



CITY PLAN COMMISSION AGENDA

January 28, 2025 at 4:00 PM

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

Persons with disabilities who need accommodations to attend this meeting should contact the Department of City Development, (920) 459-3377. Persons other than commission, committee, and board members who wish to participate remotely shall provide notice to the City Development Department at 920-459-3377 at least 24 hours before the meeting so that the person may be provided a remote link for that purpose.

OPENING OF MEETING

1. Roll Call
2. Pledge of Allegiance
3. Identify potential conflict of interest

MINUTES

4. Approval of the Plan Commission minutes from December 10, 2024.

ITEMS FOR DISCUSSION AND POSSIBLE ACTION

5. Gen. Ord. No. 31-24-25 by Alderperson Belanger amending the City of Sheboygan Official Zoning Map of the Sheboygan Zoning Ordinance to change the Use District Classification of property located at N. Commerce Street – Parcel No. 59281501600 from Class Urban Commercial to Class Urban Industrial Classification. REFER TO CITY PLAN COMMISSION
6. Gen. Ord. No. 32-24-25 by Alderperson Belanger amending the City of Sheboygan Official Zoning Map of the Sheboygan Zoning Ordinance to change the Use District Classification of property located at N. Commerce Street – Parcel No. 59281501550 from Class Urban Commercial to Class Urban Industrial Classification. REFER TO CITY PLAN COMMISSION
7. R. O. No. 100-24-25 by City Clerk submitting an application for amendment of the City of Sheboygan Official Zoning Map of the Sheboygan Zoning Ordinance for property located on N. Commerce Street - Parcel No. 59281501550 from Class Urban Commercial to Class Urban Industrial Classification. REFER TO CITY PLAN COMMISSION
8. R. O. No. 99-24-25 by City Clerk submitting an application for amendment of the City of Sheboygan Official Zoning Map of the Sheboygan Zoning Ordinance for property located on N. Commerce Street - Parcel No. 59281501600 from Class Urban Commercial to Class Urban Industrial Classification. REFER TO CITY PLAN COMMISSION
9. Gen. Ord. No. 34-24-25 by Alderperson Belanger amending section 105-1006 of the Sheboygan Municipal Code so as to remove responsibility for the Housing Rehabilitation Load Program from the Historic Preservation Commission. REFER TO PLAN COMMISSION

NEXT MEETING

10. February 11, 2025

ADJOURN

11. Motion to Adjourn

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

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

CITY OF SHEBOYGAN
CITY PLAN COMMISSION MINUTES

Tuesday, December 10, 2024

MEMBERS PRESENT: Mayor Ryan Sorenson, Marilyn Montemayor, Jerry Jones, Kevin Jump, Kimberly Meller, Alderperson John Belanger and Braden Schmidt

STAFF/OFFICIALS PRESENT: Associate Planner Ellise Rose and Building Inspection Specialist Linnae Wierus

OPENING OF MEETING

1. Roll Call

Mayor Ryan Sorenson called the meeting to order.

2. Pledge of Allegiance

The Pledge of Allegiance is recited.

3. Identify potential conflict of interest

No committee member had a conflict of interest.

MINUTES

4. Approval of the Plan Commission minutes from November 12, 2024.

MOTION TO APPROVE THE MINUTES OF THE PREVIOUS MEETING HELD ON NOVEMBER 12, 2024.

Motion made by Alderperson John Belanger, seconded by Kevin Jump

Voting yea: Mayor Ryan Sorenson, Marilyn Montemayor, Jerry Jones, Kevin Jump, Kimberly Meller, Alderperson John Belanger and Braden Schmidt

Motion carried.

PUBLIC HEARINGS

5. Public hearing regarding application for Conditional Use Permit with exceptions by Jeffery Wiarek to operate a furniture refinishing home occupation located at 1308 S 9th Street.

No public comment.

MOTION TO CLOSE THE PUBLIC HEARINGS.

Motion made by Alderperson John Belanger, seconded by Jerry Jones

Voting yea: Mayor Ryan Sorenson, Marilyn Montemayor, Jerry Jones, Kevin Jump, Kimberly Meller, Alderperson John Belanger and Braden Schmidt

Motion carried.

ITEMS FOR DISCUSSION AND POSSIBLE ACTION

6. Application for Conditional Use Permit with exceptions by Jeffery Wiarek to operate a furniture refinishing home occupation located at 1308 S 9th Street.

MOTION TO APPROVE WITH THE FOLLOWING CONDITIONS.

Motion made by Alderperson John Belanger, seconded by Jerry Jones

Voting yea: Mayor Ryan Sorenson, Marilyn Montemayor, Jerry Jones, Kevin Jump, Kimberly Meller, Alderperson John Belanger and Braden Schmidt

1. Applicant will meet all home occupation criteria listed in Section 105-722(s).
2. Prior to construction, the applicant shall obtain all necessary permits and licenses including but not limited to building, plumbing, electrical, HVAC, health, etc.
3. The home occupation may only utilize 25 percent of the living area of the dwelling.
4. The use of the dwelling unit for a home occupation shall in no way be incompatible with the character of nearby residential areas and in no instance shall a home occupation create a nuisance for neighboring properties.
5. Not more than one sign, not to exceed two square feet, non-illuminated and flush wall mounted only, will be used to advertise the home occupation. Applicant is required to obtain a sign permit. No temporary signage is permitted for home occupations.
6. The City of Sheboygan has the right of entry during the stated hours of operation to insure compliance per City of Sheboygan Ordinances and with this approval.
7. If any issues arise from the business, the City may again review the conditional use permit.
8. If the applicant moves from the present location the conditional use permit will discontinue immediately.
9. If there are any amendments to the approved conditional use permit and/or site plan, the applicant will be required to submit a new conditional use application reflecting those amendments.

Motion carried.

NEXT MEETING

7. December 26, 2024

The next meeting is scheduled to be held on December 26, 2024.

ADJOURN

8. Motion to Adjourn

MOTION TO ADJOURN AT 4:03 PM

Motion made by Alderperson John Belanger, seconded by Jerry Jones

Voting yea: Mayor Ryan Sorenson, Marilyn Montemayor, Jerry Jones, Kevin Jump, Kimberly Meller, Alderperson John Belanger and Braden Schmidt

CITY OF SHEBOYGAN

REQUEST FOR CITY PLAN COMMISSION CONSIDERATION

ITEM DESCRIPTION: Gen. Ord. No. 31-24-25 by Alderperson Belanger amending the City of Sheboygan Official Zoning Map of the Sheboygan Zoning Ordinance to change the Use District Classification of property located at N. Commerce Street – Parcel No. 59281501600 from Class Urban Commercial to Class Urban Industrial Classification.

