

## Chapter 365

### ZONING

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[HISTORY: Adopted by the Common Council of the City of Sheboygan Falls 6-24-2024 by Ord. No. 1-2024.<sup>1</sup> Amendments noted where applicable.]

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#### § 365-1. Introduction, authority, purpose and interpretation.

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

#### § 365-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

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1. Editor's Note: This ordinance also repealed former Ch. 365, Zoning, adopted 10-4-2005 as Ch. 17 of the 2005 Code of Ordinances, as amended.

ACCESSORY BUILDING — Any building, except the principal building on a lot, which:

- A. Is subordinate to and serves a principal structure or a principal use;
- B. Is subordinate in area, extent, and purpose to the principal structure or use served;
- C. Is located on the same lot as the principal structure or use served except as otherwise expressly authorized by provision of this chapter; and
- D. Is customarily incidental to the principal structure or use. Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.

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

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

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

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

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

CELLAR — A story having more than 1/2 of its height below the mean level of the adjoining ground. A cellar shall not be occupied for living purposes and shall not be counted as a story for purposes of height measurements.

CLEAR SPACE — Any area not covered by a building.

DWELLING, MULTIPLE-FAMILY — A building, or portion thereof, designed for and occupied by three or more families.

DWELLING, SINGLE-FAMILY — A detached building designated for, or occupied exclusively by, one family. All single-family dwellings (including manufactured dwellings, manufactured homes, and modular homes) shall meet all of the requirements as follows:

- A. Shall be set on an enclosed foundation in accordance with § 70.043(1), Wis. Stats.,<sup>2</sup> which meets the standards set forth in Subchapters III, IV, and V of Chapter SPS 321, Wisconsin Administrative Code, Construction Standards, or is set on a comparable enclosed foundation system approved by the Zoning Administrator. The Zoning Administrator may require a plan certified by a registered architect or registered professional engineer to be submitted in order to ascertain that a proposed comparable foundation system provides proper support for the structure.
- B. Shall be properly connected to utilities.
- C. Shall have a minimum width of 24 feet.
- D. Shall have a minimum roof pitch of 4:12 (four feet of rise in 12 feet of run).
- E. Shall have a minimum floor area as defined in each of the individual zoning district requirements following in this chapter.

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2. Editor's Note: Section 70.043, Wis. Stats., was repealed by 2023 Act 12, § 72, effective January 1, 2024.

- F. Shall have exterior wall coverings consisting of any of the following:
- (1) Wood or simulated wood;
  - (2) Brick or stone; or
  - (3) Noncorrugated aluminum, steel or vinyl siding.
- G. Shall have a permanent foundation meeting the requirements of the State Uniform Dwelling Code which surrounds the entire perimeter of the structure and completely encloses the space between the siding and the finished grade, and shall have a basement with concrete flooring.

**DWELLING, TWO-FAMILY** — A building designed for or occupied exclusively by two families living independently from each other, and complies with all of the requirements for a single-family dwelling set forth in the definition of "dwelling, single-family" immediately above.

**FAMILY** — One or more persons occupying a dwelling unit as a single nonprofit housekeeping unit, who are living together as a bona fide, stable and committed living unit, being a traditional family unit or the functional equivalent thereof, exhibiting the generic character of a traditional family.

**FLOOR AREA** — The area within the exterior walls of a building which is usable as living quarters.

**GARAGE, PRIVATE** — An accessory building or space for the noncommercial storage only of not more than four motor-driven vehicles per dwelling.

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

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

**HOME OCCUPATION** — Any occupation, profession, enterprise, or similar activity conducted on the premises of a dwelling unit by members of the family only with a conditional use permit and that is compatible in size and scope in an urban residential setting. The term does not include hobbies or similar noncommercial activities or remote work from home for an off-site employer. Each home occupation requires conditional use permit approval as provided by § 365-21 of this Code, including notice and a public hearing conducted by the Plan Commission. The application for a home occupation conditional use permit must be filed with the Zoning Administrator. Conditions may be imposed on the home occupation that are related to the intent and purpose of the City's zoning regulations. Conditions will include a restriction that home-occupation-related traffic must occur during normal daytime business hours, a requirement that sufficient on-site parking for occupational vehicles be provided, a requirement that on-site signage must comply with § 365-22 of this Code, and a requirement that the home occupation is not to generate traffic, noise, or other conditions that would create a public nuisance.

**HOTEL** — All places wherein sleeping accommodations are offered for pay to transients, in five or more rooms, and all places used in connection therewith.

**LODGING HOUSE** — A building other than a hotel where lodging only is provided for compensation for not more than 12 persons not members of the family.

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

**LOT, CORNER** — A lot abutting on two or more streets at their intersection, provided that the interior angle of such intersection is less than 135°.

**MOBILE HOME** — A mobile home is that which is, or was as originally constructed, designed to be

transported by any motor vehicle upon a public highway, and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; and includes any additions, attachments, annexes, foundations, and appurtenances.

**MOTEL** — A hotel that furnishes on-premises parking for motor vehicles of guests as part of the room charge, without extra cost, and that is identified as a "motel" rather than a "hotel" at the request of the operator.

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

**PARKING** — An area for storage of motor vehicles which is paved with either concrete, asphalt, or gravel.

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

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

**PRINCIPAL USE** — Any and all uses of a property that are permitted by right or as conditional uses.

**RECREATION VEHICLE** — A portable unit used for temporary shelter or transportation not exceeding eight feet in width, 30 feet in length and 10 feet in height.

**RIGHT-OF-WAY LINE** — The dividing line between a lot, tract, or parcel of land and an abutting street.

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

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

**STORY** — That portion of a building included between the floor and the surface of the floor next above it, or the space between the floor and the ceiling next above it if there be no floor above it. A basement or cellar having 1/2 or more of its height above grade is a story for purposes of height regulation.

**STORY, HALF** — The space under any roof, except a flat roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story.

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

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

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

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

**TOURIST ROOMING HOUSE or SHORT-TERM RENTAL** — All lodging places and tourist cabins or cottages, other than hotels or motels, in which sleeping accommodations are offered for pay to tourists or transients. "Tourist rooming house" does not include private boarding or rooming houses, ordinarily conducted as such, not accommodating tourists or transients, or a bed-and-breakfast establishment.

**VARIANCE** — A departure from the terms of the Zoning Code where it is shown that unique, physical circumstances applying to a land parcel cause a hardship to the owner, and that the variance still will be in

fundamental harmony with surrounding uses.

**YARD, FRONT** — A yard extending the full width of the lot between the front lot line and the nearest wall of a building.

**YARD, REAR** — A yard extending the full width of the lot between the rear lot line and the nearest wall of a building.

**YARD, SIDE** — A yard extending from the front yard to the rear yard between the side lot lines and nearest wall of the principal building.

**ZONING ADMINISTRATOR** — The Zoning Administrator, for purposes of administering the City's Zoning Code, shall be the City Administrator/Utility Manager or their designee.

### **§ 365-3. General provisions.**

- A. Lot area. After adoption of this chapter, no lot area shall be so reduced that the dimensions and yard requirements imposed herein cannot be met. However, where existing lots do not satisfy such requirements, they shall be governed by § 365-28; however, the zoning classification requirements of this chapter shall be met.
- B. Accessory buildings. Accessory buildings shall not occupy more than 30% of the required area for the rear yard. Any accessory buildings projected forward of the rear building line of the principal building shall satisfy the same side yard requirements as the principal building.
- C. Area obstructions. Every part of the required area of a yard shall be open to the sky unobstructed, except for accessory buildings and the ordinary projection of sills, cornices, and ornamental features which shall not exceed 12 inches into the setback, except that in commercial areas, a permanent awning, plus its accessory columns or struts, may project not more than five feet into a required front or side yard.
- D. Vision clearance triangle. In each quadrant of every street intersection there shall be designed a vision clearance triangle, bounded by the inner face of curblines and a line connecting them 35 feet from their theoretical intersection. Within this triangle, no object, including trees, shrubs and bushes shall be allowed above a height of 2 1/2 feet above the top of curb, or edge of pavement if no curb is present, if it obstructs the view across the triangle. This subsection shall not apply to posts, wire fences, or the C1 District.
- E. Cul-de-sac. In the use of a cul-de-sac, a lot width shall be constructed as that distance from side boundaries to side boundaries at the front setback line.
- F. Number of buildings per lot. In the R2, R3, R5, R6, R7, C1, C2, and C3 Districts, only one principal building shall be permitted on any one lot. In the R4, I1, I2, PUD and BPD Districts, more than one principal building may be permitted on any one lot upon the granting of a conditional use permit, provided that area and setback requirements of the applicable district are satisfied.

### **§ 365-4. Single-Family Residence District (R1).**

- A. Permitted uses. The R1 District is intended to provide spacious residential land uses in rural or urban areas. Permitted uses are:
  - (1) Single-family dwellings.
  - (2) Public parks and recreational areas, but not including facilities for organized athletics.

- (3) All public utility transmission and distribution lines to be underground.
- (4) One private garage and accessory building.
- (5) Uses customarily incident to any of the above uses, provided that no such use generates traffic or noise that would create a public nuisance.
- (6) Passive outdoor recreational land uses such as arboretums, natural areas, wildlife areas, hiking trails, bicycle trails, cross-country ski trails, picnic areas, gardens, fishing areas and similar land uses.

B. Construction requirements.

- (1) Maximum building height.
  - (a) Principal building: 35 feet.
  - (b) Accessory building: 15 feet.
- (2) Side yard.
  - (a) Principal building: 15 feet on a side, 30 feet total.
  - (b) Accessory building: 15 feet on a side, 30 feet total.
- (3) Front yard setback: 35 feet.
- (4) Rear yard setback.
  - (a) Principal building: 35 feet.
  - (b) Accessory building: 15 feet.
- (5) Lot area per family: 24,000 square feet.
- (6) Minimum lot width: 120 feet.
- (7) Minimum floor area per family: 2,000 square feet.
- (8) Off-street parking, residential: four, including garage.
- (9) Basements are required in all homes in this zoning classification.

**§ 365-5. Single-Family Residence District (R2).**

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

- (1) Any use permitted in the R1 District.
- (2) Single-family dwellings.
- (3) Churches and elementary, junior and senior high schools.
- (4) Municipal buildings, except sewage treatment plants, garbage incinerators, warehouses, public garages, public shops or storage yards, penal or correctional institutions, and asylums.

- (5) Public parks, playgrounds, recreational and community center buildings and grounds.
- (6) Telephone buildings, exchanges, and lines and transformer stations, except microwave radio relay structures, or community television antenna towers, unless their location is approved following provisions of § 365-21.
- (7) One private garage and accessory buildings.
- (8) Uses customarily incident to any of the above uses, provided that no such use generates traffic or noise that would create a public or private nuisance.
- (9) Passive outdoor recreational land uses such as arboretums, natural areas, wildlife areas, hiking trails, bicycle trails, cross-country ski trails, picnic areas, gardens, fishing areas and similar land uses.

B. Construction requirements.

- (1) Maximum building heights.
  - (a) Principal building: 35 feet.
  - (b) Accessory building: 15 feet.
- (2) Side yard.
  - (a) Principal building: 10 feet on a side, 20 feet total.
  - (b) Accessory building: five feet on a side.
- (3) Front yard setback: 25 feet.
- (4) Rear yard setback.
  - (a) Principal building: 30 feet.
  - (b) Accessory building: five feet.
- (5) Lot area: 12,000 square feet.
- (6) Minimum lot width: 85 feet.
- (7) Minimum floor area (excluding garage area): 1,200 square feet.
- (8) Parking.
  - (a) Off-street residential: four, including garage.
  - (b) Places of public gathering: one per five seats.
- (9) Basements are required in all homes in this zoning classification.

**§ 365-6. Two-Family Residence District (R3).**

- A. Permitted uses. The R3 District is intended to provide for single- and two-family residence dwellings, such as duplexes, flats, or apartment conversions in older single-family dwellings. Permitted uses are:
- (1) Any use permitted in the R2 District.

- (2) Two-family dwellings, including duplexes, flats, and apartment conversions in existing single-family dwellings.
- (3) Subject to compliance with the short-term rental requirements of Chapter 255, rooms for up to four paying guests or boarders not members of the family.
- (4) One private garage and accessory building.
- (5) Uses customarily incident to any of the above uses, provided that no such use generates traffic or noise that would create a public or private nuisance.

B. Construction requirements.

- (1) Maximum building height.
  - (a) Principal building: 35 feet.
  - (b) Accessory building: 15 feet.
- (2) Side yard.
  - (a) Principal building: 10 feet on a side, 24 feet total.
  - (b) Accessory building: five feet.
- (3) Front yard setback: 25 feet.
- (4) Rear yard setback.
  - (a) Principal building: 30 feet.
  - (b) Accessory building: five feet.
- (5) Lot area per family.
  - (a) One family: 10,000 square feet.
  - (b) Two family: There shall be a minimum of 3,000 square feet of clear space per family.
- (6) Minimum lot width: 100 feet.
- (7) Minimum floor area per family: 1,000 square feet, excluding garage area.
- (8) Parking.
  - (a) Off-street residential: three per family, including garage.
  - (b) Places of public gathering: one per five seats.
- (9) Basements are required in all homes in this zoning classification.

**§ 365-7. Multiple-Family Residence (R4).**

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

- (1) Passive outdoor recreational land uses such as arboretums, natural areas, wildlife areas, hiking

trails, bicycle trails, cross-country ski trails, picnic areas, gardens, fishing areas, and similar land uses.

- (2) Single one- to four-unit residential dwelling per parcel, including multiple principal buildings, may be allowed with conditional use permit approval as provided by § 365-21 and provided they comply with the construction requirements of § 365-7C.
- B. Conditional uses. Those conditional uses as provided by § 365-21.
- C. Construction requirements.
- (1) Maximum building height.
    - (a) Principal building: 45 feet.
    - (b) Accessory building: 15 feet.
  - (2) Side yard.
    - (a) Principal building: 12 feet on a side, 24 feet total.
    - (b) Accessory building: five feet.
    - (c) Swimming pool: 10 feet.
  - (3) Front yard setback: 25 feet.
  - (4) Rear yard setback.
    - (a) Principal building: 30 feet.
    - (b) Accessory building: five feet.
  - (5) Lot area per family.
    - (a) One-family dwelling unit: 9,000 square feet.
    - (b) Two-family dwelling unit: There shall be a minimum of 3,000 square feet of clear space per family.
    - (c) Multiple-family dwelling unit.
      - [1] Efficiency and one-bedroom apartments: 2,000 square feet of clear space per dwelling unit.
      - [2] Two-bedroom apartments: 2,500 square feet of clear space per dwelling unit.
      - [3] Three- or more bedroom apartments: 3,000 square feet of clear space per dwelling unit.
  - (6) Minimum lot width: 100 feet.
  - (7) Minimum floor area per family. (Note: Exclusive of common areas.)
    - (a) Efficiency and one-bedroom apartments: 600 square feet per dwelling unit.
    - (b) Two-bedroom apartments: 800 square feet per dwelling unit.

- (c) Three- or more bedroom apartments: 1,000 square feet per dwelling unit.
- (8) Parking.
  - (a) Off-street residential: two per family, including garage, and one per three units for visitor parking.
  - (b) Places of public gathering: one per five seats.
- (9) Basements are required for single-family dwellings and two-family dwellings in this zoning classification. Basements or comparable foundation systems are required for multifamily dwellings. The Zoning Administrator may require a plan certified by a registered architect or registered professional engineer to be submitted in order to ascertain that a proposed comparable foundation system provides proper support for the structure.
- (10) The requirements of this section may be varied by the Common Council for any use requiring a conditional use permit.

**§ 365-8. Mobile Home District (R5).**

- A. Permitted uses. The R5 District is intended to provide a living area that is compatible with mobile home living. The following uses of land are permitted:
  - (1) Single-family residential mobile homes placed in a licensed mobile home park.
  - (2) Passive outdoor recreational land uses such as arboretums, natural areas, wildlife areas, hiking trails, bicycle trails, cross-country ski trails, picnic areas, gardens, fishing areas, and similar land uses.
- B. Definitions. The definitions contained in § 66.0435(1), Wis. Stats., are adopted by reference.
- C. Location outside parks.
  - (1) Except as provided in this section, no person shall park any mobile home on any street, alley or highway, or other public place, or on any tract of land owned by any person within the City.
  - (2) Emergency or temporary stopping or parking is permitted on any street, alley or highway for not longer than one hour subject to any other and further prohibitions, regulations or limitations imposed by the traffic and parking regulations or ordinances for that street, alley or highway.
  - (3) No person shall park or occupy any mobile home on any premises which is situated outside an approved mobile home park. The parking of only one unoccupied recreation vehicle in a rear yard is permitted, provided no living quarters shall be maintained or any business practiced in such recreation vehicle while such vehicle is so parked or stored.
- D. License for mobile home parks.
  - (1) License required. No person shall establish, operate or maintain, or permit to be established, operated or maintained, upon any property owned, leased or controlled by him, a mobile home park within the City, without having first secured a license for each such park from the Common Council pursuant to this section. Such license shall be issued on March 1 of each year and shall expire on the last day of February following the date of issuance, but may be renewed under the provisions of this section for additional periods of one year.

- (2) Fee. The application for such a license or the renewal thereof shall be filed with the City Clerk and shall be accompanied by a fee as designated in the fee schedule.
- (3) Application.
  - (a) The application for a license, or a renewal thereof, shall be made on forms furnished by the City Clerk and shall include the name and address of the owner in fee of the tract, and shall include such a legal description of the premises upon which the mobile home park is or shall be located, as shall readily identify and definitely locate the premises. If the fee is vested in some person other than the applicant, a duly verified statement by that person shall be submitted that the applicant is authorized by him to construct or maintain the mobile home park and make the application. The application shall be accompanied by two copies of the park plan showing the following, either existing or as proposed:
    - [1] The extent and area used for park purpose.
    - [2] Streets and roadways, including existing and proposed names. No street or road name shall be established or changed without prior approval of the Common Council.
    - [3] The location of mobile home units, including driveways, and existing and proposed street addresses for said units.
    - [4] Location of connection to City sanitary sewer.
    - [5] Method and plan of garbage removal.
    - [6] Location of connection to City water main, and provisions for metering water usage.
    - [7] Plan for electrical lighting of units.
    - [8] Stormwater management plan in accordance with Chapter 164 of this Code.
  - (b) If the existing or proposed park is designed to serve nondependent mobile home units, such plans shall clearly set forth the location of all sewer and water pipes and connections.
- E. Inspection and enforcement. No mobile home park license shall be issued until the City Clerk shall notify the Chief of Police, Chief of the Fire Department and Zoning Administrator or their authorized agent of such application, and these officials shall inspect or cause to be inspected each application and the premises to determine whether the applicant and the premises on which mobile homes shall be located comply with regulations, ordinances and laws applicable thereto. These officials shall furnish to the Common Council, in writing, the information derived from such investigation and a statement as to whether the applicant and the premises meet the requirements of the department for whom the officer is certifying. No license shall be renewed without a reinspection of the premises. For the purpose of making inspections and securing enforcement, such officials, or their authorized agents, may enter on any premises on which a mobile home is located, or about to be located, to inspect the same and all accommodations connected therewith at any reasonable time.
- F. Location of mobile home parks. No mobile home or mobile home park shall be located in any zoning district other than the Mobile Home District.
- G. Park plan.
  - (1) Every mobile home or mobile home park shall be located on a well-drained area, and the premises shall be properly graded so as to prevent the accumulation of stormwater and other

waters. No mobile home or mobile home park shall be located in any area that is situated so that drainage from any barnyard, outdoor toilet or other source of filth can be deposited in its location.

- (2) Mobile home spaces shall be clearly defined and shall consist of a minimum of 4,000 square feet and a width of not less than 45 feet. The park shall be so arranged that all spaces face or abut on a driveway of not less than 20 feet in width, giving easy access from all units to a public street. Such driveway shall be paved and maintained in good condition, have natural drainage, be well lighted at night and shall not be obstructed.
- (3) The park shall be so laid out that no mobile home unit shall be permitted to be parked for purposes of human habitation unless such unit is provided with City sanitary sewers and City water supply.
- (4) Every mobile home space shall be furnished with an electric service outlet. Such outlet shall be equipped with an externally operated switch or fuse of not less than 100 amperes capacity and a heavy-duty outlet receptacle. Electrical outlets shall be weatherproof, and all power lines shall be placed underground according to approved specifications.
- (5) No mobile home unit shall be parked in a park outside of a designated space.

#### H. Dependent units prohibited.

- (1) Every mobile home park shall be so designed to require each mobile home unit to be an independent unit, providing for its own toilet, lavatories and showers. Each unit shall supply its own hot water and, as is herein provided, its own water supply and sanitary sewage disposal.
- (2) There shall be no separate buildings provided for toilets, showers, lavatories or slop sinks, except for community centers or similar buildings.
- (3) Laundry facilities may be provided in a separate building.

#### I. Management.

- (1) In every mobile home park, there shall be located the office of the attendant or person in charge of the park. A copy of the park license and of this section shall be posted therein and the park register shall, at all times, be kept in such office.
- (2) The attendant or person in charge, together with the licensee, shall:
  - (a) Maintain the park in a clean, orderly and sanitary condition at all times.
  - (b) Ensure that the provisions of this section are complied with and enforced and report promptly to the proper authorities any violations of this section or any other violations of law which may come to their attention.
  - (c) Report to the Chief of Police all cases of persons or animals affected or suspected of being affected with any communicable disease.
  - (d) Ensure that each mobile home unit has a suitable fire extinguisher, as approved by the Fire Chief.
  - (e) Collect the monthly parking fee provided for in § 66.0435(3), Wis. Stats. A book shall be kept showing the names of the persons paying such service charges and the amount paid.

- J. Applicability of plumbing, electrical and building codes. All plumbing, electrical, building and other work on or at any park licensed under this section shall be in accordance with the ordinances of the City and the regulations of the Department of Safety and Professional Services. Licenses and permits granted under this section grant no right to erect or repair any structure, to do any plumbing work or to do any electrical work.
- K. Revocation and suspension. The Common Council may revoke any license or permit issued pursuant to the terms of this section in accordance with § 66.0435, Wis. Stats.

