 | 1 |
| Flowers and Grasses | Remaining landscaped area | | |
| Screening required | - | Ornamental metal fence | Masonry wall |
| Screening height | Must install and maintain maximum allowed per (b)(ii)1 | | |

2) SIDE AND REAR SCREENING

Property owners must screen side and rear property lines using one of the options of **TABLE IV-6** from vehicular use areas located within 25 feet of the side or rear of an adjacent property line. The requirements do not apply if there are buildings or other site features that effectively block views of such vehicular use areas.

Table IV-6: Vehicular Use Area Side and Rear Screening Options

| Regulation | Option A | Option B | Option C |
|--|---|----------------------|--------------|
| Minimum width of landscaped area (ft) | 10 | 5 | - |
| Minimum number of Trees and Shrubs per 50 feet | 10 | 5 | - |
| Flowers and Grasses | Remaining landscaped area | | |
| Screening required | - | Opaque fence or wall | Masonry wall |
| Screening height | Must install and maintain maximum allowed per (B)(II)1 , except for trees. | | |

(V) OUTDOOR STORAGE AND WORK AREAS

Property owners must screen outdoor storage and work areas using one of the options of **TABLE IV-7** when such areas are visible from any publicly accessible right-of-way, trail, pedestrian walkway, or adjacent property. The requirements do not apply if there are buildings or other site features that effectively block views of such outdoor storage and work areas.

Table IV-7: Outdoor Storage and Work Area Screening Options

| Regulation | Option A | Option B | Option C |
|------------|----------|----------|----------|
|------------|----------|----------|----------|

| | | | |
|--|---|----------------------|--------------|
| Minimum width of landscaped area (ft) | 20 | 10 | 5 |
| Minimum number of Trees and Shrubs per 50 feet | 10 | 5 | 0 |
| Flowers and Grasses | Remaining landscaped area | | |
| Screening required | - | Opaque fence or wall | Masonry wall |
| Screening height (ft) | Must install and maintain maximum allowed per (B)(II)1 , except for trees. | | |

(VI) TRASH, RECYCLING, AND MECHANICAL EQUIPMENT AREAS

A) WHEN REQUIRED

Property owners must screen trash, recycling, and mechanical equipment areas using one of the options of **TABLE IV-8** that are visible from any publicly accessible right-of-way, trail, pedestrian walkway, or adjacent property. The requirements do not apply if there are buildings or other site features that effectively block views of such trash, recycling, or mechanical equipment areas.

Table IV-8: Trash, Recycling, and Mechanical Equipment Area Screening Options

| Regulation | Option A | Option B | Option C |
|---|---|----------------------|--------------|
| Minimum width of landscaped area (ft) | 10 | 5 | - |
| Minimum number of Trees and Shrubs per 50 linear feet | 10 | 5 | - |
| Flowers and Grasses | Remaining landscaped area | | |
| Screening required | - | Opaque fence or wall | Masonry wall |
| Screening height (ft) | Must install and maintain maximum allowed per (B)(II)1 , except for trees. | | |

(VII) INTERIOR PARKING LOT LANDSCAPING

1) TREES AND LANDSCAPE AREAS REQUIRED

Property owners must install at least one canopy tree and 100 ft² of landscape area for every four motor vehicle parking spaces or fraction thereof. Trees and landscaped areas used to meet the screening requirements of this section count towards the interior parking lot landscaping requirements.

2) LOCATION AND DISTRIBUTION

Property owners must locate all trees, landscaped areas, and green infrastructure used to meet the requirements of this section within 50 ft of the subject parking area. No portion of a parking area may lie more than 100 ft from a landscaped area or tree.

(VIII) LANDSCAPE AND SCREENING ELEMENTS

1) LANDSCAPED AREAS

Property owners must plant landscaped areas only with the plants listed under 13).

2) MULCH AND ROCK

Property owners may not fill landscaped areas with more than 25% mulch or decorative rock.

3) LAWNS

No mandatory landscaped area may contain non-native lawn grasses.

4) SEED MIXES

Property owners may utilize seed mixes containing species listed under 13); however, those mixes may not contain species not listed.

5) NATIVE HYBRIDS

The Zoning Administrator may approve hybrids of listed native species; but may not approve hybrids of native and non-native species except in circumstances of hybrids to provide disease resistance and only with documentation from a licensed Landscape architect or arborist.

6) MANDATORY TREES

The trees listed as mandatory were the predominant species within the City under pre-settlement conditions. Property owners must utilize the species listed as mandatory under 13) for at least 50% of all trees and shrubs required by this section.

7) PLANTING DIVERSITY

No single species may comprise more than 30% of the plantings used to meet the requirements of this section.

8) PLANTING SOIL

Landscaped areas must have healthy noncompact planting soil at least 1.5 ft deep.

9) BERMS

Property owners may use berms in addition to the landscaping and screening elements required by this section, but may not use them in place of any of the required elements.

10) LOCATION WITH FENCES AND WALLS

Property owners must place any fence or wall in the interior-most area of the required landscaping area so that the adjacent property or public views landscaping and then fencing.

11) LOCATION WITH STRUCTURES

Property owners may not place any landscaping elements within five feet of any structure unless otherwise specifically required by this section.

12) PLANT SIZE AT TIME OF PLANTING

| Plant type | Minimum Container Size at Time of Planting (gal) | Minimum Height at Time of Planting (ft) | Minimum Caliper Size at Time of Planting (in) |
|---------------------|--|---|---|
| Flowers and grasses | 1 | 1 | - |
| Low shrubs | 3 | 1.5 | - |
| Tall shrubs | 3 | 4 | - |
| Deciduous trees | - | 6 | 2.5 |
| Coniferous trees | - | 6 | - |

13) NATIVE SPECIES LIST

See [Section 5.01](#).

(IX) INSTALLATION AND MAINTENANCE

1) INSTALLATION

Property owners must install all landscaping and screening elements in accordance with an approved landscaping plan and sound nursery practices.

2) PROTECTION FROM VEHICLES

Property owners must protect all landscaped areas perpendicular to vehicular use areas with curbs or wheel stops.

3) ENCROACHMENT INTO RIGHT-OF-WAY

No property owner may place landscaping elements within any public right-of-way or public property without the express permission from the Common Council.

4) MAINTENANCE

Property owners must continuously maintain all landscape areas including necessary watering; weeding; pruning; pest control; litter and debris cleanup; and replacement of dead, diseased, or damaged plant material.

(X) LANDSCAPE PLANS

Property owners shall submit any change to a property's landscaping triggered by this section within a landscaping plan stamped by a landscape architect licensed to practice in the State of Wisconsin. The plan shall describe each individual landscape area and the calculations used for each area to meet the requirements of this section. The plan shall also include a species list, installation instructions, and maintenance standards prescribed by the landscape architect of record.

(XI) ALTERNATIVE COMPLIANCE

Landscape architects may apply for alternative compliance from the regulations of this section per [SECTION 4.10](#).

(b) SCREENING

These regulations apply to all fences, walls, and similar structures intended to screen property or limit access.

(I) PROHIBITED LOCATIONS

Property owners may build screening structures up to the property line, but they may not encroach upon public property or rights-of-way.

(II) GENERAL REGULATIONS

1) MAXIMUM HEIGHT

| Yard | | Maximum height (ft) |
|---------------|-------------------|---------------------|
| Zone | OS, E-N, S-N, U-N | |
| Street | 4 | 4 |
| Side and Rear | 6 | 9 |

2) SIDES

Property owners shall erect fences so the more aesthetically pleasing side faces the adjacent neighbor, public right-of-way, or City-approved private drive.

(III) MATERIALS

1) REQUIRED MATERIALS

Property owners may construct screening structures of masonry, stone, metal, wood, vinyl, composite material, chain link, or gabions filled with stone material. The Zoning Administrator may approve the use of alternative materials provided that the materials are equivalent in suitability, strength, and durability.

A) MASONRY

Property owners must construct masonry walls of attractive, high-quality, durable-finish materials such as brick, cast stone, decorative block, or stucco over standard concrete masonry blocks. The color, texture, and type of materials used on masonry walls must match or complement the materials used on the principal building on the subject lot.

B) ORNAMENTAL METAL FENCE

Ornamental metal fences must have decorative metal pickets at least 0.75 in wide spaced no farther apart than an average six in on center. Ornamental metal fences may include masonry, stone, or wood piers.

C) OPAQUE FENCES

Opaque fences shall completely obscure the view of the screened area. Property owners may construct an opaque fence of masonry, stone, metal, wood, vinyl or composite material, gabions filled with stone material, chain link with privacy slats, or a combination of such materials.

2) HAZARDOUS MATERIALS

No property owner may install any electrified, barbed wire, razor wire, or any other type of material designed to cause bodily harm except in the Industrial (I) zoning district.

3) BATTERY-POWERED, ALARMED ELECTRIC SECURITY FENCES

Property owners may install battery-powered, alarmed electric security fences per [WIS. STATS. § 66.0440](#).

(IV) HEIGHT MEASUREMENT

The City measures the height of screening structures as the vertical distance from the average finished grade on the inside of the fence to the top of the fence or wall. The City measures fences atop walls or landscape features from the average finished grade at the base of the wall or landscape feature. Fence posts, supporting structures, and ornamentation may extend up to 1.0 ft above the maximum fence height limits.

(V) ALTERNATIVE COMPLIANCE

Architects may apply for alternative compliance from the regulations of this section per [SECTION 4.10](#).

SECTION 4.08 OUTDOOR LIGHTING REGULATIONS

(a) PREFACE

(I) PURPOSE

The City adopted these outdoor lighting regulations to protect the health and welfare of all residents within the City, enhance its character and quality of life, prevent inappropriate and poorly installed outdoor lighting, reduce lighting conflicts between property owners, prevent the increase of potentially harmful sky glow, and preserve the naturally dark sky for the benefit of residents, visitors, wildlife, and the environment.

(II) APPLICABILITY

This section applies to all sources of outdoor lighting installed or replaced within the City after this ordinance's enactment date. This includes, newly permitted development and construction projects involving homes, dwellings, roadways, public right-of-way, signage, billboards, buildings, facilities, properties, landscape, parking lots, hardscape, non-habitable structures, and monuments.

Existing outdoor lighting lawfully installed prior to this ordinance's enactment date not meeting its requirements are legal and repairable but non-conforming. Property owners may continue to use and maintain all non-conforming Luminaires until one of the following occurs:

- (1) A determination by the Zoning Administrator that an outdoor light source constitutes a hazard to public safety or constitutes a nuisance;
- (2) The property is vacant with no continuous underlying use for more than one year;

- (3) The property owner voluntarily replaces the luminaires; or
- (4) The property owner modifies the underlying site or structure beyond normal maintenance activities.

(III) EXEMPTIONS

1) LAWFUL

Lighting requirements mandated by a legal jurisdiction with broader authority (e.g., federal or state) than the City, including but not limited to:

- (1) Navigational lighting systems regulated by the Federal Aviation Administration and the US Coast Guard.
- (2) Any contradictory building code or Department of Transportation illumination requirements.
- (3) Lighting for worker safety as mandated by the Occupational Safety and Health Administration.

2) SAFETY

Luminaires installed for the benefit of public safety, including but not limited to:

- (1) Security Lighting as determined by the Zoning Administrator.
- (2) Temporary lighting used by authorized first responders during emergency procedures.

3) HISTORIC

Luminaires replicating historical character and lighting effect protected by historical registration, or otherwise permitted by an authority having jurisdiction.

4) PERMITTED

Temporary and semi-permanent lighting approved by municipal permit for special events, festivals, and community benefit, provided the permitted lighting still meets light trespass requirements and does not add further disruption to ecological migration or habitat.

(IV) PROHIBITIONS

- (1) The City prohibits any lighting that distracts or disables the vision of a motor vehicle operator (e.g., excessively bright, or rapid blinking, flashing, and/or motion video) or contributes to traffic control confusion (e.g., sources resembling or imitating traffic or railroad signals).
- (2) Beacons and searchlights, except for emergency use by authorized first responders.

(b) OUTDOOR LIGHTING REQUIREMENTS

(I) GENERAL

1) DISTRIBUTION

Unless otherwise specified in this ordinance, property owners shall fully shield all luminaires emitting more than 1,000 lumens. Those luminaires shall emit no more than 5% of their total lumen output above 80 degrees from nadir. Exceptions are:

- (1) Festoon string lighting where no individual lamp emits more than 50 lumens, and the lumen density of the string is no greater than 25 lumens per foot.

2) TRESPASS

Unless otherwise specified in this ordinance, light trespass shall meet the following:

- (1) Luminaire light sources shall not be visible from federal or state designated wilderness, natural area, habitat, or reserves, and light trespass shall measure no greater than 0.1 lux.
- (2) Light trespass onto waters of the United States or the State of Wisconsin shall measure no greater than 1 lux.
- (3) Light trespass onto residential use property shall measure no greater than 1 lux.
- (4) Light trespass onto all other property and public rights-of-way shall measure no greater than 3 lux.

3) CURFEW

For all non-residential uses, property owners shall extinguish non-essential outdoor lighting, including but not limited to landscape and decorative lighting elements, between 10:00 PM (22:00) and sunrise, or 7:00 AM (7:00), whichever comes earlier. For businesses and events with operating hours later than 10:00 PM (22:00) non-essential outdoor lighting shall be extinguished within one hour after closing.

4) CONTROLS

Luminaires activated by motion detection shall automatically turn off or return to their dimmed state no more than five minutes after they no longer detect activity.

5) SPECTRUM

Unless otherwise specified in this ordinance, the maximum allowable correlated color temperature (CCT) for outdoor luminaires is 3,000 K. To the maximum extent feasible, property owners install the lowest correlated color temperature (CCT) offered by the manufacturer of any given fixture, excluding amber.

(II) SPORTS LIGHTING

The following requirements supplement [\(i\)](#) and shall further regulate outdoor lighting for sports and recreational areas:

- (1) 85% of the lumens generated by sports lighting luminaires shall be confined to within 33 feet or one pole height, whichever is greater, of the playing field or the spectator track or bleacher area, whichever is greater.

- (2) Lighting installations for aerial sports are allowed a maximum of 8% of the total lumen output to be emitted above 80 degrees from nadir.
- (3) When the recommended sports field light level is higher than 100 lux, installed lighting shall not exceed 10% more than the Light Level recommended by the applicable ANSI/IES lighting standard, or a state approved alternate.
- (4) The maximum CCT for outdoor sports lighting should be the lowest possible for the sport, class of play, and viewing audience as defined by the relevant ANSI/IES lighting standard, or state approved alternative, but never exceeding 5,700 K.
- (5) The maximum luminous intensity from any luminaire lighting a sports field shall not exceed 10,000 candelas (cd) as measured along a perimeter that is 150 feet from the edge of the field, at 5 feet above grade.

(III) ILLUMINATED SIGNAGE

The following requirements supplement **(i)** and shall further regulate outdoor illuminated signage.

