

DISTRICT REGULATIONS

5.1 A-1 Agricultural District

No building or use shall hereafter be established or enlarged within the A-1 Agricultural District unless it conforms to the following regulations:

- a. Purpose. All agricultural land in the Township's considered transitional and the primary purposes of the A-1 District are to (1) provide for the orderly transition of agricultural land into other uses in area planned for eventual urban expansion; (2) defer urban development until the appropriate local governmental bodies determine that adequate public services and facilities can be provided at a reasonable cost; (3) insure that urban development is compatible with local land use plans and policies; (4) provide periodic review to determine whether all or part of the land should be transferred to another zoning district.
- b. Permitted Uses.
 - (1) Agricultural and agricultural storage as defined in this Ordinance.
 - (2) One (1) single or two-family dwelling.
 - (3) Public and private schools, colleges, and universities.
- c. Permitted Uses If Under Thirty-five (35) Acres. If at any time the minimum lot area of A-1 zoned land is less than thirty-five (35) acres, no new structure shall be constructed, except single family dwellings.
- d. Conditional Uses. See Section 6 for specific conditional uses and conditions.
- e. Lot Size Requirements.
 - (1) Minimum lot area: Farm Size – thirty-five (35) acres.
 - (2) Minimum lot width: 100 feet.
- f. Building Bulk Limitations.
 - (1) Farm Dwelling:
 - (a) A front yard of not less than thirty feet (30').
 - (b) A side yard on each side of the lot not less than fifteen feet (15').
 - (c) A rear yard of not less than fifty feet (50').
 - (d) Maximum dwelling height:
 - (i) Farm dwelling - thirty-five feet (35').
 - (ii) Other structures - two (2) times distance from the nearest lot lines with a maximum of sixty feet (60').
 - (2) Other Structures:
 - (a) Rear - Minimum 100 feet.
 - (b) Side - Minimum twenty feet (20') if structure is not to be used for the housing of animals; 100 feet if structure is to be used for the housing of animals.
 - (c) Street - See Section 5.1, f., (1)(a).
- g. Existing Substandard Lots. No accessory farm structures may be erected on any substandard lot or parcel of record in the County Register of Deeds Office before the effective date of this Ordinance without obtaining a conditional use permit for same.
- h. Building Coverage and Construction Specifications.
 - (1) All farm dwellings hereafter constructed or erected shall conform to the following

regulations:

-
- (a) The minimum building width shall not be less than twenty-two feet (22').
 - (b) All dwelling shall be constructed or erected on a Uniform Dwelling Code - approved foundation.
 - (c) Manufactured dwellings and manufactured homes shall be constructed and installed pursuant to the manufacturer's specifications.

5.18 CCO Commercial Corridor Overlay 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.
- 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.

5.2 C-1 Conservancy District

No building or use shall hereafter be established or enlarged within the C-1 District unless it conforms to the following regulations:

- a. Purpose. The primary purpose of the C-1 District is to preserve, protect, and enhance the lakes, streams, swamps, marshes, bogs, and other wetlands in the Town of Sheboygan. The proper regulation of these areas will serve to maintain and improve ground water and surface water quality; prevent flood damage; protect fish and wildlife habitat; prohibit the location of structures on soils which are generally not suitable for such use; protect natural watersheds; and protect the water based recreation and open space resources of Sheboygan County. This District recognizes that undisturbed wetlands serve as natural purifiers of surface waters and as protective buffers of the land and water interface.
- b. Lands Included. The C-1 District shall include minimally all areas delineated as swamps, marshes, bogs, and other wetlands on the "Shoreland Zoning Map, Sheboygan County, Wisconsin," as described in the SHORELAND-FLOODPLAIN ORDINANCE, SHEBOYGAN COUNTY, WISCONSIN, wetlands as delineated by the State of Wisconsin as such, as well as those shoreland and wetland areas identified as being of local concern.
- c. Permitted Uses. The following uses are permitted in the C-1 District, provided that such uses are conducted in accordance with sound conservation practices and do not involve dumping, filling, extension of cultivated areas, mineral, soil, or peat removal, or any other activity that would substantially disturb or impair the natural fauna, flora, watercourses, water regimen, or topography:
 - (1) Dugout ponds and level ditches;
 - (2) Flood overflow and movement of water;
 - (3) Forestry and game management;
 - (4) Hiking trails;

- (5) Hunting, fishing (where permitted by law), wildlife preserves, and other historic/scientific areas;
- (6) Navigation;

-
- (7) Park and recreation areas not including the location or erection of buildings or structures; and
 - (8) Wild crop harvesting, including marsh hay, moss, ferns, wild rice, berries, fruit, nuts, and seeds.

- d. Conditional Uses. See Section 6 for specific conditional uses and conditions.
- e. Restrictions. The following general restrictions are placed within the C-1 Conservancy District:
No existing trees or shrubs shall be removed unless damaged or diseased; no stream, river, or creek shall be diverted, dammed, filled, or otherwise affected; and no grading, removal of soil, or disturbing of the natural topography shall be undertaken unless prior approval of the plan is obtained from the Park Commission.
- f. Area, Height, and Yard Requirements. None; no buildings or structures permitted except as provided under as a conditional use.

5.3 R-1 Single Family Residence District

No building or use shall hereafter be established or enlarged within the R-1 Single Family Residence District unless it conforms to the following regulations:

- a. Principal Uses.
 - (1) Single-family detached dwellings.
 - (2) Parks and playgrounds.
 - (3) Churches and similar places of worship
 - (4) Public or private elementary, middle and high schools (in Sanitary Districts only).
- b. Conditional Uses. See Section 6 for specific conditional uses and conditions.
- c. Lot Size Requirements.
 - (a) Minimum lot area: 12,000 square feet.
 - (b) Minimum lot width: Eighty feet (80').
- d. Building Bulk Limitations.
 - (1) Maximum building height: Thirty-five feet (35').
 - (2) Lot coverage: No more than thirty percent (30%) of the area of a lot shall be occupied by a building or structure with its accessory buildings.
 - (3) Yard Requirements:
 - (a) a front yard not less than thirty feet (30') in depth;
 - (b) a side yard on each side of lot not less than ten feet (10');
 - (c) a rear yard not less than fifty feet (50') in depth.
- e. Building Coverage and Construction Specifications.
All dwellings hereafter constructed or erected shall conform to the following regulations:
 - (a) The minimum building width shall not be less than twenty-two feet (22').
 - (b) All dwellings shall be constructed or erected on a Uniform Dwelling Code - approved foundation.
 - (c) Manufactured dwellings and manufactured homes shall be constructed and installed pursuant to the manufacturer's specifications.

5.3.1 R-1 Rural Standard District (R-1/RS)

No building or use shall hereafter be established or enlarged within the R-1 Rural Standard District

unless it conforms to the following regulations:

a. Permitted Uses.

- (1) Single-family detached dwellings.
- (2) Parks and playgrounds.
- (3) Churches and similar places of worship.
- (4) Public or private elementary, middle and high schools (in Sanitary Districts only).

b. Conditional Uses. See Section 6 for specific conditional uses and conditions.

c. Lot Size Requirements.

- (1) On-site sewage disposal systems.
 - (a) Minimum lot area: 20,000 square feet except where Department of Natural Resources regulations require more.
 - (b) Minimum lot width: 110 feet
- (2) With municipal sewers.
 - (a) Minimum lot area: 14,500 square feet.
 - (b) Minimum lot width: 110 feet

d. Building Bulk Limitations.

- (1) Maximum building height: Thirty-five feet (35').
- (2) Lot coverage: no more than thirty percent (30%) of the area of lot shall be occupied by a building or structure with its accessory buildings.
- (3) Yard requirements:
 - (a) a front yard not less than thirty feet (30') in depth.
 - (b) a side yard on each side of lot not less than fifteen feet (15').
 - (c) a rear yard not less than fifty feet (50') in depth.

e. Building Coverage and Construction Specifications.

- (1) All dwellings hereafter constructed or erected shall conform to the following regulations:
 - (a) The minimum building width shall not be less than twenty-two feet (22').
 - (b) All dwellings shall be constructed or erected on a Uniform Dwelling Code-approved foundation.
 - (c) Manufactured dwellings and manufactured homes shall be constructed and installed pursuant to the manufacturer's specifications.
 - (d) Shall be properly connected to utilities.

5.3.2 R-1 Rural Suburban District (R-1/RSUB)

No building or use shall hereafter be established or enlarged within the R-1 Rural Suburban District unless it conforms to the following regulations:

a. Permitted Uses.

- (1) Single-family detached dwellings.
- (2) Parks and playgrounds

b. Conditional Uses. See Section 6 for specific conditional uses and conditions.

c. Lot Size Requirements.

- (1) Minimum lot area: One (1) acre
- (2) Minimum lot width: 125 feet

d. Building Bulk Limitations.

-
- (1) Maximum building height: Thirty-five feet (35')
 - (2) Lot coverage: No more than thirty percent (30%) of the area of lot shall be occupied by a building or structure with its accessory buildings.
 - (3) Yard Requirements:
 - (a) A front yard of not less than seventy-five feet (75') in depth.
 - (b) A side yard on each side of lot not less than twenty-five feet (25').
 - (c) A rear yard not less than fifty feet (50') in depth.

e. Building Coverage and Construction Specifications.

- (1) All dwellings hereafter constructed or erected shall conform to the following regulations:
 - (a) The minimum building width shall not be less than twenty-two feet (22').
 - (b) All dwellings shall be constructed or erected on a Uniform Dwelling Code-approved foundation.
 - (c) Manufactured dwellings and manufactured homes shall be constructed and installed pursuant to the manufacturer's specifications.
 - (d) Shall be properly connected to utilities.