R. O. No. 99-24-25 by City Clerk submitting an application for amendment of the City of Sheboygan Official Zoning Map of the Sheboygan Zoning Ordinance for property located on N. Commerce Street - Parcel No. 59281501600 from Class Urban Commercial to Class Urban Industrial Classification.

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R. O. No. 100-24-25 by City Clerk submitting an application for amendment of the City of Sheboygan Official Zoning Map of the Sheboygan Zoning Ordinance for property located on N. Commerce Street - Parcel No. 59281501550 from Class Urban Commercial to Class Urban Industrial Classification.

REPORT PREPARED BY: Ellise Rose, Associate Planner

REPORT DATE: January 21, 2025

MEETING DATE: January 28, 2025

FISCAL SUMMARY:

STATUTORY REFERENCE:

Budget Line Item:	N/A
Budget Summary:	N/A
Budgeted Expenditure:	N/A
Budgeted Revenue:	N/A

Wisconsin	N/A
Statutes:	
Municipal Code:	N/A

BACKGROUND / ANALYSIS:

The City of Sheboygan is proposing to amend the rezone map as follows:

Rezone parcel #s 59281501600 and 59281501550 from Urban Commercial (UC) to Urban Industrial (UI).

The City of Sheboygan is requesting to rezone the aforementioned parcels to Urban Industrial (UI) to combine with other Urban Industrial parcels to ultimately accommodate the future development of housing.

This site's location presents a great opportunity for a new infill redevelopment along this N. Commerce Street corridor. A proposed development has the opportunity to provide revitalization to property that has been stagnant the past several years in a manner that compliments the surrounding mixed use neighborhood.

STAFF COMMENTS:

Over time, growth patterns for nearly every municipality shift. The City of Sheboygan is no different as there continues to be a shortage in the supply of housing which can be supported in the affordable housing market study conducted in April of 2021.

The City of Sheboygan has been making significant efforts to address and meet these housing needs. Development of these properties will continue to address the need for more housing units in the City as employment opportunities remain robust. For the variety of reasons outlined above, we believe a rezone to "Urban Industrial" will ultimately achieve the highest and best use for this site and compliment the surrounding mixed use residential and commercial neighborhood.

ACTION REQUESTED:

Motion to recommend the Common Council approve R.O. 99-24-25, R.O. 100-24-25, G.O. 31-24-25 and G.O. 32-24-25 by City Clerk amending the City of Sheboygan Official Zoning Map of the Sheboygan Zoning Ordinance to change the Use District Classification for property located at N Commerce Street – Parcel #59281501550 and Parcel #59281501600 from Class Urban Commercial (UC) to Urban Industrial (UI) Classification.

ATTACHMENTS:

Rezone Application and Attachments

**CITY OF SHEBOYGAN
GENERAL ORDINANCE 31-24-25**

BY ALDERPERSON BELANGER.

JANUARY 20, 2025.

AN ORDINANCE amending the City of Sheboygan Official Zoning Map of the Sheboygan Zoning Ordinance to change the Use District Classification of property located at N. Commerce Street – Parcel No. 59281501600 from Class Urban Commercial to Class Urban Industrial Classification.

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

SECTION 1: AMENDMENT Chapter 105 of the Sheboygan Zoning Ordinance establishing zoning districts and prescribing zoning standards and regulations is hereby *amended* as follows:

The Official Zoning Map of the City of Sheboygan is hereby amended with regard to the following described lands and the Use District Classification for those same lands is hereby amended from Class Urban Commercial to Class Urban Industrial Classification:

Property located at N. Commerce Street – Parcel No. 59281501600:

SECTION 10, TOWNSHIP 14 NORTH, RANGE 23 EAST

ORIGINAL PLAT ALL OF LOTS 3 & 4 & PRT OF LOTS 5,6 & 7 DESC AS COM 22.2' SELY OF NWLY COR OF LOT 5, WHICH IS PNT OF BEG TH SELY 17.8' TO SWLY COR LOT 5, TH ELY ALNG SLY LINE LOT 5 TO W DOCK OF SHEB RIVER, TH NLY ALNG SD DOCK 87' M/L, TH WLY 214.8' TO BEG BLK 157

SECTION 2: REPEALER CLAUSE All ordinances or resolutions or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 3: EFFECTIVE DATE This Ordinance shall be in effect from and after its passage and publication according to law.