- (1) On-premise signage larger than 20 square feet may only be illuminated while the associated business or activity is taking place, and must otherwise extinguish during nighttime hours.
- (2) Illumination for off-premise signage (e.g., advertising billboard) shall not exceed 5 lux at the property line.
- (3) The maximum luminous or illuminated surface area of an individual sign must not exceed 300 square feet.
- (4) Static signage may be illuminated externally, internally, or backlit, provided the light source itself is not directly visible from the public right-of-way or adjacent property.
- (5) External illumination of static signage shall be mounted above the sign and directed downward.
- (6) Illuminated signs shall not exceed a luminance of 100 nits (100 candelas per square meter, cd/m²).
- (7) Electronic signs shall have automatic dimming controls to properly adjust the sign luminance according to ambient conditions, including nighttime. Should an electronic problem prevent normal function, the sign shall default to night-mode or remain unlit.
- (8) Excluding trademark logos, electronic messages shall be positive-contrast (i.e., light-colored fonts and features on a dark background) and shall contain no more than 35% white area within the displayed image.
- (9) Unless otherwise allowed by law or specified within this section, electronic messages shall not change more often than every 8 seconds. Video and motion effects are prohibited.

(c) ADMINISTRATIVE REQUIREMENTS

(I) PERMIT APPLICATION

1) SUBMITTAL

Any site plan submitted for review or any building permit application must contain outdoor lighting plans meeting the following requirements.

A) SCHEDULE METHOD

For renovation and residential use lighting, the outdoor lighting plans shall include a spreadsheet listing the luminaire identifications (i.e., manufacturer, model number, type), luminaire quantities, installation locations, and lumen outputs for each.

B) CALCULATION METHOD

For all project types, but required for sports lighting, the applicant shall submit an outdoor lighting plan, prepared by a certified lighting professional or licensed professional engineer, using lighting design software and luminaire .ies files. This outdoor lighting plan shall include:

- (1) Luminaire identification (model number), installation locations, mounting heights, targeted directions, buildings, and other physical objects within the site that could affect the lighting outcome.
- (2) Site plan and illuminance calculation plots demonstrating conformance with this ordinance, including the sports lighting luminous-intensity light trespass limit.

SECTION 4.09 PUBLIC ART REGULATIONS

(a) PURPOSE

This sections purpose is to encourage and regulate the installation of public art to enhance the character and enrich the civic life of the city. The city acknowledges the complex interplay between art, culture, and first-amendment rights, and specifically encourages public artwork intended to bring the community together through beautifying public spaces.

(b) APPLICABILITY

This section applies to all public art within the City, whether installed on public or private property. This section does not relate to installations with commercial messages intended for advertisement regulated by [SECTION 4.03](#).

(c) NO ENDORSEMENT

The city does not endorse the content of any public art.

(d) PERMIT REQUIRED

No person shall install any public art without first obtaining approval from the Plan Commission and a permit from the Zoning Administrator under this section.

(e) PERMIT APPLICATION MATERIALS

An applicant for a public art permit shall submit the following materials with their application:

- (1) The applicant's name, contact information, studio or place of business, and examples of previous work.

- (2) A site plan showing the location of the proposed artwork with adjacent property lines, buildings, and rights-of-way.
- (3) Graphic representations of the proposed artwork that denote materials, dimensions, and colors.
- (4) A written description of the artwork, including its title, fabrication methods, and thematic intent.
- (5) A written statement of how the proposed artwork complies with the review criteria.
- (6) Evidence of property owner consent.
- (7) Structural documentation by a licensed engineer for any structural or elevated artworks.
- (8) An estimated budget for the fabrication of the artwork.
- (9) A schedule of installation.
- (10) A maintenance plan.

(f) REVIEW CRITERIA

(I) COMPATIBILITY

The proposed artwork should complement the installation site and not dominate the adjacent architecture or streetscape.

(II) SAFETY

The proposed artwork must not create safety hazards, block entrances or pedestrian pathways, create blind spots, or cause any other obstruction to normal public travel.

(III) AESTHETIC VALUE

The proposed artwork should reflect community values, cultural heritage, history, and local identity.

(IV) OUTDOOR LIGHTING

The artwork shall comply with all outdoor lighting regulations of **SECTION 4.08**.

(V) CONTENT RESTRICTIONS

The proposed artwork may not contain obscene, pornographic, illicit, defamatory, libelous, or otherwise unlawful imagery contrary to city, state, or federal law. The artwork may not contain advertising, corporate logos, or explicit commercial branding.

(VI) DURABILITY

The proposed artwork must be able to withstand weathering, including corrosion, fire safety, vandalism resistance, and structural stability for its intended duration.

SECTION 4.10 ALTERNATIVE COMPLIANCE REGULATIONS

(a) PURPOSE

To accommodate creativity in architectural design and to allow for flexibility in addressing site-specific challenges, the Zoning Administrator may approve alternative compliance plans sealed by an architect, landscape architect, or professional engineer licensed to practice in the State of Wisconsin.

(b) LIMITATIONS

The Zoning Administrator may only approve alternative compliance plans when the zoning chapter identifies.

(c) REQUIRED ALTERNATIVE COMPLIANCE CONDITIONS

To approve alternative compliance, the Zoning Administrator must find that one or more of the following conditions or opportunities are present:

- (1) The subject site has space limitations, an unusual shape or other factors that make strict compliance with applicable architectural regulations impossible or impractical;
- (2) Physical conditions on or next to the site, such as topography, soils, vegetation or existing structures or utilities, are such that strict compliance is impossible, impractical or of no value in terms of advancing the general purposes of this division;
- (3) Safety considerations, such as intersection visibility, utility locations, etc., make alternative compliance necessary; or
- (4) Alternative architectural plans will provide an equal or better means of meeting the intent of this division's regulations.

(d) REQUIRED ALTERNATIVE COMPLIANCE ELEMENTS

To approve alternative compliance the Zoning Administrator must find that the plan includes at least three of the following:

- (1) The inclusion of permeable paving, rain gardens, bioswales, or other sustainable stormwater management practices found in the National Association of City Transportation Officials Urban Street Stormwater Guide or other designs from nationally recognized organizations;
- (2) The inclusion of site amenities that, paired with scoring sheets and applications, qualify for sustainable development certifications from national recognized organizations such as the International Code Council, the U.S. Green Building Council, the International Living Future Institute, the U.S. Green Building Initiative or SITES;
- (3) The inclusion of safety-focused street design elements such as those found within the National Association of City Transportation Officials Urban Street Design Guide;
- (4) The development of the parcel meets economic development objectives set by the city in Tax Incremental Financing District Project Plans or other formally adopted policies;
- (5) The plans include a unique design from a renowned architect which the Plan Commission believes will generate tourism from the architectural design itself, not the underlying use; or
- (6) The inclusion of amenities specifically referenced in an element of the Comprehensive Plan or other city-adopted development plan.

ARTICLE V. APPENDICES

SECTION 5.01 ABBREVIATIONS

The abbreviations in this chapter are intended to have the following meanings:

Table V-1: Abbreviations

| Abbreviation | Term |
|--------------|--|
| Ac | Acre |
| AG | Agricultural (zoning district) |
| CC | Central Commercial (zoning district) |
| db | Decibel |
| E-N | Estate Neighborhood (zoning district) |
| 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) |
| I | 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 |
| OS | Open Space (zoning district) |
| PPUD | Pre-Planned Unit Development (zoning district) |
| PDD | Planned Development District |
| RA-35ac | Rural Agricultural (zoning district) |
| Res | Residential |
| RPA | Resource Protection Area |
| S-CO | Suburban Corridor (zoning district) |
| S-N | Suburban Neighborhood (zoning district) |
| SC | Suburban Commercial (zoning district) |
| SI | Suburban Industrial (zoning district) |
| SO | Suburban Office (zoning district) |
| SR-3 | Suburban Residential-3 (zoning district) |
| SR-5 | Suburban Residential-5 (zoning district) |
| s.f. | Square Feet |
| U-CO | Urban Corridor (zoning district) |
| U-DT | Urban Downtown (zoning district) |
| U-N | Urban Neighborhood (zoning district) |
| UC | Urban Commercial (zoning district) |
| UI | Urban Industrial (zoning district) |
| UR-12 | Urban Residential-12 (zoning district) |
| 8- | Eight or fewer |
| 9+ | Nine or more |
| 16+ | 16 or more |
| #F | Number of floors |
| < | Less than |
| > | Greater than |

SECTION 5.02 DEFINITIONS

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

(A) TERMS BEGINNING WITH "A"

(I) ABUTTING

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

(II) ACCESS, PRIMARY

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

(III) ACCESS, SECONDARY

A means of vehicular or nonvehicular approach, entry to, or exit from property from a source other than a public street or highway.

(IV) ACCESSORY USE OR STRUCTURE

A use or structure subordinate to, serving, and customarily incidental to the principal use or structure on the same lot.

(V) ACRE

An area totaling 43,560 square feet.

(VI) ADDITION

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

(VII) ADJACENT

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

(VIII) ALLEY

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

(IX) 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.

(X) 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:

Table V-2: Animal Units

| Type of Livestock | Number of Animals per Animal Unit |
|--------------------------------------|-----------------------------------|
| Cattle, Bison | 1 |
| Horse, mule, donkey, burro | 1 |
| Horse (34 inches or less at withers) | 2 |
| Swine | 2 |
| Mink and similar fur-bearing animals | 2 |
| Ostrich | 2 |
| Goats, sheep, llama, alpaca | 2 |
| Poultry | 20 |
| Rabbits | 20 |
| Bees | No AU limit |

(I) ANSI

American National Standards Institute

(II) ANSI/IES LIGHTING STANDARDS

Applicable outdoor lighting standards and metrics including:

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

(III) A.L.A.N. (ARTIFICIAL LIGHT AT NIGHT)

Light created from human technology, rather than a naturally occurring process. Also known as anthropogenic lighting.

(IV) 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 1.09**.

(V) ATTIC

Part of a building which is immediately below and wholly or partly within the roof framing.

(VI) AVERAGE GROUND ELEVATION

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

(B) TERMS BEGINNING WITH "B"

(I) BASE FLOOD

The flood having a one percent chance of being equaled or exceeded in any given year. The 1B00-year flood.

(II) BEDROOM

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

(III) BUFFERYARD

Any permitted combination of distance, vegetation, fencing and berming which results in a reduction of visual and other interaction with an adjoining property.

(IV) BUILDING

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

(V) BUILDING ENVELOPE

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.

(VI) BUILDING FRONT

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

(VII) BUILDING HEIGHT

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

(VIII) BUILDING LINE

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

(IX) BUILDING, PRINCIPAL

A building in which is conducted, or in which is intended to be conducted, the main or principal use of the lot on which it is located.

(X) BUILDING SEPARATION

The narrowest distance between two buildings. See *Minimum building separation*.

(XI) BUILDING SIZE

The total gross floor area of a building.

(XII) BULK (OF A BUILDING)

The combination of building height, size, and location on a lot.

(XIII) 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 Wis. Stats. § 30.11 and which allows limited filling between this bulkhead line and the original ordinary high-water mark, except where such filling is prohibited by the floodway provisions of this chapter.

(C) TERMS BEGINNING WITH “C”**(I) CALIPER**

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

(II) CANDELA (CD)

The unit of measure for luminous intensity.

(III) CANDLEPOWER

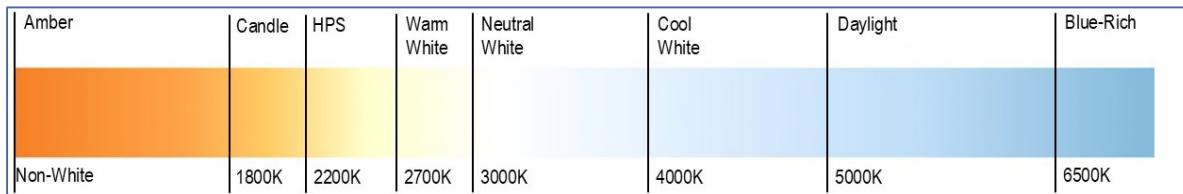
The amount of light that will illuminate a surface one foot distant from a light source to an intensity of one footcandle (fc). Maximum (peak) candlepower is the largest amount of candlepower emitted by any lamp, light source, or luminaire.

(IV) CARPORT (LAND USE)

An open sided, roofed vehicle shelter, usually formed by extension of the roof from the side of a building.

(V) CCT (CORRELATED COLOR TEMPERATURE)

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



(VI) CERTIFICATE OF APPROPRIATENESS

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.

(VII) CITY

The City of Sheboygan, County of Sheboygan, State of Wisconsin.

(VIII) 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.

(IX) 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.

(X) 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.

(XI) COMMUNITY CHARACTER

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

(XII) COMPREHENSIVE MASTER PLAN

The comprehensive master plan as of 1995 and as subsequently amended.

(XIII) CONSTRUCTION, START OF

The installation of foundation footings or materials for road construction.

(XIV) CORNICE

The topmost projecting portion of the entablature, or top portion, of a building. It also refers to any crowning projection of a building.

(D) TERMS BEGINNING WITH "D"

(I) DECK

A structure that has no roof or walls and is elevated above grade by more than eight inches. Can be attached or detached to the principal structure. If attached, it is required to have main supports and continuous footings below grade by 48 inches and must be raised above grade and must comply with principal setback requirements or as modified by **SECTION 2.05(C)**. If detached, shall be an accessory structure.

(II) 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.

(III) DENSITY

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

(IV) DEVELOPER

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

(V) 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.

(VI) DEVELOPMENT PAD

The area of a lot within which site disruption occurs.

(VII) DIRECT ACCESS

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

(VIII) DRAINAGE

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

(IX) DRIPLINE

The outer perimeter edge of a tree canopy as transferred perpendicularly to ground level.

(X) 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.

(XI) 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.

(XII) DWELLING, ATTACHED

A dwelling which is joined to another dwelling at one or more sides by a party wall or walls.

(XIII) DWELLING, DETACHED

A dwelling surrounded by open space on the same lot.

(XIV) DWELLING UNIT

A room or group of rooms, providing or intended to provide living quarters for not more than one family.

(E) TERMS BEGINNING WITH "E"**(I) EASEMENT**

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

(II) 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.

(III) ENCROACHMENT

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

(IV) 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.

(V) ENVIRONS (OF THE CITY)

The area in which the city exercises extraterritorial powers.

(VI) EROSION

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

(VII) ESSENTIAL SERVICES

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

(VIII) EXTRATERRITORIAL AREA

The area outside of the city limits in which the city exercises extraterritorial powers of land division or zoning review.

(F) TERMS BEGINNING WITH "F"

(I) FAMILY

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

(II) 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.

(III) FULLY SHIELDED

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

(G) TERMS BEGINNING WITH "G"

(I) GARAGE (RESIDENTIAL)

A detached accessory building or portion of the principal building, including a carport, used primarily for storing passenger vehicles, trailers, or one truck of a rated capacity not more than 10,000 pounds.

(II) GAZEBO

A detached roofed accessory building, open on all sides, which is used for entertaining.

(III) 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.

(IV) GLARE

The brightness of a light source which causes eye discomfort.

(V) GREEN INFRASTRUCTURE

Any of the range of measures, devices, or systems that use plant or soil systems, permeable pavement, or other permeable surfaces or substrates, stormwater harvest and reuse, or landscaping to store, infiltrate, or evapotranspire stormwater, thereby reducing discharge to sewer systems or to surface waters. Green infrastructure includes, but the City does not limit it to, rainwater harvesting and reuse, rain gardens, bioretention systems, infiltration basins, underground infiltration fields (note these may be Class V injection wells), planters that are connected to roof drainage, bioswales, permeable pavement, green roofs, and rain barrels.