**§ 365-9. In-Fill Residence District (R6).**

- A. Purpose. The purpose of the R6 District is to provide a pleasant, safe, and quiet neighborhood environment free from traffic hazards or public annoyances for single-family residential dwellings with a nostalgic appearance. This district is designed for in-fill development or redevelopment that is consistent and compatible with existing residential neighborhoods and applies to areas containing two acres or less. Proposed in-fill development or redevelopment must reflect and have similar lot characteristics to the lots surrounding the proposed development on at least three sides.
- B. Permitted uses.
- (1) Single-family dwellings.
  - (2) Passive, outdoor, recreational land uses such as arboretums, natural areas, wildlife areas, bicycle trails, cross-country ski trails, picnic areas, gardens, fishing areas, and similar land uses.
- C. Lot requirements.
- (1) Maximum building height: 35 feet for the principal building.
  - (2) Minimum lot width: 55 feet.
  - (3) Minimum lot size: 5,500 square feet.
  - (4) Front yard setback: 20 feet.
  - (5) Rear yard setback: 20 feet, unless a greater setback is required by the Zoning Administrator.
  - (6) Side yard setback: six feet; 12 feet total combined side yard setbacks.
  - (7) Corner lots have one front yard setback of 20 feet and a second street yard setback of 15 feet, one rear yard setback of 30 feet and one side yard setback of six feet.
- D. Construction requirements.
- (1) Minimum floor area. A one-story dwelling must have a minimum 1,200 square feet of living area. Multiple-story dwellings must have a minimum of 1,500 square feet, of which at least 1,000 square feet must be on the main level and the upper level must contain at least 500 square feet of living area.
  - (2) Basements are required in all homes in this zoning classification.
  - (3) Garages. There is a maximum of one garage per property which can either be attached or detached. The maximum garage size allowed is 720 square feet, regardless if attached or detached. The maximum height for a detached garage is 15 feet from the top of the concrete floor to the top of the roof peak.

- (4) Outbuildings. There shall be no outbuildings or temporary structures allowed in this zoning classification.
- (5) Parking. There shall be a minimum of three off-street parking stalls, including garage.

E. Restrictions.

- (1) Modifications prohibited. There shall be no modifications or adjustments to the requirements and restrictions established for this zoning district.
- (2) Conditional uses. In addition to the permitted uses described in § 365-9B(1) and (2) of this zoning classification, other uses that are permitted in the R1 and R2 Districts may be allowed in the R6 District with a conditional use permit issued pursuant to § 365-21 of this chapter.

**§ 365-10. Nostalgic Residential District (R7).**

The Nostalgic Residential District is intended to provide a pleasant, safe, and quiet neighborhood environment free from public annoyances for one- and two-family residential dwellings with a nostalgic appearance. In Residential Nostalgic zoned areas, rear lot setbacks, whenever possible, should reflect and have equal rear building setbacks comparable to lots immediately behind or adjacent to each Residential Nostalgic building lot. The Plan Commission and Common Council shall have discretion on a property-by-property basis to approve modifications or adjustments to rear lot setback requirements in Residential Nostalgic developments.

A. Permitted uses.

- (1) One-family dwellings.
- (2) Two-family dwellings.
- (3) Passive outdoor recreational land uses such as arboretums, natural areas, wildlife areas, bicycle trails, cross-country ski trails, picnic areas, gardens, fishing areas, and similar land uses.

B. Lot requirements.

- (1) Maximum building height: 35 feet for the principal building.
- (2) Minimum lot width: 60 feet at the front yard setback line of 20 feet. The minimum street frontage is 45 feet on an irregular-shaped lot.
- (3) Minimum lot size: 6,000 square feet.
- (4) Front yard setback: 20 feet.
- (5) Rear yard setback: 20 feet is the minimum rear yard setback. If the back yard of any R7-zoned property is adjacent to a lot that requires a thirty-foot minimum rear yard setback, a thirty-foot minimum rear yard setback is necessary. The City will require a lot-by-lot review with approval by the Plan Commission and Common Council for plat approval establishing required rear yard setbacks for any R7-zoned lot, with this setback to be shown on the plat.
- (6) Side yard setback: A total of 12 feet combined side yard setbacks are necessary with the minimum of a five-foot setback on any side lot line.
- (7) Corner lots have two front yard setbacks of 20 feet, one rear yard setback of 20 feet to 30 feet based on rear yard requirements listed above, and one side yard setback of five feet.

C. Construction requirements.

- (1) Minimum floor area. A single-family, one-story dwelling must have a minimum 1,200 square feet of above-grade living area. One-family, multiple-story dwellings must have a minimum of 1,500 square feet of above-grade living area, of which at least 750 square feet must be on the main level.
- (2) Minimum floor area. A two-family, one-story building must have a minimum per-unit size of at least 900 square feet of above-grade main level living area and must have a minimum of 1,800 square feet of above-grade main level living area. A two-story, two-family building must have a minimum of 900 square feet of above-grade main level living area and must have a minimum of 900 square feet of living area per living unit.
- (3) Basements are required in all homes in this zoning classification.
- (4) Garages. All single-family dwellings in the R7 Zoning District must have an attached garage. The total maximum garage size shall not exceed 60% of the above-grade living area square footage. All two-family dwellings in the R7 Zoning District must have attached garages. The total combined maximum garage size for two-family dwellings shall not exceed 60% of the main level above-grade living area of each unit.
- (5) Outbuildings. There shall be only one outbuilding allowed in only the back yard area of a property which may not exceed 120 square feet, with a height limit of 12 feet, and which must be approved and permanently installed through the building permit process. All outbuildings must be located with a minimum setback of five feet from any side or rear lot line or to the main building structure. The architectural design of an outbuilding should match that of the subject dwelling.
- (6) Parking. There shall be a minimum of four off-street parking stalls for single-family dwellings, including garage, and a minimum of eight off-street parking stalls for two-family dwellings (two per unit), including garage.
- (7) The requirements of this section may be varied by the Common Council by conditional use approval as it deems appropriate to promote the intent of this chapter.

D. Conditional uses. Conditional use permits will be required for any use allowed pursuant to § 365-21A(2) of this chapter.

**§ 365-11. Commercial District (C1).**

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

- (1) Passive outdoor recreational land uses such as arboretums, natural areas, wildlife areas, hiking trails, bicycle trails, cross-country ski trails, picnic areas, gardens, fishing areas, and similar land uses.
- (2) Commercial or professional offices.
- (3) Post offices.

B. Construction requirements.

- (1) The maximum building height shall be 45 feet, unless the Common Council, after consideration

of any Plan Commission recommendation, approves a greater height and finds that a greater height will promote the health, safety, morals, comfort, prosperity or general welfare of the City.

- (2) No front yard, side yard or rear yard setback shall be required, except buildings used for dwelling purposes exclusively shall have a minimum clear space of 2,000 square feet.
  - (3) The minimum lot width for existing lots shall not be subdivided to provide lots of less than 30 feet.
  - (4) Section 365-12D and E of the C2 District regulations shall apply to any new construction or redevelopment in the C1 District.
- C. Conditional uses. Those conditional uses as provided by § 365-21 shall require a conditional use permit as provided in § 365-21.

**§ 365-12. Commercial District (C2).**

- A. Permitted uses. The C2 District is intended to provide an area for the business and commercial needs of the City according to a modern concept. The following uses of land are permitted:
- (1) Passive outdoor recreational land uses such as arboretums, natural areas, wildlife areas, hiking trails, bicycle trails, cross-country ski trails, picnic areas, gardens, fishing areas, and similar land uses.
  - (2) Medical facilities.
  - (3) Banks or financial institutions.
  - (4) Pharmacies.
  - (5) Existing residences located adjacent to North Main Street between Crocker Avenue and Englewood Court.
- B. Construction requirements.
- (1) Side yard. Principal buildings and accessory buildings shall be the greater of 15 feet or the height of any new building.
  - (2) Front yard setback: 15 feet, unless greater setback is required adjacent to a state trunk highway, which shall be the greater of 42 feet from the right-of-way line or 100 feet from the center line.
  - (3) Rear yard setback.
    - (a) Principal building: 25 feet, but not less than 50 feet if abutting a residential district.
    - (b) Accessory buildings: the greater of 15 feet or the height of any building.
  - (4) Lot area per family: same as R4 District.
  - (5) Minimum lot width: 70 feet.
  - (6) Parking.
    - (a) Off-street residential: one per family.
    - (b) Off-street commercial: one per 200 square feet of floor space.

- (c) Places of public gathering: one per five seats.
- (7) Truck unloading area. Sufficient space so that no streets or alleys need to be blocked.
- (8) Minimum floor area per family: same as R4 District.
- (9) Maximum building height.
  - (a) Principal building: 35 feet.
  - (b) Accessory building: 25 feet.
- C. Conditional uses. Those conditional uses as provided by § 365-21.
- D. Site plan and architectural approval required. No building, structure, or improvement shall be constructed, placed on any lot, remodeled or altered until a detailed site plan for the same has been reviewed and approved by the Architectural Review Board pursuant to § 11-10 of this Code. At least five business days before a meeting at which the Board is scheduled to hear a matter, the following must be submitted:
  - (1) A completed application (available from the City Clerk);
  - (2) Eight sets of site plans, floor plans, and colored elevations of all building views; and
  - (3) Samples of proposed building materials.
- E. Architectural standards.
  - (1) Buildings and structures shall comply with the Business Park District architectural standards, exterior lighting standards, parking standards and landscaping standards as set forth in § 365-14G, H, I, and J of this chapter.
  - (2) Approval of building plans. No building, structure, or improvement shall be constructed, placed on any lot, remodeled or altered until detailed plans and specifications for such building, structure, improvement, remodeling, alteration, or addition have been reviewed and approved by the Architectural Review Board.
  - (3) All development in the C2 District is subject to and shall comply with Chapter 164, Article I, Construction Site Erosion and Sediment Control, and Article II, Post-Construction Stormwater Management, of this Code.

**§ 365-13. Highway Commercial District (C3).**

- A. Permitted uses. The C3 District is intended to provide for an orderly and attractive grouping at appropriate locations of those commercial establishments that are oriented to highway use. The following uses of land are permitted:
  - (1) Passive outdoor recreational land uses such as arboretums, natural areas, wildlife areas, hiking trails, bicycle trails, cross-country ski trails, picnic areas, gardens, fishing areas, and similar land uses.
  - (2) Police and fire stations.
  - (3) Coffee shops.

- (4) Bakeries.
- B. Construction requirements.
  - (1) Maximum building height: 35 feet.
  - (2) Side yard.
    - (a) Principal building: 20 feet on each side.
    - (b) Accessory building: three feet on each side.
  - (3) Front yard setback: 25 feet (50 feet if parking is permitted in front).
  - (4) Rear yard setback.
    - (a) Principal building: 20 feet, but not less than 50 feet if abutting a residential district.
    - (b) Accessory building: three feet, but not less than 50 feet if abutting a residential district.
  - (5) Minimum lot width: 100 feet.
  - (6) Off-street parking.
    - (a) Commercial: one per 200 square feet of floor space, provided that there be sufficient parking so that no customers are required to park on public streets.
  - (7) Truck unloading area: sufficient space so that no streets or alleys need be blocked.
- C. Conditional uses. Those conditional uses as provided by § 365-21 shall require a conditional use permit as provided in § 365-21.
- D. Site plan and architectural approval required. No building, structure, or improvement shall be constructed, placed on any lot, remodeled or altered until a detailed site plan for the same has been reviewed and approved by the Architectural Review Board pursuant to § 11-10 of this Code. At least five business days before a meeting at which the Board is scheduled to hear a matter, the following must be submitted:
  - (1) A completed application (available from the City Clerk);
  - (2) Eight sets of site plans, floor plans, and colored elevations of all building views; and
  - (3) Samples of proposed building materials.
- E. Architectural standards.
  - (1) Buildings and structures shall comply with the Business Park District architectural standards, exterior lighting standards, parking standards and landscaping standards as set forth in § 365-14G, H, I, and J of this chapter.
  - (2) Approval of building plans. No building, structure, or improvement shall be constructed, placed on any lot, remodeled or altered until detailed plans and specifications for such building, structure, improvement, remodeling, alteration, or addition have been reviewed and approved by the Architectural Review Board.
  - (3) All development in the C3 District is subject to and shall comply with Chapter 164, Article I,

Construction Site Erosion and Sediment Control, and Article II, Post-Construction Stormwater Management, of this Code.

**§ 365-14. Business Park District (BPD).**

- A. Intent. The Business Park District is intended to provide for the development of compatible manufacturing, warehouse, service business and office uses. The physical and operational characteristics of uses in this district are based on performance standards which would not be detrimental to the public health, safety or welfare or detrimental to the surrounding area as a result of noise, vibration, external lighting, odor, particulate emissions, other visible emissions, hazardous pollutants, traffic, physical appearance, or other similar factors. All uses in this district must comply with applicable local, state, and federal codes and standards. Uses in the district are also intended to provide ample off-street parking and loading areas, and landscaped planting screens in those areas adjacent to or abutting residential areas or other noncommercial uses, to prevent adverse effects upon the adjoining areas.
- B. Permitted uses.
- (1) Business, professional, clerical, or general offices.
  - (2) Research laboratories.
- C. Permitted accessory uses.
- (1) Retail sales of products integral with and incidental to a service or manufacturing business located on the same premises.
  - (2) Off-street parking and loading areas.
  - (3) Garages or buildings used for the storage of vehicles or equipment used in conjunction with the operation of a permitted use.
  - (4) Ground-mounted and building-mounted dish antennas.
  - (5) Food service areas or cafeterias incidental to permitted use, but not restaurants.
  - (6) Outdoor storage of materials or manufactured products, trucks, trailers, and equipment accessory to the principal use. All such outdoor storage areas shall be screened from view from nearby public streets and from nearby residential areas in accord with a site plan providing for such screening or fencing.
- D. Conditional uses. See § 365-21A(8).
- E. Prohibited uses.
- (1) Motor vehicle storage or salvage, recycling yards, or similar uses.
  - (2) Schools or similar institutional uses.
  - (3) Drop forges, ferrous and brass foundries, grain elevators, refineries and tanneries.
  - (4) Stockyards, slaughterhouses, rendering plants, asphalt and concrete plants.
  - (5) Fertilizer storage or packaging.

- (6) Principal uses involving the storage, utilization, or manufacture of hazardous materials or products which decompose by detonation.
  - (7) Storage and dispensing of fuels and petroleum products.
  - (8) Retail uses and wholesale buying clubs unrelated to products manufactured on the premises.
  - (9) Contractor's yards and the outdoor storage of construction equipment except if approved by the Common Council upon the recommendation of the Plan Commission. The Plan Commission review is in the nature of a concept review not a conditional use permit approval.
  - (10) Mini-warehouses.
  - (11) New and used car and truck sales.
  - (12) Solid or liquid waste disposal, dumping, incineration, medical waste storage or disposal, or similar waste management uses.
  - (13) All types of residential uses, except guard's quarters.
  - (14) Restaurants, but not prohibiting food service areas or cafeterias incidental to a permitted use.
- F. Site design standards. Sites shall be designed to comply with the following standards:
- (1) Number of buildings per lot. Each lot shall contain a maximum of one principal building. There shall be no limit on the number of accessory buildings, provided they comply with the lot coverage and open space requirements of § 365-14F(3).
  - (2) Lot area and width.
    - (a) Lots shall be a minimum of 40,000 square feet (0.918 acre) in area.
    - (b) Lots shall not be less than 200 feet in width at the building setback line.
  - (3) Lot coverage and open space.
    - (a) To achieve an attractive appearance and to provide green areas for stormwater management and sedimentation control, lot coverage by buildings, accessory structures, and surface parking and driveways shall not exceed 70% of the lot area. Landscaped open space not covered by buildings, accessory structures, and surface parking and driveways shall occupy a minimum of 30% of the lot area. The open space may include stormwater retention/detention areas. All landscaped space in the parking lot shall be considered part of the open space requirement.
    - (b) All sites shall also meet the City's landscaping and bufferyard regulations in § 365-31 of this chapter.
  - (4) Setbacks and yards.
    - (a) Minimum setbacks for buildings:
      - [1] Street (front) yard: 40 feet from any existing or planned street right-of-way.
      - [2] Interior side yard: 25 feet on a side.
      - [3] Street side corner lot: 40 feet from any existing or planned street right-of-way.

- [4] Rear yard: 25 feet.
- [5] If abutting a residential district, minimum setbacks shall be 50 feet.
  - (b) Accessory uses, accessory buildings, accessory structures and outdoor storage areas shall be located in side or rear yards only, and shall be set back a minimum of 10 feet from a side or rear lot line.
  - (c) Parking lots located in side or rear yards shall be set back a minimum of 10 feet from a side or rear lot line. This includes parking lots in corner lot side yards.
  - (d) Parking lots located in front yards shall be set back a minimum of 25 feet from the street right-of-way.
  - (e) Loading areas or docks shall be located in side or rear yards. No outdoor loading docks shall be allowed in the BPD.
  - (f) All trash must be kept in proper containers enclosed by a fence of solid decorative material that will provide a visual screen. Such fence shall be a minimum of six feet in height and shall be painted or otherwise maintained so as to present a good appearance and be in good repair at all times. Planting shall be provided at the base of all fencing where such base is visible from any existing or planned public street right-of-way.
  - (g) All utility lines within said property shall, where feasible, be installed underground in easements provided therefor.
  - (h) Setbacks and bufferyards adjacent to residential districts. See the landscaping and bufferyard regulations in § 365-31 of this chapter.
- (5) Building height. No building or parts thereof shall exceed 35 feet in height. Accessory buildings or structures shall not exceed 15 feet in height. Communication towers or antennas require a conditional use permit and the approval of the Architectural Review Board.
- (6) Site plan and architectural approval required. No building, structure, or improvement shall be constructed, placed on any lot, remodeled or altered, until a detailed site plan for the same has been reviewed and approved by the Architectural Review Board pursuant to § 11-10 of this Code. At least five business days before a meeting at which the Board is scheduled to hear a matter, the following must be submitted:
  - (a) A completed application (available from the City Clerk);
  - (b) Eight sets of site plans, floor plans, and colored elevations of all building views; and
  - (c) Samples of proposed building materials.

G. Architectural standards.

- (1) Buildings and structures shall comply with the following standards:
  - (a) Buildings shall be designed by an architect or engineer. All sides, elevations and facades of buildings and structures shall be visually pleasing and architecturally and aesthetically compatible with the surrounding environment. Building materials shall be selected for their ability to present a visual statement of a building's purpose, attractiveness, and permanence. Building materials shall be harmonious with the general character of other

buildings and structures in the business park.

- (b) The front of all buildings shall be faced with not less than 25% brick, decorative masonry, stone, architecturally finished precast concrete panels or other decorative material approved by the Architectural Review Board. All corner lot buildings shall have each street side faced with not less than 20% brick, decorative masonry, stone, architecturally finished precast concrete panels or other decorative material approved by the Architectural Review Board. For the purpose of this architectural standard, lightweight or cinder concrete block shall not be considered a decorative masonry material. Exterior gutters and downspouts shall be permitted only along the side and rear of buildings.
  - (c) Metal panels, if used, must be attractive, durable, of an earth tone or compatible color, and not merely an inexpensive method of building.
  - (d) All mechanical equipment should be screened with parapets or the roof form.
  - (e) The architectural standards and design of any accessory buildings shall be consistent with the design and materials of the principal buildings(s).
- (2) Approval of building plans. No building, structure, or improvement shall be constructed, placed on any lot, remodeled or altered until detailed plans and specifications for such building, structure, improvement, remodeling, alteration, or addition have been reviewed and approved by the Architectural Review Board.
- H. Exterior lighting standards. Exterior lighting shall be in accord with the following standards:
- (1) Exterior lighting shall be located, oriented, and shielded and of an intensity so as to illuminate only the building or lot without adversely affecting activity on adjacent buildings, lots, or traffic on streets and highways. Exterior light poles shall not exceed a maximum height of 20 feet.
  - (2) The emission of exterior light shall be directed away from nearby residential areas.
  - (3) Exterior lights shall not flash, pulsate, nor impair or hinder vision on public streets, rights-of-way or adjacent properties.
  - (4) Exterior lighting shall meet the standards promulgated by the Illuminating Engineering Society of North America.
- I. Parking standards. Parking shall be in accord with the following standards:
- (1) The amount of parking spaces provided shall be in accord with other applicable requirements of this chapter.
  - (2) Parking facilities, driveways, and loading and storage areas shall be paved with either asphaltic concrete or portland cement concrete prior to the occupancy of the building.
  - (3) Parking lots shall follow the landscaping design standards in § 365-31J.
- J. Landscaping standards. All developments within the Business Park District shall adhere to the landscaping and bufferyard regulations in § 365-31 of this chapter.
- K. Signage standards. All signs within the Business Park District shall adhere to the sign regulations in § 365-22 of this chapter.
- L. Performance standards.

