

AN ORDINANCE AMENDING CHAPTER 7.01 (ZONING CODE) OF THE TOWN OF SHEBOYGAN MUNICIPAL CODE TO CREATE ARCHITECTURAL, EXTERIOR LIGHTING, AND LANDSCAPING STANDARDS

WHEREAS, the Town of Sheboygan is authorized to enact zoning regulations to promote the public health, safety and general welfare of the Town and its residents, pursuant to Wisconsin Statute §§ 60.10(2)(c), 60.22(3), 61.35, and 62.23; and **WHEREAS**, the Town Board of the Town of Sheboygan has determined that the health, safety and welfare of the Town and its inhabitants will be promoted by the Town establishing in its zoning code additional regulations applicable to the architectural design, exterior lighting, and landscaping of new and remodeled structures. **NOW, THEREFORE**, the Town Board of the Town of Sheboygan, Sheboygan County, Wisconsin, does ordain as follows:

Section 1. **Amending and Creating Code**. Section 3, entitled “General Provisions,” of Chapter 7.01 (the Zoning Code) of the Town of Sheboygan Municipal Code is hereby amended and created as follows:

“3.1 Jurisdiction

d. The Duty of the Town Board, Plan Commission and/or Their Designees. The Town Board, Plan Commission and/or their designees, which may include but are not limited to, the Sheriff’s Department, Town Constables, the Director of Public Works, Building Inspector, consulting architects, engineers or surveyors and the Town Attorney, shall have the authority to review, inspect, and enforce the provisions of this ordinance.”

Section 2. **Amending and Creating Code**. Section 3.7, entitled “Performance Standards,” of Chapter 7.01 (the Zoning Code) of the Town of Sheboygan Municipal Code, is hereby amended and created as follows:

“3.7 Performance Standards

f. 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, as amended.

g. 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 property, or the boundaries of the district if located in a business or industrial district.

h. Vibration.

1. No operation or activity shall transmit any physical vibration that is above the vibration perception threshold of an individual at or beyond the property line of the source. Vibration perception threshold means the minimum ground- or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by direct means such as, but not limited to, sensation by touch or visual observation of moving objects.

2. Vibrations not directly under the control of the property user and vibrations from temporary construction or maintenance activities shall be exempt from the above standard.”

Section 3. Repealing and Recreating Code. Within Section 3 of Chapter 7.01 (the

Zoning Code) of the Town of Sheboygan these subsections are repealed and recreated to read as follows:

“3.8 Non-residential Development Standards

a. Applicability. The standards set forth below shall apply as follows:

1. To all new structures and development in R-3 General Residence District, R-4 Multiple Family Residence and Office District, and every business, industrial, and mineral extraction zoning districts, except that the herein described development standards do not apply to property located in the Town Business Park. Property within the Town Business Park shall continue to be regulated by and subject to the Town of Sheboygan Business Park Protective Covenants as recorded in Volume 1181 of Records n Pages 193/207 in the office of the Register of Deeds for Sheboygan County as Document Number 1224985.

2. To all new non-residential structures and development which may be allowed in the residential and agricultural zoning districts.

3. To all new structures and development in the Commercial Corridor Overlay District, and as otherwise set forth in this Code.

b. Approvals Required. No building, structure, improvement or development to which this section applies shall be constructed, placed on any lot, remodeled or altered until detailed plans and specifications for the same have been reviewed and approved by the Town Board after receiving the recommendation of the Plan Commission.

c. Architectural Standards. Buildings and structures shall comply with the following standards:

1. Buildings shall be designed by an architect or engineer. All sides, elevations and facades of buildings and structures shall be visually pleasing and architecturally and aesthetically compatible with the surrounding environment. Building materials shall be selected for their ability to present a visual statement of a building's purpose, attractiveness, and permanence. Building materials shall be harmonious with the general character of other buildings and structures in the adjacent neighborhood or area. 2. The front, side, and rear walls of all buildings shall be faced seventy-five percent (75%) with brick, decorative masonry, stone, architecturally finished precast concrete panels, glass or other decorative material; if special conditions exist, approval may be granted for as little as fifty percent (50%) coverage with such materials. In the event exceptional circumstances exist that justify a greater deviation from the herein described standards, said deviation may only be granted upon the approval of both the Plan Commission and Town Board. For the purpose of this architectural standard, light weight or cinder concrete block shall not be considered a decorative masonry material. Exterior gutters and downspouts shall be permitted only along the side and rear of buildings.

3. Metal siding shall be used only as a minor building component not to exceed twenty-five percent (25%) of exterior wall surface, excluding roofing, in combination with one of the above materials unless approval is granted to exceed this amount. The metal panels must be attractive, durable, of an earth tone or compatible color, and not merely an inexpensive method of building.

