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**SECTION 3 – GENERAL PROVISIONS**

**3.1 Jurisdiction**

The jurisdiction of this Ordinance shall extend to those lands and waters lying within the corporate area within the limits of the Town of Sheboygan.

- a. The Duty of the Building Inspector. with the aid of the Sheriff's Department or Town Constable, shall be to investigate all complaints, give notice of violations, and to enforce the provisions of this Ordinance. The Building Inspector and his duly appointed deputies may enter at any reasonable time onto any public or private lands or waters to make a building inspection.
- b. Access By Building Inspector. The Building Inspector shall have access to premises and structures during reasonable hours to make those inspections as deemed necessary by him to insure compliance with this Ordinance. If entry is refused after presentation of proper identification, the inspector shall procure a special inspection warrant in accordance with Wis. Stat. § 66.0119.
- c. Construction Under Prior Ordinance. Nothing herein contained shall require any changes in plans, construction, size, or designated use of any building or part thereof for which a building permit has been issued before the effective date of this Ordinance, and the construction of which shall have been started within 6 months from the date of such permit.
- d. Jurisdiction. The Duty of the Town Board, Plan Commission and/or their designees. The Town Board, Plan Commission and/or their designees, which may include but are not limited to, the Sheriff's Department, Town Constables, the Director of Public Works, Building Inspector, consulting architects, engineers or surveyors and the Town Attorney, shall have the authority to review, inspect and enforce the provisions of this ordinance.

**3.2 Building Permit**

Applications for a building permit shall be made in duplicate to the Town Clerk on forms furnished by the Town Clerk or the Building Inspector and shall include the following where applicable:

- a. Names and Addresses of the applicant, owner of the site, architect, professional engineer, or contractor.
- b. Description of the Subject Site by lot, block, and recorded subdivision, or by metes and bounds, address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
- c. Plat of Survey prepared by a registered land surveyor showing the location, boundaries, dimensions, elevations, uses, and size of the following: Subject site; existing and proposed structures; existing and proposed easements, streets, and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; existing and proposed street, side and rear yards. In addition, the plat of survey shall show the location, elevation, and use of any abutting lands and their structures within fifty feet (50') of the subject site.
- d. Plans. With such application there shall be submitted two complete sets of plans and specifications. Plans for buildings required to comply with the State Building Code shall bear a stamp of approval from the Industrial, Safety and Building Division of the Department of

Industry, Labor, and Human Relations. Such plans and specifications shall be submitted in duplicate; one set shall be returned after approval as hereinafter provided; another set shall remain in the file of the office of the Clerk. All plans or specifications shall be signed by the designer.

- e. Waiver of Plans. If the Town Clerk finds that the character of the work is sufficiently described in the Application, said Clerk may waive the filing of plans for alterations, repairs, or moving, providing the cost of such work does not exceed \$2,000 except that the Building Inspector may waive plans for alterations, repairs, construction or moving of farm buildings, other than residences.
- f. Proposed Sewage Disposal Plan. If municipal sewage service is not available. This plan shall be approved by Sheboygan County who shall certify in writing that satisfactory, adequate, and safe sewage disposal is possible on the site as proposed by the plan in accordance with the applicable local, county, and state board of health regulations.
- g. Proposed Water Supply Plan. If municipal water service is not available, permits shall be received from the Department of Natural Resources.
- h. Additional Information as may be required by the Town Park Commission, Town Board, building, plumbing or health inspectors.
- i. Fee. A fee shall be paid to the Town Clerk as required by the Town Board.
- j. Approval of Plans. If the Building Inspector determines that the proposed building will comply in every respect with all ordinances of the Town and all applicable laws and orders of the State of Wisconsin, he shall officially approve and stamp one set of the plans and return it to the owner, and the Clerk shall issue a building and zoning permit which shall be kept and displayed at the site of the proposed building. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above mentioned Ordinances, law and orders, or which involve the safety of the building or occupants, except with the written consent of the Building Inspector. In case adequate plans are presented for part of the building only, the Building Inspector may, at his discretion, issue a permit for a part of the building before receiving the plans and specifications for the entire building.
- k. Septic Tank Permits. Issued by the County Planning Department and a percolation test prepared and signed by a licensed plumber or engineer showing the percolation rate, specification, and layout of the sewage disposal system.
- l. Time of Issuing Permits. Building permits shall be granted or denied in writing by the Town Clerk within thirty (30) days. The perm it shall expire within six (6) months unless substantial work has been commenced. Any permit issued in conflict with the provisions of this Ordinance shall be null and void.

### **3.3 Site Restrictions**

No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Town Park Commission by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of the Town. The Park Commission shall recite in writing, the

particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter, the Town Park Commission may affirm, modify, or withdraw its determination of unsuitability.