(VI) GREENHOUSE

A detached glass-enclosed accessory building used for cultivating plants.

(H) TERMS BEGINNING WITH "H"

(I) HABITABLE BUILDING

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

(II) 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.

(III) HEARING NOTICE

A notice for a public hearing in a form described by the Wisconsin Statutes, this ordinance, or other regulatory bodies, as applicable.

(IV) HISTORIC DISTRICT

An area designated by the city council on recommendation of the historic preservation commission that contains two or more historic improvements or sites.

(V) HISTORIC SITE

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

(VI) HISTORIC STRUCTURE

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

(I) TERMS BEGINNING WITH "I"**(I) IES (ILLUMINATING ENGINEERING SOCIETY)**

An ANSI-recognized Standards Development Organization. ANSI/IES Recommended Practices are universally recognized as authoritative references for lighting applications.

(II) ILLUMINANCE

Measured in lux or foot-candles, the total luminous flux incident at a point on a surface.

(III) IMPERVIOUS AREA

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

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

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

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

(IV) IMPROVEMENT

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

(V) INFILL DEVELOPMENT

Development located in areas which are, for the most part, already developed.

(VI) INSTITUTIONAL RESIDENTIAL UNIT

Means a dwelling unit type consisting of an attached, multifamily residence which takes access from a shared entrance or hallway.

(VII) INTENSITY

The amount of gross floor area or landscaped area, on a lot or site, compared to the gross area of the lot or site.

(J) TERMS BEGINNING WITH "J"

(K) TERMS BEGINNING WITH "K"

(I) KICKPLATE

A horizontal area on the facade of a building located between the sidewalk/entrance pavement and the lowest storefront windows.

(L) TERMS BEGINNING WITH "L"

(I) 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. The term "lakeshore" does not include those lands adjacent to farm drainage ditches where:

Such lands are not adjacent to a navigable stream or river;

Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching or had no previous stream history; and

Such lands are maintained in nonstructural agricultural use.

(II) LAND USE

The type of development or activity occurring on a piece of property.

(III) 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. The term "landscaped area" includes the area located within planted and continually maintained landscaped planters.

(IV) LIGHT LEVEL

The maintained luminance or illuminance value.

(V) LIGHT POLLUTION

ALAN traveling into areas where it is not needed or wanted. This can be in the form of light trespass, glare, or atmospheric sky glow.

(VI) LIGHT TRESPASS

ALAN illuminating past property lines without permission. Unless specified otherwise, light trespass limits are measured at any location along a property line both horizontally at the ground plane facing upward and vertically at 5 ft (1.5 m) above grade with the meter aimed toward the light source in question.

(VII) LIGHTING ZONES

An ANSI/IES/DarkSky system describing the luminous environment and related lighting conditions based on land uses and expected tasks. These range from natural and intrinsically dark zones to very bright zones.

(VIII) LOCAL RESIDENTIAL STREET

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

(IX) LOT

A parcel of land that is undivided by any street or private road; is occupied by, or designated to be developed for, one building or principal use; and contains the accessory buildings or uses customarily incidental to such building, use, or development, including such open spaces and yards as designed and arranged or required by this chapter for such building, use, or development.

(X) LOT AREA

The area contained within the property boundaries of a recorded lot.

(XI) 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.

(XII) LOT DEPTH

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

(XIII) LOT FRONTRAGE

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

(XIV) LOT, INTERIOR

A lot other than a corner lot.

(XV) LOT LINE

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

(XVI) LOT LINE, FRONT

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.

(XVII) 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.

(XVIII) **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.

(XIX) **LOT LINE, STREET SIDE**

Any lot line which abuts a public or private street right of way which is not the front lot line.

(XX) **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 county; and has been recorded in the office of the register of deeds.

(XXI) **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.

(XXII) **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*.

(XXIII) **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.

(XXIV) **LUMEN (LM)**

A unit of measure of the luminous flux of a light source.

(XXV) **LUMINAIRE**

A complete lighting unit, including the light source, housing, optics, electronics, and other necessary components for the purpose of providing outdoor illumination.

(XXVI) **LUMINANCE**

The intensity of light emitted from a surface per unit area in a given direction.

(XXVII) LUX (LX)

The SI metric system unit of measure for illuminance.

(M) TERMS BEGINNING WITH “M”**(I) 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.

(II) MANUFACTURED DWELLING

A dwelling structure or component thereof as defined in Wis. Admin. Code § SPS 320.07 which bears the department of workforce development insignia certifying that it has been inspected and found to be in compliance with Wis. Admin. Code ch. SPS 320, article V.

(III) MANUFACTURED HOME

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

(IV) MASTER PLAN

A plan, map, report, or other document pertaining to the physical development of the city which has been adopted by the city plan commission, as described in Wis. Stats. § 62.23(2) and (3).

(V) MINIMUM FLOOR ELEVATION

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

(VI) MINIMUM LANDSCAPE SURFACE RATIO

The lowest permitted landscape surface ratio.

(VII) MINIMUM LOT AREA (MLA)

The minimum size lot permitted within the specified zoning district and development option.

(VIII) MINIMUM LOT WIDTH

The smallest permissible lot width for the applicable dwelling unit type.

(IX) MINIMUM SETBACK

The narrowest distance permitted from a street, side, or rear property line to a structure, excluding permitted projections.

(X) MINIMUM SITE AREA (MSA)

The minimum gross site area in which the specified development option may occur.

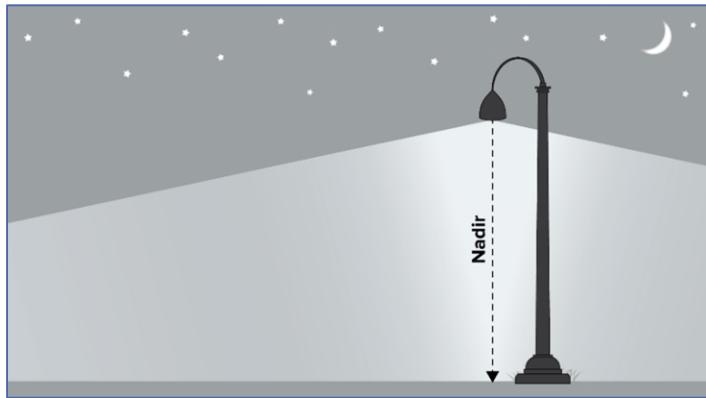
(XI) MOBILE HOME (LAND USE)

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 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 USC 5401 to 5406, but which is not set on an enclosed foundation, in the manner described in this section, shall be deemed to be a mobile home under this chapter. Recreational vehicles are not classified as mobile homes and may not be used as a residence. This dwelling unit type may not be split into two or more residences.

(N) TERMS BEGINNING WITH "N"

(I) NADIR

A downward vertical vector directly beneath a luminaire, opposite to zenith.



(II) NATURAL RESOURCE PROTECTION OVERLAY ZONING DISTRICTS

Zoning districts which primarily identify and regulate the disturbance of areas containing protected natural resources.

(III) NAVIGABLE WATER

All natural and manmade inland lakes within the state, and all rivers, streams, ponds, sloughs, flowages, and other waters within the territorial limits of the state, including the Wisconsin portion of boundary waters, which are navigable under state law. For 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 state department of natural resources has made a determination that the waterway is not, in fact, navigable.

(IV) NIGHTTIME HOURS

The time between 10:00 PM (22:00) and sunrise, or 7:00 AM (7:00), whichever comes earlier. For businesses and events with operating hours later than 10:00 PM (22:00) nighttime hours will begin one hour after closing.

(V) NONCONFORMING BUILDING OR STRUCTURE

Any building, or other structure, which is lawfully existing under provisions preceding the effective date of the ordinance from which this chapter is derived, which would not conform to the applicable regulations if the building or structure were to be erected under the provisions of this chapter.

(VI) NONCONFORMING DEVELOPMENT

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

(VII) NONCONFORMING USE

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

(VIII) NON-ESSENTIAL

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

(IX) 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.

(O) TERMS BEGINNING WITH "O"

(I) OFF-PREMISE ADVERTISING SIGN

A sign that advertises, identifies, or directs attention to a business, service, product, activity, event, or message non located on the same premises as the sign. Off-premise advertising signs include billboards.

(II) 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 statute.

(III) 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.

(IV) 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.

(V) OPEN SALES LOT

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

(VI) 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.

(VII) ORDINARY MAINTENANCE REPAIRS

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

(VIII) OTHER PERMANENTLY PROTECTED GREEN SPACE

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

(IX) OVERLAY ZONING DISTRICT

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.

(X) OWNER

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

(P) TERMS BEGINNING WITH "P"

(I) 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.

(II) PERFORMANCE STANDARD

Criterion established to control and limit the impacts generated by, or inherent in, uses of land or buildings.

(III) PERMANENTLY PROTECTED GREEN SPACE

An area in which site disruption or development is strictly limited.

(IV) PRINCIPAL USE

Any and all of the primary uses of a property, rather than as an accessory use or a temporary use, per **SECTION 3.03**.

(V) PRIVATE SEWAGE SYSTEM

A sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. The term "private sewage system" also means an alternative sewage system approved by the department of workforce development including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure, or a system located on a different parcel than the structure.

(VI) 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.

(VII) 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.

(VIII) PUBLIC ART

Original works of visual art intended for visible from public property or the public right-of-way. These works can be permanent or temporary, and include displays such as murals, sculptures, installations, mosaics, and mixed-media pieces.

(IX) PUBLIC SEWER

Includes the city 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.

(Q) TERMS BEGINNING WITH "Q"

(R) TERMS BEGINNING WITH "R"

(I) RECORDED LOT

See [Lot of record](#).

(II) 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 categories are travel trailer, camping trailer, truck camper, or motor home.

(III) RESIDENTIAL COLLECTOR STREET

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

(IV) RESTRICTIVE, MORE (LESS)

A regulation imposed by this chapter which prohibits or limits development to a greater (lesser) extent or by means of more (less) detailed specifications.

(S) TERMS BEGINNING WITH “S”

(I) SCALE (OF DEVELOPMENT)

The gross floor area, height, or volume of a single structure or group of structures.

(II) SEASONAL LIGHTING

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

(III) SECURITY LIGHTING

Illumination used specifically to protect people, property, and infrastructure from criminal threat.

(IV) 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.

(V) SETBACK

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

(VI) SHEET TWO OF OFFICIAL ZONING MAP

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

(VII) SHIELDING

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

(VIII) SHRUB

A low lying deciduous or evergreen plant.

(IX) 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.

(X) SILL

A horizontal, lower member or bottom of a door or window casing.

(XI) SKYLIGHT

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

(XII) SOLID FENCE

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

(XIII) SPECIAL USE

A land use which must be developed per a set of requirements specifically applying to that use.

(XIV) STANDARD INDUSTRIAL CLASSIFICATION CODE (SIC)

The numeric code for categorizing land uses developed by the U.S. Department of Commerce. SIC codes in this chapter are based on the listing contained within the most recent edition of the manual.

(XV) STANDARD ZONING DISTRICTS

Zoning districts which primarily regulate the use of land, and intensity or density of such use.

(XVI) 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; the installation of streets or walkways; excavation for basement, footings, piers, or foundations; the erection of temporary forms; or the installation on the property of accessory buildings, such as garages or shed not occupied as dwelling units or part of the main structure.

(XVII) STEEP SLOPES

Areas which contain a gradient of 12 percent or greater, equivalent to a 10 ft elevation change in a distance of 83 ft or less, as shown on USGS 7.5 min topographic maps for the city and its environs, as updated by official city topographic maps at a larger scale.

(XVIII) 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.

(XIX) STREET

Any public or private way dedicated or permanently open to pedestrian and vehicular use which is 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 the ordinance from which this chapter is derived.

(XX) STRIP DEVELOPMENT

A pattern of land uses typified by nonresidential or multifamily 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, or low quantities of landscaping, typical of urban commercial developments.

(XXI) 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.

(XXII) 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.

(XXIII) SUBSTANTIAL IMPROVEMENT

Any structural repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 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 "substantial improvement" does not, however, include either:

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 ensure safe living conditions; and

Any alteration of a structure or site documented as deserving preservation by the state historical society or listed on the National Register of Historic Places.

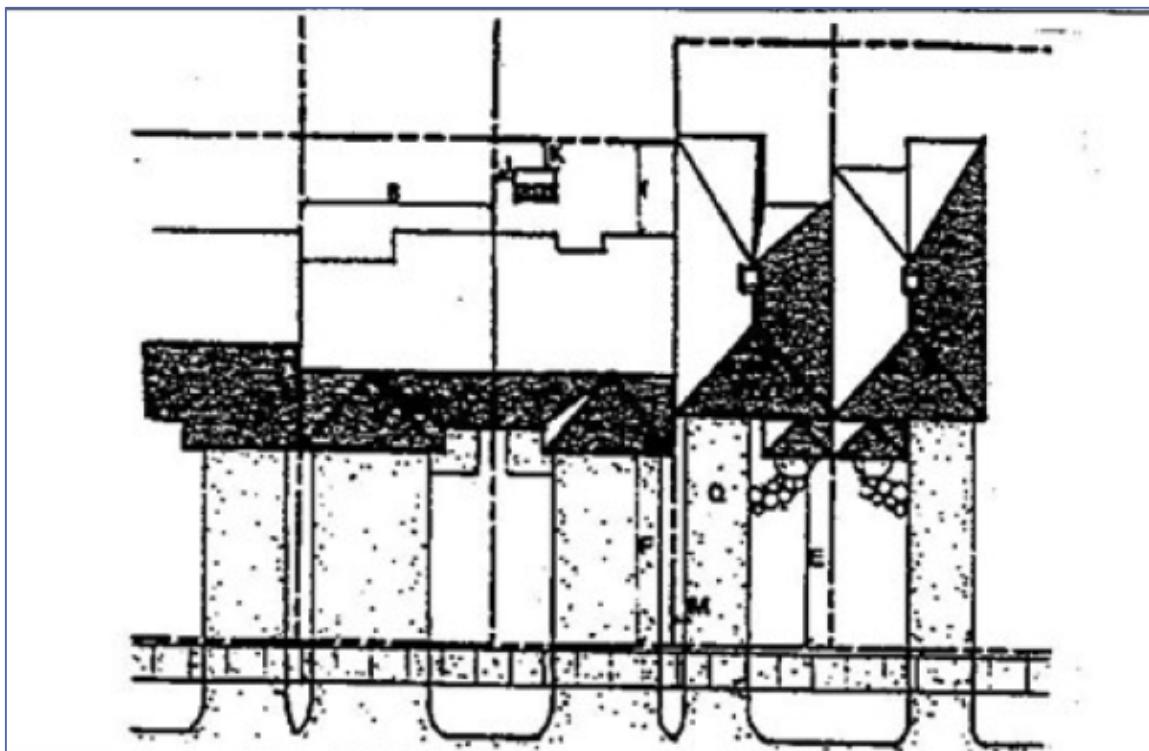
(XXIV) SWALE

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.

(T) TERMS BEGINNING WITH "T"

(I) TOWNHOUSE

A dwelling unit type consisting 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 eight and no less than three townhouse dwelling units may be attached per group. Refer to the illustration below.