5.3.3 R-1 Rural Estate District (R-1/RE)

No building or use shall hereafter be established or enlarged within the R-1 Rural Estate District unless it conforms to the following regulations:

- a. Permitted Uses. Single-family detached dwellings.
- b. Conditional Uses. See Section 6 for specific conditional uses and conditions.
- c. Lot Size Requirements.
 - (1) Minimum lot area: Three (3) acres
 - (2) Minimum lot width: 150 feet
- d. Building Bulk Limitations.
 - (1) Maximum building height: Thirty-five feet (35')
 - (2) Lot coverage: No more than thirty percent (30%) of the area of lot shall be occupied by a building or structure with its accessory buildings.
 - (3) Yard Requirements:
 - (a) A front yard of not less than seventy-five feet (75') in depth.
 - (b) A side yard on each side of lot not less than forty feet (40').
 - (c) A rear yard not less than seventy-five feet (75') in depth.
- e. Building Coverage and Construction Specifications.

All dwellings hereafter constructed or erected shall conform to the following regulations:

 - (a) The minimum building width shall not be less than twenty-two feet (22').
 - (b) All dwellings shall be constructed or erected on a Uniform Dwelling Code-approved foundation.
 - (c) Manufactured dwellings and manufactured homes shall be constructed and installed pursuant to the manufacturer's specifications.
 - (d) Shall be properly connected to utilities.

5.3.4 RURAL RESIDENTIAL CLUSTER (RRC) DEVELOPMENT DISTRICT

RURAL RESIDENTIAL CLUSTER (RRC) DEVELOPMENT ORDINANCE

TABLE OF CONTENTS

RURAL RESIDENTIAL CLUSTER (RRC) DEVELOPMENT DISTRICT

Intent 5-8
Principal Permitted Uses 5-9
Accessory Uses 5-9
Conditional Uses 5-9
Prohibited Uses 5-10
Inventory and Site Analysis 5-10
Density and Dimensional Standards 5-11
Calculation of Site Capacity 5-12
Design Standards for Cluster Groups 5-12
Design Standards for Common Open Space 5-13
Landscaping 5-15
Ownership and Maintenance of Common Facilities and Open Space 5-15
Sewage and Water Supply Facilities 5-18
Technical Modifications Allowed 5-19

DEFINITIONS RELATING TO CLUSTER DEVELOPMENT 5-20

5.3.4 Rural Residential Cluster (RRC) Development District

- a. Intent. The purpose of the Rural Residential Cluster (RRC) Development District is to preserve rural landscape character, natural resource areas, farmland, and other large areas of open land, while permitting residential development at low, rural densities, in an open space setting, located and designed to reduce the perceived intensity of development and provide privacy for dwellings. Specific objectives are as follows:
- (1) To provide a large proportion of land area within RRC developments for common use as natural appearing open space with environmental value.
 - (2) To maintain and enhance what remains of the Town's rural and natural character by preserving important landscape elements, including those areas containing unique and environmentally sensitive natural features such as woodlands, hedgerows, stream corridors, wetlands, floodplains, shorelands, prairies, ridge tops, steep slopes, habitat, and natural areas by protecting them from removal or adverse impact from development. This includes, but is not limited to, areas contained in primary environmental corridors, as identified by the Sheboygan County Planning and Resources Department, that are of particular significance for conservation.
 - (3) To preserve scenic views and to minimize views of new development from existing streets.
 - (4) To provide for the unified and planned development of clustered, single-family, low density residential uses, incorporating areas of permanently protected common open space.
 - (5) To provide for greater design flexibility in the siting of dwellings and other development features than would be permitted by the application of other subdivision regulations in order to minimize the disturbance of rural landscape elements, scenic quality, and overall aesthetic value of the landscape.
 - (6) To increase flexibility and efficiency in the siting of services and infrastructure, by reducing street length, utility requirements, drainage requirements, and the amount of paving required for residential development, where possible.
 - (7) To create groups of dwellings with direct visual and physical access to common open space.
 - (8) To permit active and passive recreational use of common open space by residents of a cluster development or by the public.
 - (9) To reduce erosion by retaining or improving existing vegetation.
 - (10) To allow for the continuation of agricultural uses in those areas best suited for such activities by creating protective buffers.
 - (11) To permit various means for owning common open space and for protecting it from development in perpetuity.
 - (12) To support an attitude of stewardship, or caring, for the land within common open space by requiring a land management or stewardship.
 - (13) To implement applicable objectives of the adopted Town Comprehensive Plan, or elements thereof.
- b. Principal Permitted Uses. Permitted uses within the Rural Residential Cluster (RRC) District are as follows:
- (1) Single-family residential uses as follows:
 - (a) Clustered single-family attached or detached dwellings, including condominiums, with at least fifty percent (50%) of the gross acreage in common open space.
 - (b) Single-family farmstead dwellings with or without associated agricultural

structures such as barns, silos, storage sheds, and stables.

- (2) Community living arrangements, and community-based residential facilities (CBRF), which have a capacity for eight (8) or fewer persons, subject to the limitations set forth in Section 62.23(7)(i) of the Wisconsin Statutes.
- (3) Open space uses, primarily passive in nature, including wildlife sanctuaries, forest preserves, nature centers, trails, picnic areas, and similar uses.
- (4) Conservation of natural features in their existing state or restoration to an improved condition.
- (5) Stormwater management facilities for the proposed development, including detention and retention basins.
- (6) Essential services.
- (7) The following uses are permitted in common open space in cluster development:
 - (a) Uses listed above in numbers 3, 4, 5, and 6.
 - (b) Water supply and sewerage facilities for individual lots, groups of lots, or the entire development.
 - (c) Utility and street rights-of-way except that street right-of-way land areas shall not count toward the fifty percent (50%) minimum open space requirement.
 - (d) Parking areas where necessary to serve active recreation facilities.

c. Accessory Uses.

- (1) Attached and detached private garages and storage structures, provided that:
 - (a) One detached garage, not exceeding 1,200 square feet, shall be permitted.
 - (b) One detached storage structure, not exceeding 200 square feet, shall be permitted per single family residence, in addition to any attached or detached garage.
- (2) Home occupations which are clearly incidental to the principal residential use, provided that the requirements of Section 2.65 of the Zoning Code are met.

d. Conditional Uses. The following conditional uses may be permitted by the Plan Commission and Town Board pursuant to the procedure set forth in Section 6 of this Zoning Code, provided the proposed use shall not adversely impact the rural character of the district and shall be consistent with the overall intent and objectives of the district as listed in Subsection a. above.

- (1) Agricultural uses requiring the installation of new buildings or other structures in the common open space of a cluster development. The total building coverage of such new agricultural buildings or structures shall not exceed 10,000 square feet.
- (2) Commercial storage or other adaptive reuse of barns in order to provide for an adaptive and compatible reuse and promote the preservation of such structures, provided such barns have existed for at least twenty (20) years prior to the effective date of this Ordinance.
- (3) Recreational uses such as tennis courts, putting greens, children's play area, or recreational buildings or other structures in the common open space of a cluster development. The total building coverage of such new buildings or structures shall not exceed 10,000 square feet.
- (4) Agricultural activities including:
 - (a) The cultivation, harvesting, and sale of crops and related products produced on the farm.
 - (b) The raising and sale of livestock or fowl, with associated pasture and

barnyards.

- (c) Orchards, nurseries, greenhouses, and related horticultural uses.
- (d) Growing and sale of Christmas trees.
- (e) Agricultural structures such as barns, silos, storage sheds, and stables.

e. Prohibited Uses.

- (1) The use of motor vehicles except on public streets and parking areas. Maintenance, law enforcement, emergency, and farm vehicles are exempt from this limitation.
- (2) Cutting of healthy trees, re-grading, topsoil removal, altering, diverting, or modifying water courses or bodies, except in compliance with an approved landscape plan and master side grading plan approved for any subdivision or condominium plat, as described in Subsection K.
- (3) Animal husbandry operations, except as permitted or conditional uses in Rural Estate Developments.

f. Inventory and Site Analysis. To aid the Town in determining if a proposed development plan meets the intent and objectives as described in Subsection a. and the design standards for cluster groups and common open space as described in Subsections i. and j., the initial application for any development shall include an inventory and site analysis of the parcel. The specific requirements for such inventory and site analysis are described herein, or as required by the Plan Commission or Town Board.

g. Density and Dimensional Standards.

- (1) The following density and dimensional standards shall apply to residential cluster development:

Factors	Single Family Residences on Lots or Parcels Served by Private Onsite Waste Treatment Systems	Single Family Residences Lots or Parcels Served by Common or Municipal Sanitary Sewer Systems
Minimum Gross acres per dwelling ^a	5	1.5
Minimum Common Open Space (% of Gross Acres)	60	50
Minimum Lot Area ^b	20,000 sq. feet	10,000 sq. feet
Minimum Lot Width: Measured at Building Setback Line Measured at Front Lot Line	100 feet 50 feet	80 feet 50 feet
Minimum Front Yard Depth	30 feet	30 feet
Minimum Rear Yard Depth	50 feet	25 feet
Minimum Side Yard	10 feet	10 feet

**TOWN OF SHEBOYGAN
Section 5**

Chapter 7

Accessory Building Minimum Setback ^c From Side Lot Lines From Rear Lot Line	5 feet 5 feet	5 feet 5 feet
Maximum Height Principal Structure Non-agricultural Accessory Structures Agricultural Accessory Structures	35 feet 20 feet 2 times the distance from the nearest lot line with a maximum set back of 60'.	35 feet 20 feet 2 times the distance from the nearest lot line with a maximum setback of 60'.
Maximum Building Coverage Per Lot	30 percent	30 percent

- a *Existing dwellings that will remain on the site shall be included in the calculation of maximum density.*
- b *For an existing farmstead on a parcel used for cluster development, the minimum lot area shall be 5 acres or a lot large enough to accommodate all structures within a building envelope created by a 100 foot setback from all sides of the lot, whichever is larger. For farmsteads with livestock, the setback shall be increased to 200 feet.*
- c *Accessory buildings shall not be permitted within the front yard.*

(2) Separation distances for cluster groups.

