

CITY OF SHEBOYGAN ZONING CHAPTER REWRITE

Project Team: von Briesen & Roper, s.c. and
the City of Sheboygan Staff

WHAT IS ZONING?

- Police power – delegated by the state to cities
- Regulate two things!
 - Uses (what can you do on a property)
 - Form (how can structures on that property look)
- Health, safety, general welfare
- Presumption of property rights – rational nexus

PROJECT GOALS

- Streamline administration and development procedures
 - Staff review for by-right decisions
 - Reduced legal uncertainty
 - Flexible standards for complex infill and redevelopment projects
- Acknowledge levy limit considerations, only way to maintain current level of service is to grow
- Allow sensitive infill growth matching neighborhood environment (suburban, urban, industrial, downtown, etc.)
- Add objective site design standards
 - Landscaping and screening
 - Outdoor lighting
 - Parking and access
 - Etc.
- Incorporate modern zoning practices and policies (aligned with updates to state law)
- Create framework for easier updates over time as city and market conditions change

RECENT LEGAL CONTEXT

2017 WI ACT 67

- All special zoning approvals are considered conditional uses
- All conditional use decisions must be based on substantive evidence (opinion, hearsay, etc., are not reasons to deny)
- Takeaway: greatly reduce subjective approval processes - objective zoning standards are easiest to defend

2023 WI ACT 16

- Municipalities must grant applications for residential housing development if the permit is complete when submitted and meets all existing requirements at the time the application is filed
- Limits standing to challenge denial, but court may order residential approval directly
- Takeaway: set objective standards for residential development, less leeway to add site-specific conditions

OVERALL ORGANIZATION

- Article I: Procedures and Administration
- Article II: Districts
- Article III: Uses
- Article IV: City-Wide Site Design Regulations
- Article V: Appendices

UNIVERSAL, OBJECTIVE SITE DESIGN STANDARDS

Article IV

SECTIONS

- Utility Service Regulations
- Intersection Visibility Regulations
- Sign Regulations
- Architectural Regulations
- Historic Preservation Regulations
- Parking and Access Regulations
- Landscaping and Screening Regulations
- Outdoor Lighting Regulations
- Public Art Regulations
- Alternative Compliance Regulations

SECTIONS 4.01 AND 4.02

UTILITY SERVICE REGULATIONS

- Require all development served by public utilities

INTERSECTION VISIBILITY REGULATIONS

- Requires 10-foot visibility triangles at most intersections

SECTIONS 4.03 AND 4.04

SIGN REGULATIONS

- Content neutrality (time, size, location)
- Construction and maintenance standards
- Some signs don't need permits
- Size and location requirements
- Prohibited signs
- How to measure signs

ARCHITECTURAL REGULATIONS

- Horizontal emphasis
- Material requirements
- Accessory building matching
- Urban district regulations (downtown buildings)
- Alternative compliance

SECTIONS 4.05 AND 4.06

HISTORIC PRESERVATION REGULATIONS

- (mostly same from existing code, just simplified)

PARKING AND ACCESS REGULATIONS

- Bicycle parking
- Sidewalks and internal pedestrian circulation
- Parking area standards (count and design)
- Heavy parking limitations
- Stacking and drive-through requirements
- Traffic impact analyses requirements
- Alternative compliance

SECTIONS 4.07 AND 4.08

LANDSCAPING AND SCREENING REGULATIONS

- Landscaping
 - Vehicular use areas
 - Outdoor storage and work areas
 - Interior parking lots
 - Trash, recycling, and mechanical equipment areas
 - Installation and maintenance requirements
 - Alternative compliance
- Screening
 - Location and height requirements
 - Material allowances
 - Alternative compliance

OUTDOOR LIGHTING REGULATIONS

- Exempted lights
- Prohibited lights
- General requirements (CCT, lumen output, property line limitations)
- Sports lighting
- Illuminated signage
- Plan requirements

SECTIONS 4.09 AND 4.10

PUBLIC ART REGULATIONS

- Permit requirements
- Review criteria

ALTERNATIVE COMPLIANCE REGULATIONS

- Conditions when alternative compliance is warranted
- Elements alternative compliance plans must include

NEXT STEPS

- October: Articles II and III (Districts and Uses)
- Fall – Winter 2025: GIS Testing
- December: Articles I and V (Procedures and Administration and Appendices)
- Early 2026: Draft ready for adoption
- Spring 2026 and beyond: Revisions, assistance, updates, as necessary

POST-ADOPTION

- Post-adoption citizen explainers
- Post-adoption developer infographics
- Send updated ordinance for online hosting
- Update internal application forms and procedures
- Continue long-term update cadence (LIVING DOCUMENT)
 - E.g., updates to state law, common variances, etc.

END!