(II) TRANSOM

A horizontal bar of stone, wood, or glass across the opening of a door or window.

(U) TERMS BEGINNING WITH "U"

(I) 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.

(II) 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.

(III) USE, TEMPORARY

A use that occurs for less than 60 days within a 365 day period.

(V) TERMS BEGINNING WITH “V”

(I) VARIANCE

Permission to depart from the literal requirements of this chapter granted pursuant to **SECTION 1.09**.

(W) TERMS BEGINNING WITH “W”

(I) WETLANDS

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

(II) WISCONSIN WETLAND INVENTORY MAP

The maps prepared by the state department of natural resources.

(III) WOODLANDS

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 and its environs.

(IV) WORKING DAYS

Monday, Tuesday, Wednesday, Thursday and Friday; excluding holidays granted by the city to its department heads.

(X) TERMS BEGINNING WITH “X”

(Y) TERMS BEGINNING WITH “Y”

(I) 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.

(II) 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.

(III) 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.

(Z) TERMS BEGINNING WITH "Z"

SECTION 5.03 NATIVE SPECIES LIST

| Common Name | Scientific name | Type | Mandatory or Optional |
|-----------------------|---|------------------|-----------------------|
| American Beech | <i>Fagus grandifolia</i> | Trees and Shrubs | Mandatory |
| Sugar Maple | <i>Acer saccharum</i> | Trees and Shrubs | Mandatory |
| Basswood | <i>Tilia americana</i> | Trees and Shrubs | Mandatory |
| Northern Red Oak | <i>Quercus rubra</i> | Trees and Shrubs | Mandatory |
| White Oak | <i>Quercus alba</i> | Trees and Shrubs | Mandatory |
| Black Oak | <i>Quercus velutina</i> | Trees and Shrubs | Mandatory |
| Missouri River Willow | <i>Salix eriocephala</i> | Trees and Shrubs | Optional |
| Canadian plum | <i>Prunus nigra</i> | Trees and Shrubs | Optional |
| Chokecherry | <i>Prunus virginiana</i> var. <i>virginiana</i> | Trees and Shrubs | Optional |
| Pin cherry | <i>Prunus pensylvanica</i> var. <i>pensylvanica</i> | Trees and Shrubs | Optional |
| Bog birch | <i>Betula pumila</i> | Trees and Shrubs | Optional |
| Paper birch | <i>Betula papyrifera</i> | Trees and Shrubs | Optional |
| Yellow birch | <i>Betula alleghaniensis</i> | Trees and Shrubs | Optional |
| Boxelder | <i>Acer negundo</i> | Trees and Shrubs | Optional |
| Boxelder | <i>Acer negundo</i> var. <i>negundo</i> | Trees and Shrubs | Optional |
| Boxelder | <i>Acer negundo</i> var. <i>violaceum</i> | Trees and Shrubs | Optional |
| Mountain maple | <i>Acer spicatum</i> | Trees and Shrubs | Optional |
| Red maple | <i>Acer rubrum</i> | Trees and Shrubs | Optional |

| | | | |
|------------------------|--|------------------|----------|
| Prairie crab apple | <i>Malus ioensis</i> var. <i>ioensis</i> | Trees and Shrubs | Optional |
| Cranberry | <i>Vaccinium macrocarpon</i> | Trees and Shrubs | Optional |
| Lowbush blueberry | <i>Vaccinium angustifolium</i> | Trees and Shrubs | Optional |
| Velvetleaf huckleberry | <i>Vaccinium myrtilloides</i> | Trees and Shrubs | Optional |
| Grey alder | <i>Alnus incana</i> | Trees and Shrubs | Optional |
| Speckled alder | <i>Alnus incana</i> subsp. <i>rugosa</i> | Trees and Shrubs | Optional |
| Eastern white pine | <i>Pinus strobus</i> | Trees and Shrubs | Optional |
| Jack pine | <i>Pinus banksiana</i> | Trees and Shrubs | Optional |
| Bitternut hickory | <i>Carya cordiformis</i> | Trees and Shrubs | Optional |
| Shagbark hickory | <i>Carya ovata</i> | Trees and Shrubs | Optional |
| American elm | <i>Ulmus americana</i> | Trees and Shrubs | Optional |
| Rock elm | <i>Ulmus thomasii</i> | Trees and Shrubs | Optional |
| Bigfruit hawthorn | <i>Crataegus macrosperma</i> | Trees and Shrubs | Optional |
| Cockspur hawthorn | <i>Crataegus crus-galli</i> | Trees and Shrubs | Optional |
| Dodge's hawthorn | <i>Crataegus dodgei</i> | Trees and Shrubs | Optional |
| Dotted hawthorn | <i>Crataegus punctata</i> | Trees and Shrubs | Optional |
| Downy hawthorn | <i>Crataegus mollis</i> | Trees and Shrubs | Optional |
| Dunbar's hawthorn | <i>Crataegus beata</i> | Trees and Shrubs | Optional |
| Fanleaf hawthorn | <i>Crataegus flabellata</i> | Trees and Shrubs | Optional |
| Fireberry hawthorn | <i>Crataegus chrysocarpa</i> | Trees and Shrubs | Optional |
| Fleshy hawthorn | <i>Crataegus succulenta</i> | Trees and Shrubs | Optional |
| Fort Sheridan hawthorn | <i>Crataegus apiomorpha</i> | Trees and Shrubs | Optional |
| Fuller's hawthorn | <i>Crataegus fulleriana</i> | Trees and Shrubs | Optional |

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|-------------------------------|--|------------------|----------|
| Grove hawthorn | <i>Crataegus lucorum</i> | Trees and Shrubs | Optional |
| Holmes' hawthorn | <i>Crataegus holmesiana</i> | Trees and Shrubs | Optional |
| Kansas hawthorn | <i>Crataegus coccinoides</i> | Trees and Shrubs | Optional |
| Pear hawthorn | <i>Crataegus calpodendron</i> | Trees and Shrubs | Optional |
| Quebec hawthorn | <i>Crataegus submollis</i> | Trees and Shrubs | Optional |
| Red haw | <i>Crataegus chrysocarpa</i> var. <i>chrysocarpa</i> | Trees and Shrubs | Optional |
| Rough hawthorn | <i>Crataegus scabrida</i> | Trees and Shrubs | Optional |
| Roundleaf hawthorn | <i>Crataegus lumaria</i> | Trees and Shrubs | Optional |
| Scarlet hawthorn | <i>Crataegus pedicellata</i> | Trees and Shrubs | Optional |
| Shchuette's hawthorn | <i>Crataegus schuettei</i> | Trees and Shrubs | Optional |
| Shiningbranch hawthorn | <i>Crataegus corusca</i> | Trees and Shrubs | Optional |
| Waxyfruit hawthorn | <i>Crataegus pruinosa</i> | Trees and Shrubs | Optional |
| Dwarf red blackberry | <i>Rubus pubescens</i> var. <i>pubescens</i> | Trees and Shrubs | Optional |
| American basswood | <i>Tilia americana</i> | Trees and Shrubs | Optional |
| Black ash | <i>Fraxinus nigra</i> | Trees and Shrubs | Optional |
| Green ash | <i>Fraxinus pennsylvanica</i> | Trees and Shrubs | Optional |
| White ash | <i>Fraxinus americana</i> | Trees and Shrubs | Optional |
| White spruce | <i>Picea glauca</i> | Trees and Shrubs | Optional |
| American hazelnut | <i>Corylus americana</i> | Trees and Shrubs | Optional |
| Beaked hazelnut | <i>Corylus cornuta</i> | Trees and Shrubs | Optional |
| Black walnut | <i>Juglans nigra</i> | Trees and Shrubs | Optional |
| Alternateleaf dogwood | <i>Cornus alternifolia</i> | Trees and Shrubs | Optional |
| Gray dogwood | <i>Cornus racemosa</i> | Trees and Shrubs | Optional |

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|----------------------------------|---|------------------|----------|
| Roundleaf dogwood | <i>Cornus rugosa</i> | Trees and Shrubs | Optional |
| Silky dogwood | <i>Cornus obliqua</i> | Trees and Shrubs | Optional |
| Allegheny serviceberry | <i>Amelanchier laevis</i> | Trees and Shrubs | Optional |
| Roundleaf serviceberry | <i>Amelanchier sanguinea</i> | Trees and Shrubs | Optional |
| Running serviceberry | <i>Amelanchier stolonifera</i> | Trees and Shrubs | Optional |
| Tamarack | <i>Larix laricina</i> | Trees and Shrubs | Optional |
| American cranberrybush | <i>Viburnum opulus var. americanum</i> | Trees and Shrubs | Optional |
| Blackhaw | <i>Viburnum prunifolium</i> | Trees and Shrubs | Optional |
| Downy arrowwood | <i>Viburnum rafinesqueanum</i> | Trees and Shrubs | Optional |
| Mapleleaf viburnum | <i>Viburnum acerifolium</i> | Trees and Shrubs | Optional |
| Eastern hemlock | <i>Tsuga canadensis</i> | Trees and Shrubs | Optional |
| Hophornbeam | <i>Ostrya virginiana</i> | Trees and Shrubs | Optional |
| American hornbeam | <i>Carpinus caroliniana</i> | Trees and Shrubs | Optional |
| Fox grape | <i>Vitis labrusca</i> | Trees and Shrubs | Optional |
| Riverbank grape | <i>Vitis riparia</i> | Trees and Shrubs | Optional |
| American witchhazel | <i>Hamamelis virginiana</i> | Trees and Shrubs | Optional |
| Common hackberry | <i>Celtis occidentalis</i> | Trees and Shrubs | Optional |
| New Jersey tea | <i>Ceanothus americanus</i> | Trees and Shrubs | Optional |
| Arborvitae | <i>Thuja occidentalis</i> | Trees and Shrubs | Optional |
| Black huckleberry | <i>Gaylussacia baccata</i> | Trees and Shrubs | Optional |
| American black elderberry | <i>Sambucus nigra subsp. canadensis</i> | Trees and Shrubs | Optional |
| Red elderberry | <i>Sambucus racemosa var. racemosa</i> | Trees and Shrubs | Optional |
| Atlantic ninebark | <i>Physocarpus opulifolius var. intermedium</i> | Trees and Shrubs | Optional |

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|----------------------------------|---|------------------|----------|
| American fly honeysuckle | <i>Lonicera canadensis</i> | Trees and Shrubs | Optional |
| Limber honeysuckle | <i>Lonicera dioica</i> | Trees and Shrubs | Optional |
| Swamp fly honeysuckle | <i>Lonicera oblongifolia</i> | Trees and Shrubs | Optional |
| Catberry | <i>Ilex mucronata</i> | Trees and Shrubs | Optional |
| Ohio buckeye | <i>Aesculus glabra</i> | Trees and Shrubs | Optional |
| Common juniper | <i>Juniperus communis</i> var. <i>depressa</i> | Trees and Shrubs | Optional |
| Eastern redcedar | <i>Juniperus virginiana</i> var. <i>virginiana</i> | Trees and Shrubs | Optional |
| Common snowberry | <i>Symporicarpos albus</i> var. <i>albus</i> | Trees and Shrubs | Optional |
| Coralberry | <i>Symporicarpos orbiculatus</i> | Trees and Shrubs | Optional |
| Russet buffaloberry | <i>Shepherdia canadensis</i> | Trees and Shrubs | Optional |
| Common buttonbush | <i>Cephaelanthus occidentalis</i> | Trees and Shrubs | Optional |
| Leatherleaf | <i>Chamaedaphne calyculata</i> | Trees and Shrubs | Optional |
| Burningbush | <i>Euonymus atropurpureus</i> | Trees and Shrubs | Optional |
| Eastern wahoo | <i>Euonymus atropurpureus</i> var. <i>atropurpureus</i> | Trees and Shrubs | Optional |
| Blue Ridge carrionflower | <i>Smilax lasioneura</i> | Trees and Shrubs | Optional |
| Bristly greenbrier | <i>Smilax tamnoides</i> | Trees and Shrubs | Optional |
| Bog rosemary | <i>Andromeda polifolia</i> | Trees and Shrubs | Optional |
| American bittersweet | <i>Celastrus scandens</i> | Trees and Shrubs | Optional |
| Canada yew | <i>Taxus canadensis</i> | Trees and Shrubs | Optional |
| Common hoptree | <i>Ptelea trifoliata</i> var. <i>trifoliata</i> | Trees and Shrubs | Optional |
| Kentucky coffeetree | <i>Gymnocladus dioicus</i> | Trees and Shrubs | Optional |
| Northern bush honeysuckle | <i>Diervilla lonicera</i> | Trees and Shrubs | Optional |
| Eastern leatherwood | <i>Dirca palustris</i> | Trees and Shrubs | Optional |

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|-----------------------------|---|---------------------|----------|
| Creeping snowberry | <i>Gaultheria hispida</i> | Trees and Shrubs | Optional |
| Eastern teaberry | <i>Gaultheria procumbens</i> | Trees and Shrubs | Optional |
| early goldenrod | <i>Solidago juncea</i> | Flowers and Grasses | Optional |
| giant goldenrod | <i>Solidago gigantea</i> | Flowers and Grasses | Optional |
| gray goldenrod | <i>Solidago nemoralis</i> var. <i>nemoralis</i> | Flowers and Grasses | Optional |
| Missouri goldenrod | <i>Solidago missouriensis</i> var. <i>fasciculata</i> | Flowers and Grasses | Optional |
| showy goldenrod | <i>Solidago speciosa</i> var. <i>speciosa</i> | Flowers and Grasses | Optional |
| zigzag goldenrod | <i>Solidago flexicaulis</i> | Flowers and Grasses | Optional |
| Virginia strawberry | <i>Fragaria virginiana</i> subsp. <i>virginiana</i> | Flowers and Grasses | Optional |
| woodland strawberry | <i>Fragaria vesca</i> | Flowers and Grasses | Optional |
| woodland strawberry | <i>Fragaria vesca</i> subsp. <i>americana</i> | Flowers and Grasses | Optional |
| cheerful sunflower | <i>Helianthus ×laetiflorus</i> [<i>pauciflorus</i> × <i>tuberosus</i>] | Flowers and Grasses | Optional |
| fewleaf sunflower | <i>Helianthus occidentalis</i> | Flowers and Grasses | Optional |
| fewleaf sunflower | <i>Helianthus occidentalis</i> subsp. <i>occidentalis</i> | Flowers and Grasses | Optional |
| giant sunflower | <i>Helianthus giganteus</i> | Flowers and Grasses | Optional |
| Maximilian sunflower | <i>Helianthus maximiliani</i> | Flowers and Grasses | Optional |
| paleleaf woodland sunflower | <i>Helianthus strumosus</i> | Flowers and Grasses | Optional |
| sawtooth sunflower | <i>Helianthus grosseserratus</i> | Flowers and Grasses | Optional |
| stiff sunflower | <i>Helianthus pauciflorus</i> | Flowers and Grasses | Optional |
| stiff sunflower | <i>Helianthus pauciflorus</i> subsp. <i>pauciflorus</i> | Flowers and Grasses | Optional |
| stiff sunflower | <i>Helianthus pauciflorus</i> subsp. <i>subrhomboideus</i> | Flowers and Grasses | Optional |
| thinleaf sunflower | <i>Helianthus decapetalus</i> | Flowers and Grasses | Optional |
| alpine violet | <i>Viola labradorica</i> | Flowers and Grasses | Optional |