ASSESSED AND ADOPTED BY THE CITY OF SHEBOYGAN COMMON COUNCIL

_____.

Presiding Officer

Attest

Ryan Sorenson, Mayor, City of Sheboygan

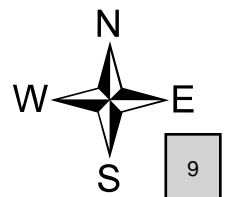
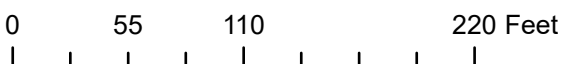
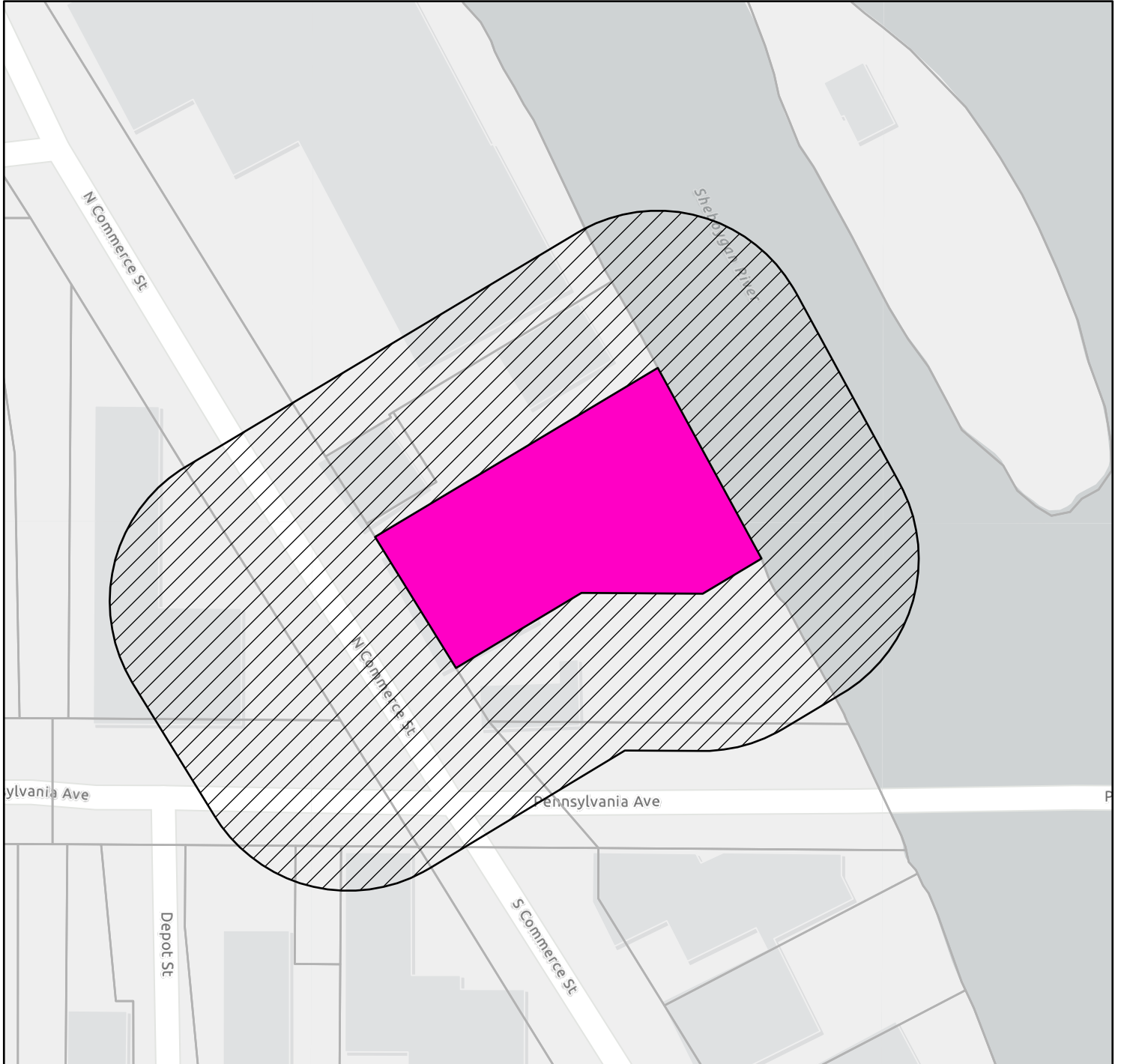
Meredith DeBruin, City Clerk, City of Sheboygan

PROPOSED REZONE FROM URBAN COMMERCIAL TO URBAN INDUSTRIAL

Item 5.

SECTION 10, TOWNSHIP 14 NORTH, RANGE 23 EAST

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**CITY OF SHEBOYGAN
GENERAL ORDINANCE 32-24-25**

BY ALDERPERSON BELANGER.

JANUARY 20, 2025.

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SECTION 2: REPEALER CLAUSE All ordinances or resolutions or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 3: EFFECTIVE DATE This Ordinance shall be in effect from and after its passage and publication according to law.

ASSESSED AND ADOPTED BY THE CITY OF SHEBOYGAN COMMON COUNCIL

_____.

Presiding Officer

Attest

Ryan Sorenson, Mayor, City of
Sheboygan

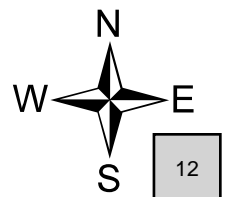
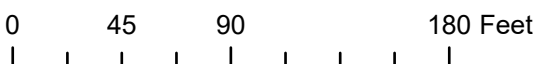
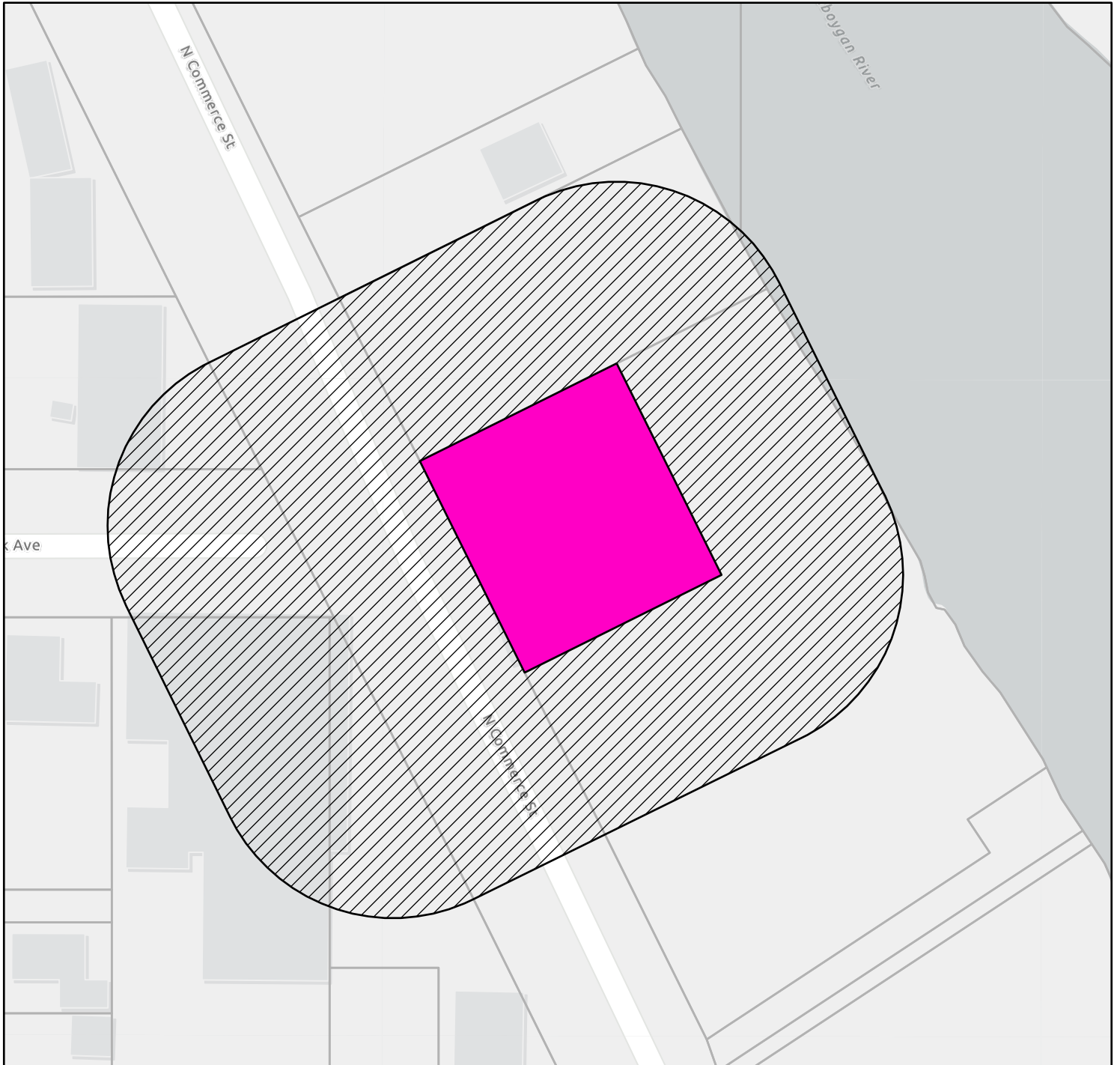
Meredith DeBruin, City Clerk, City of
Sheboygan