- (1) Intent and compliance. It is the intent of this subsection to describe performance standards for the regulation of industrial and commercial uses in the Business Park District to establish an objective and equitable basis for control and to ensure that the community is adequately protected from potential hazardous and nuisance-like effects. These performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises and outside the BPD. In addition, these performance standards are intended to comply with other applicable local, state, and federal codes and standards. All uses, structures, land, air, and water in the BPD shall hereafter comply with the performance standards set forth herein.
- (2) Control of hazardous air pollutants and emissions. Operations or activities which emit into the ambient air from any direct or portable source any matter that will affect air quality shall perform in accord with the limitations and procedures established in Chs. NR 400 through NR 449, Wis. Adm. Code, including any revisions or amendments thereto. Hazardous pollutants shall be specifically controlled and perform in accord with Ch. NR 445, Wis. Adm. Code, including any revisions or amendments thereto.
- (3) Control of particulate emissions and dust.
  - (a) Operations or activities which emit into the ambient air from any direct or portable source any particulate emissions shall perform in accord with the limitations and procedures established in Ch. NR 415, Wis. Adm. Code, or in other applicable chapters which regulate particulate emissions.
  - (b) Fugitive dust and other types of emissions and air pollution from sources such as storage areas, outdoor operation yards, and roads or parking lots shall be kept to a minimum by appropriate paving, spraying and watering, application of suitable chemicals, landscaping, or other acceptable and environmentally safe methods in accord with § NR 415.04, Wis. Adm. Code, including any revisions or amendments thereto.
- (4) Control of odors. No operation or activities shall emit any substance or combination thereof in such quantities that create an objectionable odor as defined in Ch. NR 429, Wis. Adm. Code, including any revisions or amendments thereto.
- (5) Control of fire and explosive hazards.
  - (a) All uses involving the manufacturing, utilization, processing, or storage of flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate firefighting and fire-suppression equipment and devices as may be required by the City Fire Department.
  - (b) All materials that range from active to intense burning shall be manufactured, utilized, processed, and stored only in completely enclosed buildings which have noncombustible exterior walls and an automatic fire extinguishing system.
  - (c) The storage of fuels and other materials that produce flammable or explosive vapors shall be permitted only after review and approval by the City Fire Department and in accord with its requirements to minimize fire and explosive hazards.
- (6) Glare, heat, and external lighting.
  - (a) No operation or activity shall produce any intense lighting, glare, or heat with the source directly visible beyond the boundary of the Business Park District. Operations producing light, glare, or heat shall be conducted entirely within an enclosed building at all times.

- (b) External lighting shall be shielded so that light rays do not adversely affect adjacent uses.
- (7) Water quality.
  - (a) No activity shall locate, store, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that might run off, seep, percolate, or wash into surface or subsurface waters so as to contaminate, pollute, or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste or unsightliness, or be harmful to human, animal, plant, or aquatic life.
  - (b) No activity shall withdraw water or discharge any liquid or solid materials so as to exceed or contribute toward exceeding the minimum standards and those other standards and the application of those standards set forth in Ch. NR 102, Wis. Adm. Code, including any revisions or amendments thereto, or in other applicable chapters which regulate water quality.
  - (c) No activity shall discharge wastewater other than toilet wastewater to the City's sanitary sewer system without installing a sampling manhole to allow monitoring of wastewater discharges.
- (8) Noise. No operation or activity shall transmit any noise so that it unreasonably disturbs the peace and quiet of persons beyond the boundaries of the Business Park District.
- (9) Vibration.
  - (a) No operation or activity shall transmit any physical vibration that is above the vibration perception threshold of an individual at or beyond the property line of the source. Vibration perception threshold means the minimum ground- or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by direct means such as, but not limited to, sensation by touch or visual observation of moving objects.
  - (b) Vibrations not directly under the control of the property user and vibrations from temporary construction or maintenance activities shall be exempt from the above standard.
- M. Business park district regulations to control in case of discrepancy. The specific uses, requirements, and standards contained in this section shall be applicable and control development in Business Park Districts. Any provisions of the City Zoning Code or other developmental codes that are in conflict or inconsistent with the regulations contained herein shall be inapplicable and shall not control development in Business Park District zoned areas.

### **§ 365-15. Light Industrial District (I1).**

The I1 District is intended to provide space for industrial and manufacturing uses at appropriate locations in the City. Light industrial uses are industrial facilities at which all operations are conducted entirely within an enclosed building, with the exception of loading operations, and outside screened storage areas approved by the City. Light industrial facilities are those which are not associated with public or private nuisances such as odor, dust, noise, smoke, traffic, vibration or air, water or soil pollution and which do not pose a significant safety hazard (such as danger of explosion).

#### **A. Permitted uses.**

- (1) Office.

- (2) Indoor storage and warehousing.
- B. Uses which are not considered light industrial uses (prohibited uses).
  - (1) Acetylene gas manufacture, or storage in excess of the quantity stated in Section 5.2 of "CGA G-1: Acetylene," Twelfth Edition, including amendments, published by the Compressed Gas Association.
  - (2) Acid manufacture.
  - (3) Alcohol manufacture.
  - (4) Ammonia, bleaching powder or chlorine manufacture.
  - (5) Arsenal.
  - (6) Asphalt manufacture or refining.
  - (7) Automobile or machinery wrecking, salvaging or rebuilding.
  - (8) Bag cleaning.
  - (9) Blast furnace.
  - (10) Boiler works.
  - (11) Brewery or malt house.
  - (12) Brick, tile or terra cotta manufacture.
  - (13) Candle manufacture.
  - (14) Cellulose manufacture.
  - (15) Cement, lime, gypsum or plaster of paris manufacture.
  - (16) Coke ovens.
  - (17) Concrete mixing or product manufacture.
  - (18) Creamery, milk condensing, cheese factory.
  - (19) Crematory.
  - (20) Creosote treatment or manufacture.
  - (21) Disinfectant manufacture.
  - (22) Distillation of bones, coal or wood.
  - (23) Explosives or fireworks manufacture or storage.
  - (24) Exterminator or insect poison manufacture.
  - (25) Emery cloth or sandpaper manufacture.
  - (26) Fat rendering.

- (27) Fertilizer manufacture.
- (28) Fish smoking or curing.
- (29) Forge plant.
- (30) Garbage, offal or dead animal reduction or dumping.
- (31) Gas (illuminating or heating) manufacture.
- (32) Glue, size or gelatine manufacture.
- (33) Iron, steel, brass or copper foundry or fabricating plant.
- (34) Match manufacture.
- (35) Oil cloth or linoleum manufacture.
- (36) Oiled or rubber goods manufacture.
- (37) Ore reduction.
- (38) Paint, oil, shellac, turpentine or varnish manufacture.
- (39) Paper or pulp manufacture.
- (40) Planing mills.
- (41) Manufacturing of plastic beads from petroleum stocks.
- (42) Potash works.
- (43) Pyroxylin manufacture.
- (44) Refining or wholesale storage of petroleum or petroleum products.
- (45) Retail storage of petroleum in tanks, except if approved as a conditional use pursuant to § 365-21 of this chapter.
- (46) Rock crushing.
- (47) Rolling mills, feed grinding.
- (48) Rubber manufacture or treatment.
- (49) Sauerkraut or pickling manufacture.
- (50) Shoe polish manufacture.
- (51) Salt works.
- (52) Smelting of tin, copper, zinc or iron ores.
- (53) Soap manufacture.
- (54) Soda or washing compound manufacture.
- (55) Stable, riding academy, livestock corral, barn for livestock, except on farms of 10 or more acres.

- (56) Stockyards or slaughter of animals.
- (57) Stone quarry or mill.
- (58) Storage or boiling of rags, or storage of iron or junk.
- (59) Sulfuric, nitric or hydrochloric acid manufacture.
- (60) Tallow, grease or lard manufacturing or refining from animal fat.
- (61) Tanning, curing or storage of raw hides or skins.
- (62) Tar distillation or manufacture.
- (63) Vinegar manufacture.
- (64) Wool pulling or scouring.
- (65) Yeast plant.
- (66) And, in general, those uses which may be obnoxious or offensive by reason of the emission of odor, dust, noise, smoke, traffic, gas, vibration or air, water or soil pollution. All other uses (residential, commercial, public) are prohibited.

C. Construction requirements.

- (1) Maximum building height: 45 feet.
- (2) Side yard.
  - (a) Principal building: 10 feet on each side, 50 feet on any side abutting a residential district.
  - (b) Accessory building: 10 feet on each side, 50 feet on any side abutting a residential district.
- (3) Front yard setback: 25 feet (50 feet if parking is permitted in front).
- (4) Rear yard setback.
  - (a) Principal building: 20 feet but not less than 50 feet on any side abutting a residential district.
  - (b) Accessory building: 10 feet on each side, 50 feet on any side abutting a residential district.
- (5) Minimum lot width: 100 feet.
- (6) Parking: one per two employees.
- (7) Truck unloading area: sufficient space so that no streets or alleys need be blocked.

D. Conditional uses. All light industrial uses not prohibited by § 365-15B above shall require a conditional use permit as provided in § 365-21. In no instance shall conditional uses as allowed in this subsection cause or be associated with public or private nuisances such as odor, dust, noise, smoke, traffic, vibration or air, water, or soil pollution and shall not cause or pose a significant safety hazard (such as danger of explosion).

**§ 365-16. Heavy Industrial District (I2).**

The I2 District is intended to provide space for industrial and manufacturing uses at appropriate locations in the City. Heavy industrial uses are industrial facilities at which operations may be conducted partially outside of an enclosed building, include the use of heavy machinery and may require outdoor storage areas for raw materials and finished products. In no instance shall heavy industrial uses as allowed in this section cause or be associated with public or private nuisances such as odor, dust, noise, smoke, traffic, vibration or air, water or soil pollution and shall not cause or pose a significant safety hazard (such as danger of explosion).

**A. Permitted uses.**

- (1) Office.
- (2) Indoor storage and warehousing.

**B. Uses which are not considered heavy industrial uses (Prohibited Uses).**

- (1) Acid manufacture.
- (2) Automobile or machinery wrecking, salvaging or rebuilding.
- (3) Cement, lime, gypsum or plaster of paris manufacture.
- (4) Distillation of bones.
- (5) Explosives, manufacture or storage.
- (6) Fat rendering.
- (7) Fertilizer manufacture.
- (8) Forge plant.
- (9) Garbage, offal or dead animal reduction or dumping.
- (10) Glue manufacture.
- (11) Salvage yard.
- (12) Petroleum refining.
- (13) Smelting of tin, copper, zinc or iron ores.
- (14) Stockyard, stock loading yard or chute or slaughterhouse.
- (15) All other uses (residential, commercial, public) are prohibited.

**C. Construction requirements.**

- (1) Maximum building height: 65 feet.
- (2) Side yard.
  - (a) Principal building: 10 feet on each side, 75 feet on any side abutting a residential district.
  - (b) Accessory building: 10 feet on each side, 75 feet on any side abutting a residential district.

- (3) Minimum lot width: 125 feet.
  - (4) Front yard setback: 30 feet, 55 feet if parking is permitted in front.
  - (5) Rear yard setback.
    - (a) Principal building: 25 feet, but not less than 75 feet on any side abutting a residential district.
    - (b) Accessory building: 10 feet on each side, but not less than 75 feet on any side abutting a residential district.
  - (6) Parking: one per three employees.
  - (7) Truck unloading area: sufficient space so that no streets or alleys need be blocked.
  - (8) Outdoor storage area. All outdoor storage areas shall be completely enclosed by any permitted combination of buildings, structures, walls, shrubbery and/or fencing. Such walls or fencing shall be designed to completely screen all stored materials from view from all adjacent properties and rights-of-way.
- D. Conditional uses. All heavy industrial uses not prohibited by § 365-16B above shall require a conditional use permit as provided in § 365-21. In no instance shall conditional uses as allowed in this subsection cause or be associated with public or private nuisances such as odor, dust, noise, smoke, traffic, vibration or air, water, or soil pollution and shall not cause or pose a significant safety hazard (such as danger of explosion).

**§ 365-17. Agricultural District (A).**

- A. Purpose and permitted uses. This district is established to help conserve good farming areas and prevent uncontrolled, uneconomical spread of residential development, since it results in excessive costs to the community for provision of essential public improvements and services. The following uses are permitted:
- (1) Farming, provided that buildings in which farm animals are kept shall be at least 100 feet from the nearest residential district.
  - (2) In-season roadside stands for the sale of farm products produced on the premises.
  - (3) Public parks and related improvements.
- B. Except for public parks and related improvements, buildings and open space shall be compatible and adequate for a bona fide farm operation.

**§ 365-18. Conservancy District (W).**

- A. Permitted uses. The W District is intended to preserve the natural state of scenic areas, to preserve natural areas and buffer strips and to discourage intensive development of marginal lands so as to prevent potential hazards to public and private property. The following uses are permitted:
- (1) Management of forestry, wildlife and fish.
  - (2) Harvesting of wild crops, such as marsh hay, ferns, moss, berries, fruit trees and tree seeds.

- (3) Fishing and trapping.
- (4) Dams, power stations and transmission lines.
- (5) Upon written permission from the Common Council (based upon the purpose of this section and on the recommendation of the Plan Commission following a public hearing), sewage disposal plants, water pumping or storage facilities, and golf courses.
- (6) Bicycle or hiking trails.
- (7) Parks.
- (8) Uses customarily incident to any of the above uses.

B. There are no setbacks, lot size or other dimensional requirements applicable to the W District.

**§ 365-19. Planned Unit Development District (PUD).**

- A. The Planned Unit Development (PUD) District is established to provide for greater flexibility in design and to promote improved environmental design and innovative uses of land in the City. The PUD concept allows diversification and variation in the relationship of uses, structures, open spaces, and heights of structures in developments conceived and implemented as comprehensive cohesive unified projects. It is further intended to encourage more rational and economic development with regard to public services, energy efficiency, and community appearance consistent with the overall intent of this section and the Master Plan of the City.
- B. Minimum Requirements for PUD District Designation. All projects considered for rezoning to the PUD District shall meet the following minimum requirements:
- (1) The project shall involve more than one structure and/or a mix of land uses.
  - (2) The project area shall be at least five acres, or as otherwise approved by the Common Council, and have rational boundaries that are related to natural features, roadways, or other existing development.
- C. Permitted uses. Any land use or mix of land uses, whether allowed as permitted or conditional uses elsewhere in this chapter or not, may be permitted in the PUD District with a conditional use permit.
- D. Lot, building, yard, parking and street requirements.
- (1) In the PUD District, all density, open space, impervious surface, lot width, yard, and height requirements may be varied, provided that the general intent of this section is upheld.
  - (2) Public street right-of-way shall not be less than 60 feet wide, unless otherwise approved by the Common Council, but shall not be less than 50 feet wide.
  - (3) Such requirements as are made a part of an approved planned unit development plan or conditional use permit shall be construed to be and enforced as a part of this section.
  - (4) In a planned unit development, lots may front on public or private streets. Each lot in the development, however, must have access to a public street, and in, areas of sewer and water service, must have access to sewer and water by a public street or by easement.
- E. PUD procedures.

- (1) Step 1: General development plan approval. The procedure for rezoning to the Planned Unit Development District shall be the same as for any other zoning district change (as set forth in the Zoning Code) except that in addition, a general development plan shall be submitted to the Plan Commission. The general development plan of the proposed project shall be presented at a scale of one inch equals 100 feet or less, and shall show at least the following information:
  - (a) The pattern of public and private roads, driveways, and parking facilities;
  - (b) A description of land uses and building types, size, arrangements;
  - (c) A utility feasibility analysis;
  - (d) The location of recreational and open space areas reserved or dedicated to the public;
  - (e) General landscape treatment;
  - (f) The plan for phasing the development;
  - (g) Any other data required by the City Plan Commission or Common Council.
- (2) Upon final approval and adoption of the zoning change to the Planned Unit Development District, all plans submitted as well as other commitments, restrictions, and other factors pertinent to assuring that the project will be carried out as presented shall be filed with the City Clerk and shall be referred to in regard to enforcement or modification of the development plans.

F. Criteria for approval.

- (1) As a basis for determining the acceptability of application for rezoning to the Planned Unit Development District, the following criteria shall be applied to the proposed general development plan:
  - (a) The proposed development shall be an asset to the community aesthetically. The buildings and uses shall blend in with or complement the surrounding neighborhood.
  - (b) The proposed development shall not create a traffic or parking demand incompatible with existing or proposed facilities. The width and location of streets, other paving and lighting should be appropriate to the uses proposed. In no case shall standards be less than those necessary to ensure public safety as determined by the City.
  - (c) The proposed development shall not place avoidable stress on the City's water supply, sanitary sewer, and stormwater drainage systems.
  - (d) The proposed development shall make adequate provisions for the permanent preservation and maintenance of open space.
- (2) Step 2: Conditional use permit plan approval. Conditional use permit approval shall be required for each phase of the development that coincides with the timing of actual development. Conditional use permit approval shall be granted in compliance with the requirements of § 365-21 of the Zoning Code.
- (3) Upon final approval of the conditional use permit, the conditional use permit (or meeting minutes) shall be filed with the City Clerk and shall be referred to in regard to enforcement or modification of the development plans. All covenants, restrictions, or contractual agreements

with the City or notice of such items shall be recorded with the Register of Deeds before final issuance of building permits.

G. Modifications.

- (1) Subsequent major changes to an approved conditional use permit may be approved in accordance with the conditional use procedure set forth above.
- (2) Subsequent changes to an approved conditional use permit, deemed to be minor by the City Council, may be approved by the Mayor upon consultation with the City Administrator without referral to the Plan Commission and without public hearing.

**§ 365-20. Official Zoning Map.**

- A. To be on file. The Official Zoning Map is an integral part of this chapter. The single official copy of this map, entitled "City of Sheboygan Falls Official Zoning Map," and all amendments thereto, together with a copy of this chapter, shall be kept at the office of the City Clerk and shall be certified by the Mayor and attested by the City Clerk. Any changes in zoning district boundaries shall be recorded on the map. No such change shall be effective until so recorded and until a duly certified and attested certificate describing the change is filed with the map.
- B. Street to be boundaries. The district boundaries are either streets or alleys, unless otherwise shown, and where the designation on the map indicates that the various districts are approximately bounded by a street or alley, such street or alley shall be construed to be the district boundary line.
- C. When lot lines shall be boundaries. Where the district boundaries are not otherwise indicated, and where the property has been, or may hereafter be, divided into blocks and lots, the district boundaries shall be construed to be lot lines where the designations on the map are approximately bounded by lot lines, such lot line shall be construed to be the boundary of the district.
- D. Unsubdivided property. In unsubdivided property, the district boundary shown on the map shall be determined by the use of the scale shown on such map.

**§ 365-21. Conditional uses.**

- A. The following are conditional uses:
  - (1) In the R1 Districts: home occupations.
  - (2) In the R2, R3, R4, R5, R6, and R7 Districts:
    - (a) Home occupations, except that home occupations are not allowed in the R4 District for principal buildings containing three or more residential dwelling units.
    - (b) Art galleries.
  - (3) In the R3, R4 and R5 Districts:
    - (a) Accessory buildings, garages, carports, and paved parking areas serving exclusively the occupants of the structure.
    - (b) Microwave radio relay structures and community television towers.
  - (4) In the R3 and R4 Districts:

- (a) Medical and dental clinics.
  - (b) Any use permitted in the R3 District.
  - (c) Multifamily dwellings.
  - (d) Charitable institutions, rest homes and private, nonprofit clubs and lodges, subject to the provisions of this section.
  - (e) Hospitals, except animal hospitals.
  - (f) Rooms for no more than six paying guests or boarders not members of the family.
  - (g) Colleges and vocational schools.
  - (h) Public museums.
  - (i) Uses customarily incident to any of the above uses, provided that no such use generates traffic or noise that would create a public or private nuisance.
- (5) The following highway-oriented uses in the C3 Highway Commercial District:
- (a) Drive-in establishments serving food or beverages for consumption.
  - (b) Motels.
  - (c) Service stations, washing and repair stations, and garages, provided all gas pumps are not less than 30 feet from any existing or proposed street right-of-way line.
  - (d) Recreational establishments, including drive-in theaters, golf or baseball driving ranges, archery fields, miniature golf courses, or similar uses.
  - (e) Uses clearly similar in character to those listed above.
- (6) In the C2 Districts, the following business, commercial, and institutional uses:
- (a) Any use permitted in the R4 District, except one- and two-family residences. This exception does not apply to those existing residences located adjacent to North Main Street between Crocker Avenue and Englewood Court.
  - (b) Post offices.
  - (c) Municipal services buildings.
  - (d) General business and commercial uses which do not generate noise, smoke, or odors that would create a public or private nuisance. These uses generally include:
    - [1] Telephone offices.
    - [2] Hotels and motels.
    - [3] Theaters, bowling alleys, and places of amusement.
    - [4] Restaurants, taverns, and bars.
    - [5] Personal service, automobile service, and equipment service establishments.

- [6] Bus depots.
- [7] Uses customarily incident to any of the above uses.
- (e) Churches and other places of worship.
- (f) The establishment of any condominium or conversion of an existing use to condominium ownership shall be a conditional use pursuant to this section.
- (7) In the C1 District:
  - (a) Any use permitted in the R4 District, except one- and two-family residences.
  - (b) Municipal service buildings.
  - (c) Parking lots.
  - (d) General business and commercial uses which do not generate noise, smoke or odors that would create a public or private nuisance. These uses generally include:
    - [1] Banks and telephone offices.
    - [2] Hotels and motels.
    - [3] Theaters, bowling alleys and places of amusement.
    - [4] Restaurants, taverns and bars.
    - [5] Personal service, automobile service and equipment service establishments.
    - [6] Uses customarily incident to any of the above uses.
- (8) Conditional uses. In the Business Park District (BPD):
  - (a) Indoor athletic facilities.
  - (b) Day-care facilities.
  - (c) Medical and dental clinics.
  - (d) Veterinary offices and small animal hospitals without outdoor kennels.
  - (e) Banks, credit unions, and similar financial institutions.
  - (f) Public or municipal buildings.
  - (g) Public utility structures.
  - (h) Buildings for the storage of goods and materials, where such goods or materials are stored inside a building, provided such buildings are not mini-warehouse buildings subdivided into more than three multiple warehouse and storage facilities containing less than 1,500 square feet each and available for sublease.
  - (i) Communication towers and antennas.
  - (j) Truck terminals.

- (k) Uses involving the manufacture and fabrication of goods within the confines of a building and in which any noise, vibration, heat, or flash produced in any process is confined within a building at all times. Any odors produced or emitted in any process must meet applicable federal and state regulations for air emissions. See the performance standards in § 365-14L below.
- (l) Uses providing a service in which noise, vibration, heat, or flash produced on the premises by such service uses is confined within a building at all times. Any odors produced or emitted must meet applicable federal and state regulations for air emissions.
- (9) In the R3 District: an animal rescue shelter/foster home for domestic cats within a residence, subject to the following:
  - (a) The maximum number of cats allowed is one per 200 square feet of finished living space in the residence with a maximum of 10 cats.
  - (b) The shelter/foster home is operated in conjunction with an organized rescue group.
  - (c) The permit is subject to annual review and renewal.
- (10) In the I1 District: All light industrial uses not prohibited by § 365-15B. In no instance shall conditional uses as allowed in this subsection cause or be associated with public or private nuisances such as odor, dust, noise, smoke, traffic, vibration or air, water, or soil pollution and shall not cause or pose a significant safety hazard (such as danger of explosion).
- (11) In the I2 District. All heavy industrial uses not prohibited by § 365-16B. In no instance shall conditional uses as allowed in this subsection cause or be associated with public or private nuisances such as odor, dust, noise, smoke, traffic, vibration or air, water, or soil pollution and shall not cause or pose a significant safety hazard (such as danger of explosion).