- (a) The outer boundaries of all cluster groups shall conform to the following separation distances:
 - (i) From existing or proposed arterial street rights-of-way as defined in the Town Comprehensive Plan or the Regional Transportation System Plan: 100 feet.
 - (ii) From existing scenic highways or rustic roads: Seventy-five (75') feet.
 - (iii) From all perimeter subdivision boundaries: Seventy-five (75') feet.
 - (iv) From crop land or pasture land: 100 feet.
 - (v) From buildings or barnyards housing livestock: 100 feet.
 - (vi) From other cluster groups: 100 feet.
 - (vii) From wetlands, floodplains, or water courses: Twenty-five feet (25'). Refer also to state and county set backs, protective areas and other requirements.
 - (viii) From active recreation areas, such as courts or playing fields: 100 feet.
- (b) All separation areas for cluster groups along existing streets shall be landscaped in accordance with Subsection K, in order to block views of new residential development, preserve scenic views, and protect rural landscape character.
- (c) The dimensional standards specified in Subsection g.(2) may be reduced under the following circumstances:
 - (i) The separation distances from existing arterial streets and the perimeter of the subdivision may be reduced to no less than fifty feet (50') if the applicant can demonstrate that existing vegetation or topography or a combination of these form an effective visual screen.
All other separation distances may be reduced by fifty percent (50%) if the

applicant can demonstrate to the satisfaction of the Plan Commission that such reduced setbacks improve the plan's compliance with the cluster group design standards in Section I, the intent of this Ordinance, and the objectives of the Town Comprehensive Plan.

h. Calculation of Site Capacity.

(1) For cluster development, the calculation of site capacity, or the number of dwelling units permitted in a development, shall be based on the gross parcel acreage. The applicant shall determine the gross parcel acreage using public records and/or maps, or at the option of the Town, actual surveyed acreage as provided by a licensed Wisconsin land surveyor.

(2) To determine the number of units permitted on a given site, the gross parcel acreage shall be divided by the acres per lot factor set forth in section g. immediately above and rounded to the nearest whole number.

i. Design Standards for Cluster Groups. The following standards shall apply to all cluster groups:

(1) All dwelling units shall be grouped into cluster groups, each of which shall be surrounded by common open space.

(2) No cluster group shall contain more than fifteen (15) dwelling units.

(3) A plat may contain one or more cluster groups.

(4) Cluster groups shall be defined by the outer perimeter of contiguous lotted areas or abutting streets, and may contain lots, streets, and cluster group open space. When the development does not include individual lots, as in a condominium, the outer perimeter shall be defined as an area encompassed by a line drawn around the units, no point of which is less than twenty-five feet (25') from any unit.

(5) The outer boundaries of each cluster group shall meet the separation distance requirements specified in Subsection g(2).

(6) Cluster groups shall be defined and separated by common open space in order to provide direct access to common open space and privacy to individual lot or yard areas. Cluster groups may be separated by street right-of-ways.

(7) All lots in a cluster group shall take access from interior streets.

(8) All lots in a cluster group shall abut common open space on at least one side. Common open space across a street shall qualify for this requirement.

(9) In locating cluster groups, disturbance to woodlands, hedgerows, and individual mature trees shall be minimized. However, where dwellings are located within woodlands, no more than thirty percent (30%) of a single wooded lot may be cleared for the construction of a dwelling, driveway, garage, storage building, well and private onsite waste treatment system. Clearing will be limited to thirty percent (30%) of the lot as set forth in paragraph g. of this Ordinance, but may be waived or modified by the Plan Commission or Town Board if the thirty percent (30%) limitation is not sufficient to allow the construction of a dwelling, driveway and accessory uses.

j. Design Standards for Common Open Space. On all parcels developed under the cluster development regulations, fifty percent (50%) of the gross land area shall be set aside as protected common open space. This open space shall meet the following standards:

(1) For the purposes of this Subsection, gross land area includes all lands within the parcel, except existing street, railway, and utility rights-of-way.

(2) Common open space shall comply with the following design standards:

(a) The location of common open space shall be consistent with the objectives of the Town Comprehensive Plan, or portions thereof, or existing zoning ordinances and maps, or as

-
- directed by the Town Board.
- (b) All open space areas shall be part of a larger continuous and integrated open space system within the parcel being developed. At least fifty percent (50%) of the common open space areas shall be contiguous to another common open space area. For the purposes of this Subsection, areas shall be considered contiguous if they are within 100 feet of each other and there are no impediments to access between the areas.
 - (c) Common open space shall, to the greatest extent possible, protect site features identified in the site inventory and analysis as having particular value in the context of preserving rural character, in compliance with the intent of this Ordinance.
 - (d) Natural features shall generally be maintained in their natural condition, but may be modified to improve their appearance, or restore their overall condition and natural processes, as recommended by natural resource professionals and in compliance with an approved land stewardship plan, as described in Subsection L.3. Permitted modifications may include:
 - (i) Woodland management.
 - (ii) Reforestation.
 - (iii) Meadow management.
 - (iv) Wetlands management.
 - (v) Stream bank protection.
 - (vi) Buffer area landscaping.
 - (vii) Storm water management, including infiltration.
 - (e) All wetlands, floodplains, wildlife habitat areas, steep slopes over thirty percent (30%), 100 percent of lowland environmental corridor, and a minimum of eighty percent (80%) of upland primary environmental corridors shall be contained in common open space, to the extent practicable.
 - (f) The common open space shall maximize common boundaries with existing or future open space on adjacent lands, as shown in the Town or County Comprehensive Plan, or the Comprehensive Plan of an adjacent municipality.
 - (g) To preserve scenic views, ridge tops and hilltops should be contained within common open space wherever possible. Trees shall not be removed from ridge tops or hill tops.
 - (h) A minimum of eighty percent (80%) of the area of existing woodlands shall be contained within common open space. Up to twenty percent (20%) of the area of existing woodlands may be located within lots or used for residential development. This limitation may be exceeded under the following conditions:
 - (i) The site is primarily wooded and development at the permitted density would not be possible without encroaching further into the woodlands.
 - (ii) Any encroachment on woodlands beyond twenty percent (20%) shall be the minimum needed to achieve the maximum permitted density, as determined by the Town Board.
 - (i) No area of common open space shall be less than thirty feet (30') in its smallest dimension or less than 10,000 square feet in area, with the exception of landscape islands as described in Subsection I.8.b. Open spaces not meeting this standard shall not be counted toward the total required fifty percent (50%) common open space.
 - (j) The boundaries of common open space shall follow the natural features wherever possible, such as hedgerows, edges of woodlands, streams, or individual large trees. Where no such natural demarcations exist, additional plantings, fences, or other landscape features should be added to enable residents or the public, if applicable, to distinguish where common open space ends and private lot areas begin. Where structural demarcations, such as fences, are used, they shall be the minimum needed to accomplish this objective.
 - (k) Trails in common open space that are located within fifty feet (50') of homes in cluster

groups shall be identified by plantings, fences, or other landscape features.

- (l) Under no circumstances shall all common open space be isolated in one area of the development. Common open space shall be distributed appropriately throughout the development to properly serve and enhance all dwelling units, cluster groups, and other common facilities.
 - (m) Common open space shall include lands located along existing public streets in order to preserve existing rural landscape character as seen from these streets, and shall, in no case, contain less than the required buffer, setback area, or separation distance.
- (3) Safe and convenient pedestrian access and access for maintenance purposes shall be provided to common open space areas that are not used for agricultural purposes, in accordance with the following:
- (a) At least one access point per cluster group shall be provided, having a width equal to or greater than the minimum width of a lot within the cluster group. This width may be reduced by the Town Board if the applicant can demonstrate that, due to natural site constraints, meeting the lot width requirement would run counter to the objectives of this Section.
 - (b) Access to common open space used for agriculture may be restricted for public safety and to prevent interference with agricultural operations.
- (4) The following areas shall not be included in the calculation of common open space areas:
- (a) Private lot areas or common areas of condominium plats.
 - (b) Street and highway rights-of-way, public or private.
 - (c) Parking areas.
 - (d) Areas not meeting the requirements of Subsection j.(2)(i)

k. Landscaping.

(1) Promoting and Preserving Natural Landscape.

- (a) For the purpose of conserving and promoting the natural landscape, existing vegetation shall be preserved, except that selective cutting and forestry improvements may be conducted under an approved management plan.
- (b) Existing woodlands and hedgerows of native species shall be retained to the maximum extent possible. Where possible, existing woodlands and hedgerows shall be incorporated into the required separation areas between cluster groups and external streets and site boundaries.
- (c) Suitable existing vegetation shall be credited toward the landscaping requirements of this Section, when, in the opinion of the Town Board, it would equal or exceed the visual impact of the new required plant material after ten years of growth.
- (d) All new landscaping to be installed and existing vegetation to be preserved shall be protected in accordance with the methods specified in the Town Land Division Control Ordinance or other applicable Town ordinances.