PROPOSED REZONE FROM URBAN COMMERCIAL TO URBAN INDUSTRIAL

Item 6.

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**CITY OF SHEBOYGAN
R. O. 100-24-25**

BY CITY CLERK

JANUARY 20, 2025.

Submitting an application for amendment of the City of Sheboygan Official Zoning Map of the Sheboygan Zoning Ordinance for property located on N. Commerce Street - Parcel No. 59281501550 from Class Urban Commercial to Class Urban Industrial Classification.

OFFICE USE ONLY	Item 7.
APPLICATION NO.: _____	
RECEIPT NO.: _____	
FILING FEE: \$200.00 (Payable to City of Sheboygan)	

**CITY OF SHEBOYGAN
APPLICATION FOR
AMENDMENT OF OFFICIAL ZONING MAP**
(Requirements Per Section 105.996)
Revised January 2024

Completed application is to be filed with the Office of the City Clerk, City Hall, 828 Center Avenue. Application will not be processed if all required attachments and filing fee of **\$200** (payable to the City of Sheboygan) is not submitted along with a complete and legible application. Application filing fee is non-refundable.

1. APPLICANT INFORMATION

APPLICANT: RDA of the City of Sheboygan PHONE NO.: (920)459-3383
 ADDRESS: 828 Center Avenue E-MAIL: development@sheboyganwi.gov
 OWNER OF SITE: RDA of the City of Sheboygan PHONE NO.: (920)459-3383

2. DESCRIPTION OF THE SUBJECT SITE

ADDRESS OF PROPERTY AFFECTED: Parcel # 59281501550
 LEGAL DESCRIPTION: See attached map

PARCEL NO. 59281501550 MAP NO. _____

EXISTING ZONING DISTRICT CLASSIFICATION: Urban Commercial

PROPOSED ZONING DISTRICT CLASSIFICATION: Urban Industrial

BRIEF DESCRIPTION OF THE **EXISTING** OPERATION OR USE: Vacant Parcel

BRIEF DESCRIPTION OF THE **PROPOSED** OPERATION OR USE: Apartments

3. JUSTIFICATION OF THE PROPOSED ZONING MAP AMENDMENT

How does the proposed Official Zoning Map amendment further the purposes of the Zoning Ordinance as outlined in Section 15.005 and, for flood plains or wetlands, the applicable rules and regulations of the Wisconsin Department of Natural Resources and the Federal Emergency Management Agency? There are no wetlands on the property. There are flood plains on the eastern edge of the property. The building will not be built in the floodplain.

Which of the following factors has arisen that are not properly addressed on the current Official Zoning Map? (Provide explanation in space provided below.)

- The designations of the Official Zoning Map should be brought into conformity with the Comprehensive Master Plan.
- A mistake was made in mapping on the Official Zoning Map. (An area is developing in a manner and purpose different from that for which it is mapped.) *NOTE: If this reason is cited, it must be demonstrated that the discussed inconsistency between actual land use and designated zoning is not intended, as the City may intend to stop an undesirable land use pattern from spreading.*
- Factors have changed, (such as the availability of new data, the presence of new roads or other infrastructure, additional development, annexation, or other zoning changes), making the subject property more appropriate for a different zoning district.
- Growth patterns or rates have changed, thereby creating the need for an amendment to the Official Zoning Map.
- Explain: This property will be merged with parcels to the north to create a larger parcel to build an apartment building as the City is lacking in housing units per the City's 2021 Affordable Housing Market Study.

How does the proposed amendment to the Official Zoning Map maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property? Nearby land uses include commercial, residential, and industrial. The zoning change will allow for additional multi-family units to serve the area.

Indicate reasons why the applicant believes the proposed map amendment is in harmony with the recommendations of the City of Sheboygan Comprehensive Plan.

The proposed development will assist with meeting the number of units for new single family housing per the City's 2021 Affordable Housing Market Study.

4. CERTIFICATE

I hereby certify that all the above statements and attachments submitted hereto are true and correct to the best of my knowledge and belief.