B. Purpose.

- (1) The purpose of this section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed conditional uses.
- (2) Certain uses in situations which are of such a special nature, or are so dependent upon actual contemporary circumstances, as to make impractical the predetermination of permissibility, or the detailing in this chapter of specific standards, regulation, or conditions which would permit such determination in each individual situation, may be permitted as conditional uses.
- (3) If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in this Code or imposed by the Plan Commission, the City shall grant the conditional use permit. Any condition imposed must be related to the purpose of City zoning regulations and be based on substantial evidence. Under this § 365-21, the term "substantial evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion. This subsection is intended to ensure compliance with § 62.23(7)(de), Wis. Stats.

C. Initiation of request for approval of a conditional use. Proceedings for approval of a conditional use may be initiated by an application of the owners of the subject property.

D. Application requirements. All applications for proposed conditional uses shall be approved as

completed by the Zoning Administrator prior to the initiation of this procedure. No placement of the application on any agenda, as an item to be acted upon, shall occur unless the application has been determined by the Zoning Administrator to be complete. The item may be placed on any agenda as a discussion-only item, without an application. Prior to the submittal of the official notice regarding the application to the newspaper, the applicant shall provide five copies of the complete application. Said complete application shall be comprised of all of the following:

- (1) A map of the subject property showing all lands for which the conditional use is proposed, and all other lands within 200 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the County Register of Deeds. Said map shall clearly indicate the current zoning of the subject property and all other land within 200 feet, and the jurisdiction which maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier and shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a North arrow shall be provided;
  - (2) A written description of the proposed conditional use, describing the type of activities, buildings, and structures proposed for the subject property and their general locations;
  - (3) A site plan of the subject property as proposed for development. Said site plan shall conform to any and all the requirements of the Architectural Review Board. A proposed preliminary plat or conceptual plat may be substituted for the required site plan, provided said plat contains all information required on said site plan. Review and approval of any site plan, preliminary plat or conceptual plat submitted with an application for a conditional use permit under this § 365-21 also shall constitute site plan review and approval;
  - (4) Additionally, the applicant may wish to provide written justification for the proposed conditional use consisting of the reasons why the applicant believes the proposed conditional use is appropriate, particularly as evidenced by compliance with the standards set forth in Subsection E(3)(a) through (f) of this section.
- E. Review by the Zoning Administrator. The proposed conditional use shall be reviewed by the Zoning Administrator as follows:
- (1) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this chapter. If the Zoning Administrator determines that the application is not complete or does not fulfill the requirements of this chapter, the Zoning Administrator shall return the application to the applicant. If the Zoning Administrator determines that the application is complete, the Zoning Administrator shall notify the applicant.
  - (2) Upon notifying the applicant that the application is complete, the Zoning Administrator may review the application and evaluate and comment on the written justification for the proposed conditional use.
  - (3) The Zoning Administrator may also evaluate the application to determine whether the requested conditional use is in harmony with the recommendations of the City's Comprehensive Plan, particularly as evidenced by compliance with the standards of Subsection E(3)(a) through (f) of this section:
    - (a) How is the proposed conditional use (the use in general, independent of its location) in harmony with the purposes, goals, objectives, policies and standards of the City

Comprehensive Plan, this chapter, and any other plan, program, or ordinance adopted or under consideration by the City?

- (b) How is the proposed conditional use (in its specific location) in harmony with the purposes, goals, objectives, policies and standards of the City Comprehensive Plan, this chapter, and any other plan, program, or ordinance adopted or under consideration by the City?
  - (c) Does the proposed conditional use, in its proposed location and as depicted on the required site plan, result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of this chapter, the Comprehensive Plan, or any other plan, program, map, or ordinance adopted or under consideration by the City?
  - (d) Does the proposed conditional use maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the surrounding area or district of the subject property?
  - (e) Is the proposed conditional use located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by the City or its utilities serving the subject property?
  - (f) Do the potential public benefits of the proposed conditional use outweigh any and all potential adverse impacts of the proposed conditional use after taking into consideration the applicant's proposal and any requirements recommended by the applicant or the Plan Commission to ameliorate such impacts?
- (4) The Zoning Administrator shall forward the report to the Plan Commission for the Commission's review and use in making its decision. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of the City's Comprehensive Plan, the Zoning Administrator shall note this determination in the report.

F. Review by the Plan Commission and public hearing.

- (1) The Plan Commission shall schedule a public hearing to consider the application within 45 days after the acceptance and determination of the complete application as determined by the Zoning Administrator. The applicant may appear in person, or by agent, or by attorney. Said notice shall contain a description of the subject property and the proposed conditional use. In addition, at least seven days before said public hearing, the Zoning Administrator shall mail an identical notice to the applicant and to all owners of abutting properties. Failure to mail said notice, provided it is unintentional, shall not invalidate proceedings under this section. Notice of the public hearing shall be published as a Class 2 notice under Ch. 985, Wis. Stats.
- (2) Within 60 days after the public hearing (or within an extension of said period requested in writing by the applicant and granted by the Plan Commission), the Common Council shall make its findings. The Common Council shall state in the minutes and in a substantially issued written conditional use permit, or in a written notice to the applicant of denial of the conditional use permit, its conclusions, findings of fact, conditions, and any substantial evidence supporting such conclusions, findings of fact, and conditions.

- (3) Notwithstanding anything in City zoning regulations to the contrary, in connection with the granting of a conditional use permit under this section, the Plan Commission may authorize the exception from, or exceedance of, any nonresidential bulk or dimensional standards set forth in §§ 365-11 through 365-19, 365-28, 365-29, 365-31, or 365-22. Any exception to, or exceedance of, any nonresidential bulk or dimensional standards shall be determined by the Zoning Administrator to be in harmony with the City's Comprehensive Plan particularly evidenced by compliance with the standards of Subsection E(3) of this section. Any exception to, or exceedance of, nonresidential bulk or dimensional standards authorized by the Plan Commission shall not be considered a variance, provided that the exception or exceedance and the justification for the exception or exceedance are specifically stated in the conditional use permit.
- G. Common Council action. The Common Council, upon the recommendation of the Plan Commission, may take final action on the application at the time of its initial consideration of the written conditional use permit or may continue the proceedings at its discretion or at the applicant's request. The Common Council may approve the conditional use as originally proposed, may approve the proposed conditional use with modifications, or may deny approval of the proposed conditional use. The Common Council's approval of the proposed conditional use shall be considered the approval of a unique request and shall not be construed as precedent for any other proposed conditional use.
- H. Effect of denial. No application which has been denied (either wholly or in part) shall be resubmitted for a period of six months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.
- I. Termination of an approved conditional use. Upon approval by the Common Council, the applicant must demonstrate that the conditional use, as established and implemented, meets all general and specific conditional use requirements and conditions approved under this section, including all general and specific conditional use requirements in the site plan. Once a conditional use permit is granted, no erosion control permit, site plan approval, certificate of compliance, building permit or occupancy permit shall be issued for any development which does not comply with all requirements and conditions of the conditional use permit. The applicant shall provide certification of compliance to the City staff upon completion of the development activity. Any conditional use found not to be in compliance with the terms of this chapter shall be considered in violation of this chapter and shall be subject to all applicable procedures and penalties. A conditional use may be revoked for such a violation by majority vote of the Common Council, following the procedures outlined in Subsections C through H of this section.
- J. Time limits on the development of conditional use. The start of construction of any and all conditional uses shall be initiated within 365 days of their approval by the Common Council and shall be operational within 730 days of said approval. Failure to initiate development within this period shall automatically constitute a revocation of the conditional use. For the purposes of this section, the term "operational" shall be defined as the granting of a certificate of compliance for the conditional use. Prior to such a revocation, the applicant may request an extension of this period. Said request shall require formal approval by the Common Council and shall be based upon a showing of acceptable justification (as determined by the Common Council).
- K. Discontinuing an approved conditional use. Any and all conditional uses which have been discontinued for a period exceeding 365 days shall have their conditional use invalidated automatically. The burden of proof shall be on the property owner to conclusively demonstrate that the subject conditional use was operational during this period.

- L. Change of ownership. All requirements of the approved conditional use shall be continued regardless of ownership of the subject property. Modification, alteration, or expansion of any conditional use in violation as approved per Subsection F of this section, without approval by the Common Council, shall be grounds for revocation of said conditional use approval per Subsection I of this section.
- M. Fee. One or more fees are required for this procedure.
- N. Appeals. If the Common Council denies a person's conditional use application, the person may appeal the decision to the County Circuit Court under the procedures contained in § 62.23(7)(e)10, Wis. Stats.

### § 365-22. Signs.

- A. Purpose of sign ordinance. The purpose of this section is to provide the legal framework and standards to safeguard life, property, economic development, City aesthetics, and historic preservation by regulating and controlling the reasonable, orderly and effective display of signs. Throughout this section, regulations regarding the design, number, size, quality of materials, construction, location, illumination, installation and maintenance of all signs will encourage effective communication of information and orientation for both citizens and visitors, and promote visual harmony with respect for the environmental character of the community.
- B. Sign definitions. The following definitions are used in this section. Any definitions not contained in this section can be found in the body of the chapter.

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

**AWNING** — A sheet of cloth material stretched on a frame attached to a building used to keep the sun or rain off a storefront window or doorway.

**BANNER** — A nonilluminated, temporary sign made of paper, plastic or other flexible materials.

**BILLBOARD** — See "off-premises advertising sign."

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

**CANOPY SIGN** — Any sign attached to or constructed in, on or under a canopy or marquee.

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

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

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

**GROSS SIGNAGE** — The total square footage of all signage on a property and/or building.

**GROUND FREESTANDING SIGN** — A sign that is placed directly on the ground and is not attached to any building.

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

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

**INTERNALLY ILLUMINATED SIGN** — Any sign in which the source of illumination is an integral part of the sign.

**MESSAGE CENTER** — See "changeable copy sign."

**MULTIFACED SIGN** — A sign which has two or more surface areas used for identification or advertising.

**OFF-PREMISES ADVERTISING SIGN** — A sign not located on the business premises that advertises goods, products, facilities, or provides directions.

**PARCEL** — Such lots or lands identified by a tax identification number.

**PERMANENT SIGN** — A sign that is permanently affixed or attached to the ground or to a structure.

**PLANNED SIGN PROGRAM** — A coordinated design plan of one or more signs for a municipality, business establishment or a business center.

**PROHIBITED SIGN** — A sign failing to conform to the provisions of this section.

**PROJECTING SIGN** — A sign, normally double-faced, that is attached to and projects from a face or wall of a structure.

**PYLON SIGN** — A sign that is supported by one or more freestanding uprights or poles and is not attached to any building.

**SECONDARY ENTRANCE SIGN** — A sign on the minor face of a building.

**SIGN** — Any structure or device displaying advertising in the form of lettering, pictures, symbols or other media.

**TEMPORARY SIGN** — An advertising device that is not permanently attached to a building or the ground and which is intended to be displayed for a limited period of time.

**TIME OR TEMPERATURE SIGN** — See "changeable copy sign."

**WALL SIGN** — Any sign attached to, erected on, or painted on the vertical wall of a building.

**WINDOW SIGN** — Any sign affixed to and visible through an exterior window or door.

C. General requirements.

- (1) No sign shall be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without an approved permit. The sign shall meet all the structural and safety requirements as set forth in this section.
- (2) Subject to the provisions of Subsections D through I, total gross signage allowed for any one parcel of land is 200 square feet. The total gross signage of a parcel's main front may not exceed two square feet per linear foot of street frontage. No more than 25% of allowed signage for the parcel's main front can be used on other sides of the parcel. Total signage does not include any informational signage which is necessary for the lawful operation of the business, such as "Handicapped Parking," "No Parking," or "Canopy Height" signs.
- (3) Sign area is the entire surface area of a sign, including nonstructural trim. The supports, uprights

or structures on which the sign is mounted are not included in size. Sign area for cutout letters, symbols, or statuary shall include the total area within the periphery of the display, which can be enclosed within a triangle. Multifaced signs shall be computed as the areas of a single face.

- (4) Projects or buildings containing more than one business shall have an overall planned sign program. Buildings with common entrances shall be allowed one group directory sign at each entrance. Buildings with individual entrances shall be allowed one group directory sign for common identification. Each individual entrance shall be allowed one sign per entrance whose size shall be determined by dividing the remaining total gross signage for the parcel by the number of businesses.

D. General physical requirements for all signs.

- (1) Allowable gross signage. Except for properties located in Business Park District (BPD) and Industrial Districts (I1 and I2), gross signage may not exceed two square feet per linear foot of street frontage. No more than 25% of allowed signage for the building's main front can be used on other sides of the building. Allowable gross signage for any parcel of land not located in Business Park District or Industrial Districts (I1 and I2) is 200 square feet. Allowable gross signage for properties located in Business Park District and Industrial Districts (I1 and I2) shall not exceed 10% of any vertical building wall area facing a public street.
- (2) Ground/freestanding signs. Ground/freestanding signs shall not exceed a maximum of eight feet in height. Ground/freestanding signs shall not have more than two faces and shall not be permitted to move or rotate in whole or part. One ground/freestanding sign (where permitted) is allowed per building. The use of ground/freestanding signs is encouraged and preferred over pylon signs.
- (3) Pylon signs. Pylon signs shall not exceed 20 feet in height and shall be set back one foot for every two feet of sign height from the property line. Pylon signs shall not have more than two faces and shall not be permitted to move or rotate in whole or in part. One pylon sign (where permitted) is allowed per building.
- (4) Wall signs. Wall signs, including dimensional letter signs, shall not exceed 48 square feet. A wall sign shall not extend above the lowest point of the roof nor beyond the ends of the wall to which it is attached, and not extend more than eight inches outside a building's wall surface.
- (5) Projecting signs. One projecting sign is allowed per building, not to exceed 48 square feet, and must be 25 feet from another projecting sign. Minimum clearance to grade shall be 10 feet measured from the lowest part of the sign. Projecting signs may extend not more than five feet over the lot line and in no case shall extend to within three feet of the street curb face.
- (6) Changeable copy signs. Changeable copy signs are allowed as follows: only one changeable copy sign is permitted per parcel, and is limited to two faces not exceeding 20 square feet with a maximum letter height of four inches. All changeable copy signs must be permanently installed. Service stations are allowed one changeable copy sign for each street frontage. Time-and-temperature signs and message center signs shall not exceed six square feet in surface.
- (7) Awning or canopy signs. Awning or canopy signs, or any lettering or imagery applied on an awning or canopy, is considered a sign. The size of the lettering shall not exceed one-quarter of the total surface area of the awning. Additional signs cannot extend beyond or be attached to the underside of an awning or canopy.

- (8) Window signs. Window signs shall not exceed 25% of the total area of the windows on each individual face of the building.
- (9) Group directory signs. The maximum size shall be 24 square feet per sign. Also see Subsection C(4) for further instruction.
- (10) Off-premises advertising signs. Off-premises advertising signs are regulated under Subsection I.
- (11) Illumination.
  - (a) Floodlighting and internally illuminated signs shall illuminate only the immediate area of the sign, concentrating light upon the sign without radiating light on adjacent public or private property.
  - (b) White light and neon emitting different colors of light are permitted.
  - (c) Where signs face a residential zoning district, the illumination shall cease after 11:00 p.m., or after the business closing time, whichever comes first.
  - (d) Flashing signs are prohibited.
  - (e) Exposed reflective-type bulbs, incandescent lamps or other illumination devices which exceed 40 watts shall not be used on the exterior surface of any sign so as to expose the face of the bulb, light or lamp to adjacent property.
- (12) Structural and safety specifications.
  - (a) All new signs shall comply with the appropriate provisions of the City Building Code and the National Electrical Code, as well as additional standards set forth in this section.
  - (b) No sign shall be erected, constructed, or maintained so as to obstruct any fire escape, required exit, window, or door, or opening required for ventilation.
  - (c) Clearances from high-voltage power lines must meet horizontal and vertical clearances outlined in the National Electrical Code.
  - (d) All ground freestanding or pylon signs shall be self-supporting and permanently attached to sufficient foundations. Engineering certification of safety will accompany all pylon signs over 10 feet in height.
  - (e) All electrical work must be performed by a licensed electrician.
  - (f) Only plastic, safety glass or tempered glass shall be used.
  - (g) Supports or braces must be of adequate material to meet wind loads that are structurally safe.
- E. Historic District Physical Requirements for the Downtown Historic District and the Cole Historic District and properties located within 100 feet of these Historic Districts. Regulations in this section shall provide for the preservation and enhancement of these state and nationally recognized historic districts as recorded with the Federal Register of Historic Places and to further the national interest as it pertains to the preservation and enhancement of historic places.
  - (1) Pylon signs are prohibited.

- (2) Ground/freestanding signs shall not exceed 32 square feet per sign face.
  - (3) Projecting signs shall not exceed 20 square feet surface area.
  - (4) Off-premises advertising signs are prohibited.
  - (5) Changeable copy signs are prohibited.
  - (6) Illumination shall be external only.
  - (7) Only cloth awnings are allowed, whether plain or with lettering.
  - (8) Canopies, whether plain or with lettering, are prohibited.
  - (9) Painted wall or ghost signs of historic significance to the community shall not be covered up or destroyed, but rather allowed to fade, or be repainted to restore original style and appearance.
  - (10) Reliefs, such as sculptured figures, letters, or forms projecting from a flat surface and usually made of masonry, wood, or metal, shall not be covered or destroyed.
  - (11) Secondary entrance signs shall not exceed 12 square feet in surface area. These may be projection signs but must conform to placement requirements stated in Subsection D(5).
  - (12) All signs in the historic districts require approval from the Historic Preservation Commission before any sign permit is issued.
- F. Commercial District/Commercial Modern Concept/Highway Commercial (C1, C2, C3) Zones: physical sign requirements. Signs that are allowable under this section and that are visible from both the street and the sidewalk must satisfy the legitimate needs of commerce without visual clutter and without obstructing the view of buildings and traffic signs. Business District/Modern Concept, when within 100 feet of an historic district, shall be regulated as provided in this subsection so as to preserve the aesthetics retained by the historic district.
- (1) Pylon signs shall not exceed 48 square feet per sign face.
  - (2) Ground/freestanding signs shall not exceed 48 square feet per sign face.
  - (3) Projecting signs shall not exceed 24 square feet surface area.
  - (4) Secondary entrance signs shall not exceed 12 square feet in surface area. These may be projection signs, but must conform to placement requirements stated in Subsection D(5).
- G. Business Park District Properties and Industrial District (I1, I2): physical requirements. The purpose of signage in industrial areas is for the identification of business establishments, services and products available on the premises where the sign is located.
- (1) Pylon signs shall not exceed 48 square feet per sign face.
  - (2) Ground/freestanding signs shall not exceed 48 square feet per sign face.
  - (3) Projecting signs shall not exceed 48 square feet surface area.
  - (4) Wall signs shall not exceed 10% of any vertical building wall area facing a public street.
- H. Residential District (R1, R2, R3, R4, R5, R6, R7 and PUD): physical sign requirements. Signs erected in the City's residential districts shall be maintained so the values and enjoyment of all properties in

the neighborhood shall not be substantially impaired or diminished by the establishment, maintenance, or operation of the sign. Signs will be compatible with the use of adjacent land.

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

I. Off-premises advertising signs.

- (1) Permitted zoning districts. Off-premises advertising signs are permitted only in BPD, C2, C3, I1, and I2 Zoning Districts.
- (2) Size requirements. Off-premises signs shall not exceed 100 square feet of sign surface area per face, with no more than two sides per sign structure and only one face per side. The sign surface area per face shall be calculated by adding together the area of the off-premises sign face(s) that can be read from one direction at a time. Where two identical off-premises signs are placed back-to-back on the same sign supports, the signs shall not be separated by more than four feet so that both faces cannot be read from one direction simultaneously.
- (3) Setback requirements. Off-premises signs shall be set back from the public right-of-way of any street or highway 15 feet and must comply with setback requirements of state regulations when located on federal or state highways or interchanges. No off-premises signs shall be any closer than 30 feet from any building.
- (4) Spacing between off-premises signs. Off-premises signs shall comply with the spacing requirements of state laws, rules, and regulations, and in no case shall be permitted within a 750-foot radius of another off-premises sign.
- (5) Height. Off-premises advertising signs shall not exceed 20 feet in height, as measured from the elevation of the public right-of-way roadway pavement to the top of the structure.
- (6) Prohibited off-premises signs. Off-premises signs are prohibited in any historic or residential district. Off-premises signs shall not be erected or constructed within 150 feet of any residential district or within 500 feet of any historic site or district, school, church, public park or recreation area, public playground, or environmental corridor. This distance shall be measured from the outermost portion of the off-premises sign structure.
- (7) Replacement sign credit.
  - (a) The owner of a nonconforming off-premises sign may receive a replacement sign credit upon removal of a nonconforming off-premises sign face. The owners of nonconforming off-premises signs which are ordered to be removed to protect the public's welfare and safety, or signs which are damaged or destroyed beyond 25% of their current value, may also receive a replacement sign credit.