4. All mechanical equipment should be screened with parapets or the roof form.

5. The architectural standards and design of any accessory buildings shall be

consistent with the design and materials of the principal building(s).

d. 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 twenty (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.

e. Landscaping Standards. Landscaping shall be in accord with the following standards:

1. General. All developed areas of any lot not used for building, parking, driveways, or storage shall be landscaped with a combination of grass, trees, shrubs, berms, and planted ground covers. Areas of the site held or designated for expansion shall be planted with grass and maintained as specified herein.

2. Parking Areas. Parking lots and driveways shall incorporate the following design standards:

(a) Perimeter and interior lot line greenbelt: A perimeter greenbelt of at least five (5) feet in width shall be installed along all interior lot lines. Perimeter edges should be landscaped with a combination of plant material and earth berming whenever possible.

Perimeter greenbelt landscaping may be omitted along side lot lines which have shared driveways with adjacent lots. The omitted area is limited to that portion from the street to the required minimum building setback line or as necessary to accommodate access cuts.

(b) Additional Interior Greenspace: The interior of parking lots shall be provided with landscape areas consisting of at least five percent (5%) of the total surface area intermittently placed throughout the parking area.

(c) Location: Interior landscape plantings may be located in protected areas such as along walkways, in center islands, in end islands, or between parking stalls. Perimeter edge screening and berming should be limited in height to allow a line of sight to the buildings and not obstruct sight distance at entry drives. Parking areas located beyond the forty- (40-) foot setback required from existing or planned public street right-of-way shall be screened by berm(s) and/or landscaping.

(d) Landscape Materials: Landscape materials may include shrubs, hardy flowering trees and/or decorative evergreen and deciduous trees. New trees shall have a minimum caliper of two inch (2") to two and one-half inches (2-1/2") for canopy trees. The area around trees and planting beds shall be planted with shrubs or ground cover and covered with mulch, bark, or appropriate landscape stones."

Section 4. Renumbering Code. Existing Sections 3.8 and 3.9, entitled "Violations" and "Penalties," of Chapter 7.01 are renumbered as Sections 3.10 and 3.11.

Section 5. Creating Code. Section 5.18 of Chapter 7.01 (the Zoning Code) is created to read as follows:

“5.18 Commercial Corridor Overlay (CCO) District

a. Purpose. The Commercial Corridor Overlay (CCO) District is intended to foster compatible, aesthetically pleasing, and mutually beneficial development of commercial structures and properties within and along certain commercial areas within the Town, by requiring review and approval of architectural exterior lighting and landscaping plans for any new or modified structures or uses in the district.

b. Area. The CCO District shall consist of the area(s) indicated on the official Zoning Map of the Town of Sheboygan. [The “Initial CCO Commercial Corridor Overlay District Map,” dated February 1, 2008, which shall be used to update the Town’s official Zoning Map, is attached to this Ordinance as Exhibit A.]

c. Applicable Standards. The standards in Section 3.8 of this Zoning Code shall apply to any new, enlarged, altered, or modified structure, use, or development in the CCO District, to supplement and not replace the existing, underlying zoning regulations applicable to that area. However, should conflict or inconsistencies occur, the more restrictive regulation shall control.”

Section 6. **Amending Code**. Section 4.1, entitled “Districts,” of Chapter 7.01 (the Zoning Code) of the Town of Sheboygan Municipal Code is hereby amended to read as follows:

“4.1 Districts

The Town of Sheboygan contains the following zoning districts:

A-1	Agricultural District
C-1	Conservancy District
R-1	One Family Residence District
R-1/RS	Rural Standard District
R-1/RSUB	Rural Suburban District
R-1/RE	Rural Estate District
RRC	Rural Residential Cluster (RCC) Development District
R-2	One and Two Family Residence District
R-3	General Residence District
R-4	Multiple Family Residence and Office District
R-5	Residential Condominium District
R-6	Senior Housing District
B-1	Neighborhood Business District
B-2	General Business District
B-3	Highway Service District
B-4	Planned Business Park District
B-4A	Planned Business Park Office and Light Industrial District
I-1	Light Industrial District
I-2	Heavy Industrial District
M-1	Mineral Extraction District
OL Zone A	Overlay District Zone A
OL Zone B	Overlay District Zone B
CCO	Commercial Corridor Overlay District”

Section 7. **Severability**. Should any portion of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this

Ordinance shall not be affected.

Section 8. **Effective Date.** This Ordinance shall take effect upon passage and publication as required by law.

Enacted this 18th day of March 2008.

TOWN OF SHEBOYGAN by DANIEL W. HEIN, Chairperson

I hereby certify that the foregoing Ordinance was duly enacted by the Town Board of the Town of Sheboygan on the 18th day of March 2008. Cathy Conrad, Deputy Clerk