| | | | |
|----------------------------|--|---------------------|----------|
| arrowleaf violet | Viola sagittata | Flowers and Grasses | Optional |
| arrowleaf violet | Viola sagittata var. sagittata | Flowers and Grasses | Optional |
| birdfoot violet | Viola pedata | Flowers and Grasses | Optional |
| common blue violet | Viola sororia | Flowers and Grasses | Optional |
| downy yellow violet | Viola pubescens | Flowers and Grasses | Optional |
| downy yellow violet | Viola pubescens var. pubescens | Flowers and Grasses | Optional |
| downy yellow violet | Viola pubescens var. scabriuscula | Flowers and Grasses | Optional |
| longspur violet | Viola rostrata | Flowers and Grasses | Optional |
| marsh blue violet | Viola cucullata | Flowers and Grasses | Optional |
| prairie violet | Viola pedatifida | Flowers and Grasses | Optional |
| sand violet | Viola affinis | Flowers and Grasses | Optional |
| small white violet | Viola macloskeyi | Flowers and Grasses | Optional |
| smooth white violet | Viola macloskeyi subsp. pallens | Flowers and Grasses | Optional |
| sweet white violet | Viola blanda | Flowers and Grasses | Optional |
| sweet white violet | Viola blanda var. palustriformis | Flowers and Grasses | Optional |
| common boneset | Eupatorium perfoliatum | Flowers and Grasses | Optional |
| common boneset | Eupatorium perfoliatum var. perfoliatum | Flowers and Grasses | Optional |
| lateflowering thoroughwort | Eupatorium serotinum | Flowers and Grasses | Optional |
| leadplant | Amorpha canescens | Flowers and Grasses | Optional |
| Bicknell's cranesbill | Geranium bicknellii | Flowers and Grasses | Optional |
| fall panicgrass | Panicum dichotomiflorum var. dichotomiflorum | Flowers and Grasses | Optional |
| switchgrass | Panicum virgatum var. virgatum | Flowers and Grasses | Optional |
| hemlock waterparsnip | Sium suave | Flowers and Grasses | Optional |

| | | | |
|-----------------------------------|--|------------------------|----------|
| bog willowherb | <i>Epilobium leptophyllum</i> | Flowers and Grasses | Optional |
| downy willowherb | <i>Epilobium strictum</i> | Flowers and Grasses | Optional |
| fringed willowherb | <i>Epilobium ciliatum</i> subsp. <i>ciliatum</i> | Flowers and Grasses | Optional |
| purpleleaf willowherb | <i>Epilobium coloratum</i> | Flowers and Grasses | Optional |
| eastern daisy fleabane | <i>Erigeron annuus</i> | Flowers and Grasses | Optional |
| Philadelphia fleabane | <i>Erigeron philadelphicus</i> | Flowers and Grasses | Optional |
| Philadelphia fleabane | <i>Erigeron philadelphicus</i> var. <i>philadelphicus</i> | Flowers and Grasses | Optional |
| prairie fleabane | <i>Erigeron strigosus</i> var. <i>septentrionalis</i> | Flowers and Grasses | Optional |
| prairie fleabane | <i>Erigeron strigosus</i> var. <i>strigosus</i> | Flowers and Grasses | Optional |
| robin's plantain | <i>Erigeron pulchellus</i> | Flowers and Grasses | Optional |
| robin's plantain | <i>Erigeron pulchellus</i> var. <i>pulchellus</i> | Flowers and Grasses | Optional |
| prairie ironweed | <i>Vernonia fasciculata</i> | Flowers and Grasses | Optional |
| prairie ironweed | <i>Vernonia fasciculata</i> subsp. <i>fasciculata</i> | Flowers and Grasses | Optional |
| great St. Johnswort | <i>Hypericum ascyron</i> | Flowers and Grasses | Optional |
| spotted St. Johnswort | <i>Hypericum punctatum</i> | Flowers and Grasses | Optional |
| parasol whitetop | <i>Doellingeria umbellata</i> | Flowers and Grasses | Optional |
| parasol whitetop | <i>Doellingeria umbellata</i> var. <i>umbellata</i> | Flowers and Grasses | Optional |
| arctic brome | <i>Bromus kalmii</i> | Flowers and Grasses | Optional |
| earlyleaf brome | <i>Bromus latiglumis</i> | Flowers and Grasses | Optional |
| fringed brome | <i>Bromus ciliatus</i> | Flowers and Grasses | Optional |
| fringed brome | <i>Bromus ciliatus</i> var. <i>ciliatus</i> | Flowers and Grasses | Optional |
| hairy woodland brome | <i>Bromus pubescens</i> | Flowers and Grasses | Optional |
| hairy evening primrose | <i>Oenothera villosa</i> subsp. <i>villosa</i> | Flowers and Grasses | Optional |

| | | | |
|---------------------------|--|---------------------|----------|
| little evening primrose | <i>Oenothera perennis</i> | Flowers and Grasses | Optional |
| meadow evening primrose | <i>Oenothera pilosella</i> subsp. <i>pilosella</i> | Flowers and Grasses | Optional |
| northern evening primrose | <i>Oenothera parviflora</i> | Flowers and Grasses | Optional |
| Oakes' evening primrose | <i>Oenothera oakesiana</i> | Flowers and Grasses | Optional |
| American vetch | <i>Vicia americana</i> subsp. <i>americana</i> | Flowers and Grasses | Optional |
| Carolina vetch | <i>Vicia caroliniana</i> | Flowers and Grasses | Optional |
| western brackenfern | <i>Pteridium aquilinum</i> var. <i>latiusculum</i> | Flowers and Grasses | Optional |
| hybrid cattail | <i>Typha × glauca</i> [<i>angustifolia</i> or <i>domingensis</i> × <i>latifolia</i>] | Flowers and Grasses | Optional |
| narrowleaf cattail | <i>Typha angustifolia</i> | Flowers and Grasses | Optional |
| wild quinine | <i>Parthenium integrifolium</i> var. <i>integrifolium</i> | Flowers and Grasses | Optional |
| largeleaf wild indigo | <i>Baptisia alba</i> var. <i>macrophylla</i> | Flowers and Grasses | Optional |
| longbract wild indigo | <i>Baptisia bracteata</i> | Flowers and Grasses | Optional |
| longbract wild indigo | <i>Baptisia bracteata</i> var. <i>leucophaea</i> | Flowers and Grasses | Optional |
| white wild indigo | <i>Baptisia alba</i> | Flowers and Grasses | Optional |
| waxyleaf meadow-rue | <i>Thalictrum revolutum</i> | Flowers and Grasses | Optional |
| Canadian milkvetch | <i>Astragalus canadensis</i> | Flowers and Grasses | Optional |
| Canadian milkvetch | <i>Astragalus canadensis</i> var. <i>canadensis</i> | Flowers and Grasses | Optional |
| Cooper's milkvetch | <i>Astragalus neglectus</i> | Flowers and Grasses | Optional |
| big bluestem | <i>Andropogon gerardii</i> | Flowers and Grasses | Optional |
| Norwegian cinquefoil | <i>Potentilla norvegica</i> subsp. <i>monspeliensis</i> | Flowers and Grasses | Optional |
| tall cinquefoil | <i>Potentilla arguta</i> subsp. <i>arguta</i> | Flowers and Grasses | Optional |
| dwarf lake iris | <i>Iris lacustris</i> | Flowers and Grasses | Optional |
| Shreve's iris | <i>Iris virginica</i> var. <i>shrevei</i> | Flowers and Grasses | Optional |

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|-----------------------------------|--|------------------------|----------|
| Virginia iris | <i>Iris virginica</i> | Flowers and Grasses | Optional |
| prairie cordgrass | <i>Spartina pectinata</i> | Flowers and Grasses | Optional |
| wingstem | <i>Verbesina alternifolia</i> | Flowers and Grasses | Optional |
| American mannagrass | <i>Glyceria grandis</i> var. <i>grandis</i> | Flowers and Grasses | Optional |
| floating mannagrass | <i>Glyceria septentrionalis</i> | Flowers and Grasses | Optional |
| rattlesnake mannagrass | <i>Glyceria canadensis</i> | Flowers and Grasses | Optional |
| butterfly milkweed | <i>Asclepias tuberosa</i> | Flowers and Grasses | Optional |
| butterfly milkweed | <i>Asclepias tuberosa</i> subsp. <i>interior</i> | Flowers and Grasses | Optional |
| common milkweed | <i>Asclepias syriaca</i> | Flowers and Grasses | Optional |
| green comet milkweed | <i>Asclepias viridiflora</i> | Flowers and Grasses | Optional |
| oval-leaf milkweed | <i>Asclepias ovalifolia</i> | Flowers and Grasses | Optional |
| poke milkweed | <i>Asclepias exaltata</i> | Flowers and Grasses | Optional |
| purple milkweed | <i>Asclepias purpurascens</i> | Flowers and Grasses | Optional |
| swamp milkweed | <i>Asclepias incarnata</i> | Flowers and Grasses | Optional |
| swamp milkweed | <i>Asclepias incarnata</i> subsp. <i>incarnata</i> | Flowers and Grasses | Optional |
| biennial wormwood | <i>Artemisia biennis</i> | Flowers and Grasses | Optional |
| field sagewort | <i>Artemisia campestris</i> | Flowers and Grasses | Optional |
| field sagewort | <i>Artemisia campestris</i> subsp. <i>caudata</i> | Flowers and Grasses | Optional |
| white sagebrush | <i>Artemisia ludoviciana</i> subsp. <i>ludoviciana</i> | Flowers and Grasses | Optional |
| red columbine | <i>Aquilegia canadensis</i> | Flowers and Grasses | Optional |
| hoary verbena | <i>Verbena stricta</i> | Flowers and Grasses | Optional |
| narrowleaf vervain | <i>Verbena simplex</i> | Flowers and Grasses | Optional |
| vervain | <i>Verbena xengelmannii</i> [<i>hastata</i> × <i>urticifolia</i>] | Flowers and Grasses | Optional |

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|-----------------------------------|--|------------------------|----------|
| white vervain | <i>Verbena urticifolia</i> | Flowers and Grasses | Optional |
| white vervain | <i>Verbena urticifolia</i> var. <i>leiocarpa</i> | Flowers and Grasses | Optional |
| white vervain | <i>Verbena urticifolia</i> var. <i>urticifolia</i> | Flowers and Grasses | Optional |
| foxglove beardtongue | <i>Penstemon digitalis</i> | Flowers and Grasses | Optional |
| hairy beardtongue | <i>Penstemon hirsutus</i> | Flowers and Grasses | Optional |
| marsh hedgenettle | <i>Stachys palustris</i> | Flowers and Grasses | Optional |
| smooth hedgenettle | <i>Stachys tenuifolia</i> | Flowers and Grasses | Optional |
| flowering spurge | <i>Euphorbia corollata</i> | Flowers and Grasses | Optional |
| bottomland aster | <i>Sympyotrichum ontarionis</i> | Flowers and Grasses | Optional |
| calico aster | <i>Sympyotrichum lateriflorum</i> var. <i>lateriflorum</i> | Flowers and Grasses | Optional |
| common blue wood aster | <i>Sympyotrichum cordifolium</i> | Flowers and Grasses | Optional |
| crookedstem aster | <i>Sympyotrichum prenanthoides</i> | Flowers and Grasses | Optional |
| Drummond's aster | <i>Sympyotrichum drummondii</i> var. <i>drummondii</i> | Flowers and Grasses | Optional |
| hairy white oldfield aster | <i>Sympyotrichum pilosum</i> var. <i>pilosum</i> | Flowers and Grasses | Optional |
| Lindley's aster | <i>Sympyotrichum ciliolatum</i> | Flowers and Grasses | Optional |
| New England aster | <i>Sympyotrichum novae-angliae</i> | Flowers and Grasses | Optional |
| northern bog aster | <i>Sympyotrichum boreale</i> | Flowers and Grasses | Optional |
| Pringle's aster | <i>Sympyotrichum pilosum</i> var. <i>pringlei</i> | Flowers and Grasses | Optional |
| purplestem aster | <i>Sympyotrichum puniceum</i> var. <i>puniceum</i> | Flowers and Grasses | Optional |
| rayless alkali aster | <i>Sympyotrichum ciliatum</i> | Flowers and Grasses | Optional |
| Short's aster | <i>Sympyotrichum shortii</i> | Flowers and Grasses | Optional |
| skyblue aster | <i>Sympyotrichum oolentangiense</i> var. <i>oolentangiense</i> | Flowers and Grasses | Optional |
| smooth blue aster | <i>Sympyotrichum laeve</i> var. <i>laeve</i> | Flowers and Grasses | Optional |

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| western silver aster | <i>Symphyotrichum sericeum</i> | Flowers and Grasses | Optional |
| white heath aster | <i>Symphyotrichum ericoides</i> var. <i>ericoides</i> | Flowers and Grasses | Optional |
| white panicle aster | <i>Symphyotrichum lanceolatum</i> var. <i>lanceolatum</i> | Flowers and Grasses | Optional |
| nodding fescue | <i>Festuca subverticillata</i> | Flowers and Grasses | Optional |
| red fescue | <i>Festuca rubra</i> | Flowers and Grasses | Optional |
| red fescue | <i>Festuca rubra</i> subsp. <i>rubra</i> | Flowers and Grasses | Optional |
| downy phlox | <i>Phlox pilosa</i> subsp. <i>fulgida</i> | Flowers and Grasses | Optional |
| Lapham's phlox | <i>Phlox divaricata</i> subsp. <i>laphamii</i> | Flowers and Grasses | Optional |
| common sneezeweed | <i>Helenium autumnale</i> | Flowers and Grasses | Optional |
| common sneezeweed | <i>Helenium autumnale</i> var. <i>autumnale</i> | Flowers and Grasses | Optional |
| bulblet-bearing water hemlock | <i>Cicuta bulbifera</i> | Flowers and Grasses | Optional |
| American white waterlily | <i>Nymphaea odorata</i> subsp. <i>tuberosa</i> | Flowers and Grasses | Optional |
| panicled bulrush | <i>Scirpus microcarpus</i> | Flowers and Grasses | Optional |
| rufous bulrush | <i>Scirpus pendulus</i> | Flowers and Grasses | Optional |
| woolgrass | <i>Scirpus cyperinus</i> | Flowers and Grasses | Optional |
| broadfruit bur-reed | <i>Sparganium eurycarpum</i> | Flowers and Grasses | Optional |
| clammy groundcherry | <i>Physalis heterophylla</i> var. <i>heterophylla</i> | Flowers and Grasses | Optional |
| longleaf groundcherry | <i>Physalis longifolia</i> var. <i>longifolia</i> | Flowers and Grasses | Optional |
| longleaf groundcherry | <i>Physalis longifolia</i> var. <i>subglabrata</i> | Flowers and Grasses | Optional |
| Virginia groundcherry | <i>Physalis virginiana</i> var. <i>virginiana</i> | Flowers and Grasses | Optional |
| Michigan lily | <i>Lilium michiganense</i> | Flowers and Grasses | Optional |
| wood lily | <i>Lilium philadelphicum</i> var. <i>andinum</i> | Flowers and Grasses | Optional |
| variegated yellow pond-lily | <i>Nuphar lutea</i> subsp. <i>variegata</i> | Flowers and Grasses | Optional |