- (b) Replacement sign credits shall be subject to the following conditions:
- [1] The replacement sign credit shall be valid for a period of one year.
  - [2] The holder of the replacement sign credit shall locate and construct an off-premises sign in accordance with this section as it exists at the time relevant, prior to the expiration of the replacement sign credit.
  - [3] Replacement sign credits are nontransferable.
  - [4] Upon expiration of each replacement sign credit, the total number of allowable off-premises signs within Sheboygan Falls shall be reduced by one.
- J. Prohibited signs. The following signs, including unclassified signs, shall be prohibited within all zoning districts in the City of Sheboygan Falls:
- (1) Abandoned signs that are no longer in use or a sign providing obsolete or outdated copy.
  - (2) Animated signs, either alternating, rotating or swinging, in whole or part, or signs which emit audible sound, odor or visible matter. Exceptions include the rotation of barber poles and currently licensed vehicles or trailers that display, in a permanent manner, the name of the product they deliver and/or the name and address of the owner.
  - (3) Obstructing signs of a size, location, content, coloring, or manner of illumination that may be confused with an official traffic control device, or which hides any traffic sign or signal, or obstructs the view at an intersection.
  - (4) Displaced signs, those erected on a tree or utility pole or painted on or attached to any fence or wall that are not structurally a part of a building, except to identify a residence, or as traffic control.
  - (5) Obscene signs that contain statements, words, or pictures of a pornographic or immoral character.
  - (6) Inflatable signs, such as balloons, used as off-premises advertising devices. On-premises devices of this nature may be used only for the opening of a new business or special promotion in Commercial/Modern Concept and Industrial Districts.
  - (7) Mobile signs on a vehicle parked primarily for the purpose of displaying an advertisement.
  - (8) Roof signs.
- K. Signs requiring a temporary permit. The following signs are allowable with a temporary sign permit. A temporary sign can be displayed for up to two weeks at a time during no more than three different periods per year unless otherwise stated below. Each such two-week period requires a permit.
- (1) Banners, flags and pennants used for the purpose of advertising items shall not exceed 100 square feet or 10% of the area of the wall on which they are placed.
  - (2) Ground/freestanding signs advertising special business promotions or events shall not exceed 12 square feet in area or four feet in height.
  - (3) Searchlights or balloons used as advertising devices may not be used on a permanent basis. A permit for such may be issued for up to five days, and two permits are allowed per year.

- (4) Subdivision advertising signs, including banners and flags used for the promotion of developing residential areas, may be issued a permit for a period of two years, and may be annually renewed after two years. The sign must be located on the property. Subdivision advertising signs may not exceed 32 square feet for properties less than five acres. More than five acres are a maximum of 96 square feet. One sign is allowed for each major street adjacent to the subdivision.
  - (5) Construction signs used for identifying building contractors are allowed on-site for the duration of construction. Signs 12 square feet to a maximum of 32 square feet require a temporary permit.
- L. Signs not requiring a permit. The following signs are permitted in all zoning districts of the City of Sheboygan Falls without a sign permit, provided they comply with the restrictions and specifications contained in this section and in no way conflict with restrictions stated in Subsection J, Prohibited signs:
- (1) Governmental or other signs required by federal, state or local law, including off-premises directional signs.
  - (2) House number and name plates indicating occupants and/or address.
  - (3) Interior signs located within any building or structure which are not visible from the public right-of-way.
  - (4) Landmark signs and plaques showing names of buildings and commemorative dates, which are cut into masonry surfaces, or made of bronze or other permanent-type construction and made to be an integral part of the building.
  - (5) No-trespassing and no-dumping signs no more than two square feet.
  - (6) Miscellaneous signs, posters, banners, flags, or pennants promoting civic, charitable, educational or religious events may be temporarily displayed and removed after the event.
  - (7) Election campaign signs can be displayed no earlier than the period beginning on the first day for circulation of nomination papers by candidates, or the first day on which candidates would circulate nomination papers were papers to be required and ending on the day of the election. In the case of a referendum, the period beginning on the day on which the question to be voted upon is submitted to the electorate and ending on the day on which the referendum is held. Permission must be granted by the owners or tenants of the property upon which the sign is erected. No sign shall be located on public property or within 100 feet of a designated polling place. In order to ensure traffic and pedestrian safety, political signs shall not exceed 11 square feet in area, and no more than one sign per land parcel is permitted for each candidate or issue.
  - (8) Real estate signs promoting the sale of a property are limited to one on any lot or parcel. In residential and commercial districts, such signs shall not exceed eight square feet, and in the Business Park District and Industrial Districts, 16 square feet. Such signs shall be removed within 30 days after sale, rental, or lease. Illumination is prohibited.
  - (9) Rummage sale signs used for advertising merchandise at a private residence shall be posted only on the days of the sale and cannot be attached to public property.
  - (10) Over-the-street banners promoting community events may be displayed for 20 days and removed promptly after the event.
  - (11) Portable signs not permanently mounted to the ground or a structure, such as special

announcement signs or a menu board, shall be structurally sound, displayed in a safe manner, and brought indoors after the close of the business day.

- (12) Nonprofit organizations, civic groups, religious group signs or emblems are governed by the regulations and conditions specified in Subsection D, General physical requirements for all signs. Placement of such signs on City-owned land must be by the approval of the Common Council.
- (13) Window signs that comply with Subsection D(8).

M. Existing nonconforming signs.

- (1) Signs existing at the time of adoption of this section, although the use, size or location does not conform with the provisions of this section, shall be deemed a nonconforming use or structure, and the following provisions shall apply.
- (2) A sign will lose its existing nonconforming status and must, within 30 days of occurrence, be brought into compliance with this section and a new permit secured if one or more the following occurs:
  - (a) The sign is structurally altered in any way, including changes in size, area, height, location, or illumination, except for minimal maintenance or repair such as paint touch-ups.
  - (b) The sign is damaged to such an extent that the cost to repair or reconstruct the sign exceeds 50% of the value of the sign.
  - (c) The design, logo, or wording of the sign is altered.
  - (d) If the Zoning Administrator determines that the sign is dangerous, defective, or abandoned.
  - (e) If a building or place of business is occupied by a new building owner, a new business, or new tenant.
- (3) The nonconforming sign shall be removed at the owner's expense. Nothing in this section shall relieve the owner or user of a legal nonconforming sign or the owner of the property in which the sign is located from the provisions of this section regarding safety, maintenance, and repair of signs.

N. Administration and enforcement.

- (1) The administrator of this section is the Common Council and the City Administrator or their designee, who will enforce and carry out all provisions of this section. The City Administrator, or designee, shall record and file all applications for permits with any accompanying plans and documents, make inspections of the signs in the City of Sheboygan Falls, and make such reports as the Mayor or Common Council may require.
- (2) Certain signs, because of unusual circumstances, may require a special variance for conformance to this section. These variances must be approved by the Board of Appeals.
- (3) If the City Administrator, or designee, refuses to issue a permit because the proposed signage does not meet the requirements of this section, the applicant will be issued a written decision outlining the reasons for any denial. Such denial may be appealed to the Board of Appeals within 45 days of the date of decision. Information regarding the appeal process shall be

included in the City Administrator's or designee's written decision.

O. Permits and fees.

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

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

**§ 365-23. Nonconforming uses and structures.**

- A. Present uses of buildings and premises may be continued even though they do not conform to the restrictions of this chapter. However, structural repairs or alterations of such buildings or premises shall not exceed 50% of their assessed value, unless a building or premises conforming to this chapter results. Any nonconforming use that is abandoned for one year shall be permanently discontinued.
- B. Nonconforming structures damaged or destroyed on or after March 2, 2006, caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation may be restored or replaced at the size, location, and use that it had immediately before the damage or destruction occurred, except that a damaged or destroyed structure shall be allowed to be larger if required to comply with applicable state or federal requirements.

**§ 365-24. Board of Appeals.**

- A. Appointment, compensation and powers. A Board of Appeals shall be appointed as specified in § 62.23, Wis. Stats. The members shall serve without compensation. The Board of Appeals shall make and file in the office of the City Clerk its own rules of procedure consistent with the statutes. It shall have the following powers:
- (1) To hear and decide appeals where it is alleged that the Zoning Administrator has made an erroneous finding or order or fails to act.
  - (2) To grant specific variances from the terms of this chapter where it is shown that unique physical circumstances applying to a lot cause hardship to the owner under this chapter and that the variance still shall be in fundamental harmony with surrounding uses.
- B. Determinations of Board. The Board may reverse or affirm, wholly or in part, or may modify any order, requirement, decision, or determination appealed from, and shall make such order, requirement, decision, or determination as in its opinion ought to be made, and to that end shall have all powers of the Zoning Administrator. If a quorum is present, the Board of Appeals may take action under this section by a majority vote of the members present. The grounds of every such determination shall be stated and recorded.
- C. Minutes of Board meetings to be filed. No action of the Board of Appeals shall have the effect of permitting, in any district, uses prohibited in such district by this chapter. The minutes of proceedings and hearing before the Board and all variances granted by it shall be filed promptly at the office of the City Clerk and shall be open for public inspection during office hours.
- D. Filing fee. A fee as designated in the fee schedule shall be paid to the Clerk by any petitioner or applicant filing for a hearing before the Board of Appeals or City Plan Commission.

**§ 365-25. Permit applications within any zoning district.**

- A. Zoning Administrator to enforce. The Common Council designates and authorizes the Zoning Administrator to enforce this chapter by means of permits, the cost of which shall be established by the Common Council.
- B. Permit required. The Inspector shall not issue a permit for a structure or a use that is not allowed by this chapter. No structure shall be built, moved or altered until a permit has been issued in accordance with the provisions of the Building Code.
- C. Qualifications for permit applications.
- (1) Internal alterations. Plans showing alterations only.
  - (2) External alterations. Plans showing alterations and plot plan of the lot.
  - (3) New structures. Complete plans and complete plot plans, duplicate copies of the completed plans and specifications for the erection or alteration of any building within the City, including sewage disposal and water systems with all information necessary for the completion of the work, together with a statement of ownership, map of the property showing thereon the exact location of all existing and proposed buildings and systems and such other information as may be necessary to provide for the enforcement of this chapter shall be filed with the Zoning Administrator, but no such work or excavation for such work shall be commenced by any person without first receiving a building permit from the Zoning Administrator, who shall issue or refuse such permit, in writing, within 10 days after proper application therefor.

**§ 365-26. Amendments.**

The Common Council may amend this chapter following the procedures prescribed by § 62.23, Wis. Stats.

**§ 365-27. Annexation.**

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

**§ 365-28. Restrictions for lots existing prior to July 3, 1972, and November 2, 2004.**

A. Any lot platted and existing prior to July 3, 1972, shall conform to the following requirements, any provisions of this chapter to the contrary notwithstanding:

(1) Principal building.

(a) Side yards: one side minimum of six feet; combination of both side yards: total of 14 feet.

(2) Accessory building.

(a) Side yard: a minimum of two feet; rear yard: a minimum of two feet.

B. Any lot platted, subdivided or approved for subdivision on or after July 3, 1972, and prior to November 16, 2004, shall conform to all requirements of this chapter, except to the following existing requirements:

(1) Principal building.

(a) Front yard setback: 20 feet.

(b) Lot area per family: 9,000 square feet.

(c) Minimum lot width: 75 feet.

**§ 365-29. Fences and walls.**

A fence or wall may be erected, placed or maintained along a lot line on residentially zoned property to a height not exceeding eight feet above ground, except that no such fence or wall exceeding 2 1/2 feet in height except as specified under § 365-3D shall be permitted in a required front or corner side yard. The design and material of all fences or walls shall be subject to the approval of the Zoning Administrator, who, upon granting such approval, shall issue a permit therefor.

**§ 365-30. Adult-oriented land uses.**

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

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

ADULT-ORIENTED ENTERTAINMENT LAND USES — An adult bookstore, adult theater, adult

massage parlor, adult sauna, adult entertainment center, adult cabaret, adult health/sports club, adult steam room/bathhouse facility, any bar, dance hall, restaurant or other place of business which features dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers or waiters or waitresses who engage in sexual conduct, or the simulation of such conduct, or any other business whose primary business activity is characterized by emphasis on matters depicting, describing, or relating to nudity, sexual conduct, sexual excitement or other sexual practices.

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

**SEXUAL CONDUCT** — The commission of any of the following: sexual intercourse, sodomy, bestiality, necrophilia, human excretion, masturbation, sadism, masochism, fellatio, cunnilingus or lewd exhibition of human genitals.

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

C. General requirements.

- (1) Zoning district. Adult-oriented entertainment land uses are not permitted uses in any zoning district, but may be operated or maintained only within the Light Industrial District (I1) with a conditional use permit, provided that it is located on a minor arterial road and subject to the distance limitations and other regulations noted below. The procedures and public hearing requirements of § 365-21 of the Zoning Code shall apply.
- (2) Distance limitations.
  - (a) No adult-oriented entertainment land use, as defined in this section, shall:
    - [1] Be operated or maintained within 1,000 feet of the boundary of any residential or commercial zoning district, the Agricultural District or the Highway Commercial District;
    - [2] Be operated or maintained within 1,000 feet of a church, public park, licensed day-care facility, public library, public or private educational facility which serves persons age 17 or younger, elementary school, high school, place of worship, or elderly housing facility;
    - [3] Be operated or maintained so that there are more than two such businesses within 2,500 feet, as measured by the radius from each business.
  - (b) Distance limitations set forth herein shall be measured in a straight line from the main public entrances of said premises to the lot lines of properties in agricultural, residential and business zoned districts, or other facilities described herein.
- (3) Same use restrictions. No adult-oriented entertainment land use shall be located in the same building or upon the same premises as any other such use.
- (4) Sign limitations. Notwithstanding any other provision of this chapter, an adult-oriented entertainment land use shall not be permitted more than one sign advertising its business, which shall be an on-premises or building sign only. All such signs shall meet the following criteria:

- (a) Have no merchandise or pictures of the products or entertainment on the premises displayed in window areas or any area where they can be viewed from the sidewalk or public street in front of or adjacent to the building;
  - (b) No sign shall be placed in any window, except a one-square-foot sign may be placed on the door to state hours of operation and admittance to adults only;
  - (c) No sign shall contain any flashing lights, moving elements, or mechanically changing messages;
  - (d) No sign shall contain any depiction of the human form or any part thereof, nor shall it contain sexually explicit language such as "nude dancing" or "girls, girls, girls," etc.;
  - (e) No adult-oriented entertainment land use may have any off-premises sign.
- (5) Operating standards. All adult-oriented entertainment land uses shall operate in accordance with the following:
- (a) No employee shall solicit business outside the building in which the business is located;
  - (b) No male or female person on the premises shall expose to public view their genitals, pubic area, anus, or anal cleft. Full nudity is prohibited;
  - (c) No person on the premises shall engage in sexual conduct or in any way fondle their genitals;
  - (d) No person, employee, entertainer or patron shall be permitted to have any physical contact with any entertainer on the premises during any performance. All performances shall only occur on a stage, or on a table that is in a designated area within full and unrestricted view of the bar area, either of which is elevated at least 18 inches above the immediate floor level and removed a distance sufficient to prevent actual physical contact between the entertainer and another entertainer or any other person, employee or patron;
  - (e) No person under the age of 18 years of age may be admitted to, may enter or remain on, may purchase goods or services at, or may work or be permitted to work as an employee in any capacity at, an establishment subject to the provisions of this section;
  - (f) No person shall cause another to commit a violation of this section, nor shall any person permit such violation to occur on any premises under their control, tenancy, management or ownership.
- (6) Building exterior appearance. The building exterior of any premises containing an adult-oriented entertainment land use shall meet the following criteria:
- (a) Colors to be earth or neutral tones with primary accent colors to be within the same color family;
  - (b) Stripes and geometric patterns are prohibited;
  - (c) The exterior shall be adequately maintained in good condition.
- D. Applicability; nonconforming use regulation. The provisions of this section of the Zoning Code shall apply to all existing and future adult-oriented entertainment land uses. Any such existing land use or business that does not meet the zoning district restrictions or the distance limitations may continue its

existence as a nonconforming use, except that such privilege of nonconforming use shall cease upon the discontinuance of the activities within such establishment for seven consecutive calendar days, including any days when the establishment is normally closed for business.

**§ 365-31. Landscaping and bufferyards.**

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

B. How to use this section.

(1) This section contains the standards which govern the amount, size, type, installation and maintenance of required landscaping. This section recognizes the important and diverse benefits which landscaping provides in terms of protecting the health, safety, and general welfare of the community, and implementing the Comprehensive Plan.

(2) Each subsection of this section is oriented to a specific category of required landscaping. These include landscaping requirements for foundations (§ 365-31D), landscaping requirements for developed lots (§ 365-31E), landscaping requirements for street frontages (§ 365-31F), landscaping requirements for paved areas (§ 365-31G), and landscaping requirements for bufferyards (§ 365-31H).

(3) In each instance, a "landscaping point" concept is used to provide a maximum amount of flexibility in terms of the selection of plant materials. Section 365-31C presents sample landscape point combination alternatives used by this section. At the end of this section, § 365-31I provides a listing of plant species fitting into the "climax tree," "tall deciduous tree," "medium deciduous tree," "low deciduous tree," "tall evergreen tree," "medium evergreen tree," "low evergreen tree," "tall deciduous shrub," "medium deciduous shrub," "low deciduous shrub," "medium evergreen shrub," "low evergreen shrub," and "noncontributory plants" used by this section. Section 365-31J provides requirements for the installation and maintenance of required landscaping, and § 365-31K describes the procedure for calculating landscaping requirements for this section.

C. Landscaping points, sample landscaping schemes and measurement for landscaping requirements.

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

<b>Table 3: Landscaping Points and Minimum Installation Sizes</b>		
<b>Plant Category</b>	<b>Landscaping Points Per Plant</b>	<b>Minimum Permitted Installation Size</b>
Climax tree	75	2 inch caliper
Tall deciduous tree	30	1 1/2 inch caliper
Medium deciduous tree	15	6 feet tall
Low deciduous tree	10	4 feet tall

<b>Table 3: Landscaping Points and Minimum Installation Sizes</b>		
<b>Plant Category</b>	<b>Landscaping Points Per Plant</b>	<b>Minimum Permitted Installation Size</b>
Tall evergreen tree	40	5 feet tall
Medium evergreen tree	20	4 feet tall
Low evergreen tree	12	3 feet tall
Tall deciduous shrub	5	36 inches tall
Medium deciduous shrub	3	24 inches tall
Low deciduous shrub	1	18 inches tall
Medium evergreen shrub	5	18 inches tall/wide
Low evergreen shrub	3	12 inches tall/wide
Noncontributory plants	0	N/A

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

D. Landscaping requirements for building foundations.

- (1) This subsection requires that certain buildings constructed after the effective date of this section be accented by a minimum amount of landscaping placed near the building foundation.
- (2) Landscaping required by this subsection shall be placed so that at maturity, the plant's dripline is located within 10 feet of the building foundation. Such landscaping shall not be located in those areas required for landscaping as street frontages, paved areas, or bufferyards, § 365-31E through I of this section.
- (3) For each 100 feet of building foundation perimeter, the following number of landscaping points (§ 365-31C) shall be provided on a prorated basis, and installed and permanently maintained per the requirements of § 365-31J.
- (4) Climax trees and tall trees shall not be used to meet this requirement. The intent of this section is to require a visual break in the mass of buildings and to require a visual screen of a minimum of six feet in height for all exterior perimeter appurtenances (such as HVAC/utility boxes, standpipes, stormwater discharge pipes and other pipes).

<b>Table 4: Building Foundation Landscaping Requirements</b>			
<b>Minimum Required Landscaping Points per 100 Linear Feet of Building Foundation</b>			
<b>Zoning District</b>	<b>Land Use (see § 365-31F)</b>		
	<b>All Other Land Uses</b>	<b>Single-Family Residential</b>	<b>Agricultural</b>
Single-Family Residence District (R2)	45	0	0
Two-Family Residence District (R3)	40	0	0
Multiple-Family Residence District (R4)	40	0	0
Commercial District (C2)	45	0	0
Highway Commercial District (C3)	40	0	0
Commercial District (C1)	0	0	0
Light Industrial District (I1)	40	0	0
Heavy Industrial District (I2)	20	0	0
Business Park (BPD)	40	0	0

E. Landscaping requirements for developed lots.

- (1) This subsection requires that certain lots developed after the effective date of this section contain a minimum amount of landscaping.
- (2) Landscaping required by this subsection is most effective if located away from those areas required for landscaping as building foundations, street frontages, paved areas, or bufferyards, under § 365-31E through H of this section.
- (3) The following number of landscaping points (as described in § 365-31C) shall be provided on a prorated basis for every 1,000 square feet of gross floor area, and installed and maintained per the requirements of § 365-31J.
- (4) The intent of this section is to provide yard shade and to require a visual screen of a minimum of six feet in height for all detached exterior appurtenances (such as HVAC, utility boxes, standpipes, stormwater discharge pipes and other pipes).

<b>Table 5: Developed Lot Landscaping Requirements</b>			
<b>Minimum Required Landscaping Points per 1,000 Square Feet of Gross Floor Area</b>			
<b>Zoning District</b>	<b>Land Use (see § 365-31F)</b>		
	<b>All Other Land Uses</b>	<b>Single-Family Residential</b>	<b>Agricultural</b>
Single-Family Residence District (R2)	25	0	0
Two-Family Residence District (R3)	20	0	0
Multiple-Family Residence District (R4)	20	0	0
Commercial District (C2)	20	0	0
Highway Commercial District (C3)	15	0	0
Commercial District (C1)	0	0	0
Light Industrial District (I1)	10	0	0
Heavy Industrial District (I2)	5	0	0
Business Park (BPD)	10	0	0

F. Landscaping requirements for street frontages.

- (1) This subsection requires that street frontages on certain lots developed after the effective date of this section contain a minimum amount of landscaping in those areas which abut the right-of-way of a public street.
- (2) All landscaping used to meet this requirement shall be located within 10 feet of the public right-of-way. In no instance shall such landscaping be located within a public right-of-way. Landscaping shall not impede vehicle or pedestrian visibility.
- (3) For every 100 linear feet of street frontage where a developed lot abuts a public street right-of-way, the following number of landscaping points (as described in § 365-31C) shall be provided on a prorated basis, and installed and maintained per the requirements of § 365-31J.
- (4) Shrubs and evergreens shall not be used to meet this requirement. A minimum of 50% of all points shall be devoted to climax and/or tall trees, and a minimum of 30% of all points shall be devoted to medium trees.