Roberta Filicky-Peweski
APPLICANT'S SIGNATURE

1-13-2025
DATE

Roberta Filicky-Peweski, RDA chair
PRINT ABOVE NAME

APPLICATION SUBMITTAL REQUIREMENTS

A copy of the current zoning map of the subject property and vicinity showing:

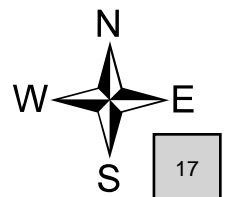
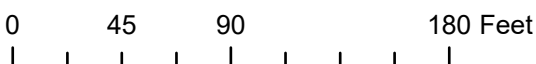
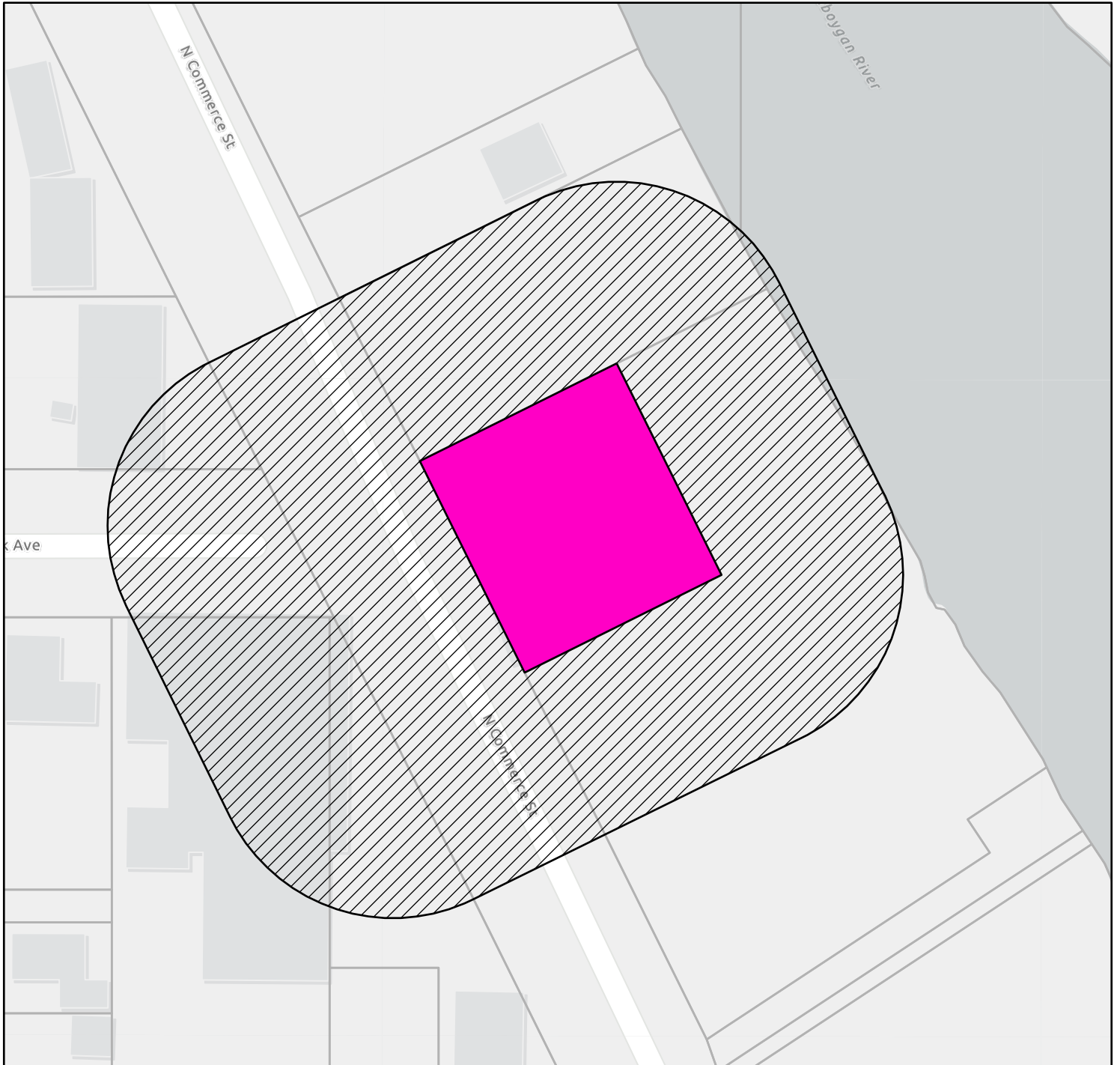
- The property proposed to be rezoned.
- All lot dimensions of the subject property.
- All other lands within 100 feet of the subject property.
- Map size not more than 11" X 17" and map scale not less than 1" = 600'.
- Graphic scale and north arrow.

PROPOSED REZONE FROM URBAN COMMERCIAL TO URBAN INDUSTRIAL

Item 7.

SECTION 10, TOWNSHIP 14 NORTH, RANGE 23 EAST

ORIGINAL PLAT COM 20' NWLY OF SWLY COR LOT 8, TH NELY PARA WITH SELY LINE LOT 8, 121', NWLY 130' TO NWLY LINE LOT 10, SWLY 121' TO COMMERCE ST, TH SELY ALONG SD STREET 130' TO BEG, BEING PRT OF LOTS 8-9 & 10 BLK 148 SHEB RIVER, TH NLY ALNG SD DOCK 87' M/L, TH WLY 214.8' TO BEG BLK 157



**CITY OF SHEBOYGAN
R. O. 99-24-25**

BY CITY CLERK

JANUARY 20, 2025.

Submitting an application for amendment of the City of Sheboygan Official Zoning Map of the Sheboygan Zoning Ordinance for property located on N. Commerce Street - Parcel No. 59281501600 from Class Urban Commercial to Class Urban Industrial Classification.

OFFICE USE ONLY	Item 8.
APPLICATION NO.: _____	
RECEIPT NO.: _____	
FILING FEE: \$200.00 (Payable to City of Sheboygan)	

**CITY OF SHEBOYGAN
APPLICATION FOR
AMENDMENT OF OFFICIAL ZONING MAP**
(Requirements Per Section 105.996)
Revised January 2024

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2. DESCRIPTION OF THE SUBJECT SITE

ADDRESS OF PROPERTY AFFECTED: Parcel # 59281501600
 LEGAL DESCRIPTION: See attached map

PARCEL NO. 59281501600 MAP NO. _____

EXISTING ZONING DISTRICT CLASSIFICATION: Urban Commercial

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How does the proposed Official Zoning Map amendment further the purposes of the Zoning Ordinance as outlined in Section 15.005 and, for flood plains or wetlands, the applicable rules and regulations of the Wisconsin Department of Natural Resources and the Federal Emergency Management Agency? There are no wetlands on the property. There are flood plains on the eastern edge of the property. The building will not be built in the floodplain.

Which of the following factors has arisen that are not properly addressed on the current Official Zoning Map? (Provide explanation in space provided below.)

- The designations of the Official Zoning Map should be brought into conformity with the Comprehensive Master Plan.
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- Growth patterns or rates have changed, thereby creating the need for an amendment to the Official Zoning Map.
- Explain: This property will be merged with parcels to the north to create a larger parcel to build an apartment building as the City is lacking in housing units per the City's 2021 Affordable Housing Market Study.