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| prairie rosinweed | <i>Silphium terebinthinaceum</i> var. <i>terebinthinaceum</i> | Flowers and Grasses | Optional |
| wholeleaf rosinweed | <i>Silphium integrifolium</i> var. <i>integrifolium</i> | Flowers and Grasses | Optional |
| arctic rush | <i>Juncus arcticus</i> | Flowers and Grasses | Optional |
| Dudley's rush | <i>Juncus dudleyi</i> | Flowers and Grasses | Optional |
| knotted rush | <i>Juncus nodosus</i> | Flowers and Grasses | Optional |
| knotted rush | <i>Juncus nodosus</i> var. <i>nodosus</i> | Flowers and Grasses | Optional |
| mountain rush | <i>Juncus arcticus</i> subsp. <i>littoralis</i> | Flowers and Grasses | Optional |
| northern green rush | <i>Juncus alpinoarticulatus</i> | Flowers and Grasses | Optional |
| northern green rush | <i>Juncus alpinoarticulatus</i> subsp. <i>nodulosus</i> | Flowers and Grasses | Optional |
| saltmeadow rush | <i>Juncus gerardii</i> | Flowers and Grasses | Optional |
| saltmeadow rush | <i>Juncus gerardii</i> var. <i>gerardii</i> | Flowers and Grasses | Optional |
| triangle orache | <i>Atriplex prostrata</i> | Flowers and Grasses | Optional |
| brightblue speedwell | <i>Veronica serpyllifolia</i> subsp. <i>humifusa</i> | Flowers and Grasses | Optional |
| neckweed | <i>Veronica peregrina</i> subsp. <i>peregrina</i> | Flowers and Grasses | Optional |
| nodding chickweed | <i>Cerastium nutans</i> | Flowers and Grasses | Optional |
| nodding chickweed | <i>Cerastium nutans</i> var. <i>nutans</i> | Flowers and Grasses | Optional |
| cinnamon fern | <i>Osmunda cinnamomea</i> var. <i>cinnamomea</i> | Flowers and Grasses | Optional |
| flat-top goldentop | <i>Euthamia graminifolia</i> | Flowers and Grasses | Optional |
| flat-top goldentop | <i>Euthamia graminifolia</i> var. <i>graminifolia</i> | Flowers and Grasses | Optional |
| flatstem pondweed | <i>Potamogeton zosteriformis</i> | Flowers and Grasses | Optional |
| leafy pondweed | <i>Potamogeton foliosus</i> subsp. <i>foliosus</i> | Flowers and Grasses | Optional |
| longleaf pondweed | <i>Potamogeton nodosus</i> | Flowers and Grasses | Optional |
| ribbonleaf pondweed | <i>Potamogeton epihydrus</i> | Flowers and Grasses | Optional |

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|-----------------------------------|--|---------------------|----------|
| small pondweed | <i>Potamogeton pusillus</i> subsp. <i>pusillus</i> | Flowers and Grasses | Optional |
| golden tickseed | <i>Coreopsis tinctoria</i> var. <i>tinctoria</i> | Flowers and Grasses | Optional |
| lanceleaf tickseed | <i>Coreopsis lanceolata</i> | Flowers and Grasses | Optional |
| fourflower yellow loosestrife | <i>Lysimachia quadriflora</i> | Flowers and Grasses | Optional |
| tufted loosestrife | <i>Lysimachia thyrsiflora</i> | Flowers and Grasses | Optional |
| bulbous bittercress | <i>Cardamine bulbosa</i> | Flowers and Grasses | Optional |
| crinkleroot | <i>Cardamine diphylla</i> | Flowers and Grasses | Optional |
| cuckoo flower | <i>Cardamine pratensis</i> | Flowers and Grasses | Optional |
| cuckoo flower | <i>Cardamine pratensis</i> var. <i>pratensis</i> | Flowers and Grasses | Optional |
| cutleaf toothwort | <i>Cardamine concatenata</i> | Flowers and Grasses | Optional |
| limestone bittercress | <i>Cardamine douglassii</i> | Flowers and Grasses | Optional |
| Pennsylvania bittercress | <i>Cardamine pensylvanica</i> | Flowers and Grasses | Optional |
| great Indian plantain | <i>Arnoglossum reniforme</i> | Flowers and Grasses | Optional |
| groovestem Indian plantain | <i>Arnoglossum plantagineum</i> | Flowers and Grasses | Optional |
| pale Indian plantain | <i>Arnoglossum atriplicifolium</i> | Flowers and Grasses | Optional |
| widowsfrill | <i>Silene stellata</i> | Flowers and Grasses | Optional |
| common cowparsnip | <i>Heracleum maximum</i> | Flowers and Grasses | Optional |
| largeflower yellow false foxglove | <i>Aureolaria grandiflora</i> | Flowers and Grasses | Optional |
| largeflower yellow false foxglove | <i>Aureolaria grandiflora</i> var. <i>pulchra</i> | Flowers and Grasses | Optional |
| bluejoint | <i>Calamagrostis canadensis</i> | Flowers and Grasses | Optional |
| bluejoint | <i>Calamagrostis canadensis</i> var. <i>canadensis</i> | Flowers and Grasses | Optional |
| lanceleaf figwort | <i>Scrophularia lanceolata</i> | Flowers and Grasses | Optional |
| fireweed | <i>Chamerion angustifolium</i> | Flowers and Grasses | Optional |

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|-------------------------------|--|---------------------|----------|
| fireweed | <i>Chamerion angustifolium</i> subsp. <i>circumvagum</i> | Flowers and Grasses | Optional |
| little bluestem | <i>Schizachyrium scoparium</i> var. <i>scoparium</i> | Flowers and Grasses | Optional |
| Allegheny monkeyflower | <i>Mimulus ringens</i> var. <i>ringens</i> | Flowers and Grasses | Optional |
| creamflower rockcress | <i>Arabis hirsuta</i> var. <i>pycnocarpa</i> | Flowers and Grasses | Optional |
| hairy rockcress | <i>Arabis hirsuta</i> | Flowers and Grasses | Optional |
| lyrate rockcress | <i>Arabis lyrata</i> | Flowers and Grasses | Optional |
| Short's rockcress | <i>Arabis shortii</i> | Flowers and Grasses | Optional |
| sicklepod | <i>Arabis canadensis</i> | Flowers and Grasses | Optional |
| smooth rockcress | <i>Arabis laevigata</i> | Flowers and Grasses | Optional |
| smooth rockcress | <i>Arabis laevigata</i> var. <i>laevigata</i> | Flowers and Grasses | Optional |
| tower rockcress | <i>Arabis glabra</i> | Flowers and Grasses | Optional |
| white turtlehead | <i>Chelone glabra</i> | Flowers and Grasses | Optional |
| Great Plains flatsedge | <i>Cyperus lupulinus</i> | Flowers and Grasses | Optional |
| Great Plains flatsedge | <i>Cyperus lupulinus</i> subsp. <i>macilentus</i> | Flowers and Grasses | Optional |
| redroot flatsedge | <i>Cyperus erythrorhizos</i> | Flowers and Grasses | Optional |
| Schweinitz's flatsedge | <i>Cyperus schweinitzii</i> | Flowers and Grasses | Optional |
| slender flatsedge | <i>Cyperus bipartitus</i> | Flowers and Grasses | Optional |
| strawcolored flatsedge | <i>Cyperus strigosus</i> | Flowers and Grasses | Optional |
| umbrella flatsedge | <i>Cyperus diandrus</i> | Flowers and Grasses | Optional |
| purplestem angelica | <i>Angelica atropurpurea</i> | Flowers and Grasses | Optional |
| old man's whiskers | <i>Geum triflorum</i> | Flowers and Grasses | Optional |
| old man's whiskers | <i>Geum triflorum</i> var. <i>triflorum</i> | Flowers and Grasses | Optional |
| purple avens | <i>Geum rivale</i> | Flowers and Grasses | Optional |

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| white avens | Geum canadense | Flowers and Grasses | Optional |
| white avens | Geum canadense var. canadense | Flowers and Grasses | Optional |
| yellow avens | Geum aleppicum | Flowers and Grasses | Optional |
| bastard toadflax | Comandra umbellata subsp. umbellata | Flowers and Grasses | Optional |
| longflower beeblissom | Gaura longiflora | Flowers and Grasses | Optional |
| common threeseed mercury | Acalypha rhomboidea | Flowers and Grasses | Optional |
| purple false foxglove | Agalinis purpurea | Flowers and Grasses | Optional |
| roundstem false foxglove | Agalinis gattingeri | Flowers and Grasses | Optional |
| slenderleaf false foxglove | Agalinis tenuifolia | Flowers and Grasses | Optional |
| Texas croton | Croton texensis | Flowers and Grasses | Optional |
| Texas croton | Croton texensis var. texensis | Flowers and Grasses | Optional |
| Virginia tephrosia | Tephrosia virginiana | Flowers and Grasses | Optional |
| feverwort | Triosteum perfoliatum | Flowers and Grasses | Optional |
| orangefruit horse- gentian | Triosteum aurantiacum | Flowers and Grasses | Optional |
| orangefruit horse- gentian | Triosteum aurantiacum var. aurantiacum | Flowers and Grasses | Optional |
| cardinalflower | Lobelia cardinalis | Flowers and Grasses | Optional |
| Ontario lobelia | Lobelia kalmii | Flowers and Grasses | Optional |
| palespike lobelia | Lobelia spicata var. spicata | Flowers and Grasses | Optional |
| Canadian lousewort | Pedicularis canadensis subsp. canadensis | Flowers and Grasses | Optional |
| swamp lousewort | Pedicularis lanceolata | Flowers and Grasses | Optional |
| eastern marsh fern | Thelypteris palustris | Flowers and Grasses | Optional |
| eastern marsh fern | Thelypteris palustris var. pubescens | Flowers and Grasses | Optional |
| golden zizia | Zizia aurea | Flowers and Grasses | Optional |

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|---|--|------------------------|----------|
| meadow zizia | <i>Zizia aptera</i> | Flowers and Grasses | Optional |
| northern purple pitcherplant | <i>Sarracenia purpurea</i> var. <i>purpurea</i> | Flowers and Grasses | Optional |
| bald spikerush | <i>Eleocharis erythropoda</i> | Flowers and Grasses | Optional |
| flatstem spikerush | <i>Eleocharis compressa</i> | Flowers and Grasses | Optional |
| flatstem spikerush | <i>Eleocharis compressa</i> var. <i>compressa</i> | Flowers and Grasses | Optional |
| needle spikerush | <i>Eleocharis acicularis</i> var. <i>acicularis</i> | Flowers and Grasses | Optional |
| annual wildrice | <i>Zizania aquatica</i> | Flowers and Grasses | Optional |
| annual wildrice | <i>Zizania aquatica</i> var. <i>aquatica</i> | Flowers and Grasses | Optional |
| northern wildrice | <i>Zizania palustris</i> | Flowers and Grasses | Optional |
| northern wildrice | <i>Zizania palustris</i> var. <i>palustris</i> | Flowers and Grasses | Optional |
| sideoats grama | <i>Bouteloua curtipendula</i> | Flowers and Grasses | Optional |
| sideoats grama | <i>Bouteloua curtipendula</i> var. <i>curtipendula</i> | Flowers and Grasses | Optional |
| Canadian clearweed | <i>Pilea pumila</i> var. <i>pumila</i> | Flowers and Grasses | Optional |
| blue cohosh | <i>Caulophyllum thalictroides</i> | Flowers and Grasses | Optional |
| slender cottongrass | <i>Eriophorum gracile</i> | Flowers and Grasses | Optional |
| slender cottongrass | <i>Eriophorum gracile</i> var. <i>gracile</i> | Flowers and Grasses | Optional |
| tall cottongrass | <i>Eriophorum angustifolium</i> | Flowers and Grasses | Optional |
| tall cottongrass | <i>Eriophorum angustifolium</i> subsp. <i>angustifolium</i> | Flowers and Grasses | Optional |
| thinleaf cottonsedge | <i>Eriophorum viridicarinatum</i> | Flowers and Grasses | Optional |
| tussock cottongrass | <i>Eriophorum vaginatum</i> | Flowers and Grasses | Optional |
| tussock cottongrass | <i>Eriophorum vaginatum</i> var. <i>spissum</i> | Flowers and Grasses | Optional |
| Culver's root | <i>Veronicastrum virginicum</i> | Flowers and Grasses | Optional |
| composite dropseed | <i>Sporobolus compositus</i> var. <i>compositus</i> | Flowers and Grasses | Optional |

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| poverty dropseed | <i>Sporobolus vaginiflorus</i> var. <i>vaginiflorus</i> | Flowers and Grasses | Optional |
| false boneset | <i>Brickellia eupatorioides</i> | Flowers and Grasses | Optional |
| false boneset | <i>Brickellia eupatorioides</i> var. <i>corymbulosa</i> | Flowers and Grasses | Optional |
| marsh seedbox | <i>Ludwigia palustris</i> | Flowers and Grasses | Optional |
| hairy four o'clock | <i>Mirabilis hirsuta</i> | Flowers and Grasses | Optional |
| curlycup gumweed | <i>Grindelia squarrosa</i> var. <i>serrulata</i> | Flowers and Grasses | Optional |
| curlycup gumweed | <i>Grindelia squarrosa</i> var. <i>squarrosa</i> | Flowers and Grasses | Optional |
| American hogpeanut | <i>Amphicarpaea bracteata</i> | Flowers and Grasses | Optional |
| scarlet Indian paintbrush | <i>Castilleja coccinea</i> | Flowers and Grasses | Optional |
| Canada mayflower | <i>Maianthemum canadense</i> | Flowers and Grasses | Optional |
| threeleaf false lily of the valley | <i>Maianthemum trifolium</i> | Flowers and Grasses | Optional |
| poverty oatgrass | <i>Danthonia spicata</i> | Flowers and Grasses | Optional |
| yellow pimpernel | <i>Taenidia integerrima</i> | Flowers and Grasses | Optional |
| golden ragwort | <i>Packera aurea</i> | Flowers and Grasses | Optional |
| button eryngo | <i>Eryngium yuccifolium</i> | Flowers and Grasses | Optional |
| button eryngo | <i>Eryngium yuccifolium</i> var. <i>yuccifolium</i> | Flowers and Grasses | Optional |
| shrubby cinquefoil | <i>Dasiphora fruticosa</i> | Flowers and Grasses | Optional |
| shrubby cinquefoil | <i>Dasiphora fruticosa</i> subsp. <i>floribunda</i> | Flowers and Grasses | Optional |
| white snakeroot | <i>Ageratina altissima</i> | Flowers and Grasses | Optional |
| white snakeroot | <i>Ageratina altissima</i> var. <i>altissima</i> | Flowers and Grasses | Optional |
| crested woodfern | <i>Dryopteris cristata</i> | Flowers and Grasses | Optional |
| Goldie's woodfern | <i>Dryopteris goldieana</i> | Flowers and Grasses | Optional |
| intermediate woodfern | <i>Dryopteris intermedia</i> | Flowers and Grasses | Optional |