<b>Table 6: Street Frontage Landscaping Requirements</b>			
<b>Minimum Required Landscaping Points per 100 Linear Feet of Street Frontage</b>			
<b>Zoning District</b>	<b>Land Use (see § 365-31F)</b>		
	<b>All Other Land Uses</b>	<b>Single-Family Residential</b>	<b>Agricultural</b>
Single-Family Residence District (R2)	45	0	0
Two-Family Residence District (R3)	40	0	0
Multiple-Family Residence District (R4)	40	0	0
Commercial District (C2)	45	0	0
Highway Commercial District (C3)	40	0	0
Commercial District (C1)	0	0	0
Light Industrial District (I1)	40	0	0
Heavy Industrial District (I2)	20	0	0
Business Park (BPD)	40	0	0

G. Landscaping requirements for paved areas.

- (1) This subsection requires that paved areas on certain lots developed after the effective date of this section contain a minimum amount of landscaping within, or within 10 feet of, the paved area. The intent is to require a continuous visual screen of parking areas from public rights-of-way at a minimum height of 40 inches.
- (2) A minimum of 360 square feet of landscaped area, which shall be located within 10 feet of the paved area, is required for the placement of every 100 landscaping points. Said area does not have to be provided in one contiguous area. Plants used to fulfill this requirement shall visually screen parking, loading and circulation areas from view from public streets.
- (3) All landscaping areas located adjacent to paved areas shall be separated from the paved area by a continuous minimum four-inch-tall curb, which is constructed of concrete, asphalt, timber or like material approved by the City Administrator or designee.
- (4) For every 20 off-street parking stalls or 10,000 square feet of pavement (whichever yields the greater landscaping requirement) located in a development, the following number of landscaping points (as described in § 365-31C) shall be provided on a prorated basis, and installed and maintained per the requirements of § 365-31J. A minimum of 30% of all points shall be devoted to climax and/or tall trees and a minimum of 40% of all points shall be devoted

to shrubs.

<b>Table 7: Paved Lot Landscaping Requirements</b>			
<b>Minimum Required Landscaping Points per 1,000 Square Feet of Pavement</b>			
<b>Zoning District</b>	<b>Land Use (see § 365-31F)</b>		
	<b>All Other Land Uses</b>	<b>Single-Family Residential</b>	<b>Agricultural</b>
Single Family Residence District (R2)	90	0	0
Two-Family Residence District (R3)	80	0	0
Multiple-Family Residence District (R4)	80	0	0
Commercial District (C2)	95	0	0
Highway Commercial District (C3)	80	0	0
Commercial District (C1)	0	0	0
Light Industrial District (I1)	80	0	0
Heavy Industrial District (I2)	40	0	0
Business Park (BPD) - In addition to the herein described point system, all development in the BPD must comply with the requirements of § 365-14J of this chapter.	80	0	0

H. Landscaping requirements for bufferyards.

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

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

(2) Required locations for bufferyards.

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

R2 to R3	Not required
R2 or R3 to R4	Required
R2 or R3 to R5	Required
R2 or R3 to R6	Not required
R2 or R3 to R7	Not required
R4 to R5	Not required
R2 or R3 or R4 or R5 or R7 to PUD	Required
R2 or R3 or R4 or R5 or R7 to C1	Required
R2 or R3 or R4 or R5 or R7 to C2	Required
R2 or R3 or R4 or R5 or R7 to C3	Required
R2 or R3 or R4 or R5 or R7 to I1	Required
R2 or R3 or R4 or R5 or R7 to I2	Required
R2 or R3 or R4 or R5 or R7 to BPD	Required
C2 or C3 or BPD or I1 or I2 to R6	Required
C3 to I1	Required
I1 to BPD	Not required
I2 to BPD	Required
I1 to I2	Not required
A (Agricultural) to any other district	Not required
C (Conservancy) to any other district	Not required

(b) Bufferyard requirements are at a minimum 1 1/2 times general landscape ordinance requirements. All bufferyard requirements are considered part of the conditional use permit for development and will be reviewed by the Plan Commission for the Common Council. All bufferyard designs are subject to approval by the City Plan Commission for recommendation to the Common Council. The Common Council has final approval or denial of all bufferyard requirements.

I. Classification of plant species. For the purpose of this section, plant materials are classified into 13 groupings: "climax tree," "tall deciduous tree," "medium deciduous tree," "low deciduous tree," "tall evergreen tree," "medium evergreen tree," "low evergreen tree," "tall deciduous shrub," "medium deciduous shrub," "low deciduous shrub," "medium evergreen shrub," "low evergreen shrub," and noncontributory plants. The point values for each classification of species are shown in Table 3 above. Species suitable for landscaping use and compatible with Sheboygan County climate and soil factors are listed in the City of Sheboygan Falls Approved Planting List available from the Zoning Administrator. The Zoning Administrator shall review proposals for, and the applicability of, species

not contained in this list and is authorized to approve appropriate similar species. No plant species listed in Ch. NR 40, Wis. Admin. Code, shall be planted in the City.

J. Requirements for the installation, maintenance and use of landscaped and bufferyard areas.

(1) Installation.

(a) Any and all landscaping and bufferyard material required by the provisions of this section shall be installed on the subject property, in accordance with the approved site plan, within 365 days of the issuance of an occupancy permit for any building on the subject property.

(b) Surety.

[1] If the subject property is to be occupied prior to the installation of all required landscaping and bufferyard materials, the property owner shall file, subject to approval by the City Administrator or their designee, a bond, a certificate of deposit, an irrevocable letter of credit, or a certified check, in an amount equal to 110% of the estimate of landscaping materials and installation cost. An enforceable contract for all work on the subject property indicated on the detailed landscaping plan required under the provisions of this subsection, from a qualified contractor (valid for said 365-day period), shall be used to determine the amount of surety.

[2] If a part of a plat of subdivision approved per the requirements of this section, said amount may be split into amounts which are applicable to phases of the plat approved per the requirements of Chapter 357, Subdivision of Land, of this Code.

[3] Governmental units to which these bond and guarantee provisions apply may, in lieu of said contract or instrument of guarantee, file a resolution or letter from officers authorized to act in its behalf, agreeing to comply with the provisions of this subsection.

(c) Existing plant material which meets the requirements of § 365-31C, and which will be preserved on the subject property following the completion of development, may be counted as contributing to the landscaping requirements.

(d) All landscaping and bufferyard areas shall be seeded with lawn or native ground cover unless such vegetation is already fully established.

(e) The exact placement of required plants and structures shall be depicted on the required detailed landscaping plan and shall be the decision of each property owner within the requirements of this subsection, except that the following requirements shall be met:

[1] Evergreen shrubs shall be planted in clusters in order to maximize their chance for survival.

[2] Where a combination of plant materials, and/or berming and/or fencing is used in a bufferyard, the fence and/or berm shall be located toward the interior of the subject property and the plant material shall be located toward the exterior of the subject property.

[3] A property owner may establish through a written agreement, recorded with the Register of Deeds Office, that an adjacent property owner shall agree to provide a partial or full portion of the required bufferyard on an immediately adjacent portion

of their land, thereby exempting the developer from providing all or a portion of the required bufferyard on their property.

[4] In no manner shall landscaping or bufferyard materials be selected and/or located in a manner which results in the creation of a safety or visibility hazard.

[5] The restrictions on types of plants listed in § 365-31D through G shall apply.

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

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

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

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

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

### **§ 365-32. Violations and penalties.**

Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in § 1-4 of this Code. A separate offense shall be deemed committed on each day on which a violation of this chapter occurs or continues. This section shall not preclude the City from maintaining any appropriate action to prevent or remove a violation of this chapter.

## Chapter 191

### HISTORIC PRESERVATION

§ 191-1.	<b>Purpose and intent.</b>	§ 191-6.	<b>Procedures.</b>
§ 191-2.	<b>Definitions.</b>	§ 191-7.	<b>Interim control.</b>
§ 191-3.	<b>Historic Preservation Commission composition.</b>	§ 191-8.	<b>Maintenance of historic structure, site or improvement; enforcement.</b>
§ 191-4.	<b>Historic structure, historic site and historic district designation criteria.</b>	§ 191-9.	<b>Violations and penalties.</b>
§ 191-5.	<b>Powers and duties.</b>	§ 191-10.	<b>Emergency conditions.</b>
		§ 191-11.	<b>Severability.</b>

**[HISTORY: Adopted by the Common Council of the City of Sheboygan Falls 10-4-2005 as Ch. 29 of the 2005 Code of Ordinances. Amendments noted where applicable.]**

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#### § 191-1. Purpose and intent.

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

- A. Effect and accomplish the protection, enhancement, and perpetuation of such improvements, sites and districts, which represent or reflect elements of Sheboygan Falls' cultural, social, economic, political and architectural history.
- B. Safeguard Sheboygan Falls' historic and cultural heritage, as embodied and reflected in such historic structures, sites and districts.
- C. Foster civic pride in the notable accomplishments of the past.
- D. Stabilize and improve property values.
- E. Protect and enhance Sheboygan Falls' attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry.
- F. Improve and enhance the visual and aesthetic character of Sheboygan Falls.
- G. Educate the public regarding the need and desirability of a City historic preservation program and its enhancement of the quality of life.

#### § 191-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**CERTIFICATION OF APPROPRIATENESS** — The certificate issued by the Commission approving alteration, rehabilitation, construction, reconstruction or demolition of a historic structure, historic site or any improvement in a historic district.

COMMISSION — The Historic Preservation Commission created under this chapter.

HISTORIC DISTRICT — An area designated by the Sheboygan Falls Common Council on recommendation of the Commission that contains two or more historic improvements or sites.

HISTORIC SITE — Any parcel of land of historic significance due to 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 chapter, 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 — Any improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of Sheboygan Falls, the state or nation and which has been designated as a historic structure pursuant to the provisions of this chapter.

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.

IMPROVEMENT PARCEL — The unit of property which includes a physical betterment constituting an improvement and the land embracing the site thereof, and is treated as a single entity for the purpose of levying real estate taxes. Provided, however, that the term "improvement parcel" shall also include any unimproved area of land which is treated as a single entity for such tax purposes.

**§ 191-3. Historic Preservation Commission composition. [Amended 5-5-2021 by Ord. No. 1-2021/2022]**

The Historic Preservation Commission shall consist of not fewer than three nor more than seven members that include one Alderperson and shall be appointed by the Mayor of Sheboygan Falls subject to confirmation by the Common Council, all as more specifically set forth in § 11-8 of this Code. The Mayor shall be an ex officio non-voting member of the Historic Preservation Commission.

**§ 191-4. Historic structure, historic site and historic district designation criteria.**

- A. For purposes of this chapter, 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, archaeological or cultural significance to Sheboygan Falls such as historic structures, sites or districts which:
- (1) Exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community; or
  - (2) Are identified with historic personages or with important events in national, state or local history; or
  - (3) Embody the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method of construction, or of indigenous material or craftsmanship; or
  - (4) Are representative of the notable work of a master builder, designer or architect who influenced his age; or
  - (5) Have yielded, or may be likely to yield, information important to prehistory or history.

- B. The Commission shall adopt specific operating guidelines for historic structure, historic site and historic district designation providing such are in conformance with the provisions of this chapter.

**§ 191-5. Powers and duties.**

- A. Designation. The Commission shall make recommendations to the Common Council and shall have the power, subject to § 191-4, to designate historic structures and historic sites and to recommend designation of historic districts within Sheboygan Falls City limits. Such designations shall be made based on § 191-4. Historic districts shall be approved by the Common Council. Once designated, such historic structures, sites and districts shall be subject to all provisions of this chapter.
- B. Regulation of construction, reconstruction, alteration and demolition.
- (1) No owner or person in charge of a historic structure, historic site or structure within a historic district shall reconstruct, alter or demolish all or any part of the exterior of such property or construct any improvement upon such designated property or properties or cause or permit any such work to be performed upon such property or demolish such property unless a certificate of appropriateness has been granted by the Historic Preservation Commission. Also, unless the Commission has granted such certificate, 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 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 improvement 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 chapter 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 Sheboygan Falls and the state;
    - (e) The building or structure is of such old and unusual or uncommon design, texture and/or material that it could not be reproduced without great difficulty and/or expense;
    - (f) Retention of the building or structure would promote the general welfare of the people of Sheboygan Falls or the state by encouraging the study of American history, architecture, and design, or by developing an understanding of American culture and heritage;
    - (g) The building or structure is in such a deteriorated condition that it is not structurally or economically feasible to preserve or restore or use it, provided that any hardship or difficulty claimed by the owner which is self-created or which is the result of any failure to maintain the property in good repair cannot qualify as a basis for the issuance of a

certificate of appropriateness; or

- (h) Any new structure proposed to be constructed, or change in use proposed to be made, is not compatible with the buildings and character of the area in which the subject property is located. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- (3) In addition, in determining whether to issue a certificate of appropriateness, the Commission shall consider and may give decisive weight to any or all of the following standards:
- (a) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
  - (b) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
  - (c) Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
  - (d) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
  - (e) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
  - (f) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old design, color, texture and other visual qualities and where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.
  - (g) Chemical or physical treatments, such as sandblasting, that cause damage to historic material shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
  - (h) Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
  - (i) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
  - (j) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- (4) 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.

- (5) Should the Commission fail to issue a certificate of appropriateness due to the failure of the proposal to conform to the guidelines, the applicant will be issued a written decision outlining the reasons for any denial of a property owner's building or remodeling project. This guideline provides the property owner with a specific basis by which the owner may appeal such decision to the Common Council within 45 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 chapter.
- (6) Agencies of the City and all public utility and transportation companies, undertaking projects affecting historic structures, historic sites or historic districts shall be required to obtain a certificate of appropriateness prior to initiating any changes in the character of street paving, sidewalks, utility installation, lighting, trash receptacles, benches, walls, fences, structures, and buildings on property easements, or streets owned or franchised by Sheboygan Falls. Any denial of a certificate of appropriateness shall have the same rights of appeal listed in § 191-5B(5), with final determination to be made by the Common Council.
- (7) The issuance of a certificate of appropriateness shall not relieve the applicant from obtaining other permits and approvals required by Sheboygan Falls. 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.
- (8) Compliance with certificates of appropriateness shall be started within 12 months after the issuance of the certificate, and work shall conform to the provisions of the certificate. Failure to comply with a certificate of appropriateness or failure to obtain a certificate of appropriateness shall be a violation of this chapter. In addition to other penalties and remedies, the City of Sheboygan Falls shall issue a stop-work order, and all work shall cease on the designated property.
- (9) 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 to the structure or site and does not require the issuance of a building permit.

#### § 191-6. Procedures.

A. Designation of historic structures, historic sites and historic districts. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

- (1) The Commission may, after notice and public hearing, designate historic structures, historic sites and recommended historic districts, or rescind such designation or recommendation, after application of the criteria in § 191-5 above. At least 10 days prior to such hearing, the Commission shall notify the owners on record, as listed in the office of the City Clerk, who are owners of property in whole or in part situated within 200 feet of the boundaries of the property affected or within the boundaries of the historic district. These owners shall have the right to confer with the Commission prior to final action by the Commission on the designation. Notice of such hearing shall also be published as Class 1 Notice, under the Wisconsin Statutes. The Commission shall also notify the following: Department of Public Works, Park Board, Fire and Police Department, Building Inspector, the Utility, and Plan Commission. Each such department may respond to the Commission within 30 days of notification with its comments on the proposed designation or rescission.

- (2) 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 recession. Within 10 days after the close of the public hearing, the Commission may designate the property as either a historic structure, historic site or recommend its inclusion in a historic district, or rescind the designation. After the designation or rescission has been made, notification shall be sent to the property owner or owners. Notification shall be given to the City Clerk, Building Inspector, Plan Commission and the Mayor. The Commission shall cause the designation or rescission to be recorded, at City expense, in the Sheboygan County Register of Deeds Office, or the recommendation to be submitted to the Common Council as provided by § 191-6B.

**B. Creation of Historic District.**

- (1) For preservation purposes, the Historic Preservation Commission shall select geographically defined areas with Sheboygan Falls to be designated as Historic Districts. A Historic District may be designated for any geographic area of particular historic, architectural or cultural significance to the City, after application of the criteria in § 191-4 above.
- (2) Review and adoption procedure.
  - (a) Historic Preservation Commission. The Historic Preservation Commission shall hold a public hearing when considering the plan of a Historic District. Notice of the time, place and purpose of such hearing shall be given by publication as a Class 1 Notice under the Wisconsin Statutes in the official Sheboygan Falls paper. Notice of the time, place and purpose of the public hearing shall also be sent by the City Clerk to the Alderpersons of the Aldermanic District or Districts in which the Historic District is located, and the owners of record, as listed in the office of the City Clerk, who are owners of the property within the proposed Historic District or situated in whole or in part within 200 feet of the boundaries of the proposed Historic District. Said notice is to be sent at least 10 days prior to the date of the public hearing. Following the public hearing, the Historic Preservation Commission shall vote to recommend, reject or withhold action on the plan.
  - (b) The Common Council. The Common Council, upon receipt of the recommendation from the Historic Preservation Commission shall hold a public hearing, notice to be given as noted in § 191-6B(2)(a) above, and shall, following the public hearing, either designate or reject the Historic District. Designation of the Historic District shall constitute adoption of the plan prepared for that district and direct the implementation of said plan.

**§ 191-7. Interim control.**

No building permit shall be issued by the Building Inspector for alteration, construction, demolition, or removal of a nominated historic structure, historic site, or any property or structure within a nominated historic district from the date of the meeting of the Historic Preservation Commission at which a nomination form is first presented until the final disposition of the nomination by the Historic Preservation Commission or the Common Council unless such alteration, removal or demolition is authorized by formal resolution of the Common Council as necessary for public health, welfare or safety. In no event shall the delay be for more than 180 days.

**§ 191-8. Maintenance of historic structure, site or improvement; enforcement.**

Every person in charge of a historic structure, historic site or improvement in a Historic District shall maintain same or cause or permit it to be maintained in a condition consistent with the provisions of this chapter. The Common Council may appoint the Building Inspector or any other individual or group of individuals to enforce this chapter.

**§ 191-9. Violations and penalties.**

Any person or persons violating any provisions of this chapter may be fined not less than \$20, but not more than \$200, for each separate violation. Each and every day during which a violation continues may be deemed to be a separate offense. The Building Inspector shall issue notice of violations.

**§ 191-10. Emergency conditions.**

In any case where the Building Inspector determines that there are emergency conditions dangerous to life, health or property affecting a historic structure, site or a property in a Historic District, the Building Inspector may order the remedying of these conditions without the approval of the Commission. The Building Inspector shall promptly notify the Commission of the action being taken. When the emergency conditions do not require demolition, the Building Inspector shall make every effort to carry out the intent of this chapter and to use the design guidelines of the Commission when remedying the emergency condition.

**§ 191-11. Severability.**

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the remainder of this chapter and the application of such provisions to other persons or circumstances shall not be affected thereby.

**FLOODPROOFING**

Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

**FLOODWAY**

The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

**FREEBOARD**

A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.

**HABITABLE STRUCTURE**

Any structure or portion thereof used or designed for human habitation.

**HEARING NOTICE**

Publication or posting meeting the requirements of Ch. 985, Wis. Stats. For appeals, a Class 1 notice, published once at least one week (seven days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (seven days) before the hearing, is required. Local ordinances or bylaws may require additional notice, exceeding these minimums.

**HIGH FLOOD DAMAGE POTENTIAL**

Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

**HISTORIC STRUCTURE**

Any structure that is either:

- A. Listed individually on the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior, or by the Secretary of the Interior in states without approved programs.

**INCREASE IN REGIONAL FLOOD HEIGHT**

A calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

**LAND USE**

Any nonstructural use made of unimproved or improved real estate. (Also see "development.")

**MANUFACTURED HOME**



The Sheboygan Falls Chamber-Main Street Program would like to help you improve the signage of your business. The Sign Grant Program is intended to stimulate signage improvements in the Historic Districts.

Under this program, grants of up to \$250.00 in matching funds will be available for projects up to \$1499.00 in cost and \$500.00 will be available for projects of \$1500.00 and more.

The applicant must pay at least 50% of the cost of the project.

### GRANT USE

- 1) Grants provided by this program are to be used for signage on commercial buildings located within the boundaries of the Main Street historic districts and BID.
- 2) All proposed signage designs are to comply with the Historic District portion of the City of Sheboygan Falls Sign Ordinance (Chapter 365-21 (E)) and be approved by the Sheboygan Falls Historic Preservations Commission prior to manufacture, completion, and placement of the sign. Applicants who deviate from the approved application may be ineligible for this grant program.
- 3) Applicants of the Sign Grant Program must be MEMBERS in good standing with Sheboygan Falls Chamber-Main Street.
- 4) All signage must comply with the City of Sheboygan Falls Sign Ordinance requirements (Chapter 365-17(E)). A sign permit from the City of Sheboygan Falls is required for any signage.
- 5) Examples of eligible sign projects include:

Exterior Signs	Window Signs
Awnings with Signage	Materials
Labor	Sign Design Assistance
Neon Repair	Removal of old signage

Ineligible improvements include, but are not limited to:

Interior signs

## **ADDITIONAL GUIDELINES**

Signs are a vital part of any Main Street. With a sign you call attention to your business and create an individual image for your store. Signs contribute to an overall image as well. A successful sign will reinforce the image of the downtown, serve the needs of the business, and compliment the building design.

- A sign should be easy to read and direct your message. Keep it simple.
- A storefront should not have more than two (2) signs.
- A flush mounted sign board may extend the width of the storefront but should not be more than 2 ½ feet high. The sign should be mounted above the storefront display window(s) and below the second story windowsills. Generally, lettering should be between eight (8) and eighteen (18) inches high and occupy no more than 65% of the signboard.
- Choose the sign maker with care. Quality work and construction are vital to meet the guidelines listed above. Ask the sign maker for samples of their work.
- Window signs should not obscure the display area. The color of the letters should contrast with the display background. Light colored letters or gold leafed letters with dark border are proven effective.
- Awnings also serve as signs with contrasting letters painted or sewn onto the valance. Usually, six (6) to eight (8) inch letters are adequate.
- Be cautious about using plastic signage. It rarely matches the downtown ambiance and may not receive the necessary approval.
- The letter style chosen should be easy to read and reflect the image of your business.
- Sign colors should compliment the color of the building. Light colored letters on a dark background are usually easier to read
- Illuminated signs can be used, if they represent the proportions of the storefront and meet the City of Sheboygan Falls Sign Ordinance guidelines.