How does the proposed amendment to the Official Zoning Map maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property? Nearby land uses include commercial, residential, and industrial. The zoning change will allow for additional multi-family units to serve the area.

Indicate reasons why the applicant believes the proposed map amendment is in harmony with the recommendations of the City of Sheboygan Comprehensive Plan.

The proposed development will assist with meeting the number of units for new single family housing per the City's 2021 Affordable Housing Market Study.

4. CERTIFICATE

I hereby certify that all the above statements and attachments submitted hereto are true and correct to the best of my knowledge and belief.

Roberta Filicky Penesky, Chair TROA 1-8-2025
APPLICANT'S SIGNATURE **DATE**

Roberta Filicky-Penesky
PRINT ABOVE NAME

APPLICATION SUBMITTAL REQUIREMENTS

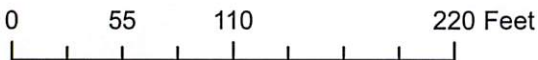
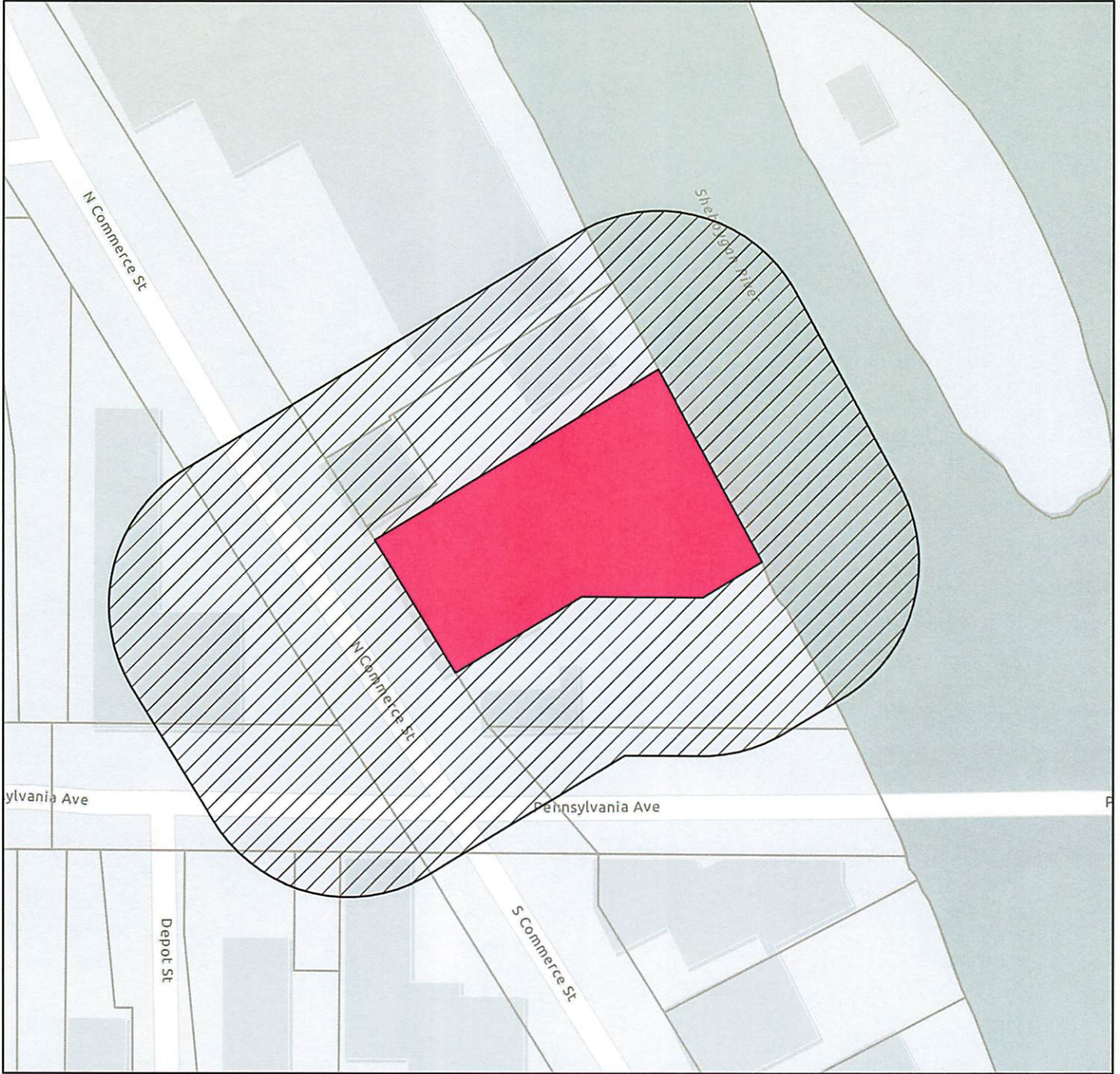
A copy of the current zoning map of the subject property and vicinity showing:

- The property proposed to be rezoned.
- All lot dimensions of the subject property.
- All other lands within 100 feet of the subject property.
- Map size not more than 11" X 17" and map scale not less than 1" = 600'.
- Graphic scale and north arrow.