(2) Street Trees

- (a) Street trees shall be planted along internal streets within cluster groups.
- (b) Street trees may be planted, but are not required, along internal streets passing through common open space.
- (c) Informal arrangements are encouraged for street trees, to avoid the urban appearance that regular spacing may invoke.
- (d) Street trees shall be located so as not to interfere with the installation and maintenance of utilities and paths, trails, or sidewalks that may parallel the street.
- (e) The species of street trees shall be selected from the "List of Recommended

-
- Species for Landscaping” adopted by the Town Board.
- (f) Street tree plantings shall comply with all applicable regulations in the Town Land Division Control Ordinance or other applicable ordinances.
- (3) Buffers
- (a) A planted buffer area at least twenty-five feet (25') in width shall be established within all required separation areas between external streets and cluster groups.
- (b) Planted buffers within separation areas between cluster groups are encouraged to enhance privacy and a rural appearance between lots.
- (c) Buffers consisting of an informal arrangement of native plant species combined with infrequent mowing are strongly encouraged, to create a low-maintenance, natural landscape.
- I. Ownership and Maintenance of Common Facilities and Open Space. To ensure adequate planning for ownership, operation, and maintenance of common open space, recreation facilities, storm water management facilities, common parking areas and driveways, private streets, and other common or community facilities (hereinafter referred to as common facilities), the following regulations shall apply:
- (1) Ownership. The following methods may be used, either alone or in combination, to own common areas or facilities. Common areas or facilities shall not be transferred to another entity except for transfer to another method of common ownership permitted under this Subsection. Ownership methods shall conform to one or more of the following:
- (a) Homeowners Association. Land and improvements shall be held in common ownership as undivided proportionate interests by the members of a homeowners association, subject to the provisions set forth herein:
- (i) The applicant shall provide to the Town a description of the organization, including its bylaws, and all documents governing maintenance requirements and use restrictions for common facilities. Such documents shall be approved as to form by the Town Attorney.
- (ii) The organization shall be established by the owner or applicant and shall be operating, with financial subsidy by the owner/applicant, if necessary, prior to the sale of any dwelling units in the development. Owner/applicant may retain control and may operate said organization until the sale of the last development lot.
- (iii) Membership in the organization shall be mandatory for all purchasers of dwelling units therein and their successors and assigns.
- (iv) The organization shall be responsible for maintenance and insurance of common facilities.
- (v) The members of the organization shall share equitably the costs of maintaining, insuring, and operating common facilities.
- (vi) The organization shall have or hire adequate staff to administer, maintain, and operate common facilities.
- (vii) The applicant for any cluster subdivision or development proposed to contain common facilities shall arrange with the Town Assessor a method of assessment of the common facilities which will allocate to each tax parcel in the development a share of the total assessment for such common facilities.
- (viii) Written notice of any proposed transfer of common facilities by the homeowners association or the assumption of maintenance of common facilities must be given to all members of the organization and to the Town at least thirty (30) days prior to such event.

-
- (b) Condominium Agreements. Common facilities shall be controlled through the use of condominium agreements. Such agreements shall be approved as to form by the Town Attorney and shall comply with the requirements of Chapter 703 of the Wisconsin Statutes. All common open space and other common facilities shall be held as “common elements” by the unit owners in the form of undivided percentage interests in accordance with the condominium documents. An association of unit owners shall be formed to govern the affairs of the condominium and membership shall be mandatory.
- (c) Fee simple dedication to a public entity. The Town, or other public entity acceptable to the Town, may but shall not be required to accept any portion of the common facilities, provided that:
- (i) There shall be no cost of acquisition, other than costs incidental to the transfer of ownership, such as title insurance.
 - (ii) Any facilities so dedicated shall be accessible to the residents of the Town, if the Town so chooses.
 - (iii) The Town or other public agency shall maintain such facilities.
- (d) Dedication of conservation easements to a public entity. The Town or other public entity acceptable to the Town may, but shall not be required to, accept easements for public use of any portion of the common facilities, title of which is to remain in private ownership, provided that:
- (i) There is no cost of easement acquisition, other than costs incidental to the transfer of ownership, such as title insurance.
 - (ii) A satisfactory maintenance agreement shall be reached between the owner and the Town.
 - (iii) Lands under a Town easement may or may not be accessible to residents of the Town.
- (e) Fee simple dedication to a nonprofit conservation organization. With the approval of the Town Board, an owner may dedicate any portion of the common facilities to a nonprofit conservation organization, provided that:
- (i) The organization is acceptable to the Town.
 - (ii) The conveyance contains appropriate provisions for proper reverter or re-transfers in the event that the organization becomes unwilling or unable to continue carrying out its responsibilities.
 - (iii) A maintenance agreement acceptable to the Town is established between the owner and the organization, in accordance with Subsection I. (2).
- (f) Dedication of conservation easements to a nonprofit conservation organization. With the approval of the Town Board, an owner may dedicate conservation easements on any portion of the common facilities to a nonprofit conservation organization, provided that:
- (i) The organization is acceptable to Town.
 - (ii) The conveyance contains appropriate provisions for proper reverter or re-transfers in the event that the organization becomes unwilling or unable to continue carrying out its responsibilities.
 - (iii) A maintenance agreement acceptable to the Town is established between the owner and the organization, in accordance with Subsection L., 2.
 - (iv) The residents of the development shall hold a conservation easement on the land and facilities so dedicated, protecting the common open space from

development in perpetuity.

- (g) Ownership retained by the original landowner. Ownership of common open space and facilities may be retained by the original landowner provided that:
 - (i) The Town or owners of the development shall hold perpetual conservation easements on the land protecting it from any further development.
 - (ii) Resident access to the land is limited only by agreement of the residents of the development, as indicated by documents signed at the time of purchase of individual dwelling units.
- (h) Other methods acceptable to the Town Board upon recommendation by the Town Attorney.

(2) Maintenance and operation of common facilities.

(a) A plan and narrative for the use, maintenance, and insurance of all common facilities, including provisions for funding, shall be provided to and approved by the Town Board prior to preliminary plat approval. Such plan shall:

- (i) Define ownership.
- (ii) Establish necessary regular and periodic operation and maintenance responsibilities.
- (iii) Estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an on-going basis.
- (iv) Include a Land Stewardship Plan specifically focusing on the long-term management of open space lands. A draft Land Stewardship Plan shall be submitted with a preliminary plat, and a final Plan shall be submitted with the final plat. The Land Stewardship Plan shall comply with the requirements of Subsection I (3).
- (v) At the discretion of the Town Board, the applicant may be required to escrow sufficient funds for the maintenance and operation costs of common facilities for up to one (1) year.

(b) In the event that the association established to own and maintain common areas and facilities, or any successor organization thereto, fails to properly maintain all or any portion of the aforesaid common areas or facilities, the Town may serve written notice upon such association setting forth the manner in which the association has failed to maintain the aforesaid common areas and facilities. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the association, or any successor organization, shall be considered in violation of this Ordinance, in which case the Town shall have the right to enter the premises and take the needed corrective actions. The costs of corrective actions by the Town shall be assessed against the properties that have the right of enjoyment of the common areas and facilities.

(3) The Land Stewardship Plan shall include a narrative, based on the site analysis required by Subsection F, describing:

- (a) Existing conditions, including all natural, cultural, historic, and scenic elements in the landscape;
- (b) Objectives for each common open space area, including:
 - (i) The proposed end state for the area and the measures proposed for achieving the end state.
 - (ii) Proposed restoration measures, including:
 - (aa) Measures for correcting increasingly destructive conditions, such

-
- as erosion.
 - (bb) Measures for restoring historic features.
 - (cc) Measures for promoting native plant species.
 - (dd) A maintenance and operations plan identifying activities needed to maintain the stability of the resources, including mowing schedules, weed control measures, planting schedules, and clearing and cleanup measures and schedules.
- (4) Leasing of common open space lands. Common open space lands may be leased to another person or other entity for use, operation, and maintenance, provided that:
- (a) The uses comply with this ordinance and the plat or development plan.
 - (b) The residents of the development shall at all times have access to such leased lands, except in the case of lease for agricultural purposes, in which case the residents, with their agreement, may be restricted from accessing the lands.
 - (c) The common open space lands to be leased shall be maintained for the purposes set forth in this Section.
 - (d) The operation of such leased open space lands may be for the benefit of the residents of the development only, or may be open to the public, if so determined by the residents.
 - (e) The lease, and any transfer or assignment thereof, shall be subject to the approval of the Town Board.
 - (f) Lease agreements shall be recorded in the office of the County Register of Deeds within thirty (30) days of their execution, and a copy of the recorded lease shall be filed with the Town.
- (5) Conservation. Common open space shall be restricted in perpetuity from further subdivision and/or land development by deed restriction, conservation easement, or other agreement in a form acceptable to the Town Board upon recommendation of the Town Attorney and duly recorded in the office of the County Register of Deeds.

m. Sewerage and Water Supply Facilities.

- (1) Sewerage Facilities.
 - (a) Sewerage facilities for cluster development may consist of any system meeting the requirements of the County, the Sanitary District No. 2, the Wisconsin Department of Commerce, and the Wisconsin Department of Natural Resources.
 - (b) If approved by the Commissioners of the Town of Sheboygan Sanitary District No. 2, sewerage facilities or portions thereof may be located within common open space areas.
 - (c) All sewerage facilities shall be consistent with the requirements of the Ordinances, policies, and rules of the Town of Sheboygan Sanitary District No. 2.
 - (d) All public community sewerage facilities shall be owned, operated, and maintained by the Town of Sheboygan Sanitary District No. 2.
- (2) Water Supply Facilities.
 - (a) Water supply facilities may consist of any of following systems, provided they meet the requirements of the County, the Town of Sheboygan Sanitary District No. 3 (Water), the Town, the Wisconsin Department of Natural Resources, and of the Wisconsin Administrative Code:

Private, individual wells.
Private, community wells.
Public water supply system.

- (b) All municipal water supply facilities shall be consistent with the requirements of the Ordinances, policies and rules of the Town of Sheboygan Sanitary District No. 3 (Water).
 - (c) All public water supply facilities shall be owned, operated, and maintained by the Town of Sheboygan Sanitary District No. 3 (Water).
- n. Technical Modifications Allowed. The Plan Commission or the Town Board shall have the authority to modify or adjust technical or numerical standards applicable to any specific development provided the Plan Commission or Town Board is satisfied that the overall site plan, taking into account all relevant factors, will meet both the general intent and design guidelines of this Ordinance.