## **PROGRAM IMPLEMENTATION**

- Applications and guidelines for the program are available at the Chamber-Main Street office at 504 Broadway Street, Sheboygan Falls. A sign permit must be requested from Sheboygan Falls City Hall located at 375 Buffalo Street, Sheboygan Falls.
- Completed sign grant applications, design plans, cost estimates, and construction schedules should be returned to the Chamber-Main Street office for review by the Historic Preservation Committee.
- If not approved, the Historic Preservation Committee will explain the reasons and what, if any, steps can be taken to receive the necessary approval.



## **Sheboygan Falls Chamber-Main Street Sign Grant Application Procedure**

1. Applicant (CMS members in good standing) requests CMS sign grant application
2. Applicant completes CMS sign grant application
3. Applicant receives a sign permit from the City of Sheboygan Falls
4. Applicant submits sign grant application to CMS, with required attachments
5. City Clerk calls a meeting of the Historical Preservation Committee review / approve application
6. Applicant obtains a City of Sheboygan Falls Sign Permit.
7. Once the application is approved, CMS awards the grant money to the applicant.

**NOTE:** Grants are determined on the following criteria:

Under this program, grants of up to \$250.00 in matching funds will be available for projects up to \$1,499.00 in cost and \$500.00 will be available for projects of \$1,500.00 and more.

At least 50% of the project cost must be paid by the applicant.

This money comes from the Main Street Foundation fund.



# Sheboygan Falls Chamber-Main Street SIGN GRANT APPLICATION

Name of Business: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Will you be using the services of a graphic artist or professional sign designer for this project?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, please indicate name of designer or service: \_\_\_\_\_

Estimated Project Cost: \_\_\_\_\_

Please provide cost breakdown by major category (design, materials, mounting, lighting, and other costs you know about) or provide a quote from the sign maker.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Proposed Project Start Date: \_\_\_\_\_

Proposed Project Completion Date: \_\_\_\_\_

**Please attach one copy of the project design and a copy of City of Sheboygan Falls sign permit.**

The undersigned affirms that:

- A. The information submitted herein is true and accurate to the best of my (our) knowledge.
- B. I (We) understand that Membership in the Sheboygan Falls Chamber-Main Street Organization is a requirement for the awarding of a Sign Grant.
- C. I (We) have read and understand the conditions of the Sheboygan Falls Chamber-Main Street Sign Grant Program and agree to abide by its conditions and guidelines.

Signature of Applicant (s):

\_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_



# City of SHEBOYGAN FALLS

## Approval Process for Projects within the Historic Districts

### Steps of Approval

#### 1. Submit Application

Submit your building or sign permit application to the City Clerk.

#### 2. Historic Preservation Commission

The Historic Preservation Commission will convene to review and discuss your proposed project or signage. During this meeting, the Commission will determine whether the proposal aligns with the guidelines and standards of the historic district in which your property is located.

#### 3. Certificate of Appropriateness

If the proposed project or signage is deemed appropriate, a Certificate of Appropriateness will be issued. This certificate formally certifies the compatibility of your project or signage and must be signed by both the Commission's chairperson and you.

#### 4. Permit Issuance

After approval, the City of Sheboygan Falls will issue the necessary building or sign permit. The permit must be obtained, and any associated fees paid, prior to the commencement of any work.

### Important Dates

- Deadline to submit your building or sign permit application is the Wednesday before the third Tuesday of the month
  - Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_
- Historic Preservation Commission meets the third Tuesday of every month to discuss business
  - Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

### Checklist

- Submit your building or sign permit application to the City Clerk
- Attend the Historic Preservation Commission meeting
- Sign and date the Certificate of Appropriateness
- Pay for and pick up your building or sign permit

# CITY OF SHEBOYGAN FALLS

## Sign Permit Application

Submit this form and the required plans to the City Clerk's office.

### Section 1: Applicant Information

<i>Applicant's full name</i>		<i>Phone number</i>	
<i>Business name</i>		<i>Phone number</i>	
<i>Business address</i>	<i>City</i>	<i>State</i>	<i>Zip</i>

### Section 2: Property Information

<i>Property owner's name</i>		<i>Phone number</i>	
<i>Property owner's address</i>	<i>City</i>	<i>State</i>	<i>Zip</i>
<i>Parcel number</i>	<i>Current zoning classification</i>		

### Section 3: Sign Company Information

<i>Sign company name</i>		<i>Phone number</i>	
<i>Sign company address</i>	<i>City</i>	<i>State</i>	<i>Zip</i>

### Section 4: Signage Information

#### PROJECT TYPE:

New    Alteration    Addition    Repair    Raze    Move    Other: \_\_\_\_\_

#### USEAGE:

Permanent    Seasonal    Other: \_\_\_\_\_

#### SIGN TYPE:

Wall    Pole    Ground    Roof    Window    Door    Other: \_\_\_\_\_

#### ILLUMINATION:

Internally    Externally    None

#### SPECIFICATIONS:

Height - \_\_\_\_\_ feet   Width - \_\_\_\_\_ feet   Sign face - \_\_\_\_\_ square feet

Is the sign double sided?    Yes    No

If applicable, please provide the window and/or door dimensions.

Window height - \_\_\_\_\_ feet    Window width - \_\_\_\_\_ feet

Door height - \_\_\_\_\_ feet    Door width - \_\_\_\_\_ feet

**LETTERING:**

Size - \_\_\_\_\_    Color - \_\_\_\_\_

**MATERIALS TO BE USED:**

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**EXISTING SIGNAGE:**

Height - \_\_\_\_\_ feet    Width - \_\_\_\_\_ feet    Sign face - \_\_\_\_\_ square feet

Location: \_\_\_\_\_

Height - \_\_\_\_\_ feet    Width - \_\_\_\_\_ feet    Sign face - \_\_\_\_\_ square feet

Location: \_\_\_\_\_

**COST:**

Total cost of signage: \$\_\_\_\_\_

**Section 5: Other**

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Along with this application, you must provide the following per City Code § 365-21(O)(3):

- A site plan showing the location of the building, structure, or lot to which the sign is to be attached or erected, and showing the position of the sign in relation to nearby buildings, structures, and property lines. The site plan shall include photographs of the buildings and/or site of the proposed sign, including adjoining properties.
- A drawing of the plan showing design of the sign, lettering, colors, materials to be used, illumination, and mean of attachment to the building or ground.
- Written approval of an adjoining property owner if the servicing of a sign will require access from such adjoining property or adjoining building.

If the property is located in the Historic District, the Historic Preservation Commission will need to approve any and all signage to be installed.

Signature of applicant: \_\_\_\_\_    Date: \_\_\_\_\_

**Sheboygan Falls  
Chamber-Main Street**

**BUSINESS  
RESOURCE  
GUIDE**

*Welcome! to*



# *We're thrilled*

to welcome you to Sheboygan Falls Chamber-Main Street! Your success is our priority, and we're here to support you every step of the way. Whether you're bringing a lifelong dream to life or expanding an established business, you're part of a community that values and champions small businesses. Together, we'll help you grow, connect, and thrive!

*We are here to support you every step of the way.*



Bird's eye view of downtown, looking west.

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# History of Sheboygan Falls

In 1835, upon finding the falls of the Sheboygan River and their fine water power, Massachusetts pioneer and entrepreneur Silas Stedman decided to purchase the surrounding land for village and industrial development.

The following year, Stedman platted the Town of Rochester and built the first sawmill at the falls.

As a "Wisconsin Main Street" community, Sheboygan Falls is dedicated to the preservation of its historic structures.

To date, over 40 buildings have been rehabilitated and restored to their original late 1800s architectural beauty, winning Sheboygan Falls "The Great American Main Street Award" in 1995. This award is given to only five communities annually on a nationwide basis in recognition of their revitalization efforts.



## **History of Main Street Foundation and the Chamber of Commerce**

Going back in time there were two distinctly different organizations; "Sheboygan Falls Chamber of Commerce" and "Sheboygan Falls Main Street". It was not until 1996 that the two organizations were combined into one organization named "Sheboygan Falls Chamber- Main Street".

The Chamber has been a part of Sheboygan Falls for many years, performing all of the typical chamber of commerce functions of the community. Up until the time of the merger there were no paid employees of the Chamber. The Chamber was an all-volunteer organization with a very small budget, very low membership dues and a very small membership base. For all practical purposes it was your typical small town chamber of commerce running a handful of annual downtown sale events.

In 1980 the National Trust for Historic Preservation established the National Main Street Center. Soon after the Wisconsin Economic Development Corporation established the Wisconsin program of the Main Street organization. The Main Street strategy is a community-driven, comprehensive strategy that encourages economic development through historic preservation. The Wisconsin Main Street organization assists in downtown business development, design issues, promotional development and non-profit management. In the early to mid-1980's Sheboygan Falls became interested and applied to become a Wisconsin Main Street community. To be considered for a Main Street community Sheboygan Falls needed to create a board of directors, implement the Main Street model, commit to preserving the historic buildings in the downtown and hire a full time Main Street director. Soon after Sheboygan Falls became one of the first communities in Wisconsin to be selected and named a Main Street Community.

From the time of creation of Main Street until the merger in 1996, Main Street and Chamber existed as two separate entities. Each had its own board of directors and its own tax exempt status. Chamber continued to focus on chamber type activities for the entire city. Main Street focused on downtown revitalization, historic preservation and business development in the downtown area only. To provide funding for the Main Street organization the city authorized the creation of a BID district.

The BID district is a defined area within the downtown surrounding area within which businesses are required to pay an additional property tax. During this time Main Street also requested and received assistance from the city budget to fund operations.

It's important to note that during the time of two separate organizations the Chamber focused on city-wide business promotional events, welcome wagon activities (new residents to the city) and tourism. Main Street focused its energy only on the downtown area as outlined in the state Main Street program strategy. Up until 1996 Main Street had a better name recognition and notoriety within the city than did the Chamber. Because of the highly visible downtown preservation and the efforts of a full time director, Main Street received the "lions share" of news coverage in the local paper. It didn't take long to realize that there was a lot of over-lap in activities and efforts of the two organizations and that the Chamber was struggling to survive. It was at this time that the two groups started talking about a merger. Main Street had the full time director and a sound funding source but was limited to the downtown area. The Chamber was performing many similar activities but included businesses from the entire city and business community. A merger appeared obvious and was completed in 1996 under the new name "Chamber-Main Street".

Under the new organization all the activities of both groups were included in the new model. The Main Street director remained, and the funding source of both groups were rolled into one new budget. At the time of the merger there was concern that the original “Main Street” organization would lose its identity. The organization was a “mature” group, downtown restoration was near completion and there wasn’t anything new and exciting happening. With Chamber focusing on business beyond the downtown and with an expanding community it was very possible that the Chamber side of the merger could over-shadow the Main Street side. But it was also obvious that a major source of resources and funding for the new group was coming from the Main Street side of the equation; BID tax, city contribution, Wisconsin Main Street assistance and private donations.

In an effort to keep the Main Street identity, the original Main Street legal entity was retained under the name “Main Street Foundation”. There appeared to be no down-side to keeping the original entity and possibly a number of positive reasons. The Main Street non-profit status 501(C)3 allowed for tax deductible donations from private individuals and trust funds where-as the Chamber non-profit status 501(C)6 allowed only tax deductible donations from businesses. When developing programs and strategies for historic preservation the group felt there was the possibility of significant funding by private individuals requiring a tax deductible donation. Also, not knowing what the future would hold for both programs and requirements of the state Main Street program we felt it was important to maintain the original Main Street identity. We did not want to risk or jeopardize recognition from the state for merging with Chamber. There was no history or experience with mergers and therefore the state Main Street organization was at first hesitant to enthusiastically endorse the merger. They were concerned that the new entity would lose its focus of the primary Main Street objective. By keeping the original Main Street entity, we felt we had a better chance of convincing the State of our commitment to the Main Street program.

When developing the budget for both entities there was no down-side. Funding and expenses for all activities were added together as one total. The total expenses were then divided into the two budgets based on activities performed. The primary activities of the original Main Street in the downtown area were allocated to the Foundation and the balance of activities to the new Chamber- Main Street. Once the expenses were divided the income was divided to cover the expenses. Again, there was no down-side to the two budgets because all the expenses remained the same as one organization or two. Such things as director’s salary, utilities, liability insurance, rent, etc, all remained the same as one or two identities. The expenses and income were split between the two.

#### Conclusion:

What were the primary reasons to keep both entities in existence?

1. Tax deductible donations by private individuals
2. The importance of maintaining the state Main Street community designation
3. The benefit of retaining future state resources as a Main Street community
4. Possible loss of funding (BID tax & City contribution) by losing Main Street identity
5. No increased costs for two entities—no downside
6. Future promotional advantage of dual entity
7. Leverage the Main Street designation and reputation

The Sheboygan Falls model of combining the two entities has successfully been followed by other Wisconsin communities. The Sheboygan Falls Chamber-Main Street still receives calls from communities who are investigating merging their Chamber and Main Street programs.

Today, Chamber-Main Street is a cooperative collaborative force throughout the City of Sheboygan Falls, and beyond. They facilitate communication in the business community, promote economic and business growth, and hold events that positively spotlight the business community. The Chamber-Main Street fosters a positive relationship with the city and serves as a great liaison between city government and the business community.

# Member Benefits

## *Our Mission*

To make Sheboygan Falls a great place to live, work, and do business—while maintaining a thriving downtown business district.

## *Who We Are*

Sheboygan Falls Chamber–Main Street (CMS) unites the Chamber of Commerce and the Main Street Program. Our members include retailers, service providers, manufacturers, property owners, nonprofits, home-based businesses, and engaged citizens—all working together to strengthen our community.

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## *How Membership Works for You*

By joining CMS, you're investing in more than just your own business—you're investing in the vitality of Sheboygan Falls. Together, we partner with the City, civic groups, and local organizations to make projects happen that no one could do alone, from beautification efforts to parking improvements and community spaces.

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## *Your Membership Benefits*

### *Visibility & Marketing*

- **Online Directory Listing (FREE):** Showcase your business on [sheboyganfalls.org](http://sheboyganfalls.org) with direct links to your website, email, and social media.
- **CMS "Recommended List":** Members are our first recommendation to customers and community partners.
- **Ribbon Cuttings:** Celebrate openings, expansions, or milestones with local leaders and media exposure.
- **Community Calendar (FREE):** Share your events, promotions, and specials on our widely used online calendar.
- **Facebook Promotion (FREE):** Reach 4,000+ followers when we share your business events and updates.
- **E-Blast Program (FREE):** Send your news directly to members and subscribers.
- **Welcome Bag Program (\$40/year):** Put your coupons, promotions, or gifts in the hands of every new resident.
- **Gift Certificate Program:** Be part of a program that drives more than \$20,000 annually into local businesses—only members can redeem CMS Gift Certificates.

***Make it a great day in Sheboygan Falls!***

### Networking & Growth

- **Business 'N Breakfasts & Seminars:** Meet other business owners, exchange ideas, and learn from expert speakers.
- **Member-Only Events & Activities:** Build connections that support your success and the strength of our business community.

### Advocacy & Support

- **Your Voice in the Community:** CMS represents the business perspective to City officials and advocates for policies that support growth and success.
- **Regulatory Watchdog:** We monitor laws and regulations that could impact your business and keep you informed.
- **Economic Development Partner:** We help retain and attract businesses, maintain a database of available properties, and collaborate on projects to enhance Sheboygan Falls.

### Community Impact

- **Goodwill Ambassador:** We promote Sheboygan Falls as a welcoming destination for businesses, visitors, and residents.
- **Tourism & Marketing:** Through materials, events, and outreach, CMS showcases our community to a wider audience.
- **Beautification & Quality of Life:** We invest in projects that make Sheboygan Falls more attractive for everyone.

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### *Proud Membership*

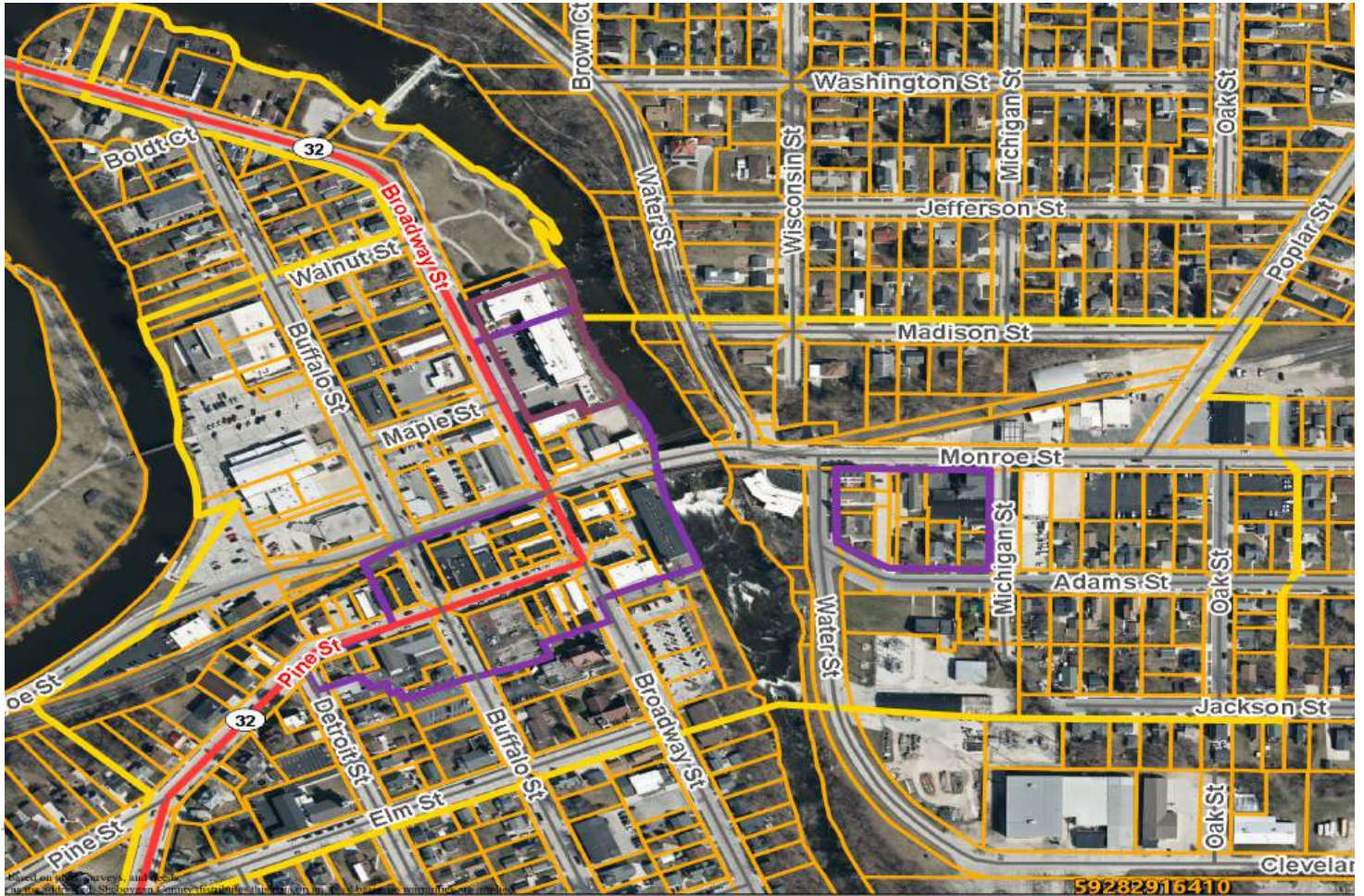
As a CMS member, you can display the Chamber-Main Street logo on your website, social media, and marketing materials—showing your customers you're part of a trusted, community-focused organization.

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**When you join CMS, you're not just a member—you're part of our Chamber-Main Street family, working together to build a stronger Sheboygan Falls.**

***Make it a great day in Sheboygan Falls!***

# Sheboygan Falls Historic & BID Districts



The above map shows our HISTORIC DISTRICTS and the Business Improvement District (BID).

- HISTORIC DISTRICTS:  
Downtown and Cole Districts highlighted in purple.
- BUSINESS IMPROVEMENT DISTRICT  
Outlined in yellow.



**Duck Bowl** ~ Begining of April at Odyssey Fun Center

**Ducktona 500™ Family Festival & Car Show** ~ 1<sup>st</sup> Sunday in July in River Park

**Sidewalk Sale** ~ 3<sup>rd</sup> Wednesday in July downtown

**Summer Concerts** ~ 2<sup>nd</sup> & 4<sup>th</sup> Wednesday of June, July and August in River Park  
(Community Safety Day 4<sup>th</sup> Wednesday in August)

**Ladies Nite Out** ~ 3<sup>rd</sup> Thursday of October in Downtown

**Main Street Memories** ~ 1<sup>st</sup> Saturday of December in Downtown



# City Permits & Approvals

Operating a business usually requires a permit, license or other approvals from the City of Sheboygan Falls, Sheboygan County, and / or the State of Wisconsin.

There are rules and ordinances that must be followed. This is a link to the City of Sheboygan Falls' code of ordinances: [www.ecode360.com/SH4190](http://www.ecode360.com/SH4190). Also found on the City's website at [CityofSheboyganFalls.com](http://CityofSheboyganFalls.com).

Your first contact should be to City Hall (second floor), 375 Buffalo Street, Sheboygan Falls. Hours Monday-Thursday 7:30am to 4:00pm and Friday 7:30am-12:30pm. Closed Weekends and Holidays. Call (920)467-7900 to make an appointment to talk to City Administrator or City Clerk.