- a. All Lots shall abut upon a public street and each lot shall have a minimum frontage of eighty feet (80') (see d. for unsewered lots).
- b. All Principal Structures shall be located on a lot and only one principal structure shall be located, erected, or moved onto a lot.
- c. No Building Permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.
- d. Private Sewer and Water. In any district where public sewerage service is not available, the width and area of all lots shall be sufficient to permit the use of an on-site sewage disposal system designed in any district where a public water service or public sewerage service is not available, the lot width and area shall be determined in accordance with Section H65 of the Wisconsin Administrative Code, but for one-family dwellings shall be no less than one hundred feet (100') and no less than 20,000 square feet respectively.
- e. Lots Abutting More Restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting district. The street yards on the less restrictive district shall be modified for a distance of not more than sixty feet (60') from the district boundary line so as to equal the average of the street yards required in both districts.

### **3.4 Use Regulation**

Only the following uses and their essential services may be allowed in any district.

- a. Principal Uses. Only those uses specified for a district.
- b. Accessory Uses and structures are permitted in any district but not until their principal structure is present. Uses accessory to residential district developments shall not involve the conduct of any business, trade, or industry, except for home and professional occupations as defined herein. Accessory uses include storage and parking facilities; gardens and gardening; servant's, owner's, itinerant farm laborer's, and watchman's quarters not for rent; private swimming pools; and private emergency shelters.
- c. Conditional Uses and their accessory uses shall be permitted in specified districts after review, public hearing, and approval by the Park Commission in accordance with procedures and standards established in Section 22 of this Ordinance.
- d. Uses Not Specified in this Ordinance may be permitted by the Town Board after the Park Commission has made a review and written recommendation and provided that such uses are similar in character to the permitted uses in the district.
- e. Temporary Uses. such as field offices and shelters for materials and equipment used in the construction of a permanent structure, may be permitted by the Building Inspector after the tenure thereof has been approved by the Town Board.

### **3.5 Subdivision Regulations**

All existing, undeveloped parcels of land of record in the County Register of Deeds Office, and any new land divisions or subdivisions as defined in the SUBDIVISION ORDINANCE, SHEBOYGAN COUNTY, WISCONSIN, and the TOWN OF SHEBOYGAN REGULATIONS OF SUBDIVISION AND PLATTING OF LAND, shall conform in full with the provisions of those Regulations and Ordinance. No Building Permit shall be issued for any lot until such compliance is assured.

- a. Septic Tank and Holding Tank. In any area where public sewer service is available, no septic system, mound or otherwise, or holding tank, shall be allowed in said areas.
- b. County Sanitary Permit. No private water supply or sewage disposal system, or part thereof, shall be located, installed, moved, reconstructed, extended, enlarged, converted, substantially altered, or its use changed without a County Sanitary Permit and without full compliance with the SANITARY ORDINANCE, SHEBOYGAN COUNTY, WISCONSIN. No Building Permit shall be issued until any required installation of a safe and adequate water supply and sewage disposal system is assured and a Sanitary Permit is issued.
  - (1) Mound. The base of the mound must be a minimum of twenty-five feet (25') from the nearest lot line.
  - (2) Filter Field. The edge of a filter field must be a minimum of twenty-five feet (25') from the nearest lot line.

### **3.6 Reduction or Joint Use**

No lot, yard, parking area, building area, sanitary sewage disposal area, or other space, shall be reduced in area of dimension so as not to meet the provisions of this Ordinance or other applicable local, county, or state regulations. No part of any lot, yard, parking area, sanitary sewage disposal area, or other space required for a structural use, shall be used for any other structure or use.

### **3.7 Performance Standards**

- a. Compliance. This Ordinance permits specific uses in specific districts, and these performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or district. All structures, lands, air, and waters shall hereafter, in addition to their use, site, and sanitary regulations, comply with the following performance standards.
- b. Air Pollution. No activity shall emit any fly ash, fumes, vapors, mists, or gases in such quantities as to cause danger to the health of persons, animals, vegetation, or other forms of property. No activity shall emit any liquid or solid particles in concentrations exceeding .03 grains per cubic foot of the conveying gas, nor any color visible smoke equal to or darker than No. 2 on the Ringlemann Chart described in the United States Bureau of Mine's Information Circular 7718; except for no more than four (4) minutes during any six (6) hour period, each stack or chimney in an industrial district may emit smoke of Ringlemann No. 3. No hour per stack or chimney, except that once during any 6 hour period each stack or chimney in an industrial district may emit up to twenty (20) smoke units when blowing soot or cleaning fires. No activity shall violate DNR air pollution regulations and standards.
- c. Water Quality Protection. No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials, into any water, public sewer, public highway, or drainage ditch of such nature, quantity, obnoxiousness, toxicity,

or temperature, that would be likely to run off, seep, percolate, or wash into surface or subsurface waters so as to contaminate, pollute, or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness, or be harmful to human, animal, plant, or aquatic life, or overload the existing municipal utilities.