DEFINITIONS RELATING TO CLUSTER DEVELOPMENT

This list of definitions includes only those terms or phrases that are particular to cluster zoning ordinances and may not already be included in typical current local zoning ordinances. These terms or phrases should be added to any existing list of definitions contained in zoning ordinances to which these model cluster development provisions might be added. It should be noted that these definitions are particular to this model. If provisions of the ordinance are changed, some definitions will also need to be changed. For example, the maximum number of units in a “cluster group” may be reduced or increased; similarly, the amount of required open space may be reduced or increased.

Italicized words within definitions are further defined in this section.

Cluster Development. A form of residential development that concentrates buildings or lots on a part of the site to allow the remaining land to be used for common open space, recreation, and preservation of environmentally sensitive features. The concentration of lots is facilitated by a reduction in lot size. A cluster development will consist of one or more *cluster groups* surrounded by common open space.

Cluster Group. A group of single-family detached dwellings within a cluster development, surrounded by common open space as provided by this Ordinance. The outer boundary of a cluster group shall be defined by the rear lot lines of the lots within the group.

Common Element. The common *facilities* in a *condominium*.

Common Facilities. All the real property and improvements set aside for the common use and enjoyment of the residents of a cluster development, including, but not limited to, buildings, open space, private streets, parking areas, walkways, recreation areas, drainage easements, and any utilities that service more than one unit, such as sewerage and water supply facilities.

Common Open Space. Undeveloped land within a cluster development that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the development. Common open space shall not be part of individual residential lots, and shall be substantially free of structures, but may contain such recreational facilities for residents or utility easements as are shown on the approved development plan.

Community Association. A *condominium* or *homeowners association*.

Condominium. A form of ownership combining individual unit ownership with shared use and ownership of common property or facilities, established in accordance with the requirement of the Chapter 703 of the Wisconsin Statutes. Common areas and facilities are owned by all members of the condominium association on a proportional, undivided basis. A condominium is a legal form of ownership and not a specific building type or style.

Condominium Association. An association, whose members consist of owners of units in a condominium, which administers and maintains the common property and common elements of a condominium.

Conservation Easement. The grant of a property right or interest from the property owner to another person, agency, unit of government, or organization stipulating that the described land shall remain in its natural, scenic, open, or wooded state, precluding future or additional development.

Deed Restriction. A restriction on the use of a property set forth in the deed.

Dwelling Unit. One or more rooms in a residential building, or a residential portion of a building, which are arranged, designed, used, or intended for use, by one or more persons living together and maintaining a common household, and which includes lawful cooking space and lawful sanitary facilities reserved for the occupants thereof.

Farmstead. A group of existing buildings with accessory structures used for agricultural purposes, such as barns, silos, storage sheds, cribs, and coops, and which may or may not include a dwelling.

Floodplains. Those lands, including the floodplain, flood fringe, floodway, and channel, subject to inundation by the 100-year recurrence interval flood or, where such data are not available, the maximum flood of record.

Hedgerow. A row of shrubs or trees planted for enclosure or separation of fields.

Height of Building. The vertical distance measured from the average elevation of the existing grade of the building to the highest point of a flat or multi-level roof or, for gable or hip roofs, to the mean height between the eaves and the ridge. Chimneys, spires, towers, mechanical penthouses, tanks, and similar projections not intended for human occupancy shall be excluded.

Homeowners Association. An association combining individual home ownership with shared use, ownership, maintenance, and responsibility for common property or facilities, including private open space, within a land division or cluster development.

Lot. A parcel or tract of land, or limited common areas of condominium plats.

Nonprofit Conservation Organization. A nonprofit corporation, charitable trust, or other nonprofit organization described in Section 501(c)(3) of the Internal Revenue Code, which includes the "acquisition of property or rights in property for conservation purposes" as part of its mission, as reflected in the bylaws, charter, or incorporation papers of the organization.

Restrictive Covenant. See *Deed Restriction*.

Separation Distance. The required dimensional distance between the outer boundary of a cluster group and another specified feature of the development.

Transfer of Development Rights. The conveyance by deed, easement, or other legal arrangement of the right to develop or build from one parcel to another, expressed in number of dwelling units, where such transfer is permitted by the zoning ordinance.

5.4 R-2 Two-family Residence District

No building or use shall hereafter be established or enlarged within the R-2 Family Residence District unless it conforms to the following regulations:

- a. Permitted Uses.
 - (1) Any use permitted in R-1 District.
 - (2) Two-family dwellings.
- b. Conditional Uses. See Section 6 for specific conditional uses and conditions.
- c. Lot Size Requirements.
 - (1) On-site sewage disposal systems.
 - (a) Minimum lot area: 20,000 square feet for single family homes; 30,000 square feet for two-family homes, except that where a part of either dwelling unit consists of a second floor, the minimum lot area may be 25,000 square feet, except where State Department of Natural Resources regulations require more.
 - (b) Minimum lot width: 100 feet.
 - (2) With municipal sewers.
 - (a) Minimum lot area: 12,000 square feet for single family homes; 15,000 square feet for two-family homes.
 - (b) Minimum lot width: Eighty feet (80').
- d. Building Bulk Limitations.
 - (1) Maximum building height: Thirty-five feet (35').
 - (2) Lot coverage: No more than forty percent (40%) of the area of the lot shall be occupied by a principal building and its accessory buildings.
 - (3) Yard requirements:
 - (a) A front yard not less than thirty feet (30').
 - (b) A side yard on each side of the lot not less than ten feet (10').
 - (c) A rear yard not less than fifty feet (50').
- e. Building Coverage and Construction Specifications. All dwellings hereafter constructed or erected shall conform to the following regulations:
 - (1) The minimum building width shall not be less than twenty-two feet (22').
 - (2) All dwellings shall be constructed or erected on a Uniform Dwelling Code - approved foundation.
 - (3) Manufactured dwellings and manufactured homes shall be constructed and installed pursuant to the manufacturer's specifications.

5.5 R-3 General Residence District

No building or use shall hereafter be established or enlarged within the R-3 General Residence District unless it conforms to the following regulations:

- a. Permitted Uses. Any use permitted in the R-2 Residence District.
- b. Conditional Uses. See Section 6 for specific conditional uses and conditions.
- c. Lot Size Requirements.

-
- (1) On-site sewage disposal systems:
 - (a) Minimum lot area:
 - (i) multiple family dwellings: 30,000 square feet for two family dwellings and 5,000 square feet of unoccupied land for each additional dwelling unit, except where the Department of Natural Resources regulations require more.
 - (ii) all other permitted uses: 20,000 square feet except where the Department of Natural Resources regulations require more.
 - (b) Minimum lot width: 100 feet.
 - (2) With municipal sewers:
 - Minimum lot area:
 - (i) Multiple family dwellings: 15,000 square feet for two-family dwellings and 3,000 square feet of unoccupied land for each additional dwelling unit, except where the Department of Natural Resources regulations require more.
 - (ii) Minimum lot width: Eighty feet (80').
- d. Building Bulk Limitations.
- (1) Maximum building height: Thirty-five feet (35').
 - (2) Lot coverage:
 - (a) No more than fifty percent (50%) of the area of an interior lot nor more than sixty percent (60%) of the area of a corner lot shall be occupied by a residential building or structure with its accessory buildings.
 - (b) No more than thirty-five percent (35%) of the area of an interior lot nor more than 45% of the area of a corner lot shall be occupied by any other building or structure with its accessory buildings.
 - (3) Yard requirements:
 - (a) A front yard not less than thirty feet (30').
 - (b) A side yard on each side of the lot not less than ten feet (10').
 - (c) A rear yard not less than fifty feet (50').
- e. Building Coverage and Constructions Specifications. All dwellings hereafter constructed or erected shall conform to the following regulations:
- (1) The minimum building width shall not be less than twenty-two feet (22').
 - (2) All dwellings shall be constructed or erected on a Uniform Dwelling Code-approved foundation.
 - (3) Manufactured dwellings and manufactured homes shall be constructed and installed pursuant to the manufacturer's specifications.

5.6 R-4 Multiple Family and Office District

No building or use shall hereafter be established or enlarged within the R-4 Multiple Family and Office District unless it conforms to the following regulations:

- a. Permitted Uses. Any use permitted in R-3 General Residence District (except single family dwellings).
- b. Conditional Uses.
 - (1) On-site sewage disposal systems:
 - (a) Minimum lot area:
 - (i) Multiple family dwellings: 30,000 square feet for two-family

-
- dwelling and 5,000 square feet of unoccupied land for each additional dwelling unit, except where the Department of Natural Resources regulations require more.
 - (ii) All other permitted uses: 20,000 square feet, except where the Department of Natural Resources regulations require more.
 - (b) Minimum lot width: two-family dwellings - 100 feet.
 - (2) With municipal sewers:
 - (a) Minimum lot area - multiple family:
Multiple family dwellings: 15,000 square feet for two-family dwellings and 3,000 square feet of unoccupied land for each additional dwelling unit.
 - (b) Minimum lot width: Eighty feet (80').
 - c. Building Bulk Limitations.
 - (1) A front yard not less than twenty-five feet (25').
 - (2) A side yard on each side of the lot not less than ten feet (10').
 - (3) A rear yard not less than fifty feet (50').
 - (4) Maximum building height: sixty feet (60').
 - d. Standards.
 - (1) Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residence building or residential property.
 - (2) All office, hotel, and motel buildings and structures shall be located on sites that are planted and landscaped, except for parking areas and hard-surface walks, and shall be screened from contiguous property in any other residential district by decorative planting or fencing.
 - (3) Off-street parking spaces shall be designed so that no parking, loading, or unloading of motor vehicles will take place adjacent to or within twenty-five feet (25') of any residential building or any other residential district.