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| Canadian anemone | <i>Anemone canadensis</i> | Flowers and Grasses | Optional |
| candle anemone | <i>Anemone cylindrica</i> | Flowers and Grasses | Optional |
| common threesquare | <i>Schoenoplectus pungens</i> var. <i>pungens</i> | Flowers and Grasses | Optional |
| wild comfrey | <i>Cynoglossum virginianum</i> | Flowers and Grasses | Optional |
| wild comfrey | <i>Cynoglossum virginianum</i> var. <i>boreale</i> | Flowers and Grasses | Optional |
| goosefoot cornsalad | <i>Valerianella chenopodiifolia</i> | Flowers and Grasses | Optional |
| stiff cowbane | <i>Oxypolis rigidior</i> | Flowers and Grasses | Optional |
| American eelgrass | <i>Vallisneria americana</i> | Flowers and Grasses | Optional |
| low false bindweed | <i>Calystegia spithamea</i> | Flowers and Grasses | Optional |
| shortawn foxtail | <i>Alopecurus aequalis</i> | Flowers and Grasses | Optional |
| shortawn foxtail | <i>Alopecurus aequalis</i> var. <i>aequalis</i> | Flowers and Grasses | Optional |
| hoary frostweed | <i>Helianthemum bicknellii</i> | Flowers and Grasses | Optional |
| longbranch frostweed | <i>Helianthemum canadense</i> | Flowers and Grasses | Optional |
| Ohio goldenrod | <i>Oligoneuron ohioense</i> | Flowers and Grasses | Optional |
| prairie goldenrod | <i>Oligoneuron album</i> | Flowers and Grasses | Optional |
| Riddell's goldenrod | <i>Oligoneuron riddellii</i> | Flowers and Grasses | Optional |
| stiff goldenrod | <i>Oligoneuron rigidum</i> var. <i>rigidum</i> | Flowers and Grasses | Optional |
| purple giant hyssop | <i>Agastache scrophulariifolia</i> | Flowers and Grasses | Optional |
| common ladyfern | <i>Athyrium filix-femina</i> | Flowers and Grasses | Optional |
| subarctic ladyfern | <i>Athyrium filix-femina</i> subsp. <i>angustum</i> | Flowers and Grasses | Optional |
| softhair marbleseed | <i>Onosmodium bejariense</i> var. <i>hispidissimum</i> | Flowers and Grasses | Optional |
| Fraser's marsh St. Johnswort | <i>Triadenum fraseri</i> | Flowers and Grasses | Optional |
| Mexican muhly | <i>Muhlenbergia mexicana</i> | Flowers and Grasses | Optional |

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|---------------------------|--|------------------------|----------|
| scratchgrass | <i>Muhlenbergia asperifolia</i> | Flowers and Grasses | Optional |
| slimflower muhly | <i>Muhlenbergia tenuiflora</i> | Flowers and Grasses | Optional |
| spiked muhly | <i>Muhlenbergia glomerata</i> | Flowers and Grasses | Optional |
| ostrich fern | <i>Matteuccia struthiopteris</i> | Flowers and Grasses | Optional |
| white prairie clover | <i>Dalea candida</i> | Flowers and Grasses | Optional |
| white prairie clover | <i>Dalea candida</i> var. <i>candida</i> | Flowers and Grasses | Optional |
| field pussytoes | <i>Antennaria neglecta</i> | Flowers and Grasses | Optional |
| Parlin's pussytoes | <i>Antennaria parlinii</i> | Flowers and Grasses | Optional |
| Parlin's pussytoes | <i>Antennaria parlinii</i> subsp. <i>fallax</i> | Flowers and Grasses | Optional |
| spotted joe pye weed | <i>Eutrochium maculatum</i> | Flowers and Grasses | Optional |
| spotted joe pye weed | <i>Eutrochium maculatum</i> var. <i>maculatum</i> | Flowers and Grasses | Optional |
| sweetscented joe pye weed | <i>Eutrochium purpureum</i> | Flowers and Grasses | Optional |
| rabbit-tobacco | <i>Pseudognaphalium obtusifolium</i> subsp. <i>obtusifolium</i> | Flowers and Grasses | Optional |
| prairie sandreed | <i>Calamovilfa longifolia</i> | Flowers and Grasses | Optional |
| prairie sandreed | <i>Calamovilfa longifolia</i> var. <i>magna</i> | Flowers and Grasses | Optional |
| American searocket | <i>Cakile edentula</i> | Flowers and Grasses | Optional |
| American searocket | <i>Cakile edentula</i> subsp. <i>edentula</i> | Flowers and Grasses | Optional |
| American searocket | <i>Cakile edentula</i> var. <i>lacustris</i> | Flowers and Grasses | Optional |
| skunk cabbage | <i>Symplocarpus foetidus</i> | Flowers and Grasses | Optional |
| smooth oxeye | <i>Heliopsis helianthoides</i> | Flowers and Grasses | Optional |
| smooth oxeye | <i>Heliopsis helianthoides</i> var. <i>scabra</i> | Flowers and Grasses | Optional |
| bluejacket | <i>Tradescantia ohiensis</i> | Flowers and Grasses | Optional |
| Clayton's sweetroot | <i>Osmorrhiza claytonii</i> | Flowers and Grasses | Optional |

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|----------------------------------|--|------------------------|----------|
| longstyle sweetroot | <i>Osmorrhiza longistylis</i> | Flowers and Grasses | Optional |
| bloody butcher | <i>Trillium recurvatum</i> | Flowers and Grasses | Optional |
| nodding wakerobin | <i>Trillium flexipes</i> | Flowers and Grasses | Optional |
| snow trillium | <i>Trillium nivale</i> | Flowers and Grasses | Optional |
| whip-poor-will flower | <i>Trillium cernuum</i> | Flowers and Grasses | Optional |
| Canada wildrye | <i>Elymus canadensis</i> | Flowers and Grasses | Optional |
| eastern bottlebrush grass | <i>Elymus hystrix</i> | Flowers and Grasses | Optional |
| eastern bottlebrush grass | <i>Elymus hystrix</i> var. <i>bigeloviana</i> | Flowers and Grasses | Optional |
| eastern bottlebrush grass | <i>Elymus hystrix</i> var. <i>hystrix</i> | Flowers and Grasses | Optional |
| hairy wildrye | <i>Elymus villosus</i> | Flowers and Grasses | Optional |
| slender wheatgrass | <i>Elymus trachycaulus</i> subsp. <i>trachycaulus</i> | Flowers and Grasses | Optional |
| Virginia wildrye | <i>Elymus virginicus</i> | Flowers and Grasses | Optional |
| Virginia wildrye | <i>Elymus virginicus</i> var. <i>virginicus</i> | Flowers and Grasses | Optional |
| Richardson's alumroot | <i>Heuchera richardsonii</i> | Flowers and Grasses | Optional |
| bluebell bellflower | <i>Campanula rotundifolia</i> | Flowers and Grasses | Optional |
| marsh bellflower | <i>Campanula aparinoides</i> | Flowers and Grasses | Optional |
| largeflower bellwort | <i>Uvularia grandiflora</i> | Flowers and Grasses | Optional |
| common bladderwort | <i>Utricularia macrorhiza</i> | Flowers and Grasses | Optional |
| bloodroot | <i>Sanguinaria canadensis</i> | Flowers and Grasses | Optional |
| California poppy | <i>Eschscholzia californica</i> | Flowers and Grasses | Optional |
| California poppy | <i>Eschscholzia californica</i> subsp. <i>californica</i> | Flowers and Grasses | Optional |
| American spikenard | <i>Aralia racemosa</i> | Flowers and Grasses | Optional |
| American spikenard | <i>Aralia racemosa</i> subsp. <i>racemosa</i> | Flowers and Grasses | Optional |

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|----------------------------------|---|------------------------|----------|
| wild sarsaparilla | <i>Aralia nudicaulis</i> | Flowers and Grasses | Optional |
| false melic | <i>Schizachne purpurascens</i> | Flowers and Grasses | Optional |
| tarweed fiddleneck | <i>Amsinckia lycopsoides</i> | Flowers and Grasses | Optional |
| closed bottle gentian | <i>Gentiana andrewsii</i> | Flowers and Grasses | Optional |
| closed bottle gentian | <i>Gentiana andrewsii</i> var. <i>andrewsii</i> | Flowers and Grasses | Optional |
| plain gentian | <i>Gentiana alba</i> | Flowers and Grasses | Optional |
| coon's tail | <i>Ceratophyllum demersum</i> | Flowers and Grasses | Optional |
| dwarf scouringrush | <i>Equisetum scirpoides</i> | Flowers and Grasses | Optional |
| meadow horsetail | <i>Equisetum pratense</i> | Flowers and Grasses | Optional |
| scouringrush horsetail | <i>Equisetum hyemale</i> | Flowers and Grasses | Optional |
| scouringrush horsetail | <i>Equisetum hyemale</i> var. <i>affine</i> | Flowers and Grasses | Optional |
| smooth horsetail | <i>Equisetum laevigatum</i> | Flowers and Grasses | Optional |
| variegated scouringrush | <i>Equisetum variegatum</i> | Flowers and Grasses | Optional |
| variegated scouringrush | <i>Equisetum variegatum</i> var. <i>variegatum</i> | Flowers and Grasses | Optional |
| water horsetail | <i>Equisetum fluviatile</i> | Flowers and Grasses | Optional |
| green dragon | <i>Arisaema dracontium</i> | Flowers and Grasses | Optional |
| Jack in the pulpit | <i>Arisaema triphyllum</i> | Flowers and Grasses | Optional |
| Jack in the pulpit | <i>Arisaema triphyllum</i> subsp. <i>triphyllum</i> | Flowers and Grasses | Optional |
| greater yellow lady's slipper | <i>Cypripedium parviflorum</i> var. <i>makasin</i> | Flowers and Grasses | Optional |
| greater yellow lady's slipper | <i>Cypripedium parviflorum</i> var. <i>pubescens</i> | Flowers and Grasses | Optional |
| moccasin flower | <i>Cypripedium acaule</i> | Flowers and Grasses | Optional |
| ram's head lady's slipper | <i>Cypripedium arietinum</i> | Flowers and Grasses | Optional |
| showy lady's slipper | <i>Cypripedium reginae</i> | Flowers and Grasses | Optional |

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|--------------------------------------|--|------------------------|----------|
| white lady's slipper | <i>Cypripedium candidum</i> | Flowers and Grasses | Optional |
| Mexican lovegrass | <i>Eragrostis mexicana</i> | Flowers and Grasses | Optional |
| Mexican lovegrass | <i>Eragrostis mexicana subsp. mexicana</i> | Flowers and Grasses | Optional |
| purple lovegrass | <i>Eragrostis spectabilis</i> | Flowers and Grasses | Optional |
| sandbar lovegrass | <i>Eragrostis frankii</i> | Flowers and Grasses | Optional |
| teal lovegrass | <i>Eragrostis hypnoides</i> | Flowers and Grasses | Optional |
| tufted lovegrass | <i>Eragrostis pectinacea var. pectinacea</i> | Flowers and Grasses | Optional |
| Carolina mosquitofern | <i>Azolla caroliniana</i> | Flowers and Grasses | Optional |
| Mexican Mosquito Fern | <i>Azolla microphylla</i> | Flowers and Grasses | Optional |
| whip nutrush | <i>Scleria triglomerata</i> | Flowers and Grasses | Optional |
| eastern purple coneflower | <i>Echinacea purpurea</i> | Flowers and Grasses | Optional |
| eastern swamp saxifrage | <i>Saxifraga pensylvanica</i> | Flowers and Grasses | Optional |
| walking fern | <i>Asplenium rhizophyllum</i> | Flowers and Grasses | Optional |
| bearded sprangletop | <i>Leptochloa fusca subsp. fascicularis</i> | Flowers and Grasses | Optional |
| Malabar sprangletop | <i>Leptochloa fusca</i> | Flowers and Grasses | Optional |
| roundleaf sundew | <i>Drosera rotundifolia var. rotundifolia</i> | Flowers and Grasses | Optional |
| tobacco root | <i>Valeriana edulis</i> | Flowers and Grasses | Optional |
| tobacco root | <i>Valeriana edulis var. ciliata</i> | Flowers and Grasses | Optional |
| American water plantain | <i>Alisma subcordatum</i> | Flowers and Grasses | Optional |
| northern water plantain | <i>Alisma triviale</i> | Flowers and Grasses | Optional |
| eastern waterleaf | <i>Hydrophyllum virginianum</i> | Flowers and Grasses | Optional |
| eastern waterleaf | <i>Hydrophyllum virginianum var. virginianum</i> | Flowers and Grasses | Optional |
| Canadian waterweed | <i>Elodea canadensis</i> | Flowers and Grasses | Optional |

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|------------------------------|---|------------------------|----------|
| liverleaf wintergreen | <i>Pyrola asarifolia</i> subsp. <i>asarifolia</i> | Flowers and Grasses | Optional |
| waxflower shinleaf | <i>Pyrola elliptica</i> | Flowers and Grasses | Optional |
| light poppymallow | <i>Callirhoe alcaeoides</i> | Flowers and Grasses | Optional |

City of Sheboygan Planning Commission
City Hall
828 Center Avenue
Sheboygan, WI 53081

Re: Final Draft of Zoning Chapter Rewrite

Mayor Sorenson, Commissioners, and City Staff,

After over a year of collaboration, we are pleased to present you the final draft of a rewritten ***Chapter 105: General Zoning*** for the city of Sheboygan Code of Ordinances. This draft reorganizes, consolidates, and strengthens the city's land use development regulations in numerous ways. Specifically, the final draft includes the following changes.

1. A reorganized structure is easier to read, navigate, administer, and update to reflect the community's evolving priorities and needs.
2. Simplified administration procedures delegate review authority for day-to-day tasks to staff, focusing Plan Commission agendas on legislative, long-term planning, land division, planned development districts, and other high-level decisions that require public oversight.
3. A reduced reliance on subjective review procedures and conditional uses reduces legal risk associated with recent changes to state laws.
4. Consolidated zoning districts organize the city by intensity, rather than a strict separation of underlying uses, to better consider existing neighborhood context while still allowing the city to grow and adapt naturally over time.
5. Greater flexibility for residential developments, including allowing accessory dwelling units, duplexes, cottage courts, townhomes, and mixed-use buildings in a wider number of situations, also allows local, small-scale, and natural growth to address needed housing.
6. A consolidated use table allows for greater use flexibility within districts, while still regulating businesses most frequently cited as nuisances.
7. Objective site design regulations applied across the city update standards for native-focused landscaping; multi-modal access and parking lot design; dark sky lighting design; high-quality architecture; and similar publicly-visible aspects of development that provide flexibility for property owners while keeping high standards of development city-wide.

Furthermore, since the December 9 Plan Commission meeting, we made the following amendments to the ordinance based on community feedback.

1. Property owners may now build accessory buildings for lots with residential uses up to 24 feet, or the height of the principal building, whichever is shorter, if that accessory building includes a permitted accessory dwelling unit.
2. Development standards have been added for wireless communication towers, mobile home parks, outdoor dining areas.
3. The regulations regarding the administration of historical preservation procedures now lie within this zoning chapter and are unchanged from the city's existing ordinance. Previously, we recommended moving these regulations to a different chapter of the Code of Ordinances to consolidate similar committee descriptions; however, based on feedback from yourselves and the Historic Preservation Commission, they instead remain as-is for further discussion later.