In addition, no activity shall discharge any liquid, gaseous, or solid materials so as to exceed or contribute toward the exceeding of the minimum standards (and those other standards and the application of those standards set forth in Chapter NR 102, Wisconsin Administrative Code).

- d. Fire and Explosive Hazards. All activities involving the manufacture, utilization, processing, or storage of inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate firefighting and fire suppression equipment and devices that are standard in the industry.

All materials that range from active to intense burning shall be manufactured, utilized, processed, and stored only in completely enclosed buildings which have combustible exterior walls and an automatic fire extinguishing system. The above ground storage capacity of materials that produce flammable or explosive vapors shall not exceed the following:

<u>Closed Cup Flash Point</u>	<u>Gallons</u>
Over 187° F.	400,000
105° F. to 197° F.	200,000
Below 105° F.	100,000

- e. Glare and Heat. No activity shall emit glare or heat that is visible or measurable at the boundaries of the lot on which the principal use is located, except activities in an industrial district, which may emit direct or sky reflected glare which shall not be visible outside their district. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.
- f. Control of Odors. No operation or activities shall emit any substance or combination thereof in such quantities that create an objectionable odor as defined in Ch. NR 429, Wis. Adm. Code as amended.
- g. Noise. No operation or activity shall transmit any noise so that it unreasonably disturbs the peace and quiet of persons beyond the boundaries of the property, or the boundaries of the district if located in a business or industrial district.
- h. Vibration.
  - 1. No operation or activity shall transmit any physical vibration that is above the vibration perception threshold of an individual at or beyond the property line of the house. Violation perception threshold means the minimum ground - or structure - borne vibrational motion necessary to cause a normal person to be aware of the vibration by direct means such as, but not limited to, sensation by touch or visual observation of moving objects.
  - 2. Vibrations not directly under the control of the property user and vibrations from temporary construction or maintenance activities shall be exempt from the above standard.

**3.08 Non-residential Development Standards**

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

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

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

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

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

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

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

2. The front, side and rear walls of all buildings shall be faced seventy-five percent (75%) with brick, decorative masonry, stone, architecturally finished precast concrete panels, glass or other decorative material; if special conditions exist, approval may be granted for as little as fifty percent (50%) coverage with such materials. In the event exceptional circumstances exist that justify a greater deviation from the herein described standards, said deviation may only be granted upon the approval of both the Plan Commission and Town Board. For the purpose of this architectural standard, light weight or cinder concrete block shall not be considered a decorative masonry material. Exterior gutters and downspouts shall be permitted only along the side and rear of buildings.

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

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

5. The architectural standards and design of any accessory buildings shall be consistent with the design and materials of the principal building(s).

d. Exterior Lighting Standards. Exterior lighting shall be in accord with the following standards:

1. Exterior lighting shall be located, oriented, and shielded of an intensity so as to illuminate only the building or lot without adversely affecting activity on adjacent buildings, lots, or traffic on streets and highways. Exterior light poles shall not exceed a maximum height of twenty (20) feet.

2. The emission of exterior light shall be directed away from nearby residential areas.

3. Exterior lights shall not flash, pulsate, nor impair or hinder vision on public streets, rights-of-way or adjacent properties.

4. Exterior lighting shall meet the standards promulgated by the Illuminating Engineering Society of North America.

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

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

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

(a) Perimeter and interior lot line greenbelt: A perimeter greenbelt of at least five (5) feet in width shall be installed along all interior lot lines. Perimeter edges should be landscaped with a combination of plant material and earth beaming whenever possible. Perimeter greenbelt landscaping may be omitted along side lot lines which have shared driveways with adjacent lots. The omitted area is limited to that portion from the street to the required minimum building setback line or as necessary to accommodate access cuts.

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

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

(d) Landscape Materials: Landscape materials may include shrubs, hardy flowering trees and/or decorative evergreen and deciduous trees. New trees shall have a minimum caliper of two inch (2") to two and one-half inches (2 ½") for canopy trees. The area around trees and planting beds shall be planted with shrubs or ground cover and covered with mulch, bark or appropriate landscape stones.

### **3.10 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, the Building Inspector, the Town Park Commission, or any property owner who would be specifically damaged by such violation, may institute appropriate action or proceeding to enjoin the violation of this Ordinance.

### **3.11 Penalties**

Any person, firm, or corporation who fails to comply with the provisions of this Ordinance, shall, upon conviction thereof, forfeit not less than \$10.00 nor more than \$500.00, and costs of prosecution for each violation, and in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail until payment thereof, but not exceeding thirty (30) days. Each day a violation exists or continues shall constitute a separate offense.