5.7 R-5 Residential Condominium District

No building or use shall hereafter be established or enlarged within an R-5 Residential Condominium District unless it conforms with the following regulations:

- a. Permitted Uses. Residential condominium of one to five-family dwellings.
- b. Conditional Uses. None, except as referenced in paragraph 3 of this Section.
- c. Lot Size Requirements. The minimum lot area shall be governed by R-1 requirements as modified by the Planned Residential Development (Section 6.12).
- d. Building Bulk Limitations. R-1 restrictions as modified in Planned Residential Development, Section 6.12.
- e. Design Requirements. A special conditional use permit shall be obtained by applying to the Park Commission for such permit under Section 6 of this ordinance. Such permit shall be governed by the provisions of Section 6.12, i, Planned Residential Developments, except as modified under this section and the minimum development area shall not be required.
- f. Platting Requirements. Any structure built under this zoning classification shall conform to the following sections under Chapter 7.02 of the Municipal Code of the Town of Sheboygan (Regulation of Subdivisions and Plats):
 - (1) Section 5, except that the minimum street width pursuant to Section 5.1, a., and the length of the cul de sac and minimum diameter of same under Section 5.1, e., shall not apply.

(2) Section 7, except Section 7.1 and 7.6.

g. Building Coverage and Construction Specifications.

(1) All dwellings hereafter constructed or erected shall conform to the following regulations:

- (a) The minimum building width shall not be less than twenty-two feet (22').
- (b) All dwellings shall be constructed or erected on a Uniform Dwelling Code - approved foundation.
- (c) Manufactured dwellings and manufactured homes shall be construction and installed pursuant to the manufacturer's specifications.

5.8 B-1 Neighborhood Business District

No building or use shall hereafter be established or enlarged within the B-1 Neighborhood Business District unless it conforms to the following regulations:

a. Permitted Uses.

- (1) Business and professional offices.
- (2) Drug stores.
- (3) Food Stores.
- (4) Existing residences.

b. Conditional Uses. See Section 6 for specific conditional uses and conditions.

c. Lot Size Requirements.

- (1) On-site sewage disposal systems:
 - (a) Minimum lot area: 20,000 square feet, except where the Department of Natural Resources regulations require more.
 - (b) Minimum lot width: Eighty feet (80').
- (2) With municipal sewers:
 - (a) Minimum lot area: 20,000 square feet.
 - (b) Minimum lot width: Eighty feet (80').

d. Building Bulk Limitations.

- (1) A front yard not less than thirty feet (30').
- (2) A side yard on each side of the lot not less than fifteen feet (15').
- (3) A rear yard not less than fifty feet (50').
- (4) Maximum building height: Thirty-five feet (35').
- (5) Transitional yards:
 - (a) where a side lot coincides with a side or rear lot line in an adjacent residential district, then a side yard shall be provided along such side lot line that is equal in width to the minimum side yard which would be required by this Ordinance for residential use on the adjacent residential lot.
 - (b) where a rear lot line coincides with a side lot line in an adjacent residential district, then a yard shall be provided along such rear lot line that is equal in dimension to the minimum side yard which would be required under this Ordinance for a residential use on the adjacent residential lot.

- (c) where a rear lot coincides with a rear lot in an adjacent residence district, then a yard shall be provided along such rear lot line that is not less than twenty feet (20') in depth.
- (d) where the extension of a front or side lot line coincides with a front line of an adjacent lot located in a residence district, then a yard equal in depth to the minimum front yard required by this Ordinance on such adjacent residential lot shall be provided along such front or side lot line for a distance of at least twenty feet (20'), including the width of any intervening alley.

e. Standards. All buildings, structures, and uses hereafter established or enlarged in the B-1 Neighborhood Business District shall comply with the following conditions and restrictions:

- (1) No new residential buildings shall be constructed in the B-1 Neighborhood Business District. Existing residential buildings may be altered, remodeled, improved, or enlarged subject to the restrictions and regulations which would be applicable to residences located in the R-4 General Residence District.
- (2) All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
- (3) All business, servicing, storage, and display of goods (except for off-street parking and loading) shall be conducted within completely enclosed buildings.
- (4) No business establishment shall offer goods or services directly to customers waiting in parked motor vehicles, or sell beverages or food for consumption on the premises in parked motor vehicles.
- (5) Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light upon any property located in a residential district or upon any public street or park.

5.9 B-2 General Business District

No building or use shall hereafter be established or enlarged within the B-2 General Business District unless it conforms to the following regulations:

- a. Permitted Uses. Any use permitted in B-1 District.
- b. Conditional Uses. See Section 6 for specific conditional uses and conditions.
- c. Lot Size Requirements.
 - (1) Minimum lot area: 20,000 square feet, except where the Department of Natural Resources regulations require more.
 - (2) Minimum lot width: Eighty feet (80').
- d. Building Bulk Limitations.
 - (1) A front yard not less than twenty-five feet (25').
 - (2) A side yard on each side of the lot not less than fifteen feet (15').
 - (3) Rear yard not less than thirty feet (30').
 - (4) Maximum building height: Thirty-five feet (35').
 - (5) No side yards are required for shopping centers, except when adjacent to a residential zone, then a twenty-five foot (25') side yard on each side of the shopping center shall be provided.
- e. Standards. All buildings, structures, and uses hereafter established, altered, or enlarged in the B-2 General Business District shall comply with the following conditions and restrictions:
 - (1) No buildings shall be used for residential purposes, except for the use of

-
- the owner or operator of the premises, except that accommodation may be offered to the transient public by motels or hotels, and except that existing dwelling units located above a permitted use on the first or ground floor of a building may be continued.
- (2) Existing dwelling units located above a permitted use on the first or ground floor of a building may be continued.
 - (3) All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
 - (4) All business, servicing, storage, and display of goods (except for off-street parking and loading) shall be conducted within completely enclosed buildings.
 - (5) No business establishment shall offer goods or services directly to customers waiting in parked motor vehicles, or sell beverages or food for consumption on the premises in parked motor vehicles; however, drive-in banking facilities may be permitted as a conditional use.

5.10 B-3 Highway Service District

No building or use shall hereafter be established or enlarged within the B-3 Highway District unless it conforms to the following regulations:

- a. Permitted Uses. None: all uses in this District are conditional uses and must be approved in accordance with the procedures established in Section 6.
- b. Conditional Uses. See Section 6 for specific conditional uses and conditions.
- c. Lot Size Requirements.
 - (1) Minimum lot area: 20,000 square feet, except where the Department of Natural Resources regulations require more.
 - (2) Minimum lot width: 200 feet.
- d. Building Bulk Limitations.
 - (1) A front yard not less than thirty feet (30').
 - (2) A side yard on each side of the lot not less than fifteen feet (15').
 - (3) A rear yard not less than thirty feet (30').
 - (4) Maximum building height: Thirty-five feet (35').
 - (5) Maximum lot coverage: Forty percent (40%).
- e. Standards. All buildings, structures, and uses hereafter established, altered, in the B-3 Highway Service District shall comply with the following conditions and restrictions:
 - (1) No building shall be used for residential purposes, except for the use of the owner or operator of the premises, except that accommodation may be offered to the transient public by motels or hotels, and except that existing dwelling units located above a permitted business use on the first or ground floor of a building may be continued.
 - (2) All outdoor storage, except the storage of automobiles and other motor vehicles in operating condition, and off-street parking and loading spaces, shall be enclosed by a decorative solid fence not less than five nor more than eight feet in height. Off-street parking and loading spaces and the storage of automobiles and other motor vehicles in operating condition shall be so enclosed when such use abuts on a residence district at a side or rear lot line or is separated from a residence district only by an alley.
 - (3) All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold on the premises where produced.

-
- (4) Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light upon any property located in a residence district or upon any public street or park.

5.11 B-4 Planned Business Park District

No building or use shall hereafter be established or enlarged within the B-4 Planned Business Park unless it conforms to the following regulations:

a. Permitted Uses.

- (1) B-4A Planned Business Park Office and Light Industrial: Business offices.
- (2) B-4C Planned Business Park Commercial: Business offices.
- (3) B-4G Planned Business Park Governmental: Governmental and cultural uses, such as fire and police stations, community centers, libraries, parks, playgrounds, and museums.

b. Conditional Uses. See Section 6 for specific conditional uses and conditions.

c. Lot Size Requirements. Minimum lot width: 200 feet.

d. Building Bulk Limitations.

- (1) Maximum building height: Thirty-five feet (35').
- (2) Maximum lot coverage: Forty percent (40%).

e. Nuisance Restrictions. No operation, process, or other use or activity on said property shall produce noise, light, odors, smoke, vibrations, heat, industrial waste, or other external nuisances in excess of the limits defined in the Town Code.

f. Special Use. Any activity causing or resulting in electro-mechanical or electro-magnetic disturbance or radiation shall require a written application to and the approval by the Town.

g. Intent of District Restriction and Use. The use in this district is intended to provide for clean and quiet light manufacturing and office business uses creating low density traffic.

h. Setbacks from Property Lines.

(1) Front Yard Setback. No part or portion of any building shall be erected, constructed, or extended nearer than thirty feet (30') to the front lot line of any parcel. Parking or storage of automobiles or other vehicles, materials, products, or equipment shall be prohibited within this thirty foot (30') setback area. The thirty foot (30') setback shall be entirely graded and sodded or seeded between side lot lines and from the road shoulder to the building face in a manner that will produce and planting beds for flowers, groundcover, shrubs, trees, or combinations thereof. All driveways shall be surfaced with hot-mixed asphalt concrete or portland cement concrete from the Town street surface to the front building face. All walks shall be of portland cement concrete. All such landscaping, drives, and walks shall be completed within one (1) year of the time construction of the principal building has been completed.