In total, we believe these collective changes will clarify and strengthen Sheboygan's development processes and procedures. Its objective guidelines set meaningful standards for developers to follow and the public to easily understand. Most importantly, it sets a more flexible framework around which the city can discuss future changes to keep Sheboygan's zoning regulations up-to-date for decades to come. We greatly appreciated the city's engaged and supportive mindset throughout this rewrite process, remain available to assist the city implement this ordinance, and look forward to seeing your collective efforts bear fruit for all your businesses and residents.

Very truly yours,

von BRIESEN & ROPER, s.c.

Thor C. Jeppson
Samuel A. Schultz, AICP

**CITY OF SHEBOYGAN
ORDINANCE 35-25-26**

BY ALDERPERSON CLOSE.

DECEMBER 9, 2025.

AN ORDINANCE updating various sections of the Sheboygan Municipal Code so as to relocate the zoning-related boards and commissions.

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

SECTION 1: **REPEAL** “Sec 105-1006 Historic Preservation Regulations” of the Sheboygan Municipal Code is hereby *repealed* as follows:

R E P E A L

Sec 105-1006 **Historic Preservation Regulations** (Reserved)

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

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

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

~~*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.~~

Commission means the city historic preservation commission.

Historic district means an area designated by the city council on recommendation of the commission, that contains two or more historic improvements or sites.

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.

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

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

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

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

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

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

- b. ~~Are identified with historic personages or with important events in national, state or local history;~~
- c. ~~Embody the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship;~~
- d. ~~Are representative of the notable work of a master builder, designer or architect who influenced their age; or~~
- e. ~~Have yielded, or may be likely to yield, information important to prehistory or history.~~

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

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

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

- (1) ~~No owner or person in charge of a historic structure, historic site or structure within a historic district shall be issued a permit to reconstruct, alter or demolish all or any part of the exterior of such property or to construct any exterior improvement upon such designated property or properties or cause or permit any such work to be performed upon such property or demolish such property unless a certificate of appropriateness has been granted by the commission. Also, unless such certificate has been granted by the commission, the building inspector shall not issue a permit for any such work.~~
- (2) ~~Upon filing of any application for a certificate of appropriateness with the historic preservation commission, the commission shall approve the application unless:~~
 - a. ~~In the case of a designated historic structure or historic site, the proposed work would detrimentally change, destroy or adversely affect any exterior feature of the improvements or site upon which said work is to be done;~~
 - b. ~~In the case of the construction of a new improvement upon a historic site, or within a historic district, the exterior of such improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such site or within the district;~~

- e. ~~In the case of any property located in a historic district, the proposed construction, reconstruction, exterior alteration or demolition does not conform to the purpose and intent of this section and to the objectives and design criteria of the historic preservation plan for said district;~~
- d. ~~The building or structure is of such architectural or historical significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the city and state;~~
- e. ~~In the case of a request for the demolition of a deteriorated building or structure, any economic hardship or difficulty claimed by the owner is self-created or is the result of any failure to maintain the property in good repair.~~

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

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

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

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

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

(i) *Procedures.*

(1) *Designation of historic structures and historic sites.*

- a. ~~The commission may, after notice and public hearing, designate of historic structures and historic sites or rescind such designation or recommendation, after application of the criteria in subsection (d) of this section. At least ten days prior to such hearing, the commission shall notify the owners of record, as listed in the city office assessor, who are owners of property in whole or in part situated adjacent to the boundaries of the property affected.~~
- b. ~~The commission shall then conduct such public hearing and, in addition to the notified persons, may hear expert witnesses and shall have the power to subpoena such witnesses and records as it deems necessary. The commission may conduct an independent investigation into the proposed designation or rescission. Within ten days after the close of the public hearing, the commission may designate the property as either a historic structure or historic site or rescind the designation. After the designation or rescission has been made, notification shall be sent to the property owner or owners. Notification shall also be given to the city clerk, building inspector, plan commission and city assessor. The commission shall cause the designation or rescission to be recorded, at the city's expense, in the county register of deeds office.~~

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

(3) *Review and adoption procedure.*

- a. *Historic preservation.* The commission shall hold a public hearing when considering the plan for a historic district. Notice of the time, place and purpose of such hearing shall be given by publication as a Class 1 notice under state statute in the official city paper. Notice of the time, place and purpose of the public hearing shall also be sent by the city clerk to the alderperson of the alderpersonic district in which the Historic District is located, and the owners of record, as listed in the city office 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 days prior to the date

~~of the public hearing. Following the public hearing, the commission shall vote to recommend, reject or withhold action on the plan.~~

- ~~b. The city council. The city council, upon receipt of the recommendations from the commission shall hold a public hearing, notice to be given as notice in subsection (f)(2)b.1 of this section, and shall following the public hearing either designate or reject the historic district. Designation of the historic district shall constitute adoption of the plan prepared for that district and direct the implementation of said plan.~~
- ~~c. Interim control. No building permit shall be issued by the building inspector for alteration, construction, demolition, or removal of a nominated historic structure, historic site, or any property or structure within a nominated historic district from the date of the meeting of the commission at which a nomination form is first presented until the final disposition of the nomination by the commission or the 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 180 days.~~
- ~~d. Penalties for violations. Any person or persons violating any provision of this section shall be fined \$50.00 for each separate violation. Each and every day during which a violation continues shall be deemed to be a separate offense. Notice of violations shall be issued by the building inspector.~~
- ~~e. 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 2: ADOPTION “DIVISION 2-V-8 HISTORIC PRESERVATION COMMISSION” of the Sheboygan Municipal Code is hereby *added* as follows:

A D O P T I O N

DIVISION 2-V-8 HISTORIC PRESERVATION COMMISSION (*Added*)

Sec 2-780 Composition (*Added*)

A historic preservation commission is hereby created, consisting of seven voting members. Of the membership, if available in the community, one shall be a registered architect; one shall be a historian; one shall be a licensed real estate broker; one shall be an alderperson; and three shall be

citizen members with various backgrounds in areas such as finance, housing, construction and low-to-moderate income programs.

Sec 2-781 Appointment (*Added*)

A historic preservation commission is hereby created, consisting of seven voting members. Of the membership, if available in the community, one shall be a registered architect; one shall be a historian; one shall be a licensed real estate broker; one shall be an alderperson; and three shall be citizen members with various backgrounds in areas such as finance, housing, construction and low-to-moderate income programs.

Sec 2-782 Quorum and Officers (*Added*)

Four members of the historic preservation commission shall constitute a quorum for the transaction of business. The members of the historic preservation commission shall elect a chairperson and secretary for each annual session thereof, which election shall be held at the first annual meeting of the board. The secretary shall be the clerk of the board of review and shall keep an accurate record of all of its proceedings and shall give the notices of meetings and adjournments as provided for by statutes.

Sec 2-783 Definitions (*Added*)

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

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.

Commission means the city historic preservation commission.

Historic district means an area designated by the city council on recommendation of the commission, that contains two or more historic improvements or sites. Historic districts shall be geographically defined for any area of particular historic, architectural, or cultural significance to the city.

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.

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

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.

Sec 2-784 Purpose and Duties (Added)

The City declares that 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 historic preservation commission shall have the following powers and duties in order to safeguard the city's historic, prehistoric, and cultural heritage, to stabilize and improve property values and enhance the city's aesthetic character, and to protect such improvements, sites, and districts that represent or reflect elements of the city's cultural, social, economic, political, or architectural history:

(a) Recommend designation of historic structures and districts within the city. The historic preservation commission shall have the power to recommend that the city council designate historic structures, sites, and districts.

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

- a. Exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community;
- b. Are identified with historic personages or with important events in national, state or local history;
- c. Embody the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship;

- d. Are representative of the notable work of a master builder, designer or architect who influenced their age; or
- e. Have yielded, or may be likely to yield, information important to prehistory or history.
- f. The commission may adopt specific operating guidelines for historic structure, historic site and historic district designation providing such are in conformance with the provisions of this section.

(b) Recognition of historic structures, sites, and districts. At such time as a historic structure, site or district has been properly designated, the commission, in cooperation with the property owner may cause to be prepared and erected on such property at city expense, a suitable plaque declaring that such property is a historic structure, site or district.

(c) Regulation of construction, reconstruction, alteration, and demolition.

- (1) No owner or person in charge of a historic structure, historic site or structure within a historic district shall be issued a permit to reconstruct, alter or demolish all or any part of the exterior of such property or to construct any exterior improvement upon such designated property or properties or cause or permit any such work to be performed upon such property or demolish such property unless a certificate of appropriateness has been granted by the commission.
- (2) An owner or person in charge of a historic structure, historic site or structure within a historic district shall apply for a certificate of appropriateness on a form available in the Office of City Planner. The City Planner shall review applications for completeness. Complete applications shall be referred to the commission for determination within 45 days of referral.
- (3) If the commission determines that the application for a certificate of appropriateness and the proposed changes are consistent with the character and features of the property or district, the commission shall approve the application unless:
 - a. In the case of a designated historic structure or historic site, the proposed work would detrimentally change, destroy or adversely affect any exterior feature of the improvements or site upon which said work is to be done;
 - b. In the case of the construction of a new improvement upon a historic site, or within a historic district, the exterior of such

improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such site or within the district;

- c. In the case of any property located in a historic district, the proposed construction, reconstruction, exterior alteration or demolition does not conform to the purpose and intent of this section and to the objectives and design criteria of the historic preservation plan for said district;
- d. The building or structure is of such architectural or historical significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the city and state;
- e. In the case of a request for the demolition of a deteriorated building or structure, any economic hardship or difficulty claimed by the owner is self-created or is the result of any failure to maintain the property in good repair.

- (4) The issuance of a certificate of appropriateness shall not relieve the applicant from obtaining other permits and approvals required by the city. A building permit or other municipal permit shall be invalid if it is obtained without the presentation of the certificate of appropriateness required for the proposed work.
- (5) Ordinary maintenance and repairs may be undertaken without a certificate of appropriateness, provided that the work involves repairs to existing features of a historic structure or site or the replacement of elements of a structure with pieces identical in appearance and, provided that the work does not change the exterior appearance of the structure or site and does not require the issuance of a building permit.
- (6) Appeals. Should the commission fail to issue a certificate of appropriateness due to the failure of the proposal to conform to the guidelines, the applicant may appeal such decision to the city council within 30 days. In addition, if the commission fails to issue a certificate of appropriateness, the commission shall, with the cooperation of the applicant, work with the applicant in an attempt to obtain a certificate of appropriateness within the guidelines of this section.

(d) Procedure for designating historic structures and sites. A Class I notice and public hearing shall precede any commission recommendation for designation or rescission of

designation of a historic structure or site. At least ten days prior to such hearing, the commission shall notify the owners of record, as listed in the city office assessor, who are owners in whole or in part of property situated adjacent to the boundaries of the property affected. The commission shall have the power to subpoena such witnesses and records as it deems necessary to render an informed decision. The commission's recommendation shall be considered by city council at their next regularly scheduled meeting. Within ten days of city council designation or rescission, notice shall be sent to the property owner(s). The commission shall cause the designation or rescission to be recorded in the county register of deeds office, at city's expense.

(e) Procedure for creating a historic district.

- (1) The commission may prepare a historic preservation plan for each geographically defined proposed historic district with assistance from the department of planning and development. Such plan 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. The commission shall hold a public hearing when considering whether to create a historic district. Notice of the time, place and purpose of such hearing shall be given by publication as a Class 1 notice under state statute in the official city paper. Notice of the time, place and purpose of the public hearing shall also be sent by the city clerk to the alderperson of the aldermanic district in which the Historic District is located, and the owners of record, as listed in the city office 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 days prior to the date of the public hearing. Following the public hearing, the commission shall vote to recommend, reject or withhold action on the plan.
- (2) The city council shall hold a public hearing prior to considering whether to adopt the commission's recommendation for creating a historic district. Notice of the time, place and purpose of such hearing shall be given by publication as a Class 1 notice under state statute in the official city paper. Notice of the time, place and purpose of the public hearing shall also be sent by the city clerk to the alderperson of the aldermanic district in which the Historic District is located, and the owners of record, as listed in the city office 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 days prior to the date of the public hearing. Designation of the historic district shall constitute adoption of the plan prepared for that district.

(f) *Interim control.* No building permit shall be issued by the building inspector for alteration, construction, demolition, or removal of a nominated historic structure, historic site, or any property or structure within a nominated historic district from the date of the meeting of the commission at which a nomination form is first presented until the final disposition of the nomination by the commission or the 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 180 days.

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

SECTION 3: ADOPTION “DIVISION 2-V-9 PLAN COMMISSION” of the Sheboygan Municipal Code is hereby *added* as follows:

A D O P T I O N

DIVISION 2-V-9 PLAN COMMISSION (*Added*)

Sec 2-785 Powers and Duties (*Added*)

- (a) 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.
- (b) In general, the plan commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning. Under this article, its functions are primarily recommendatory to the city council pursuant to guidelines set forth in this article as to various matters, and always being mindful of the intent and purpose of this article.
- (c) The plan commission shall be subject to the same requirements and restrictions with respect to its meetings and rules as are contained in this section, relating to meetings and rules of the zoning board of appeals.

SECTION 4: ADOPTION “DIVISION 2-V-10 ZONING BOARD OF APPEALS” of the Sheboygan Municipal Code is hereby *added* as follows:

A D O P T I O N

DIVISION 2-V-10 ZONING BOARD OF APPEALS (*Added*)

Sec 2-786 Establishment and Membership (*Added*)

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

Sec 2-787 Powers and Duties (*Added*)

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

The board of appeals shall have the following powers:

- (a) To hear and decide appeals when it is alleged there is error in any order.
- (b) To hear and decide special exceptions to the terms of this article upon which the board of appeals is required to pass.
- (c) To authorize, upon appeal in specific cases, such variance from the terms of this article as will not be contrary to the public interest, when owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary

hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

- (d) Permit in appropriate cases, and subject to appropriate conditions and safeguards in harmony with the general purpose and intent of this article, a building or premises to be erected or used for such public utility purposes in any location which is reasonably necessary for the public convenience and welfare.
- (e) 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.
- (f) The board of appeals shall have the power to call on any other city department for assistance in the performance of its duties and it shall be the duty of such other departments to render such assistance as may be reasonably required.

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

Sec 2-788 Organization (Added)

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

Sec 2-789 Appeals (Added)

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

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

(c) 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.

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

- (1) A literal enforcement of the terms of city zoning regulations 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 accordance with the spirit of city zoning regulations.
- (4) The variance will cause substantial justice to be done.

(e) Variance considerations. When the board considers an appeal based on variance, it shall also consider the following in its decision:

- (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 city zoning regulations should be changed.
- (3) Hardship. No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.

- (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 article or the public interest.

Sec 2-790 Decision (*Added*)

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

- (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 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.

Sec 2-791 Review by Court of Record (*Added*)

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 5: REPEALER CLAUSE All ordinances or resolutions or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 6: EFFECTIVE DATE This ordinance shall be in effect from and after its passage and publication according to law.

PASSED AND ADOPTED BY THE CITY OF SHEBOYGAN COMMON COUNCIL

Presiding Officer

Attest

Ryan Sorenson, Mayor, City of
Sheboygan

Meredith DeBruin, City Clerk, City of
Sheboygan