PROPOSED REZONE FROM URBAN COMMERCIAL TO URBAN INDUSTRIAL

SECTION 10, TOWNSHIP 14 NORTH, RANGE 23 EAST

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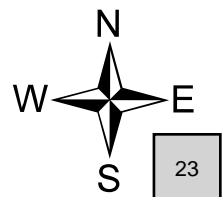
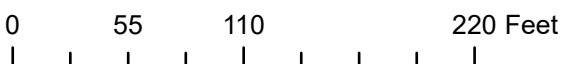
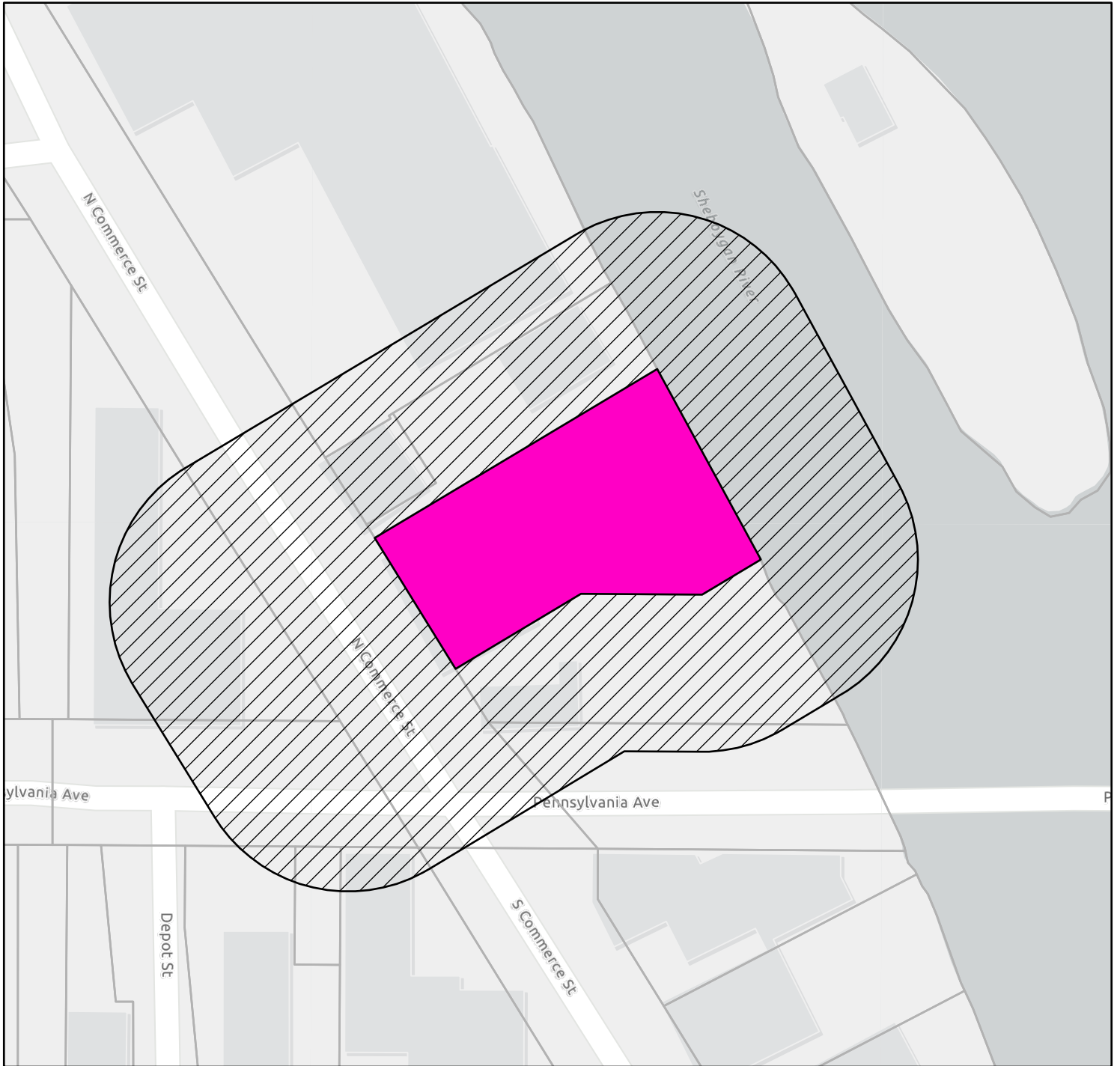


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**CITY OF SHEBOYGAN
ORDINANCE 34-24-25**

BY ALDERPERSON BELANGER.

JANUARY 20, 2025.

AN ORDINANCE amending section 105-1006 of the Sheboygan Municipal Code so as to remove responsibility for the Housing Rehabilitation Loan Program from the Historic Preservation Commission.

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

SECTION 1: **AMENDMENT** “Sec 105-1006 Historic Preservation Regulations And Housing Rehabilitation Loan Program” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 105-1006 Historic Preservation Regulations ~~And Housing Rehabilitation Loan Program~~

- (a) *Purpose and intent.* It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of improvements or sites of special character or special architectural or historic interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people. The purpose of this section is to:
 - (1) Effect and accomplish the protection, enhancement and preservation of such improvements, sites and districts which represent or reflect elements of the city's cultural, social, economic, political and architectural history.
 - (2) Safeguard the city's historic, prehistoric and cultural heritage, as embodied and reflected in such historic structures, sites and districts.
 - (3) Stabilize and improve property values and enhance the visual and aesthetic character of the city.
 - (4) Protect and enhance the city's attractions to residents, tourists and visitors, and serve as a support and stimulus to business industry.
 - ~~(5) Provide for the administration of the city's housing rehabilitation loan program.~~
- (b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Certificate of appropriateness means the certificate issued by the historic preservation commission approving alteration, rehabilitation, construction, reconstruction or

demolition of a historic structure, historic site or any improvement in a historic district.

Commission means the city historic preservation/~~housing rehabilitation loan~~ commission.

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

Historic site means any parcel of land of historic significance due to a substantial value in tracing the history or prehistory of man, or upon which a historic event has occurred, and which has been designated as a historic site under this section, or an improvement parcel, or part thereof, on which is situated a historic structure and any abutting improvement parcel, or part thereof, used as and constituting part of the premises on which the historic structure is situated.

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

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

- (c) *Historic preservation/~~housing rehabilitation loan~~ commission composition.* A historic preservation/~~housing rehabilitation~~ commission is hereby created, consisting of seven voting members. Of the membership, if available in the community, one shall be a registered architect; one shall be a historian; one shall be a licensed real estate broker; one shall be an alderperson; and three shall be citizen members with various backgrounds in areas such as finance, housing, construction and low-to-moderate income programs. The mayor shall appoint the commissioners subject to confirmation by the city council. Of the initial members so appointed, the alderperson and one other member shall serve a term of one year, two shall serve a term of two years, and three shall serve a term of three years, so as to stagger the terms. Thereafter, with the exception of the alderperson member whose term shall be one year, the term of each member shall be three years.
- (d) *Historic structure, historic site and historic district designation criteria.*
- (1) For the purposes of this section, a historic structure, historic site, or historic district designation may be placed on any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historic architectural, archeological or cultural significance to the city such as historic structures, sites, or districts which:
 - a. Exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community;
 - b. Are identified with historic personages or with important events in