(2) Side Yard Setback. No part or portion of any building shall be erected, constructed, or extended nearer than twenty-five feet (25') to any interior lot line of any parcel within the Business Center. The use and treatment of all side yard areas shall be in accordance with the provisions of Paragraph h (1) above. Parking, material storage, loading docks, and vehicular circulation shall be

-
- (3) prohibited within this twenty-five foot (25') setback.
- Rear Yard Setback. No part or portion of any building shall be erected, constructed, or extended nearer than twenty-five feet (25') to any rear lot line. Those lots abutting a residential zoning district shall have a fifty foot (50') rear yard setback.
- i. Construction Materials. All buildings or structures shall be designed using not more than three exterior wall facing materials (not including glass and trim) for all elevations. Exterior gutter and down spout roof drainage systems will be permitted only on sides and backs of buildings.
Facade treatments must be compatible with Park Center standards and aesthetically appropriate. All designs must be submitted to the Town for review and approval by the Park Commission in conformance with B-4 zoning designation for the Park.
- j. Easements Required. Easements for utilities shall be provided as follows:
- (1) Front Yard. A fifteen foot (15') easement adjacent to the roadway shall be provided in the front yard setback.
 - (2) Rear and Side Yard. A fifteen foot (15') setback shall be provided on the rear lot line and/or eight feet (8') along the side yard as directed by the Town.
- k. Highway Access. No direct access to State Trunk or County Highways shall be allowed. All ingress and egress shall be made to interior Park roads.
- l. Sewer Required. All structures must be served by municipal sewer.

5.12 I-1 Light Industrial

No building or use shall hereafter be established or enlarged within the I-1 Light Industrial District unless it conforms to the following regulations:

- a. Permitted Uses. None: all uses in this District are conditional uses and must be approved in accordance with the procedures established in Section 6.
- b. Conditional Uses. See Section 6 for specific conditional uses and conditions.
- c. Lot Size Requirements.
 - (1) Minimum lot area: 20,000 square feet, except where the Department of Natural Resources regulations require more.
 - (2) Minimum lot width: 100 feet.
- d. Building Bulk Limitations.
 - (1) A front yard not less than fifty feet (50').
 - (2) A side yard on each side of the lot not less than twenty-five feet (25'); if abutting a residential district, thirty feet (30') where the industrial and residential zones abut.
 - (3) A rear yard no less than twenty-five feet (25').
 - (4) Maximum building height: Sixty feet (60').
 - (5) Other structures: antennas, smokestacks, water towers, and other similar equipment and structures shall not exceed the height of seventy-five feet (75') unless the conditional use permit is secured.

5.13 I-2 Heavy Industrial District

No building or use shall hereafter be established or enlarged within the I-2 Heavy Industrial District unless it conforms to the following regulations:

- a. Permitted Uses. None: all uses in this District are conditional uses and must be approved in accordance with the procedures established in Section c.

-
- b. Conditional Uses. See Section 6 for specific conditional uses and conditions.
 - c. Lot Size Requirements.
Minimum lot area: 20,000 square feet, except where the Department of Natural Resources regulations require more.
 - d. Building Bulk Limitations.
 - (1) A front yard not less than twenty-five feet (25'), or if abutting a residential district, fifty feet (50').
 - (2) A side yard on each side of the lot not less than fifteen feet (15'); if abutting a residential district, fifty feet (50') where the industrial and residential zones abut.
 - (3) A rear yard not less than ten feet (10'); if abutting a residential district, thirty feet (30') where the industrial and residential zones abut.
 - (4) Maximum building height: Sixty feet (60').
 - (5) Other structures: Antennas, smokestacks, water towers, and other similar equipment and structures shall not exceed the height of seventy-five feet (75') unless the conditional use permit is secured.

5.14 M-1 Mineral Extraction District

- a. Principal Uses. None: all uses in this District are conditional uses and must be approved in accordance with the procedures established in Section 6.
- b. Regulations. All uses listed are subject to the following regulations and such other requirements as the Town Board and Town Park Commission, may deem appropriate to protect the health, safety, and general welfare:
 - (1) Plat of Survey showing topographic data (minimum contour interval of five feet (5')), existing natural resource base data, and the location of existing and proposed excavations.
 - (2) Operations Plan, including a description of the operational methods proposed to be used; a list of equipment, machinery, and structures to be used and constructed; a description of the source, quantity, and disposition of water to be used; a description of proposed noise and dust control procedures; and proposed hours of operation.
 - (3) Restoration Plan, including at least proposed contours (minimum contour interval of five feet (5')), type of fill, depth of restored topsoil, planting or reforestation, and timing and completion data.
 - (4) Sureties to enable the Town to carry out the restoration plan in the event of default by the applicant. The amount of such sureties shall be based upon cost estimates prepared by or for the Town and the amount, form, and type of sureties shall be approved by the Town Board.
 - (5) All excavations shall be at least 200 feet from the right-of-way of any public or private street or property line. All accessories such as offices, parking areas, and stockpiles, shall be at least 100 feet from any right-of-way or property line.

5.15 Wellhead Protection Ordinance

- a. Purpose and Authority. The residents of the Town of Sheboygan depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of this Wellhead Protection Ordinance is to institute land use regulations and restrictions to protect the Town's municipal water supply and well fields, and to promote the public health, safety, and general welfare of the residents of the Town. Statutory authority of the Town to enact these regulations was established by the Wisconsin Legislature in 1983, Wisconsin Act 410

(effective May 11, 1984), which specifically added groundwater protection to the statutory authorization for municipal planning and zoning to protect public health, safety and welfare.

b. Application of Regulations.

- (1) The regulations specified in this Wellhead Protection Ordinance shall apply to all lands that lie within Overlay District Zone A and Overlay District Zone B, as defined below, and are within the Town corporate limits.
- (2) No new use or change in use of any structure, land, or water shall be located, extended, converted, or structurally altered and no development shall commence without full compliance with the terms of this Ordinance and other applicable regulations.

c. Definitions.

Five Year Time of Travel (TOT). The Five Year TOT is the recharge area up gradient from a well, with the outer boundary determined by an estimation of where groundwater and potential contaminants will take five (5) years to reach that pumping well. The Five Year TOT for the Town of Sheboygan wells are established based on flow path modeling and depicted in the attached Figures 1 and 2.

Wellhead Protection Area. The Wellhead Protection Area shall constitute the lands immediately surrounding Well No. 1 and Well No. 2 in the Town of Sheboygan, including all lands in Overlay District A and Overlay District B, as collectively shown on the Figures attached hereto and made a part of this Ordinance, and more fully described below.

Nonconforming Use. An existing lawful use of land, structure, building, or accessory use which is not in conformity with the provisions of this Ordinance.

Stagnation Point Radius. The radius equal to the distance from the well to the down gradient stagnation point. The stagnation point is the extent of the well capture zone in the down gradient flow direction.

d. Groundwater Protection Overlay District Zone A.

(1) Intent. The primary portion of the well recharge areas to be protected is the land within the points designated below. These lands are subject to the most stringent land use and development restrictions because of their close proximity to the well and the corresponding threat of contamination.

(2) Overlay District Zone A Boundaries. Overlay District Zone A shall include all land within the following distances from each of the specified wells and as further illustrated by Figure 1 attached hereto and incorporated herein by reference:

(a) Well No. 1:

The Stagnation Point Radius, or a radius of 1,450 feet from the well;

(b) Well No. 2:

A radius of 1,000 feet from the well;

(3) Permitted Uses for Overlay District Zone A. The following uses are permitted uses within Overlay District Zone A. Uses not listed in this subsection are to be considered Prohibited Uses.

(a) Parks and playgrounds, provided there are no onsite waste disposal or fuel storage tank facilities;

(b) Wildlife areas;

(c) Nonmotorized trails, such as biking, skiing, nature and fitness trails;

(d) Sewered residential developments.

(4) Prohibited Uses for Overlay District Zone A. The following uses are prohibited uses within Overlay District Zone A. These uses are prohibited based on the high probability that activities routinely associated with these uses will cause

groundwater contamination. Uses not listed are not automatically considered.
Permitted Uses.

- (a) Septage and/or sludge spreading;
- (b) Gasoline stations; retail liquid motor fuel dispensing facilities; and petroleum product storage tanks;
- (c) Landfills or waste disposal facilities;
- (d) Spray wastewater facilities;
- (e) Bulk fertilizer and/or pesticide facilities;
- (f) Asphalt products manufacturing;
- (g) Salt storage
- (h) Electroplating facilities;
- (i) Paint and coating manufacturing;
- (j) Hazardous and/or toxic materials storage;
- (k) Hazardous and/or toxic waste facilities;
- (l) Radioactive waste facilities;
- (m) Underground storage tanks of any size;
- (n) Animal waste land spreading;
- (o) Animal waste facilities;
- (p) Vehicle repair establishments, including auto body repair;
- (q) Printing and duplicating businesses;
- (r) Any manufacturing or industrial businesses;
- (s) Bus or truck terminals;
- (t) Wastewater treatment facilities;
- (u) Junk yards or auto salvage yards;
- (v) Dry cleaning businesses;
- (w) Exterminating businesses;
- (x) Recycling facilities;
- (y) Other similar uses that pose a threat to groundwater quality.