## **Please send all applications to:**

City Clerk (920) 467-7900, and/or City Administrator Cullen Peltier ((920) 467-7900, / [Cullen@citysheboyganfalls.wi.gov](mailto:Cullen@citysheboyganfalls.wi.gov))

Requirements that may apply ([www.cityofsheboyganfalls.com/community](http://www.cityofsheboyganfalls.com/community)):

**Sign Permit** – is required for all businesses within the Sheboygan Falls city limits, wanting to attach a sign to their building or affix to their window. If the business is located in a historic district (Downtown or Cole) a **Certificate of Appropriateness** from the **Historic Preservation Commission** is also required. The Historical Preservation Commission meets the third Tuesday of each month. To get on this agenda you must contact the City Clerk at 920-467-7900 as soon as possible. <https://www.cityofsheboyganfalls.com/wp-content/uploads/2024/04/Application-Sign-Permit.pdf>

**City Ordinance chapter 365**. Application: [www.cityofsheboyganfalls.com/wp-content/uploads/2024/04/Application-Sign-Permit.pdf](http://www.cityofsheboyganfalls.com/wp-content/uploads/2024/04/Application-Sign-Permit.pdf).

**Conditional Use Permit** –A Conditional Use Permit is approved by the Plan Commission, which meets the fourth Tuesday of each month, and the City Council, which meets the 1st and 3rd Wednesdays of the month. To get on this agenda you must contact the City Clerk at 920-467-7900 as soon as possible, as notices need to be published prior to you being on the agenda. See **City ordinance chapter 365-20 Conditional Uses**.

**Historical Preservation Commission** – For any exterior maintenance on a building, including signage on building and/or window, in the historic districts (Downtown and Cole) a **Certificate of Appropriateness is required**. This certificate is obtained from the Historical Preservation Commission, which meets the third Tuesday of each month. To get on this agenda you must contact the City Clerk at 920-467-7900 as soon as possible. **City ordinance chapter 191 Historic Preservation and chapter 365-21 Signs** (in historic districts)

**Architectural Review** – This must also go to the Plan Commission for approval. The Plan Commission, which meets the fourth Tuesday of each month. To get on this agenda you must contact the City Clerk at 920-467-7900 as soon as possible. **City ordinance chapter 11-10**

## **Architectural Review Board**

**Building Permits** – Contact the City Clerk at 920-467-7900 or go to City Hall at 375 Buffalo Street, Sheboygan Falls to obtain permit and information. **City Ordinance chapter 143 and Chapter 365**. Application: <https://www.cityofsheboyganfalls.com/wp-content/uploads/2024/02/Building-Permit-Application.pdf>

**Food Truck Permit** – Food Trucks or Mobile Food Establishments are allowed in the City of Sheboygan Falls in certain areas and during certain conditions. All food trucks must have Permit with the City of Sheboygan Falls. To obtain this permit the following are required: a Valid Wisconsin Seller’s Permit, Liability Insurance, Valid Driver’s License, a Valid Retail Food License from the Sheboygan County Health & Human Services or from another county within Wisconsin, and a background check. **City Ordinance chapter 180-22**

**City Licenses** – Contact City Hall at 920-467-7900 or at City Hall, 375 Buffalo Street, Sheboygan Falls. **City Ordinance chapter 212**

### Other Applications & Informational Documents

**Utility Contractor Permit Application to Excavate in the Public Right Of Way:**

[www.cityofsheboyganfalls.com/wp-content/uploads/2024/02/Utility-Contractor-Permit-Application-to-Excavate-in-the-Public-ROW.pdf](http://www.cityofsheboyganfalls.com/wp-content/uploads/2024/02/Utility-Contractor-Permit-Application-to-Excavate-in-the-Public-ROW.pdf)

**Property Owner Permit Application to Excavate in the Public Right Of Way:**

[www.cityofsheboyganfalls.com/wp-content/uploads/2024/07/1-ROW-Permit-Application-PROPERTY-OWNER.pdf](http://www.cityofsheboyganfalls.com/wp-content/uploads/2024/07/1-ROW-Permit-Application-PROPERTY-OWNER.pdf)

**Technical Standards for Right Of Way Excavation 2024:** [https://](https://www.cityofsheboyganfalls.com/wp-content/uploads/2024/02/3-Technical-Standards-for-ROW-Excavation-2024-UPDATED.pdf)

[www.cityofsheboyganfalls.com/wp-content/uploads/2024/02/3-Technical-Standards-for-ROW-Excavation-2024-UPDATED.pdf](https://www.cityofsheboyganfalls.com/wp-content/uploads/2024/02/3-Technical-Standards-for-ROW-Excavation-2024-UPDATED.pdf)

**Requirements to Obtain a Right Of Way Permit 2024:** <https://www.cityofsheboyganfalls.com/wp-content/uploads/2024/02/2-Requirements-to-Obtain-a-ROW-Permit-2024.pdf>

**Standard Specifications 2024:** (<https://www.cityofsheboyganfalls.com/wp-content/uploads/2024/02/3-Standard-Specifications-2024.pdf>) Utilities, Erosion & Sediment Control, Grading, Paving, Topsoil et.al, and Standard Details.

**Tree Planting or Removal Permit Application:** This permit is for planting a tree in the City Right of Way only. <https://www.cityofsheboyganfalls.com/wp-content/uploads/2025/08/Tree-Planting-or-Removal-Permit-Application.pdf>



# CITY OF SHEBOYGAN FALLS

## Sign Permit Application

Submit this form and the required plans to the City Clerk's office.

### Section 1: Applicant Information

Applicant's full name	Phone number
Business name	Phone number
Business address	City
	State
	Zip

### Section 2: Property Information

Property owner's name	Phone number
Property owner's address	City
	State
	Zip
Parcel number	Current zoning classification

### Section 3: Sign Company Information

Sign company name	Phone number
Sign company address	City
	State
	Zip

### Section 4: Signage Information

#### PROJECT TYPE:

New    Alteration    Addition    Repair    Raze    Move    Other: \_\_\_\_\_

#### USAGE:

Permanent    Seasonal    Other: \_\_\_\_\_

#### SIGN TYPE:

Wall    Pole    Ground    Roof    Window    Door    Other: \_\_\_\_\_

#### ILLUMINATION:

Internally    Externally    None

#### SPECIFICATIONS:

Height - \_\_\_\_\_ feet   Width - \_\_\_\_\_ feet   Sign face - \_\_\_\_\_ square feet

Is the sign double sided?    Yes    No

# Sign Permit Application pg 2

If applicable, please provide the window and/or door dimensions.

Window height - \_\_\_\_\_ feet      Window width - \_\_\_\_\_ feet

Door height - \_\_\_\_\_ feet      Door width - \_\_\_\_\_ feet

LETTERING:

Size - \_\_\_\_\_      Color - \_\_\_\_\_

MATERIALS TO BE USED:

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EXISTING SIGNAGE:

Height - \_\_\_\_\_ feet      Width - \_\_\_\_\_ feet      Sign face - \_\_\_\_\_ square feet

Location: \_\_\_\_\_

Height - \_\_\_\_\_ feet      Width - \_\_\_\_\_ feet      Sign face - \_\_\_\_\_ square feet

Location: \_\_\_\_\_

COST:

Total cost of signage: \$ \_\_\_\_\_

## Section 5: other

Along with this application, you must provide the following per City Code § 365-21(0)(3):

- A site plan showing the location of the building, structure, or lot to which the sign is to be attached or erected, and showing the position of the sign in relation to nearby buildings, structures, and property lines. The site plan shall include photographs of the buildings and/or site of the proposed sign, including adjoining properties.
- A drawing of the plan showing design of the sign, lettering, colors, materials to be used, illumination, and mean of attachment to the building or ground.
- Written approval of an adjoining property owner if the servicing of a sign will require access from such adjoining property or adjoining building.

If the property is located in the Historic District, the Historic Preservation Commission will need to approve any and all signage to be installed.

Signature of applicant: \_\_\_\_\_      Date: \_\_\_\_\_

# Important Contacts

## **Sheboygan Falls Chamber-Main Street**

Tammy Meyer, Executive Director [tammym@sheboyganfalls.org](mailto:tammym@sheboyganfalls.org) and  
Julie Nigh, Program Assistant [chambermnst@sheboyganfalls.org](mailto:chambermnst@sheboyganfalls.org)  
(920) 467-6206, 504 Broadway Street, Sheboygan Falls or website: [www.sheboyganfalls.org](http://www.sheboyganfalls.org)

## **City Services**

**Water Utility** - billing and utility questions, or to put new service in your name:  
Call 920-467-7906, ext. 4. Email: [utilities@citysheboyganfalls.wi.gov](mailto:utilities@citysheboyganfalls.wi.gov)  
Hours: Monday-Thursday 7:30am to 4:00pm and Friday 7:30am-12:30pm.  
Closed Weekends and Holidays.

**Electric Utility Shop** - Joel Schoneman, Field Supervisor Call 920-467-7900 ext. 109  
Email: [Joel.Schoneman@citysheboyganfalls.wi.gov](mailto:Joel.Schoneman@citysheboyganfalls.wi.gov)

**Water/Sewer Utility or Dept of Public Works** - Chris Wesendorf, Director  
Call 920-467-7901 ext. 301 / Email: [cwesendorf@citysheboyganfallsdpw.wi.gov](mailto:cwesendorf@citysheboyganfallsdpw.wi.gov)

**Sheboygan Falls Police Department** - (920) 467- 7902 375 Buffalo Street, Sheboygan Falls website:  
[www.sheboyganfallspolice.com](http://www.sheboyganfallspolice.com) Be sure register you emergency contact information.

**Sheboygan Falls Fire Department** - (920) 467-7914 375 Buffalo Street, Sheboygan Falls website:  
[www.sheboyganfallsfire.org](http://www.sheboyganfallsfire.org) Be sure to register you emergency contact information

## **Inspection Information**

Building Inspector - Brian Witkowski of Witkowski Inspection Agency, LLC  
(920) 286-6133 / [witkoinspections@gmail.com](mailto:witkoinspections@gmail.com)

**US Postal Service** - (920) 467-6510 108 Maple Street, Sheboygan Falls, WI 53085

## **Garbage Disposal**

**GFL Environmental** - website: [www.gflenv.com/request-service](http://www.gflenv.com/request-service) Dumpster rental and large item disposal available. 920-849-9544 [www.gflenv.com](http://www.gflenv.com) (Chamber-Main Street Member)

**Harter's Lakeside Disposal** - [www.harterslakeside.com](http://www.harterslakeside.com) Dumpster rental and large item disposal available. 833-754-2158, [www.harterslakeside.com](http://www.harterslakeside.com) (Chamber-Main Street Member)

**Waste Management**- curbside pickup for residential and downtown. Dumpster rental and large item disposal available. 920-458-6030 [www.wm.com](http://www.wm.com)

## **Internet Services**

**Spectrum / Charter Communications:** 877-752-2784 website: [www.official.spectrum.com](http://www.official.spectrum.com)

**TDS Telecom:** [www.tdstelecom.com/](http://www.tdstelecom.com/) 866-571-6662

**AT&T:** [www.att.com/local/internet/wisconsin/sheboygan](http://www.att.com/local/internet/wisconsin/sheboygan)

# Parking

## Downtown

**City Ordinance Chapter 315-5** (Parking Restrictions) and **315-6** (Parking Regulation in Municipal Parking Lots)(dated 2024).

When signs are erected in any block giving notice of a limitation of parking thereon, no person shall park a vehicle for longer than the hours posted on such signs between the hours of 8:00 a.m. and 9:00 p.m., Monday through Saturday. The following holidays shall be excepted therefrom: New Year's Day, Memorial Day, 4th of July, Labor Day, Thanksgiving Day, Christmas Day, Christmas Eve, and New Year's Eve.

### Public Parking Lots:

1. Municipal parking lot at the southeast corner of Maple Street and Buffalo Street, and Ebbers Building lot, 716 Monroe Street: No person shall park any vehicle for more than 3 hours between the hours of 8:00 a.m. and 6:00 p.m., Monday through Friday.
2. Municipal parking lot at the southeast corner of Maple Street and Buffalo Street, and at 716 Monroe Street (Monroe Lot): No person shall park any vehicle for more than 3 hours between the hours of 8:00 a.m. and 9:00 p.m., Monday through Saturday.
3. Municipal parking lot adjacent to Municipal Building, Buffalo Street: No person shall park any vehicle for more than 12 hours in designated spots.
4. Municipal parking lot on the east side of Broadway Street between Elm Street and Pine Street: No person shall park any vehicle for more than 12 hours in the designated spots.
5. Municipal parking lot on the west side of Buffalo Street between Elm Street and Pine Street and as more particularly described on the Buffalo Street parking lot map: No person shall park any vehicle for more than three hours between the hours of 8:00 a.m. and 6:00 p.m., Monday through Friday, in stalls 12 through 40. No person shall park any vehicle for more than 12 hours in stalls 1 through 11.
6. Municipal parking lot in an area west of the Municipal Building, south side, shall be posted for no trucks over three tons.

**Business Owners:** It is important that employees be respectful of your business and the other downtown businesses and not park in the street parking spots.

**Building Owners:** Please inform your tenants, retail and residential, of the off street parking that is available. Allowing customers to park on the street in the downtown area.

# Public Parking Map



# Sidewalks

## **Sidewalks – City Ordinance Chapter 285 Streets and Sidewalks. Appendix F**

**Snow and ice.** The owner, occupant or person in charge of any building fronting upon or adjoining any street and the owner or person in charge of an unoccupied dwelling or lot fronting any street shall clean the sidewalk in front of or adjoining such building or unoccupied lot or dwelling of snow and ice from such sidewalk within twenty-four (24) hours after the precipitation that caused the accumulation of such snow and ice on the sidewalks ceases. When ice has formed on any sidewalk that it is difficult or impossible to remove, the person in charge, as described herein, shall keep the sidewalk sprinkled with salt, sand, or other chemical ice remover.

**Rubbish and refuse.** Any owner, occupant, agent, or person in charge of any premises, improved or vacant, that fronts upon any sidewalk shall keep the same free from rubbish and dirt and free from all obstructions for the whole width thereof so that the public shall have free passage over such sidewalk for the whole width and at all times.

**Snow removal.** No person shall throw or deposit the snow or ice from their own personal driveway, sidewalk or parking area into the public streets or alleys of the City.



# Business Planning Resources

**Sheboygan County Economic Development Corporation** assistance from the Sheboygan County Economic Development Corporation includes, but is not limited to: Business plan assistance, Marketing plan assistance, Financing structure development. Contact Ray York, Entrepreneurship Specialist (york@sheboygancountyedc.com) at the Sheboygan County Economic Development Corporation to learn more about our entrepreneurial services.

**SCORE** provides a wide range of services to established and budding business owners alike, including: Free Mentoring, Webinars & courses on Demand, Library of on line resources, Local webinars & workshops. Website: [www.score.org](http://www.score.org)

**Entrepreneurs Toolkit** is designed to give innovators a guide to resources available in Wisconsin and beyond. Website: [www.wisconsintechcouncil.com/entrepreneurs-toolkit](http://www.wisconsintechcouncil.com/entrepreneurs-toolkit)

**Wisconsin Economic Development Corporation (WEDC)** is Wisconsin's lead economic development organization. WEDC offers information on Business Planning, Permits & Licensing, and resources from incubators to business mentors. Website: [www.wedc.org/about-us](http://www.wedc.org/about-us)

**Wisconsin Small Business Development Center** provides expert assistance in Wisconsin business and entrepreneurs by SBDC consultants who know business and understand the issues facing them. Website: [www.wisconsinsbdc.org](http://www.wisconsinsbdc.org)

**Small Business Administration (SBA)** works to ignite change and spark action so small businesses can confidently start, grow, expand, or recover. Website: [www.sba.gov](http://www.sba.gov)

# Business Funding Resources

**City of Sheboygan Falls Traditional Revolving Loan Fund** – offers \$50,000 loans or more in partnership with private bank lending to support the acquisition of business properties, land, buildings, and fixed equipment, as well as site preparation, building construction, and structural improvements, but cannot be used for building maintenance. Contact the City Administrator at 920-467-7900, [shad@citysheboyganfalls.wi.gov](mailto:shad@citysheboyganfalls.wi.gov) for more details.

**Focus on Energy** – A State of Wisconsin program where businesses can apply for incentives from their electric and natural gas utilities to implement identified upgrades. Website: [www.focusonenergy.com/rebates](http://www.focusonenergy.com/rebates)

**Business Improvement District Sign Grant** – This grant is available to businesses in the Business Improvement District (BID).

**Eligibility:** member in good standing of the Sheboygan Falls Chamber-Main Street and located in the Sheboygan Falls BID. Eligible businesses can apply for a sign grant from the Sheboygan Falls Chamber-Main Street.

**Information needed:** Grant application, completed sign permit from the City of Sheboygan Falls, invoice from sign company, and if in historic district must have a Certificate of Appropriateness from the Historic Preservation Commission,

**Award:** up to \$250 in matching funds for sign projects up to \$1,499 in cost and \$500 for sign projects of \$1,500 or more. At least 50% of project must be paid by the applicant. Contact the CMS office (920-467-6206) with questions. See Appendix B for details.

# Chamber-Main Street Sign Grant



## Sheboygan Falls Chamber-Main Street Sign Grant Program

The Sheboygan Falls Chamber-Main Street Program would like to help you improve the signage of your business. The Sign Grant Program is intended to stimulate signage improvements in the Historic Districts.

Under this program, grants of up to \$250.00 in matching funds will be available for projects up to \$1499.00 in cost and \$500.00 will be available for projects of \$1500.00 and more.

The applicant must pay at least 50% of the cost of the project.

### GRANT USE

- 1) Grants provided by this program are to be used for signage on commercial buildings located within the boundaries of the Main Street historic districts and BID.
- 2) All proposed signage designs are to comply with the Historic District portion of the City of Sheboygan Falls Sign Ordinance (Chapter 365-21 (E)) and be approved by the Sheboygan Falls Historic Preservations Commission prior to manufacture, completion, and placement of the sign. Applicants who deviate from the approved application may be ineligible for this grant program.
- 3) Applicants of the Sign Grant Program must be MEMBERS in good standing with Sheboygan Falls Chamber-Main Street.
- 4) All signage must comply with the City of Sheboygan Falls Sign Ordinance requirements (Chapter 365-17(E)). A sign permit from the City of Sheboygan Falls is required for any signage.
- 5) Examples of eligible sign projects include:

Exterior Signs	Window Signs
Awnings with Signage	Materials
Labor	Sign Design Assistance
Neon Repair	Removal of old signage

Ineligible improvements include, but are not limited to:

Interior signs

504 Broadway Street, Sheboygan Falls, WI 53085  
920-467-6206 [www.SheboyganFalls.org](http://www.SheboyganFalls.org) [chambermnst@SheboyganFalls.org](mailto:chambermnst@SheboyganFalls.org)

2023

### ADDITIONAL GUIDELINES

Signs are a vital part of any Main Street. With a sign you call attention to your business and create an individual image for your store. Signs contribute to an overall image as well. A successful sign will reinforce the image of the downtown, serve the needs of the business, and compliment the building design.

- A sign should be easy to read and direct your message. Keep it simple.
- A storefront should not have more than two (2) signs.
- A flush mounted sign board may extend the width of the storefront but should not be more than 2 ½ feet high. The sign should be mounted above the storefront display window(s) and below the second story windowsills. Generally, lettering should be between eight (8) and eighteen (18) inches high and occupy no more than 65% of the signboard.
- Choose the sign maker with care. Quality work and construction are vital to meet the guidelines listed above. Ask the sign maker for samples of their work.
- Window signs should not obscure the display area. The color of the letters should contrast with the display background. Light colored letters or gold leafed letters with dark border are proven effective.
- Awnings also serve as signs with contrasting letters painted or sewn onto the valance. Usually, six (6) to eight (8) inch letters are adequate.
- Be cautious about using plastic signage. It rarely matches the downtown ambiance and may not receive the necessary approval.
- The letter style chosen should be easy to read and reflect the image of your business.
- Sign colors should compliment the color of the building. Light colored letters on a dark background are usually easier to read.
- Illuminated signs can be used, if they represent the proportions of the storefront and meet the City of Sheboygan Falls Sign Ordinance guidelines.

### PROGRAM IMPLEMENTATION

- Applications and guidelines for the program are available at the Chamber-Main Street office at 504 Broadway Street, Sheboygan Falls. A sign permit must be requested from Sheboygan Falls City Hall located at 375 Buffalo Street, Sheboygan Falls.
- Completed sign grant applications, design plans, cost estimates, and construction schedules should be returned to the Chamber-Main Street office for review by the Historic Preservation Committee.
- If not approved, the Historic Preservation Committee will explain the reasons and what, if any, steps can be taken to receive the necessary approval.



## **Sheboygan Falls Chamber-Main Street Sign Grant Application Procedure**

1. Applicant (CMS members in good standing) requests CMS sign grant application
2. Applicant completes CMS sign grant application
3. Applicant receives a sign permit from the City of Sheboygan Falls
4. Applicant submits sign grant application to CMS, with required attachments
5. City Clerk calls a meeting of the Historical Preservation Committee review / approve application
6. Applicant obtains a City of Sheboygan Falls Sign Permit.
7. Once the application is approved, CMS awards the grant money to the applicant.

**NOTE:** Grants are determined on the following criteria:

Under this program, grants of up to \$250.00 in matching funds will be available for projects up to \$1,499.00 in cost and \$500.00 will be available for projects of \$1,500.00 and more.

At least 50% of the project cost must be paid by the applicant.

This money comes from the Main Street Foundation fund.

# Thank you

for choosing the City of Sheboygan Falls!

**Please contact the below with questions or for more information:**

Chamber-Main Street Executive Director Tammy (920) 467-6206 [tammym@sheboyganfalls.org](mailto:tammym@sheboyganfalls.org)

City Administrator Cullen (920) 467-7900, ext. 117 [cullen@citysheboyganfalls.wi.gov](mailto:cullen@citysheboyganfalls.wi.gov)

City Clerk (920) 467-7900.



SHEBOYGAN  
**FALLS**  
CHAMBER MAIN-STREET