- national, state or local history;
- c. Embody the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship;
 - d. Are representative of the notable work of a master builder, designer or architect who influenced their age; or
 - e. Have yielded, or may be likely to yield, information important to prehistory or history.
- (2) The commission may adopt specific operating guidelines for historic structure, historic site and historic district designation providing such are in conformance with the provisions of this section.
- (e) *Powers and duties. Designation.* The commission shall have the power subject to subsection (f) of this section, to designation historic structures and historic sites and to recommend designation of historic districts within the city limits. Such designations shall be made based on subsection (d) of this section. Historic districts shall be approved by the city council. Once designated, such historic structures, sites and districts shall be subject to all the provisions of this section.
- (f) *Regulation of construction, reconstruction, alteration, and demolition.*
- (1) No owner or person in charge of a historic structure, historic site or structure within a historic district shall be issued a permit to reconstruct, alter or demolish all or any part of the exterior of such property or to construct any exterior improvement upon such designated property or properties or cause or permit any such work to be performed upon such property or demolish such property unless a certificate of appropriateness has been granted by the commission. Also, unless such certificate has been granted by the commission, the building inspector shall not issue a permit for any such work.
 - (2) Upon filing of any application for a certificate of appropriateness with the historic preservation commission, the commission shall approve the application unless:
 - a. In the case of a designated historic structure or historic site, the proposed work would detrimentally change, destroy or adversely affect any exterior feature of the improvements or site upon which said work is to be done;
 - b. In the case of the construction of a new improvement upon a historic site, or within a historic district, the exterior of such improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such site or within the district;
 - c. In the case of any property located in a historic district, the proposed construction, reconstruction, exterior alteration or demolition does not conform to the purpose and intent of this section and to the objectives and design criteria of the historic preservation plan for said district;
 - d. The building or structure is of such architectural or historical significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the city and state;

- e. In the case of a request for the demolition of a deteriorated building or structure, any economic hardship or difficulty claimed by the owner is self-created or is the result of any failure to maintain the property in good repair.
- (3) If the commission determines that the application for a certificate of appropriateness and the proposed changes are consistent with the character and features of the property or district, it shall issue the certificate of appropriateness. The commission shall make this decision within 45 days of the filing of the application.
- (4) The issuance of a certificate of appropriateness shall not relieve the applicant from obtaining other permits and approvals required by the city. A building permit or other municipal permit shall be invalid if it is obtained without the presentation of the certificate of appropriateness required for the proposed work.
- (5) Ordinary maintenance and repairs may be undertaken without a certificate of appropriateness, provided that the work involves repairs to existing features of a historic structure or site or the replacement of elements of a structure with pieces identical in appearance and, provided that the work does not change the exterior appearance of the structure or site and does not require the issuance of a building permit.
- (g) *Appeals.* Should the commission fail to issue a certificate of appropriateness due to the failure of the proposal to conform to the guidelines, the applicant may appeal such decision to the city council within 30 days. In addition, if the commission fails to issue a certificate of appropriateness, the commission shall, with the cooperation of the applicant, work with the applicant in an attempt to obtain a certificate of appropriateness within the guidelines of this section.
- (h) *Recognition of historic structures, sites and districts.* At such time as a historic structure, site or district has been properly designated, the commission, in cooperation with the property owner may cause to be prepared and erected on such property at city expense, a suitable plaque declaring that such property is a historic structure, site or district.
- ~~(i) *Housing rehabilitation loan program.* The commission shall have final policy-making and loan approval authority for the city's housing rehabilitation loan program.~~
- (j) *Procedures.*
- (1) *Designation of historic structures and historic sites.*
- a. The commission may, after notice and public hearing, designate of historic structures and historic sites or rescind such designation or recommendation, after application of the criteria in subsection (d) of this section. At least ten days prior to such hearing, the commission shall notify the owners of record, as listed in the city office assessor, who are owners of property in whole or in part situated adjacent to the boundaries of the property affected.
 - b. The commission shall then conduct such public hearing and, in addition to the notified persons, may hear expert witnesses and shall

have the power to subpoena such witnesses and records as it deems necessary. The commission may conduct an independent investigation into the proposed designation or rescission. Within ten days after the close of the public hearing, the commission may designate the property as either a historic structure or historic site or rescind the designation. After the designation or rescission has been made, notification shall be sent to the property owner or owners. Notification shall also be given to the city clerk, building inspector, plan commission and city assessor. The commission shall cause the designation or rescission to be recorded, at the city's expense, in the county register of deeds office.

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

(3) *Review and adoption procedure.*

a. *Historic preservation/housing rehabilitation loan commission.* The commission shall hold a public hearing when considering the plan for a historic district. Notice of the time, place and purpose of such hearing shall be given by publication as a Class 1 notice under state statute in the official city paper. Notice of the time, place and purpose of the public hearing shall also be sent by the city clerk to the alderperson of the alderpersonic district in which the Historic District is located, and the owners of record, as listed in the city office assessor, who are owners of the property within the proposed Historic District or are situated in whole or in part adjacent to the boundaries of the proposed Historic District. Said notice is to be sent at least ten days prior to the date of the public hearing. Following the public hearing, the commission shall vote to recommend, reject or withhold action on the plan.

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

c. *Interim control.* No building permit shall be issued by the building inspector for alteration, construction, demolition, or removal of a

nominated historic structure, historic site, or any property or structure within a nominated historic district from the date of the meeting of the commission at which a nomination form is first presented until the final disposition of the nomination by the commission or the city council unless such alteration, removal or demolition is authorized by formal resolution of the city council as necessary for public health, welfare or safety. In no event shall the delay be for more than 180 days.

- d. *Penalties for violations.* Any person or persons violating any provision of this section shall be fined \$50.00 for each separate violation. Each and every day during which a violation continues shall be deemed to be a separate offense. Notice of violations shall be issued by the building inspector.
- e. *Separability.* If any provision of this section or the application thereof to any person or circumstances is held invalid, the remainder of this section and the application of such provisions to other persons or circumstances shall not be affected thereby.

(Ord. of 2-7-2020, § 15.915)

SECTION 2: REPEALER CLAUSE All ordinances or resolutions or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 3: EFFECTIVE DATE This Ordinance shall take effect after its passage and publication according to law, and as of April 15, 2025.

PASSED AND ADOPTED BY THE CITY OF SHEBOYGAN COMMON COUNCIL

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Presiding Officer

Attest

Ryan Sorenson, Mayor, City of Sheboygan

Meredith DeBruin, City Clerk, City of Sheboygan