-
- e. Groundwater Protection Overlay District Zone B (Five Year TOT).
- (1) Intent. A secondary portion of the Town of Sheboygan well recharge areas to be protected is the Zone of Contribution which includes the Five Year TOT. Land use restrictions are less restrictive than in District Zone A because of longer groundwater flow times and a greater potential for remediation, dilution, and attenuation.
 - (2) Overlay District Zone B Boundaries. Overlay District Zone B includes the land which lies within the shaded areas depicted on the attached Figures 1 and 2, and includes land area defined by the Five Year TOT and other portions of the Zone of Contribution to the wells.
 - (3) Permitted Uses. The following uses are permitted uses within Overlay District Zone B:
 - (a) All uses listed as permitted uses in Overlay District Zone A;
 - (b) Commercial and/or industrial uses served by municipal sanitary sewer, except those listed as prohibited Uses in subsection (4) below; and
 - (c) Unsewered residential uses.
 - (4) Prohibited Uses. The following uses are prohibited uses within Overlay District Zone B. These uses are prohibited based on the high probability that activities routinely associated with these uses will cause groundwater contamination. Uses not listed are not automatically considered Permitted Uses.
 - (a) Septage and/or sludge spreading;
 - (b) Gasoline stations; retail liquid motor fuel dispensing facilities; and petroleum product storage tanks;
 - (c) Landfills;
 - (d) Spray wastewater facilities;
 - (e) Bulk fertilizer and/or pesticide facilities;
 - (f) Asphalt products manufacturing;
 - (g) Electroplating facilities;
 - (h) Paint and coating manufacturing;
 - (i) Hazardous and/or toxic materials storage;
 - (j) Hazardous and/or toxic waste facilities;
 - (k) Radioactive waste facilities;
 - (l) Underground storage tanks of any size;
 - (m) Animal waste facilities;
 - (n) Animal confinement facilities, except veterinary clinics;
 - (o) Vehicle repair establishments, including auto body repair;
 - (p) Printing and duplicating businesses which use hazardous chemicals (as defined by the EPA) in their printing process;
 - (q) Bus or truck terminals;
 - (r) Wastewater treatment facilities;
 - (s) Auto salvage yards;
 - (t) Dry cleaning businesses;
 - (u) Exterminating businesses.

f. Minimum Separation Distances from All Wells. Well No. 1 and Well No. 2 shall be adequately separated from potential sources of contamination. To the extent that the following uses have not already been addressed in this ordinance in subsections (d) or (e), the minimum separation distances shall be as follows.

- (1) Fifty feet (50') between a well and a storm sewer main.
- (2) Two Hundred Feet (200') between a well and any sanitary sewer main, lift station, or single family residential fuel oil tank. A lesser separation distance may be allowed for sanitary sewer mains where the sanitary sewer main is constructed of water main materials with joints pressure tested in place to meet current regulatory specifications. In no case may the separation distance between a well and a sanitary sewer main be less than fifty feet (50').
- (3) Four Hundred Feet (400') between a well and a septic tank receiving less than 8,000 gallons per day, a cemetery or a storm water drainage pond.
- (4) Six Hundred Feet (600') between a well and any gasoline or fuel oil storage tank installation that has received written approval from the Wisconsin Department of Commerce.
- (5) One Thousand Feet (1,000') between a well and land application of municipal, commercial, or industrial waste; industrial, commercial, or municipal wastewater lagoons or storage structures; and septic tanks or soil absorption units receiving 8,000 gallons per day or more.
- (6) One Thousand Two Hundred Feet (1,200') between a well and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, one time disposal, or small demolition facility; sanitary landfill; salt or de-icing material storage area; gasoline or fuel oil storage tanks that have not received written approval from the Wisconsin Department of Commerce; bulk fuel storage facilities; and pesticide or fertilizer handling or storage facilities.

g. Other Uses.

- (1) Individuals and/or entities may request the Town to permit land uses in the District not specifically covered in this Ordinance.
- (2) All requests shall be in writing to the Town and shall include an environmental assessment report.
- (3) A copy of the environmental assessment report shall be forwarded to the Town Administrator as designee for recommendation to the Town Plan Commission.
- (4) Any uses permitted under this section shall be conditional and may include required environmental and safety monitoring consistent with local, state, and federal requirements, and/or bonds and/or sureties satisfactory to the Town.

h. Nonconforming Uses. The existing lawful use of a structure or building or its accessory use which is not in conformity with the provisions of this Ordinance may be continued subject to the provisions set forth in Section 10 of this Zoning Ordinance, except as specifically provided herein. Any expansion of existing non-conforming uses within Zone B shall be permitted, but shall require a Conditional Use Permit. Groundwater monitoring and/or other well protection conditions as determined by the Town of Sheboygan Sanitary District No. 3 (Water) Commissioners may be established for any such expansion(s).

i. Enforcement and Penalties.

- (1) Violations. It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this Ordinance. In case of any violation, the Town Board and/or Town of Sheboygan Sanitary District No. 3 (Water) Commissioners may institute appropriate action or proceedings to enjoin a violation of this Ordinance.
- (2) Penalties. Any person, firm, or corporation who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than \$100 nor more than \$500, plus the costs of prosecution for each violation, and in default of payment of such forfeiture and costs shall have such costs levied against said lands pursuant to Wisconsin Statute § 66.0703, as same may be amended, as a lien against the subject property. Each day a violation exists or continues shall constitute a separate offense.

5.16 Adult Oriented Land Uses

- a. Purpose.
 - (1) The purpose of this section is to control through zoning regulations certain adult oriented land uses that have a direct and detrimental effect on the character of the Town's agricultural and residential neighborhoods, as well as business and commercial areas.
 - (2) It shall not impose a limitation on the content of any communication materials, including sexually orientated materials as protected by the United States and Wisconsin Constitutions.
- b. Definitions.
 - (1) 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.
 - (2) 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.
 - (3) Sexual Conduct. "Sexual conduct" means 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.
 - (4) 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 I-1 Light Industrial District with a conditional use permit provided that it is located on a minor or major arterial road and subject to the distance limitations noted below. The procedures and public hearing requirements of Section 6 of this Ordinance shall apply.
 - (2) Distance Limitations. No adult oriented entertainment land use, as defined in this section, shall:
 - (a) Be operated or maintained within 1,000 feet of the boundary of any agriculturally zoned, residentially zoned, or business zoned district;
 - (b) 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 serve persons age seventeen (17) or younger, elementary school, high school, place of worship, or elderly housing facility;
 - (c) Be operated or maintained so that there are no more than two (2) such businesses within 2,500 feet, as measured by the radius from each business;
 - (d) 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 agriculturally, residentially and business zoned districts, or other facilities described herein.
 - (3) Same Use Restrictions. No adult oriented business 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 code, an adult oriented entertainment business shall not be permitted more than one sign advertising its business, which shall be an on-premise 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 business may have any off-premises sign.
- (5) Operating Standards. All adult oriented entertainment businesses 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, whether on the premises, shall expose to public view his or her 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 his or her 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 eighteen 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 eighteen (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 his/her control, tenancy, management or ownership.
- (6) Building Exterior Appearance. The building exterior of any premises containing an adult oriented entertainment business 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: Non-conforming 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 non-conforming

use, except that such privilege of non-conforming use shall cease upon the discontinuance of the activities within such establishment for seven (7) consecutive calendar days, including any days when the establishment is normally closed for business.

5.71 Senior Housing District

No building or use shall hereafter be established or enlarged within the R-6 Senior Housing District unless it conforms with the following intent and regulations:

- a. Intent. The R-6 Senior Housing District is intended to provide multiple family housing designed specifically for senior and elderly residents located in areas that are convenient for the residents of such districts. All housing in this district shall be deed restricted for and occupied by senior or elderly residents, as hereinafter defined and as allowed under State and Federal Fair Housing regulations. All new housing permitted in this district shall be served by public sanitary sewer service.
- b. Definition. As used in this section, senior or elderly housing means dwellings intended and operated for occupancy by persons fifty-five (55) years of age or older, and at least eighty percent (80%) of the occupied dwelling units are occupied by at least one person who is fifty-five (55) years of age or older.
- c. Permitted Uses.
 - (1) Multiple-Family Dwellings with a maximum of forty-two (42) dwelling units per structure.
 - (2) Community Based Residential Facilities which have a capacity for fifteen (15) or fewer persons and as defined by sec. 50.01(1g), Stats.
- d. Accessory Uses. As may be permitted in Sec. 10.8 and recreational facilities, personal grooming services, pharmacies, and banking facilities specifically intended to serve Senior Housing District residents and located within permitted principal buildings or upon district sites.
- e. Conditional Uses. As may be permitted in Sec. 6.12.
 - (1) Community Based Residential Facilities which have a capacity for sixteen (16) or more persons and as defined by sec. 50.01(1g), Stats.
 - (2) Nursing Homes as defined by sec. 50.01(3), Stats.
 - (3) Multiple Family Dwelling Developments containing two or more principal buildings per lot.
- f. Minimum Lot Area Per Dwelling Unit.

One bedroom unit - 2,500 S.F.
Two bedroom unit - 2,750 S.F.
additional 250 sq. ft. for each additional bedroom above two.
- g. Minimum Lot Area. None. As required to accommodate the principal building, off-street parking, and accessory uses.
- h. Minimum Lot Width. 100'
- i. Minimum Front Yard Setback. Thirty feet (30')
- j. Minimum Interior Side Yard. Fifteen feet (15') for each side yard.
- k. Minimum Corner Side Yard. Thirty feet (30')
- l. Minimum Rear Yard. Thirty feet (30')
- m. Maximum Building Height.
 - (1) Principal Building. Forty-five feet (45') maximum for gable, gambrel, hip and pitch roofs.
 - (2) Accessory Buildings. Twenty feet (20') maximum for gable, gambrel, hip and pitch roofs.
- n. Maximum Number of Units Per Building. Forty-two (42) units.
- o. Minimum Dwelling Unit Floor Area.

One bedroom unit - 550 sq. ft.
Two bedroom unit - 850 sq. ft. plus additional 200 sq. ft. for each additional bedroom